

**HOUSE JOURNAL**  
OF THE  
**SIXTY-SIXTH LEGISLATURE**  
OF THE  
**STATE OF WASHINGTON**  
AT  
**OLYMPIA, THE STATE CAPITOL**

2020 Regular Session  
Convened January 13, 2020  
Adjourned Sine Die March 12, 2020

VOLUME 3



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**Laurie Jenkins**, Speaker  
**Tina Orwall**, Speaker Pro Tempore  
**Bernard Dean**, Chief Clerk

Compiled and edited by Gary Holt & Maureen Mueller, House Journal Clerks

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**SIXTY SIXTH LEGISLATURE - REGULAR SESSION**

**FIFTY THIRD DAY**

House Chamber, Olympia, Thursday, March 5, 2020

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sons of the American Revolution Color Guard, comprised of Art Dolan, Doug Nelson, Ralph Liening and Jan Lemmer. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Malando Redeemer, Shiloh Baptist Church, Tacoma, Washington.

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

The Speaker (Representative Lovick presiding) called upon Representative Fey to preside.

The Speaker assumed the chair.

**SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

- ENGROSSED SENATE BILL NO. 5165
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5522
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5591
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6028
- SUBSTITUTE SENATE BILL NO. 6029
- SUBSTITUTE SENATE BILL NO. 6037
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- SUBSTITUTE SENATE BILL NO. 6048
- SUBSTITUTE SENATE BILL NO. 6051
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- SUBSTITUTE SENATE BILL NO. 6061
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6063
- SENATE BILL NO. 6131
- SENATE BILL NO. 6136
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6261
- SENATE BILL NO. 6329
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- SUBSTITUTE SENATE BILL NO. 6409
- SUBSTITUTE SENATE BILL NO. 6500
- SUBSTITUTE SENATE BILL NO. 6526
- SENATE BILL NO. 6551
- SUBSTITUTE SENATE BILL NO. 6670

The Speaker called upon Representative Orwall to preside.

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

**MESSAGES FROM THE SENATE**

March 4, 2020

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6515,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

March 4, 2020

Mme. SPEAKER:

The Senate has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1651,  
 SUBSTITUTE HOUSE BILL NO. 2017,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2066,  
 SUBSTITUTE HOUSE BILL NO. 2295,  
 SUBSTITUTE HOUSE BILL NO. 2417,  
 SUBSTITUTE HOUSE BILL NO. 2483,  
 SUBSTITUTE HOUSE BILL NO. 2525,  
 HOUSE BILL NO. 2619,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2783,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 4, 2020

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1608,  
 SUBSTITUTE HOUSE BILL NO. 2448,  
 SUBSTITUTE HOUSE BILL NO. 2613,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

## REPORTS OF STANDING COMMITTEES

March 4, 2020 4.0.

ESSB 5323 Prime Sponsor, Committee on Environment, Energy & Technology: Reducing pollution from plastic bags by establishing minimum state standards for the use of bags at retail establishments. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended by Committee on Finance and without amendment by Committee on Environment & Energy.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 5. (1) State policy has long placed waste reduction as the highest priority in the collection, handling, and management of solid waste. Reducing plastic bag waste holds particular importance among state waste reduction efforts for a number of reasons:

(a) Single-use plastic carryout bags are made of nonrenewable resources and never biodegrade; instead, over time, they break down into tiny particles. Single-use plastic carryout bags, and the particles they break into, are carried into rivers, lakes, Puget Sound, and the world's oceans, posing a threat to animal life and the food chain;

(b) Plastic bags are one of the most commonly found items that litter state roads, beaches, and other public spaces; and

(c) Even when plastic bags avoid the common fate of becoming litter, they are a drain on public resources and a burden on environment and resource conservation goals. For example, if plastic bags are disposed of in commingled recycling systems rather than as garbage or in retailer drop-off programs, they clog processing and sorting machinery, resulting in missorted materials and costly inefficiencies that are ultimately borne by utility ratepayers. Likewise, when green or brown-tinted plastic bags confuse consumers into attempting to dispose of them as compost, the resultant plastic contamination undercuts the ability to use the compost in gardens, farms, landscaping, and surface water and transportation projects.

(2) Alternatives to single-use plastic carryout bags are convenient, functional, widely available, and measure as superior across most environmental performance metrics. Alternatives to single-use plastic carryout bags feature especially superior environmental performance with respect to litter and marine debris, since plastic bags do not biodegrade.

(3) As of 2020, many local governments in Washington have shown leadership in regulating the use of single-use plastic carryout bags. This local leadership has shown the value of establishing state standards that will streamline regulatory inconsistency and reduce burdens on covered retailers caused by a patchwork of inconsistent local requirements across the state.

(4) Data provided from grocery retailers has shown that requests for paper bags have skyrocketed where plastic bag bans have been implemented. To accommodate the anticipated consequences of a statewide plastic bag ban, it is rational to expect additional capacity will be needed in Washington state for manufacturing paper bags. The legislature intends to provide that capacity by prioritizing and expediting siting and permitting of expansions or reconfiguring for paper manufacturing.

(5) Therefore, in order to reduce waste, litter, and marine pollution, conserve resources, and protect fish and wildlife, it is the intent of the legislature to:

(a) Prohibit the use of single-use plastic carryout bags;

(b) Require a pass-through charge on recycled content paper carryout bags and reusable carryout bags made of film plastic, to encourage shoppers to bring their own reusable carryout bags;

(c) Require bags provided by a retail establishment contain recycled content; and

(d) Encourage the provision of reusable and recycled content paper carryout bags by retail establishments.

NEW SECTION. Sec. 6. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Carryout bag" means any bag that is provided by a retail establishment at home delivery, the check stand, cash register, point of sale, or other point of departure to a customer for use to transport or carry away purchases.

(2) "Department" means the department of ecology.

(3) "Pass-through charge" means a charge to be collected and retained by retailers from their customers when providing recycled content paper carryout bags and reusable carryout bags made of film plastic.

(4) "Recycled content paper carryout bag" means a paper carryout bag provided by a store to a customer at the point of sale that meets the requirements in section 3(6)(a) of this act.

(5) "Retail establishment" means any person, corporation, partnership, business, facility, vendor, organization, or individual that sells or provides food, merchandise, goods, or materials directly to a customer including home delivery, temporary stores, or vendors at farmers markets, street fairs, and festivals.

(6) "Reusable carryout bag" means a bag made of cloth or other durable material with handles that is specifically designed and manufactured for long-term multiple reuse and meets the requirements of section 3(6)(b) of this act.

(7) "Single-use plastic carryout bag" means any bag that is made from plastic that is designed and suitable only to be used once and disposed.

**NEW SECTION. Sec. 7.** (1) Beginning January 1, 2021, except as provided in this section and section 4 of this act, a retail establishment may not provide to a customer or a person at an event:

(a) A single-use plastic carryout bag; or

(b) A paper carryout bag or reusable carryout bag made of film plastic that does not meet recycled content requirements.

(2)(a) A retail establishment may provide a reusable carryout bag or a recycled content paper carryout bag of any size to a customer at the point of sale.

(b) A retail establishment must collect a pass-through charge of at least seven cents, but not more than ten cents for every recycled content paper carryout bag with a manufacturer's stated capacity of one-eighth barrel (eight hundred eighty-two cubic inches) or greater or reusable carryout bag made of film plastic it provides, except as provided in subsection (5) of this section and section 4 of this act. A retail establishment may make reusable carryout bags available to customers through sale.

(c) A retail establishment must keep all revenue from pass-through charges. The pass-through charge is a taxable retail sale. A retail establishment must show all pass-through charges on a receipt provided to the customer.

(3) Carryout bags provided by a retail establishment do not include:

(a) Bags used by consumers inside stores to:

(i) Package bulk items, such as fruit, vegetables, nuts, grains, candy, greeting cards, or small hardware items such as nails, bolts, or screws;

(ii) Contain or wrap items where dampness or sanitation might be a problem including, but not limited to:

(A) Frozen foods;

(B) Meat;

(C) Fish;

(D) Flowers; and

(E) Potted plants;

(iii) Contain unwrapped prepared foods or bakery goods;

(iv) Contain prescription drugs; or

(v) Protect a purchased item from damaging or contaminating other purchased items when placed in a recycled content paper carryout bag or reusable carryout bag; or

(b) Newspaper bags, mailing pouches, sealed envelopes, door hanger bags, laundry/dry cleaning bags, or bags sold in packages containing multiple bags for uses such as food storage, garbage, or pet waste.

(4)(a) Any compostable film bag that a retail establishment provides to customers for products, including for products bagged in stores prior to checkout, must meet the requirements for compostable products and film bags in chapter 70.360 RCW.

(b) A retail establishment may not use or provide polyethylene or other noncompostable plastic bags for bagging of customer products in stores, as carryout bags, or for home delivery that do not meet the requirements for noncompostable products and film bags in chapter 70.360 RCW.

(5) Except as provided by local regulations enacted as of April 1, 2020, a retail establishment may provide a bag restricted under subsection (1) of this section from existing inventory until one year after the effective date of this section. The retail establishment, upon request by the department, must provide purchase invoices, distribution receipts, or other information documenting that the bag was acquired prior to the effective date of this section.

(6) For the purposes of this section:

(a) A recycled content paper carryout bag must:

(i) Contain a minimum of forty percent postconsumer recycled materials;

(ii) Be capable of composting, consistent with the timeline and specifications of the entire American society of testing materials D6868 and associated test methods that must be met, as it existed as of January 1, 2020; and

(iii) Display the minimum percentage of postconsumer content in print on the exterior of the paper bag.

(b) A reusable carryout bag must:

(i) Have a minimum lifetime of one hundred twenty-five uses, which for purposes of this subsection means the capacity to carry a minimum of twenty-two pounds one hundred twenty-five times over a distance of at least one hundred seventy-five feet;

(ii) Be machine washable or made from a durable material that may be cleaned or disinfected; and

(iii) If made of film plastic:

(A) Be made from a minimum of twenty percent postconsumer recycled content until July 1, 2022, and thereafter must be made from a minimum of forty percent postconsumer recycled material;

(B) Display the minimum percentage of postconsumer content and the mil thickness in print on the exterior of the plastic bag;

(C) Have a minimum thickness of no less than 2.25 mils; and

(D) Display wording that the bag is reusable.

(c) Except for the purposes of subsection (4) of this section, food banks and other food assistance programs are not retail establishments, but are encouraged to take actions to reduce the use of single-use plastic carryout bags.

**NEW SECTION. Sec. 8.** It is a violation of section 3 of this act for any retail establishment to pay or otherwise reimburse a customer for any portion of the pass-through charge; provided that retail establishments may not collect a pass-through charge from anyone using a voucher or electronic benefits card issued under the women, infants, and children (WIC) or temporary assistance for needy families (TANF) support programs, or the federal supplemental nutrition assistance program (SNAP, also known as basic food), or the Washington state food assistance program (FAP).

**NEW SECTION. Sec. 9.** (1) Until June 1, 2025, the department shall prioritize the expedited processing of applications for permits related to the expansion or reconfiguring of an existing pulp and paper mill for the purpose of manufacturing paper bags or raw materials used to manufacture paper bags.

(2) The department may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

(3) The enforcement of this chapter must be based primarily on complaints filed with the department and local jurisdictions. The department must establish a forum for the filing of complaints. Local jurisdictions and other persons may file complaints with the department using the forum and local jurisdictions may review complaints filed with the department via the forum for purposes of the local jurisdiction carrying out education and outreach to retail establishments. A forum established by the department may include a complaint form on the department's web site, 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 local jurisdictions, must provide education and outreach activities to inform retail establishments, consumers, and other interested individuals about the requirements of this chapter.

(4) The department or local jurisdiction shall work with retail establishments, retail associations, unions, and other organizations to create educational elements regarding the ban and the benefits of reusable bags. Educational elements may include signage at store locations, informational literature, and employee training by October 1, 2020.

(5) Retail establishments are encouraged to educate their staff to promote reusable bags as the best option for carry-out bags and to post signs encouraging customers to use reusable bags.

(6) A violation of this chapter is subject to a civil penalty of up to two hundred fifty dollars. Each calendar day of operation or activity in violation of this chapter comprises a new violation. Penalties issued under this section are appealable to the pollution control hearings board established in chapter 43.21B RCW.

(7) If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by July 1, 2020, from the waste reduction, recycling, and litter control account for purposes of implementing the

education and outreach activities required under this section, then this act is null and void.

**NEW SECTION. Sec. 10.** (1) Except as provided in subsection (2) of this section, a city, town, county, or municipal corporation may not implement a local carryout bag ordinance. Except as provided in subsection (2) of this section, any carryout bag ordinance that was enacted as of April 1, 2020, is preempted by this chapter.

(2)(a) A city, town, county, or municipal corporation ordinance enacted as of April 1, 2020, that has established a pass-through charge of ten cents is not preempted with respect to the amount of the pass-through charge.

(b) A city, town, county, or municipal corporation ordinance not specified in (a) of this subsection and enacted as of April 1 2020, is not preempted until January 1, 2021.

**NEW SECTION. Sec. 11.** (1) By October 31, 2023, the department must submit a report to the appropriate committees of the legislature. The report required under this section must include:

(a) An assessment of the effectiveness of the pass-through charge for reducing the total volume of bags purchased and encouraging the use of reusable bags;

(b) An assessment of the cost of the authorized bags to retail establishments versus the pass-through charge allowed under chapter 70.--- RCW (the new chapter created in section 11 of this act);

(c) An assessment of 2.25 mil plastic reusable bags, including their overall contribution to the reduction of the volume of plastic use; and

(d) Recommendations for revisions for this act, if needed.

(2) This section expires July 1, 2025.

**Sec. 12.** RCW 43.21B.110 and 2019 c 344 s 16, 2019 c 292 s 10, and 2019 c 290 s 12 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 70.94 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, 70.94.431, 70.105.080, 70.107.050, section 5 of this act, 70.365.070, 70.375.060, 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, 70.94.211, 70.94.332, 70.105.095, 70.365.070, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) A final decision by the department or director made under chapter 183, Laws of 2009.

(d) 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 70.95.300.

(e) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(f) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(g) 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 70.95.205.

(h) 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.

(i) 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.

(j) 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).

(k) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(l) 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.

(m) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(n) 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.

(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 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, 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. 13.** RCW 43.21B.110 and 2019 c 344 s 16, 2019 c 292 s 10, and 2019 c 290 s 12 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 70.94 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, 70.94.431, 70.105.080, 70.107.050, section 5 of this act, 70.365.070, 70.375.060, 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, 70.94.211, 70.94.332, 70.105.095, 70.365.070, 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 70.95.300.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(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 70.95.205.

(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.

(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 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, 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.

**NEW SECTION. Sec. 14.** 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. 15.** Sections 1 through 7 of this act constitute a new chapter in Title 70 RCW.

**NEW SECTION. Sec. 16.** Section 8 of this act expires June 30, 2021.

**NEW SECTION. Sec. 17.** Section 9 of this act takes effect June 30, 2021."

Correct the title.

Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Frame; Macri; Orwall; Springer and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Young, Assistant Ranking Minority Member; Chapman; Stokesbary and Vick.

Referred to Committee on Rules for second reading.

March 4, 2020 17.0.

**ESSB 6012** Prime Sponsor, Committee on Ways & Means: Promoting renewable energy through modifying tax incentives. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 18.** (1) The legislature finds that Washington, through implementation of the clean energy transformation act, is transforming its energy supply and modernizing its electricity system. In implementing this act, the state is prioritizing creation of family wage jobs and providing safeguards to ensure that the achievement of this policy does not impair the reliability of the electricity system or impose unreasonable costs on utility customers.

(2) The legislature finds that to accomplish the goals of chapter 288, Laws of 2019—promote energy independence; create high-quality jobs in the clean energy sector; maximize the value of hydropower, our principal renewable resource; maintain safe and reliable electricity to all customers at stable and affordable rates; and protect clean air and water in the Pacific Northwest—utilities will need to invest in new renewable energy sources and maximize the use of existing resources, especially renewable resources that can be called upon to produce electricity at all hours throughout the year.

(3) The legislature declares that the state has an important role to play in supporting the development of these new renewable energy resources, including the provision of incentives to support hydropower system investments that are specifically targeted to achieve the goals of this policy, provided said investments, and resulting operations maintain or enhance fish conservation mandates and responsibilities.

(4) It is the intent of the legislature to exempt from sales and use taxes hydropower system investments that directly support the goals of chapter 288, Laws of 2019. The total amount of exemption will be determined based on the prorated share of hydropower capacity owned by each utility in Washington state as of December 31, 2019.

**NEW SECTION. Sec. 19.** (1) This section is the tax preference performance statement for the sales and use tax exemptions contained in sections 3 and 4, chapter . . . , Laws of 2020 (sections 3 and 4 of this act). This performance statement is only intended to be used for subsequent evaluation of these 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 as ones intended to induce certain designated behavior by taxpayers, as indicated in RCW 82.32.808(2)(a).

(3) If a review finds that the exemptions provided in sections 3 and 4, chapter . . . , Laws of 2020 (sections 3 and 4 of this act) support the goals of chapter 288, Laws of 2019—to promote energy independence; create high-quality jobs in the clean energy sector; maximize the value of hydropower, our principal renewable resource; maintain safe and reliable electricity to all customers at stable and affordable rates; and protect clean air and water in the Pacific Northwest—then the legislature intends to extend the expiration date of these tax preferences.

(4) In order to obtain the data necessary to perform the review in subsection (3) of this section, the joint legislative audit and review committee may refer to any data collected by the state.

**NEW SECTION. Sec. 20.** A new section is added to chapter 82.08 RCW to read as follows:

(1) Beginning July 1, 2020, the tax imposed by RCW 82.08.020 does not apply to the following:

(a) The sale of or charge made for machinery and equipment, and labor and services, that will provide additional support for the transition to clean energy through incremental increases in production, capacity, flexibility, or efficiency of operation or performance from the refurbishment or replacement of existing machinery and equipment, or purchase of new machinery and equipment, for an existing hydroelectric generation facility; and

(b) The sale of or charge made for machinery and equipment, and labor and services, necessary for an existing hydroelectric generation facility to develop self-lubricating adjustable turbine blade hubs for further evaluation and testing.

(2) In order to qualify for the exemption provided in subsection (1) of this section:

(a) Machinery and equipment must be received by the purchaser after June 30, 2020, and before July 1, 2031; and

(b) Labor and services, as described in subsection (1) of this section, must be rendered after June 30, 2020, and before July 1, 2031.

(3)(a)(i) The total exemption from the state sales and use tax under this section and section 4 of this act is subject to the following biennial limits:

(A) For fiscal year 2021, two million five hundred thousand dollars; and

(B) For each biennium beginning on or after July 1, 2021, five million dollars.

(ii) Unclaimed exempted amounts from fiscal year 2021 or a given biennium must be carried over and added to the limit of the following biennium.

(b) Each generating utility in the state is eligible for a proportional amount of the total tax preference over eleven years. This figure will be based on the prorated share of total hydropower generator capacity owned by each generating utility in Washington state as of December 31, 2019. The department of commerce must calculate the prorated shares based on information provided by the utilities and provide this information to the department of revenue.

(c) A generating utility may claim an exemption at any time during the eleven-year period that this exemption is in effect, up to its prorated share and subject to the statutory time limitations in RCW 82.32.060. Applications for remittance will be processed on a first-in-time basis. If funds are not available in the biennium in which the application is submitted to the department, the generating utility will be eligible to claim funds the following biennium before any new applicants.

(4)(a) The exemption provided under this section is in the form of a remittance and applies only to the state portion of the tax. A generating utility claiming an exemption from the state portion of the sales tax for eligible projects under this section must pay all state and local sales and use taxes. The buyer may then apply to the department for remittance on an annual basis for one hundred percent of the state sales and use tax paid on qualifying purchases subject to the requirements of this section.

(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 submit an application, in a form and manner as required by the department, 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 charges made for machinery and equipment, and labor and services, meet the criteria under this section: Invoices; proof of tax paid; documents describing the equipment; and construction invoices and documents.

(c) As part of the application for a remittance under this section, the generating utility must attest:

(i)(A) That the contractors on the project have a history of complying with federal and state wage and hour laws and regulations; or

(B) That the project is developed under a community workforce agreement or project labor agreement; or

(ii) That, if the contract for refurbishment or upgrade of a hydroelectric generation facility or machinery and equipment therein under subsection (1)(a) or (b) of this section was executed prior to July 1, 2020, and the remaining machinery and equipment, and labor and services, will be delivered or rendered on or after July 1, 2020, either of the conditions in (c)(i) of this subsection (4) is met and wages consistent with chapter 39.12 RCW are paid on the project.

(d) If the department determines that any of the facts attested to as required under (c) of this subsection are not true, the department must deny the application for remittance. However, nothing in this section requires the

department to endeavor to determine the veracity of the facts attested to as required under (c) of this subsection. Upon the department's request, state agencies must provide assistance to the department in reviewing the information submitted by a generating utility as required by (c) of this subsection.

(e) Upon approval of an application for remittance under this section, the department must remit exempted amounts to the generating utility. Remittances under this section are subject to repayment if the department subsequently determines, through audit or other information, that the generating utility was not eligible for the remittance.

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

(a) "Eligible project" means a project meeting the requirements in subsection (1) of this section within a hydroelectric facility designed to generate at least one thousand kilowatts of electricity using the energy of falling or flowing fresh water.

(b)(i) "Generating utility" means public and private utilities regulated under the laws of Washington state that own and operate hydroelectric facilities located within the state.

(ii) "Generating utility" does not include hydroelectric facilities owned by the federal government.

(c) "Labor and services" means work associated with demolition, removal, and deconstruction of an existing turbine or generation machinery and equipment; and the construction, installation, alteration, replacement, repair, cleaning, conversion, or assembly of the self-lubricating adjustable turbine blade hub or other machinery and equipment that is acquired or used as part of an eligible project.

(d)(i) "Machinery and equipment" means fixtures, devices, control systems, and support facilities that are integral and necessary to the generation of electricity using the energy of falling or flowing fresh water.

(ii) "Machinery and equipment" does not include: (A) Hand-powered tools; (B) property with a useful life of less than one year; (C) repair parts required to restore machinery and equipment to normal working order; (D) replacement parts that do not increase productivity, improve efficiency, or extend the useful life of machinery and equipment; (E) buildings and other structures, such as dams, powerhouses, fish ladders, and transmission towers; and (F) building fixtures that are not integral and necessary to the generation of electricity that are permanently affixed to and become a physical part of a building.

(e) "Self-lubricating adjustable turbine blade hub" means a type of horizontal or vertical hydroelectric turbine with adjustable blades that use alternative technology to lubricate the internal components.

(6) This section expires July 1, 2031.

**NEW SECTION. Sec. 21.** A new section is added to chapter 82.12 RCW to read as follows:

(1) The tax imposed by RCW 82.12.020 does not apply to the use of:

(a) Machinery and equipment, and labor and services, that will provide additional support for the transition to clean energy through incremental increases in production, capacity, flexibility, or efficiency of operation or performance from the refurbishment or replacement of existing machinery and equipment, or purchase of new machinery and equipment, for an existing hydroelectric generation facility; and

(b) Machinery and equipment, and labor and services, necessary for an existing hydroelectric generation facility to develop self-lubricating adjustable turbine blade hubs for further evaluation and testing.

(2) In order to qualify for the exemption provided in subsection (1) of this section:

(a) First use of the machinery and equipment, as described in subsection (1) of this section, must occur after June 30, 2020, and before July 1, 2031; and

(b) Labor and services, as described in subsection (1) of this section, must be rendered after June 30, 2020, and before July 1, 2031.

(3) The definitions, conditions, and requirements under section 3 of this act apply to this section.

(4) This section expires July 1, 2031.

**NEW SECTION. Sec. 22.** This act takes effect July 1, 2020."

Correct the title.

Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Young, Assistant Ranking Minority Member; Chapman; Orwall; Springer; Stokesbary; Vick and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representatives Frame and Macri.

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 sixth order of business.

## SECOND READING

**ENGROSSED SENATE BILL NO. 6180, by Senators Darnelle, Nguyen, Das, Wilson and C.**

**Concerning juvenile sex offense registration waivers under the special sexual offender disposition alternative.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Human Services & Early Learning was adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

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 Senn spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

### MOTION

On motion of Representative Stonier, Representative Mead was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6180, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6180, as amended by the House, and the bill passed the House by the following vote: Yeas, 79; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, McCaslin, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Valdez, Van Werven, Volz, Walen, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chandler, DeBolt, Dent, Dufault, Dye, Jenkin, Klippert, Kraft, Maycumber, Mosbrucker, Orcutt, Schmick, Smith, Vick, Walsh, Wilcox and Ybarra.

Excused: Representative Mead.

ENGROSSED SENATE BILL NO. 6180, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5473, by Senate Committee on Labor & Commerce (originally sponsored by Saldaña and Nguyen)**

**Making unemployment benefits accessible to persons with family responsibilities and other availability issues and making clarifying changes. Revised for 1st Substitute: Studying exceptions to provisions**

**disqualifying individuals from receiving unemployment benefits for leaving work voluntarily without good cause.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Labor & Workplace Standards was adopted. (For Committee amendment, see Journal, Day 46, February 27, 2020).

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 Sells spoke in favor of the passage of the bill.

Representative Mosbrucker 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. 5473, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5473, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Graham, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Mead.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5473, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 6027, by Senate Committee on Ways & Means (originally sponsored by Pedersen, Carlyle, Warnick, Van De Wege, Hunt, Rolfes, Short and Honeyford)**

**Concerning floating residences.**

The bill was read the second time.

### POINT OF PARLIAMENTARY INQUIRY

Representative MacEwen: “Madame Speaker, I wish to be excused from this vote. Regardless of whether or not I have a conflict which prevents me from voting, given the small class of people impacted by the bill and the fact that I fall within that small class, I would like to avoid even the appearance of a conflict and am asking to be excused.”

### SPEAKER’S RULING

Madame Speaker: “The member is excused.”

Representative Shewmake moved the adoption of amendment (1932):

22.0. On page 2, line 32, after “residence” insert “. All replacements and remodels which add one hundred twenty square feet or more to the living space must require on-board gray-water containment or a waste-water connection that disposes of the gray water to a waste-water disposal system”

Representatives Lekanoff and DeBolt spoke in favor of the adoption of the amendment.

Amendment (1932) 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 DeBolt 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. 6027, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6027, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives MacEwen and Mead.

SECOND SUBSTITUTE SENATE BILL NO. 6027, as amended by the House, having received the necessary constitutional majority, was declared passed.

### SENATE BILL NO. 6359, by Senators Short and Randall

**Creating regulation exemptions for rural health clinics providing services in a designated home health shortage area.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

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 Schmick and Cody 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. 6359, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6359, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SENATE BILL NO. 6359, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6392, by Senate Committee on Labor & Commerce (originally sponsored by Van De Wege, King, Walsh, Warnick, Rolfes, Honeyford, Wilson and C.)**

**Creating a local wine industry association license.**

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 Peterson and Jenkin 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. 6392.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6392, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Davis, Harris, Leavitt and Ryu.

Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 6392, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5385, by Senate Committee on Health & Long Term Care (originally sponsored by Becker, Cleveland, Braun, O'Ban, Wilson, L., Brown, Warnick, Zeiger, Bailey and Van De Wege)**

**Concerning telemedicine payment parity. Revised for 1st Substitute: Concerning telemedicine payment parity. (REVISED FOR ENGROSSED: Reimbursing for telemedicine services at the same rate as in person. )**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, March 2, 2020).

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 Schmick and Riccelli 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 Substitute Senate Bill No. 5385, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5385, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Caldier, Klippert and Young.

Excused: Representative Mead.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5385, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5900, by Senate Committee on Ways & Means (originally sponsored by Randall, Wilson, C., Takko, Saldaña, Van De Wege, Salomon, Liias, Das, Pedersen and Nguyen)**

**Promoting access to earned benefits and services for lesbian, gay, bisexual, transgender, and queer veterans.**

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 Kilduff, Rude and Volz spoke in favor of the passage of the bill.

Representatives Jenkin and Kraft 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. 5900.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5900, and the bill passed the House by the following vote: Yeas, 87; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Boehnke, Dent, Goehner, Jenkin, Klippert, Kraft, Orcutt, Shea, Sutherland and Young.  
Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 5900, having received the necessary constitutional majority, was declared passed.

#### SENATE BILL NO. 6078, by Senator Mullet

##### Clarifying reimbursement for certain clean-up or removal actions by fire protection jurisdictions.

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 Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6078.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6078, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SENATE BILL NO. 6078, having received the necessary constitutional majority, was declared passed.

#### SECOND SUBSTITUTE SENATE BILL NO. 6211, by Senate Committee on Ways & Means (originally sponsored by Dhingra, Padden, Nguyen, Das and Hasegawa)

##### Concerning drug offender sentencing.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Public Safety was adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

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 Davis and Klippert 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. 6211, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6211, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins,

Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SECOND SUBSTITUTE SENATE BILL NO. 6211, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6259, by Senate Committee on Behavioral Health Subcommittee to Health & Long Term Care (originally sponsored by McCoy, Hasegawa, Stanford, Wilson, C., Das, Nguyen, Van De Wege and Darneille)**

**Improving the Indian behavioral health system.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

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 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 Substitute Senate Bill No. 6259, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6259, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van

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

Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 6259, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 6313, by Senators Liias, Kuderer, Hunt, Randall, Mullet, Keiser, Billig, Saldaña, Darneille, Hasegawa, Takko, Rolfes, McCoy, Stanford, Das, Dhingra, Lovelett, Nguyen, Wilson and C.**

**Increasing opportunities for young voters.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government & Tribal Relations was not adopted. (For Committee amendment, see Journal, Day 44, February 25, 2020).

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, March 2, 2020).

Representative Walsh moved the adoption of amendment (2071) to the committee amendment:

22.0. On page 2, beginning on line 1 of the striking amendment, strike all of part II

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

On page 11, beginning on line 24 of the striking amendment, strike all of sections 13, 14, 15, 16, and 17

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

On page 17, beginning on line 32 of the striking amendment, strike all of section 24

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

Representative Walsh spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Gregerson spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2071) to the committee striking amendment was not adopted.

Representative Hoff moved the adoption of amendment (2069) to the committee striking amendment:

22.0. On page 2, line 25 of the striking amendment, after "~~eighteen~~" strike "sixteen" and insert "seventeen"

On page 2, line 33 of the striking amendment, after "least" strike "sixteen" and insert "seventeen"

On page 3, at the beginning of line 21 of the striking amendment, strike "sixteen" and insert "seventeen"

On page 4, line 11 of the striking amendment, after "~~((eighteen))~~" strike "sixteen" and insert "seventeen"

On page 6, line 35 of the striking amendment, after "person" strike "sixteen or"

On page 7, line 27 of the striking amendment, after "~~((eighteen))~~" strike "sixteen" and insert "seventeen"

On page 12, at the beginning of line 36 of the striking amendment, strike "sixteen or" and insert "~~((sixteen or))~~"

On page 13, line 9 of the striking amendment, after "attained" strike "sixteen" and insert "~~((sixteen))~~ seventeen"

On page 13, line 22 of the striking amendment, after "attained" strike "sixteen" and insert "~~((sixteen))~~ seventeen"

On page 14, line 18 of the striking amendment, after "persons" strike "sixteen or"

On page 16, line 1 of the striking amendment, after "age" strike "sixteen or" and insert "~~((sixteen or))~~"

On page 16, line 7 of the striking amendment, after "persons" strike "sixteen or"

Representative Hoff spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Gregerson spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2069) to the committee striking amendment was not adopted.

Representative Walsh moved the adoption of amendment (2072) to the committee striking amendment:

22.0. On page 9, beginning on line 3 of the striking amendment, strike all of part IV

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

On page 10, beginning on line 23 of the striking amendment, after "RCW 29A.32.080;" strike all material through "(8)" on line 26 and insert "and

(7)"

On page 11, beginning on line 10 of the striking amendment, after "RCW 29A.32.280;" strike all material through "(g)" on line 13 and insert "and

(f)"

On page 16, line 34 of the striking amendment, after "center," strike "a student engagement hub."

Representative Walsh spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Gregerson spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2072) to the committee striking amendment was not adopted.

Representative Hoff moved the adoption of amendment (2070) to the committee striking amendment:

22.0. On page 9, beginning on line 5 of the striking amendment, strike all of section 10 and insert the following:

**"NEW SECTION. Sec. 22.10.** A new section is added to chapter 29A.40 RCW to read as follows:

(1) Each public university campus described in chapter 28B.45 RCW with an enrollment of five thousand students or greater shall open a student engagement hub on its campus during a presidential general election, beginning five days prior to the deadline to register to vote electronically under RCW 29A.08.140(1)(a). The student engagement hub must be open during business hours through the deadline to register to vote electronically under RCW 29A.08.140(1)(a). All student engagement hubs must allow students to download their exact ballot from an online portal. A student engagement hub is not a voting center as outlined in RCW 29A.40.160.

(2) Upon request of the student government organization to the administration and the county auditor, the state universities, regional universities, and The Evergreen State College as defined in RCW 28B.10.016 and excluding university campuses described in chapter 28B.45 RCW shall open a student engagement hub on its campus. The student engagement hub shall provide the services described in subsection (1) of this section."

Representative Hoff spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Gregerson spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2070) 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 Bergquist spoke in favor of the passage of the bill.

Representatives Walsh, Sutherland and Maycumber 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. 6313, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6313, as amended by the House, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Mead.

ENGROSSED SENATE BILL NO. 6313, as amended by the House, having received the necessary constitutional majority, was declared passed.

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 HOUSE BILL NO. 2936
- SUBSTITUTE SENATE BILL NO. 6050
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6097
- SENATE BILL NO. 6119
- SENATE BILL NO. 6120
- SENATE BILL NO. 6383
- ENGROSSED SENATE BILL NO. 6626

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

**SECOND READING**

**ENGROSSED SENATE BILL NO. 5450, by Senators Rivers, Wilson and L.**

**Concerning superior court judges.**

The bill was read the second time.

Representative MacEwen moved the adoption of amendment (1861):

22.0. On page 2, beginning on line 1, after "(2)" strike all material through "any" on line 5 and insert "The judicial position created by section 1 of this act becomes effective upon the election of a judge to fill the position at the next general election"

On page 2, beginning on line 25, after "(2)" strike all material through "any" on line 31 and insert "The judicial position created by section 3 of this act becomes effective upon the election of a judge to fill the position at the next general election"

With the consent of the House, amendment (1861) was withdrawn.

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

Representatives Irwin and Kilduff 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. 5450.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5450, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

ENGROSSED SENATE BILL NO. 5450, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6300, by Senate Committee on Law & Justice (originally sponsored by Rivers, Pedersen, Zeiger, Kuderer, Frockt and Lovelett)**

**Concerning animal welfare.**

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 47, February 28, 2020).

With the consent of the House, amendment (1785) was withdrawn.

Representative Orwall moved the adoption of amendment (1813) to the committee striking amendment: 22.0.

Beginning on page 10, line 36, after "means" strike all material through "~~person~~)" on page 11, line 2, and insert "~~(any)~~: (i) Any contact, however slight, between the mouth, sex organ, or anus of a person and the sex organ or anus of an animal, or between the sex organ or anus of a person and the mouth of an animal; or (ii) any intrusion, however slight, of any part of the body of the person or foreign object into the sex organ or anus of an animal (~~or any intrusion of the sex organ or anus of the person into the mouth of the animal, for the purpose of sexual gratification or arousal of the person~~)")

Representatives Orwall and Klippert spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (1813) 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 Orwall and Sutherland spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6300, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6300, as amended by the House, and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti,

Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Dent, Dufault, Jenkin, Klippert, Kraft, McCaslin and Shea.

Excused: Representative Mead.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6300, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6306, by Senate Committee on Ways & Means (originally sponsored by Liias, Van De Wege, Warnick, Rolfes, Short, Nguyen, Das, Lovelett, Randall, Saldaña, Wilson and C.)**

### Creating the Washington soil health initiative.

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 Shewmake, Dye, Goehner and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6306.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6306, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Leavitt, Lekanoff, Lovick, MacEwen, Macri, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives DeBolt, Kretz and Maycumber.

Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 6306, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6288, by Senate Committee on Law & Justice (originally sponsored by Dhingra, Pedersen, Frockt, Carlyle, Wilson, C., Kuderer, Das, Hunt, Lovelett, Nguyen and Saldaña)**

**Creating the Washington office of firearm violence prevention. Revised for 1st Substitute: (REVISED FOR ENGROSSED: Creating the Washington office of firearm safety and violence prevention.)**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Civil Rights & Judiciary was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 47, February 28, 2020).

With the consent of the House, amendments (2051), (1931) and (2039) to the committee striking amendment were withdrawn.

Representative Dent moved the adoption of amendment (2040) to the committee striking amendment:

22.0. On page 1, line 9 of the striking amendment, after "violence" insert ", including organized gang violence,"

Representatives Dent and Irwin spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Valdez spoke against of the adoption of the amendment to the committee striking amendment.

Amendment (2040) to the committee striking amendment was not adopted.

Representative Young moved the adoption of amendment (2054) to the committee striking amendment:

22.0. On page 1, line 22 of the striking amendment, after "safety" insert ", suicide,"

On page 2, line 10 of the striking amendment, after "safety" insert ", suicide,"

Representative Young spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Walen spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2054) to the committee striking amendment was not adopted.

Representative Irwin moved the adoption of amendment (2003) to the committee striking amendment:

22.0. On page 2, line 21 of the striking amendment, after "Researching," strike "identifying, and recommending" and insert "and identifying"

On page 2, line 22 of the striking amendment, after "to" strike "promote" and insert "address"

Representative Irwin spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Kilduff spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2003) to the committee striking amendment was not adopted.

Representative Sutherland moved the adoption of amendment (2010) to the committee striking amendment:

22.0. On page 2, line 22 of the striking amendment, after "statewide" strike "evidence-based" and insert "scientific, peer-reviewed"

Representatives Sutherland, Shea, Walsh and Sutherland (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Peterson spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2010) to the committee striking amendment was not adopted.

Representative Mosbrucker moved the adoption of amendment (2027) to the committee striking amendment:

22.0. On page 2, line 31 of the striking amendment, after "(e)" insert "Coordinating with the University of Washington's forefront suicide prevention to expand access to suicide prevention trainings;

(f)"

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

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

Representative Walen spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2027) to the committee striking amendment was not adopted.

Representative Walsh moved the adoption of amendment (2049) to the committee striking amendment:

22.0. On page 2, line 31 of the striking amendment, after "(e)" insert "Focusing on firearm safety, including preventing firearm misfires from faulty ammunition including, but not limited to, duds, squibs, stovepipes, failure to feed, and barrel obstruction;

(f)"

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

Representatives Walsh, Irwin and Walsh (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Valdez spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2049) to the committee striking amendment was not adopted.

Representative Ybarra moved the adoption of amendment (2025) to the committee striking amendment:

22.0. On page 2, line 37 of the striking amendment, after "(g)" insert "Reducing instances of firearm deaths by suicide, which comprise over seventy-five percent of firearm deaths in Washington over the last five years, in collaboration with the department of health and the Washington action alliance for suicide prevention; and

(h)"

On page 3, line 5, after "must" insert "include efforts and progress in reducing firearm deaths by suicide and must"

Representatives Ybarra and Gildon spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Walen spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2025) to the committee striking amendment was not adopted.

Representative Young moved the adoption of amendment (2053) to the committee striking amendment:

22.0. On page 2, line 37 of the striking amendment, after "firearm" insert "safety, suicide, and"

On page 3, line 34 of the striking amendment, after "firearm" insert "safety, suicide, and"

Representative Young spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Walen spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2053) to the committee striking amendment was not adopted.

Representative Stokesbary moved the adoption of amendment (2047) to the committee striking amendment:

22.0. On page 2, beginning on line 37 of the striking amendment, after "Administering" strike all material through "program" on line 38 and insert "performance-based contracts"

On page 3, beginning on line 34 of the striking amendment, after "(1)" strike all material through "is" on line 36 and insert "It is the intent of the legislature that the office is authorized to engage in competitive contracting using performance-based contracts"

On page 4, line 3 of the striking amendment, after "(2)" strike "Program grants" and insert "The office must use competitive performance-based contracting to award contracts based on factors that include but are not limited to demonstrated ability to perform the contract effectively, past performance of the contractor, financial strength of the contractor, and merits of a proposal for services submitted by the contractor. Contracts"

On page 4, line 13 of the striking amendment, after "(3)" strike "Program grants" and insert "Contracts"

On page 4, line 19 of the striking amendment, after "for a" strike "program grant" and insert "contract"

On page 4, line 22 of the striking amendment, after "the" strike "grant" and insert "contract"

On page 4, at the beginning of line 24 of the striking amendment, strike "grant" and insert "contract"

On page 4, at the beginning of line 27 of the striking amendment, strike "grant" and insert "contract"

On page 4, line 32 of the striking amendment, after "awarding" strike "program grants" and insert "contracts"

On page 4, line 33 of the striking amendment, after "whose" strike "grant"

On page 4, line 36 of the striking amendment, after "a" strike "program grant" and insert "contract"

On page 4, line 37 of the striking amendment, after "the" strike "grant"

On page 5, line 3 of the striking amendment, after "a" strike "grant"

On page 5, line 9 of the striking amendment, after "Each" strike "grantee" and insert "contractor"

On page 5, line 10 of the striking amendment, after ", the" strike "grantee's" and insert "contractor's"

On page 5, line 11 of the striking amendment, after "the" strike "grant" and insert "contract"

On page 5, line 13 of the striking amendment, after "community-based" strike "grant-funded"

On page 5, line 14 of the striking amendment, after "the" strike "grant program's" and insert "contract's"

On page 5, after line 14 of the striking amendment, insert the following:

"(10) The office is tasked with developing metrics to ensure contracts achieve a reduction in firearm-related violence in the communities served."

Representatives Stokesbary, Hoff, Boehnke and Corry spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Peterson spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2047) to the committee striking amendment was not adopted.

Representative Young moved the adoption of amendment (2011) to the committee striking amendment:

22.0. On page 3, after line 6 of the striking amendment, insert the following:

"(4)(a) The department shall establish an oversight board to oversee and monitor the office and ensure fidelity and accountability to its stated statutory purpose.

(b)(i) Membership shall consist of, but is not limited to, the following:

(A) Two senators and two representatives from the legislature with one member from each major caucus;

(B) One constitutional rights advocate;

(C) One firearm rights advocate;

(D) One firearm responsibility advocate;

(E) Two law enforcement representatives;

(F) One tribal representative from west of the crest of the Cascade mountains;

(G) One tribal representative from east of the crest of the Cascade mountains; and

(H) One citizens from eastern Washington and one citizen from Western Washington.

(ii) The senate members of the board shall be appointed by the leaders of the two major caucuses of the senate. The house of representatives members of the board shall be appointed by the leaders of the two major caucuses of the house of representatives. Members shall be appointed before the close of each regular session of the legislature during an even-numbered year.

(iii) The remaining board members shall be appointed by the secretary, subject to the approval of the appointed legislators by majority vote and serve three-year terms.

(c) Staff support for the board shall be provided by the department not to exceed one full-time equivalent employee. The board-selected executive director of the board is responsible for coordinating staff appointments.

(d) The board has the following powers, which may be exercised by majority vote of the board:

(i) To receive reports of the office;

(ii) To obtain access to all relevant records in the possession of the office, except as prohibited by law;

(iii) To select its officers and adoption of rules for orderly procedure;

(iv) To request and receive information, outcome data, documents, materials, and records from the office relating to

evidence-based firearm violence intervention and prevention strategies, including information related to suicide prevention;

(v) To determine whether the office is achieving its stated purpose; and

(vi) To conduct annual reviews of a sample of office contracts for services to ensure that those contracts are performance-based and to assess the measures included in each contract.

(e) The board has general oversight over the performance and policies of the office and shall provide advice and input to the department and the governor.

(f) The board members shall receive no compensation for their service on the board, but shall be reimbursed for travel expenses incurred while conducting business of the board when authorized by the board and within resources allocated for this purpose, except appointed legislators who shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(g) The board shall meet two times a year. The board shall issue an annual report to the governor and legislature by December 1st of each year with an initial report delivered by December 1, 2020. The report must review the office's progress towards meeting stated goals and desired outcomes and must also include a review of the office's strategic plan, policies, and rules."

Representatives Young, Irwin, Walsh, Kraft and Corry spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Kilduff spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2011) to the committee striking amendment was not adopted.

Representative Ybarra moved the adoption of amendment (2024) to the committee striking amendment:

22.0. On page 4, line 2 of the striking amendment, after "suicides" insert "and gang-related activity"

Representatives Ybarra, Schmick, Eslick and Sutherland spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Kilduff spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2024) to the committee striking amendment was not adopted.

Representative Shea moved the adoption of amendment (2061) to the committee striking amendment:

22.0. On page 4, line 12 of the striking amendment, after "violence." insert "Program grants may not be used for any firearm buy-back program or other

initiative that involves using taxpayer funds for the physical reduction of firearms."

On page 4, line 22 of the striking amendment, after "grant" insert ", which may not involve using taxpayer funds for the physical reduction of firearms"

On page 4, line 25 of the striking amendment, after "initiative" insert ", which may not include any firearm buy-back program or other initiative that involves using taxpayer funds for the physical reduction of firearms,"

Representative Shea and Shea (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Peterson spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2061) to the committee striking amendment was not adopted.

Representative Irwin moved the adoption of amendment (2005) to the committee striking amendment:

22.0. On page 4, line 33 of the striking amendment, after "to" insert "law enforcement agencies impacted by firearm violence against officers and"

Representatives Irwin, Irwin (again), Walsh, Walsh (again) and Sutherland spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Valdez and Kilduff spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2005) to the committee striking amendment was not adopted.

Representative Walsh moved the adoption of amendment (2009) to the committee striking amendment:

22.0. On page 4, beginning on line 35 of the striking amendment, after "community" strike ", without contributing to mass incarceration"

Representative Walsh and Walsh (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Peterson spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2009) to the committee striking amendment was not adopted.

Representative Irwin moved the adoption of amendment (2004) to the committee striking amendment:

22.0. On page 4, line 39 of the striking amendment, after "organizations" insert "that are primarily

dedicated to community safety, victims' rights, or violence prevention"

Representative Irwin spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Valdez spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2004) to the committee striking amendment was not adopted.

Representative Griffey moved the adoption of amendment (2052) to the committee striking amendment:

22.0. On page 4, line 39 of the striking amendment, after "organizations;" strike "and"

On page 5, line 1 of the striking amendment, after "(b)" insert "Indian tribes and tribal organizations; and

(c)"

Representatives Griffey and Kilduff spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2052) to the committee striking amendment was adopted.

Representative Walsh moved the adoption of amendment (2050) to the committee striking amendment:

22.0. On page 5, after line 14 of the striking amendment, insert the following:

"NEW SECTION. Sec. 7. (1) The department shall establish the public safety and firearm rights commission, consisting of ten individuals.

(2) Commission membership shall consist of the following:

(a) Two senators and two representatives from the legislature with one member from each major caucus;

(b) One citizen appointed by each major caucus;

(c) A representative of the Washington association of sheriffs and police chiefs, appointed by the secretary; and

(d) A representative of a national second amendment rights organization, appointed by the secretary.

(3) The duty of the commission is to research, identify, and recommend legislative policy options to promote the implementation of policies that promote the rights of law-abiding citizens under Article I, section 24 of the state Constitution and the Second Amendment of the United States Constitution.

(4) Commissioners may not receive compensation for their service on the commission, but may be reimbursed for travel expenses incurred while conducting business of the commission when authorized by the commission and within resources allocated for this purpose, except appointed

legislators must be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(g) The commission shall meet two times a year. The commission shall issue an annual report to the governor and legislature by December 1st of each year with an initial report delivered by December 1, 2020."

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

On 5, line 15 of the striking amendment, after "through" strike "6" and insert "7"

### POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (2050) to the committee amendment to ESSB 6288.

### SPEAKER'S RULING

Madame Speaker (Representative Orwall presiding): "The title of the bill is an act relating to the Washington office of firearm safety and violence prevention. The bill establishes the office of firearm safety and violence prevention and describes its duties. The amendment creates an entirely different entity with an entirely different purpose. The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill. The point of order is well taken."

The committee 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.

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

Representatives Irwin, Sutherland and Walsh spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6288, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6288, as amended by the House, and the bill passed the House by the following vote: Yeas, 53; Nays, 44; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Paul, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Mead.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6288, as amended by the House, having received the necessary constitutional majority, was declared passed.

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 SUBSTITUTE SENATE BILL NO.  
5006  
SUBSTITUTE SENATE BILL NO. 5011  
THIRD SUBSTITUTE SENATE BILL NO. 5164  
ENGROSSED SENATE BILL NO. 5457  
ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 5549  
SUBSTITUTE SENATE BILL NO. 5679  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
5759  
SUBSTITUTE SENATE BILL NO. 6022  
SENATE BILL NO. 6066  
SUBSTITUTE SENATE BILL NO. 6072  
SUBSTITUTE SENATE BILL NO. 6086  
SENATE BILL NO. 6090  
SENATE BILL NO. 6102  
SENATE BILL NO. 6103  
SUBSTITUTE SENATE BILL NO. 6142  
ENGROSSED SENATE BILL NO. 6238  
SUBSTITUTE SENATE BILL NO. 6256  
SUBSTITUTE SENATE BILL NO. 6257  
SUBSTITUTE SENATE BILL NO. 6408  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6419  
SUBSTITUTE SENATE BILL NO. 6429  
SECOND SUBSTITUTE SENATE BILL NO. 6478  
ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 6518  
SECOND SUBSTITUTE SENATE BILL NO. 6528  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6574  
SENATE BILL NO. 6623  
SUBSTITUTE SENATE BILL NO. 6660

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

### SECOND READING

**SECOND ENGROSSED SECOND SUBSTITUTE  
SENATE BILL NO. 5720, by Senate Committee on Ways  
& Means (originally sponsored by Dhingra, Wagoner  
and Kuderer)**

**Concerning the involuntary treatment act.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Civil Rights & Judiciary was not adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

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, March 2, 2020).

Representative Klippert moved the adoption of amendment (1856) to the committee striking amendment:

22.0. On page 25, line 37 of the striking amendment, after "detain" insert "and transport"

On page 28, line 6 of the striking amendment, after "detain" insert "and transport"

On page 30, line 15 of the striking amendment, after "detain" insert "and transport"

Representative Klippert spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Kilduff spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1856) to the committee striking amendment was not adopted.

Representative Klippert moved the adoption of amendment (2091) to the committee striking amendment:

22.0. On page 68, line 34 of the striking amendment, after "person" strike "~~((both))~~" and insert "both"

On page 68, line 35 of the striking amendment, after "orally" strike "~~((and)) or~~" and insert "and"

On page 70, line 37 of the striking amendment, after "person" strike "~~((both))~~" and insert "both"

On page 70, line 38 of the striking amendment, after "orally" strike "~~((and)) or~~" and insert "and"

On page 72, line 39 of the striking amendment, after "person" strike "~~((both))~~" and insert "both"

On page 73, line 1 of the striking amendment, after "orally" strike "~~((and)) or~~" and insert "and"

Representatives Klippert and Kilduff spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2091) to the committee striking amendment was adopted.

Representative Kilduff moved the adoption of amendment (2095) to the committee striking amendment:

22.0. On page 174, line 24 of the striking amendment, after "Commencing" strike "September" and insert "July"

Representatives Kilduff and Irwin spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2095) to the committee striking amendment was adopted.

Representative Frame moved the adoption of amendment (2096) to the committee striking amendment:

22.0. On page 176, line 18 of the striking amendment, after "4" strike ", 28, 64, and 81" and insert "and 28"

On page 176, line 22 of the striking amendment, after "4" strike ", 28, 64, and 81" and insert "and 28"

On page 176, after line 25 of the striking amendment, insert the following:

"NEW SECTION. Sec. 111. (1) Sections 64 and 81 of this act take effect when the average wait time for children's long-term inpatient placement admission is 30 days or less for two consecutive quarters.

(2) The health care authority must provide written notice of the effective date of sections 64 and 81 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the authority."

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

Representatives Frame and Irwin spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2096) 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 Kilduff, Irwin, Dye and Harris spoke in favor of the passage of the bill.

Representative Santos spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Engrossed Second Substitute Senate Bill No. 5270, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Second Substitute Senate Bill No. 5270, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Orcutt and Santos.

Excused: Representative Mead.

SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5270, as amended by the House, having received the necessary constitutional majority, was declared passed.

### SENATE BILL NO. 6187, by Senator Zeiger

**Modifying the definition of personal information for notifying the public about data breaches of a state or local agency system.**

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 Boehnke and Hudgins spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6187.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6187, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt,

Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SENATE BILL NO. 6187, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6287, by Senate Committee on Law & Justice (originally sponsored by Pedersen, Holy, Dhingra, Rivers, Kuderer, Salomon, Conway, Keiser, Wilson and C.)**

### Concerning guardianships and conservatorships.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Civil Rights & Judiciary was adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

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 Kilduff and Dufault spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6287, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6287, as amended by the House, and the bill passed the House by the following vote: Yeas, 91; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary,

Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dye, Kraft, McCaslin, Mosbrucker, Schmick and Shea.

Excused: Representative Mead.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6287, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 6561, by Senate Committee on Ways & Means (originally sponsored by Liias, Saldaña, Das, Nguyen, Hasegawa, Stanford, Dhingra, Hunt, Kuderer, Wellman, Wilson and C.)**

**Creating the undocumented student support loan program.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on College & Workforce Development was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 47, February 28, 2020).

Representative Gregerson moved the adoption of amendment (2063) to the committee striking amendment:

22.0. On page 1, line 26 of the striking amendment, after "student" strike "as defined in RCW 28B.15.012"

On page 2, after line 10 of the striking amendment, insert the following:

"(5) Resident student means:

(a) A financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which the student has registered at any institution and has in fact established a bona fide domicile in this state primarily for purposes other than educational;

(b) A dependent student, if one or both of the student's parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution;

(c) Any student:

(i) Who has spent at least seventy-five percent of both his or her junior and senior years in high schools in this state;

(ii) Whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school; and

(iii) Who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year; or

(d) Any person:

(i) Who has completed the full senior year of high school and obtained a high school diploma, both at a Washington public high school or private high school approved under chapter 28A.195 RCW, or a person who has received the equivalent of a diploma;

(ii) Who has lived in Washington for at least three years immediately prior to receiving the diploma or its equivalent;

(iii) Who has continuously lived in the state of Washington after receiving the diploma or its equivalent and until such time as the individual is admitted to an institution of higher education; and

(iv) Who provides to the institution an affidavit indicating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so and a willingness to engage in any other activities necessary to acquire citizenship, including but not limited to citizenship or civics review courses."

Representatives Gregerson and Van Werven spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2063) to the committee striking amendment was adopted.

Representative DeBolt moved the adoption of amendment (2066) to the committee striking amendment:

22.0. On page 1, line 26 of the striking amendment, after "student" strike "as defined in RCW 28B.15.012"

On page 2, after line 10 of the striking amendment, insert the following:

"(5) "Resident student" means:

(a) Any student:

(i) Who has spent at least seventy-five percent of both his or her junior and senior years in high schools in this state;

(ii) Whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school; and

(iii) Who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year; or

(b) Any person:

(i) Who has completed the full senior year of high school and obtained a high school diploma, both at a Washington public high school or private high school approved under chapter 28A.195 RCW, or a person who has received the equivalent of a diploma;

(ii) Who has lived in Washington for at least three years immediately prior to receiving the diploma or its equivalent;

(iii) Who has continuously lived in the state of Washington after receiving the diploma or its equivalent and until such time as the individual is admitted to an institution of higher education; and

(iv) Who provides to the institution an affidavit indicating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so and a willingness to engage in any other activities necessary to acquire citizenship, including but not limited to citizenship or civics review courses."

Representatives DeBolt and Corry spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Hansen spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2066) to the committee striking amendment was not adopted.

With the consent of the House, amendment (2048) to the committee striking amendment was withdrawn.

Representative Caldier moved the adoption of amendment (2076) to the committee striking amendment:

22.0. On page 3, line 17 of the striking amendment, after "(7)" insert "Student loans issued under the program shall follow the requirements under 11 U.S.C. Sec. 523 regarding dischargeability in bankruptcy.

(8)"

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

Representatives Caldier and Hansen spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2076) to the committee striking amendment was adopted.

Representative Gildon moved the adoption of amendment (2068) to the committee striking amendment:

22.0. On page 4, line 5 of the striking amendment, after "(3)" insert "(a)"

On page 4, after line 12 of the striking amendment, insert the following:

"(b) In any year that the fund balance of the account is ten million dollars or more on the last day of the fiscal year, no state match shall be required the following year."

Representatives Gildon and Hansen spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2068) 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 Van Werven, Ybarra and Sutherland spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6561, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6561, as amended by the House, and the bill passed the House by the following vote: Yeas, 82; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Boehnke, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Volz, Walen, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Blake, Caldier, Dufault, Dye, Hoff, Jenkin, Klippert, Kraft, McCaslin, Orcutt, Schmick, Shea, Vick, Walsh and Young.

Excused: Representative Mead.

SECOND SUBSTITUTE SENATE BILL NO. 6561, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5481, by Senate Committee on Ways & Means (originally sponsored by Warnick, Sheldon, Short, Van De Wege, Honeyford, Wagoner, Fortunato and Holy)**

**Establishing a coalition of commissioned officers, detectives, and sergeants of the department of fish and wildlife for the purposes of collective bargaining,**

**including interest arbitration. Revised for 2nd Substitute: (REVISED FOR ENGROSSED: Concerning collective bargaining by fish and wildlife officers.)**

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 Mosbrucker and Sells spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5481.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5481, and the bill passed the House by the following vote: Yeas, 87; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dye, Goehner, Hoff, Jenkin, Klippert, Kraft, Orcutt, Schmick, Stokesbary and Vick.

Excused: Representative Mead.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5481, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5519, by Senators Cleveland, King, Takko, Warnick, Short, Braun, Wilson, L. and Honeyford**

**Concerning mosquito control districts.**

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 Pollet and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Lovick 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, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SENATE BILL NO. 5519, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6050, by Senate Committee on Health & Long Term Care (originally sponsored by Cleveland, Keiser and Kuderer)**

**Concerning insurance guaranty fund.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Health Care & Wellness was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 47, February 28, 2020).

Representative DeBolt moved the adoption of amendment (2059) to the committee striking amendment:

22.0. On page 1, beginning on line 3 of the striking amendment, strike all of sections 1 through 4 and insert the following:

"**Sec. 1.** RCW 50B.04.100 and 2019 c 363 s 11 are each amended to read as follows:

(1) The long-term services and supports trust account is created in the custody of the state treasurer. All receipts from employers under RCW 50B.04.080 must be deposited in the account. Expenditures from the account may be used for the administrative activities of the department of social and health services, the health care authority, and the employment security department. Benefits associated with the program must be disbursed from the account by the department of social and health services. Only the secretary

of the department of social and health services or the secretary's designee may authorize disbursements from the account. The account is subject to the allotment procedures under chapter 43.88 RCW. An appropriation is required for administrative expenses, but not for benefit payments. The account must provide reimbursement of any amounts from other sources that may have been used for the initial establishment of the program.

(2) The revenue generated pursuant to this chapter shall be utilized to expand long-term care in the state. These funds may not be used either in whole or in part to supplant existing state or county funds for programs that meet the definition of approved services.

(3) The moneys deposited in the account must remain in the account until expended in accordance with the requirements of this chapter. If moneys are appropriated for any purpose other than supporting the long-term services and supports program, or for the purposes described in section 7 of this act, the legislature shall notify each qualified individual by mail that the person's premiums have been appropriated for an alternate use, describe the alternate use, and state its plan for restoring the funds so that premiums are not increased and benefits are not reduced.

**Sec. 2.** RCW 48.32A.025 and 2001 c 50 s 3 are each amended to read as follows:

(1) This chapter provides coverage for the policies and contracts specified in subsection (2) of this section as follows:

(a) To persons who, regardless of where they reside, except for nonresident certificate holders under group policies or contracts, are the beneficiaries, assignees, or payees of the persons covered under (b) of this subsection;

(b) To persons who are owners of or certificate holders under the policies or contracts, other than unallocated annuity contracts and structured settlement annuities, and in each case who:

(i) Are residents; or

(ii) Are not residents, but only under all of the following conditions:

(A) The insurer that issued the policies or contracts is domiciled in this state;

(B) The states in which the persons reside have associations similar to the association created by this chapter; and

(C) The persons are not eligible for coverage by an association in any other state due to the fact that the insurer was not licensed in the state at the time specified in the state's guaranty association law;

(c) For unallocated annuity contracts specified in subsection (2) of this section, (a) and (b) of this subsection do not apply, and this chapter, except as provided in (e) and (f) of this subsection, does provide coverage to:

(i) Persons who are the owners of the unallocated annuity contracts if the contracts are issued to or in

connection with a specific benefit plan whose plan sponsor has its principal place of business in this state; and

(ii) Persons who are owners of unallocated annuity contracts issued to or in connection with government lotteries if the owners are residents;

(d) For structured settlement annuities specified in subsection (2) of this section, (a) and (b) of this subsection do not apply, and this chapter, except as provided in (e) and (f) of this subsection, does provide coverage to a person who is a payee under a structured settlement annuity, or beneficiary of a payee if the payee is deceased, if the payee:

(i) Is a resident, regardless of where the contract owner resides; or

(ii) Is not a resident, but only under both of the following conditions:

(A)(I) The contract owner of the structured settlement annuity is a resident; or

(II) The contract owner of the structured settlement annuity is not a resident, but the insurer that issued the structured settlement annuity is domiciled in this state; and the state in which the contract owner resides has an association similar to the association created by this chapter; and

(B) Neither the payee, nor beneficiary, nor the contract owner is eligible for coverage by the association of the state in which the payee or contract owner resides;

(e) This chapter does not provide coverage to:

(i) A person who is a payee, or beneficiary, of a contract owner resident of this state, if the payee, or beneficiary, is afforded any coverage by the association of another state; or

(ii) A person covered under (c) of this subsection, if any coverage is provided by the association of another state to the person; and

(f) This chapter is intended to provide coverage to a person who is a resident of this state and, in special circumstances, to a nonresident. In order to avoid duplicate coverage, if a person who would otherwise receive coverage under this chapter is provided coverage under the laws of any other state, the person shall not be provided coverage under this chapter. In determining the application of this subsection (1)(f) in situations where a person could be covered by the association of more than one state, whether as an owner, payee, beneficiary, or assignee, this chapter shall be construed in conjunction with other state laws to result in coverage by only one association.

(2)(a) This chapter provides coverage to the persons specified in subsection (1) of this section for direct, nongroup life, disability, or annuity policies or contracts and supplemental contracts to any of these, for certificates under direct group policies and contracts, and for unallocated annuity contracts issued by member insurers, except as limited by this chapter. Annuity contracts and certificates under group annuity contracts include but are not limited to guaranteed investment contracts, deposit administration

contracts, unallocated funding agreements, allocated funding agreements, structured settlement annuities, annuities issued to or in connection with government lotteries, and any immediate or deferred annuity contracts. However, any annuity contracts that are unallocated annuity contracts are subject to the specific provisions in this chapter for unallocated annuity contracts.

(b) This chapter does not provide coverage for:

(i) A portion of a policy or contract not guaranteed by the insurer, or under which the risk is borne by the policy or contract owner;

(ii) A policy or contract of reinsurance, unless assumption certificates have been issued pursuant to the reinsurance policy or contract;

(iii) A portion of a policy or contract to the extent that the rate of interest on which it is based, or the interest rate, crediting rate, or similar factor determined by use of an index or other external reference stated in the policy or contract employed in calculating returns or changes in value:

(A) Averaged over the period of four years prior to the date on which the member insurer becomes an impaired or insolvent insurer under this chapter, whichever is earlier, exceeds the rate of interest determined by subtracting two percentage points from Moody's corporate bond yield average averaged for that same four-year period or for such lesser period if the policy or contract was issued less than four years before the member insurer becomes an impaired or insolvent insurer under this chapter, whichever is earlier; and

(B) On and after the date on which the member insurer becomes an impaired or insolvent insurer under this chapter, whichever is earlier, exceeds the rate of interest determined by subtracting three percentage points from Moody's corporate bond yield average as most recently available;

(iv) A portion of a policy or contract issued to a plan or program of an employer, association, or other person to provide life, disability, or annuity benefits to its employees, members, or others, to the extent that the plan or program is self-funded or uninsured, including but not limited to benefits payable by an employer, association, or other person under:

(A) A multiple employer welfare arrangement as defined in 29 U.S.C. Sec. 1144;

(B) A minimum premium group insurance plan;

(C) A stop-loss group insurance plan; or

(D) An administrative services only contract;

(v) A portion of a policy or contract to the extent that it provides for:

(A) Dividends or experience rating credits;

(B) Voting rights; or

(C) Payment of any fees or allowances to any person, including the policy or contract owner, in connection with the service to or administration of the policy or contract;

(vi) A policy or contract issued in this state by a member insurer at a time when it was not licensed or did not have a certificate of authority to issue the policy or contract in this state;

(vii) An unallocated annuity contract issued to or in connection with a benefit plan protected under the federal pension benefit guaranty corporation, regardless of whether the federal pension benefit guaranty corporation has yet become liable to make any payments with respect to the benefit plan;

(viii) A portion of an unallocated annuity contract that is not issued to or in connection with a specific employee, union, or association of natural persons benefit plan or a government lottery;

(ix) A portion of a policy or contract to the extent that the assessments required by RCW 48.32A.085 with respect to the policy or contract are preempted by federal or state law;

(x) An obligation that does not arise under the express written terms of the policy or contract issued by the insurer to the contract owner or policy owner, including without limitation:

(A) Claims based on marketing materials;

(B) Claims based on side letters, riders, or other documents that were issued by the insurer without meeting applicable policy form filing or approval requirements;

(C) Misrepresentations of or regarding policy benefits;

(D) Extra-contractual claims; or

(E) A claim for penalties or consequential or incidental damages;

(xi) A contractual agreement that establishes the member insurer's obligations to provide a book value accounting guaranty for defined contribution benefit plan participants by reference to a portfolio of assets that is owned by the benefit plan or its trustee, which in each case is not an affiliate of the member insurer; or

(xii) A portion of a policy or contract to the extent it provides for interest or other changes in value to be determined by the use of an index or other external reference stated in the policy or contract, but which have not been credited to the policy or contract, or as to which the policy or contract owner's rights are subject to forfeiture, as of the date the member insurer becomes an impaired or insolvent insurer under this chapter, whichever is earlier. If a policy's or contract's interest or changes in value are credited less frequently than annually, then for purposes of determining the values that have been credited and are not subject to forfeiture under this subsection (2)(b)(xii), the interest or change in value determined by using the procedures defined in the policy or contract will be credited as if the contractual date of crediting interest or changing values was the date of impairment or insolvency, whichever is earlier, and will not be subject to forfeiture.

(3) The benefits that the association may become obligated to cover shall in no event exceed the lesser of:

(a) The contractual obligations for which the insurer is liable or would have been liable if it were not an impaired or insolvent insurer; or

(b)(i) With respect to one life, regardless of the number of policies or contracts:

(A) Five hundred thousand dollars in life insurance death benefits, but not more than five hundred thousand dollars in net cash surrender and net cash withdrawal values for life insurance;

(B) In disability insurance benefits:

(I) Five hundred thousand dollars for coverages not defined as disability income insurance or basic hospital, medical, and surgical insurance or major medical insurance including any net cash surrender and net cash withdrawal values;

(II) Five hundred thousand dollars for disability income insurance;

(III) Five hundred thousand dollars for basic hospital medical and surgical insurance or major medical insurance; ((€))

(IV) Five hundred thousand dollars for long-term care insurance; or

(C) Five hundred thousand dollars in the present value of annuity benefits, including net cash surrender and net cash withdrawal values, except as provided in (ii), (iii), and (v) of this subsection (3)(b);

(ii) With respect to each individual participating in a governmental retirement benefit plan established under section 401, 403(b), or 457 of the United States Internal Revenue Code covered by an unallocated annuity contract or the beneficiaries of each such individual if deceased, in the aggregate, one hundred thousand dollars in present value annuity benefits, including net cash surrender and net cash withdrawal values;

(iii) With respect to each payee of a structured settlement annuity, or beneficiary or beneficiaries of the payee if deceased, five hundred thousand dollars in present value annuity benefits, in the aggregate, including net cash surrender and net cash withdrawal values, if any;

(iv) However, in no event shall the association be obligated to cover more than: (A) An aggregate of five hundred thousand dollars in benefits with respect to any one life under (i), (ii), and (iii) of this subsection (3)(b) except with respect to benefits for basic hospital, medical, and surgical insurance and major medical insurance under (i)(B) of this subsection (3)(b), in which case the aggregate liability of the association shall not exceed five hundred thousand dollars with respect to any one individual; or (B) with respect to one owner of multiple nongroup policies of life insurance, whether the policy owner is an individual, firm, corporation, or other person, and whether the persons insured are officers, managers, employees, or other persons, more than five million dollars in benefits, regardless of the number of policies and contracts held by the owner;

(v) With respect to either: (A) One contract owner provided coverage under subsection (1)(d)(ii) of this section; or (B) one plan sponsor whose plans own directly or in trust one or more unallocated annuity contracts not included in (ii) of this subsection (3)(b), five million dollars in benefits, irrespective of the number of contracts with respect to the contract owner or plan sponsor. However, in the case where one or more unallocated annuity contracts are covered contracts under this chapter and are owned by a trust or other entity for the benefit of two or more plan sponsors, coverage shall be afforded by the association if the largest interest in the trust or entity owning the contract or contracts is held by a plan sponsor whose principal place of business is in this state and in no event shall the association be obligated to cover more than five million dollars in benefits with respect to all these unallocated contracts; or

(vi) The limitations set forth in this subsection are limitations on the benefits for which the association is obligated before taking into account either its subrogation and assignment rights or the extent to which those benefits could be provided out of the assets of the impaired or insolvent insurer attributable to covered policies. The costs of the association's obligations under this chapter may be met by the use of assets attributable to covered policies or reimbursed to the association pursuant to its subrogation and assignment rights.

(4) In performing its obligations to provide coverage under RCW 48.32A.075, the association is not required to guarantee, assume, reinsure, or perform, or cause to be guaranteed, assumed, reinsured, or performed, the contractual obligations of the insolvent or impaired insurer under a covered policy or contract that do not materially affect the economic values or economic benefits of the covered policy or contract."

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

On page 17, beginning on line 4 of the striking amendment, after "insurer" strike "health care service contractor, or health maintenance organization"

On page 22, beginning on line 7 of the striking amendment, after "insurer" strike "disability insurer, health care service contractor, or health maintenance organization." and insert "or disability insurer,"

On page 26, beginning on line 27 of the striking amendment, after "(c)" strike all material through "insurers" on line 33, and insert "The class B assessment for long-term care insurance written by an impaired or insolvent insurer must be funded by the long-term services and supports trust account established in chapter 50B.04 RCW. The employment security department may not increase the premium rate to fund the class B assessment. Any additional funds necessary for the class B assessment shall be appropriated from the general fund"

On page 28, beginning on line 30 of the striking amendment, after "insurance" strike "health care service contractor business, or health maintenance organization business"

On page 32, beginning on line 9 of the striking amendment, after "insurers" strike ", health care service contractors, or health maintenance organizations"

On page 32, beginning on line 15 of the striking amendment, after "insurer" strike ", health care service contractor, or health maintenance organization"

On page 35, beginning on line 7 of the striking amendment, strike all of section 12

Representatives DeBolt and Irwin spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Cody spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2059) 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 Cody and Schmick spoke in favor of the passage of the bill.

Representative Corry spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6050, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6050, as amended by the House, and the bill passed the House by the following vote: Yeas, 60; Nays, 37; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chandler, Cody, Davis, DeBolt, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Walsh, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chapman, Chopp, Corry, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Shea, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Wilcox, Ybarra and Young.

Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 6050, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6065, by Senate Committee on Environment, Energy & Technology (originally sponsored by Brown, Hasegawa, Kuderer, Nguyen, Rolfes, Short, Wilson, L., Das and Wellman)**

**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 Innovation, Technology & Economic Development was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 47, February 28, 2020).

With the consent of the House, amendments (1805), (2055) and (2056) to the committee striking amendment were withdrawn.

Representative Hudgins moved the adoption of amendment (2078) to the committee striking amendment:

22.0. On page 1, line 17 of the striking amendment, after "(c)" insert "The lieutenant governor, or the lieutenant governor's designee;

(d)"

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

On page 1, beginning on line 25 of the striking amendment, strike all of subsections (g) and (h)

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

On page 2, beginning on line 38 of the striking amendment, after "office of the" strike all material through "group" on page 3, line 2 and insert "lieutenant governor"

On page 3, beginning on line 3 of the striking amendment, strike all of subsection (8)

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

Representatives Hudgins and Boehnke spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2078) 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 Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6065, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6065, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 6065, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6097, by Senate Committee on Health & Long Term Care (originally sponsored by Rolfes, Kuderer, Pedersen, Frockt, Conway, Randall, Carlyle and Saldaña)**

**Requiring the insurance commissioner to review a health carrier's surplus levels as part of its rate filing review process. Revised for 1st Substitute: (REVISED FOR ENGROSSED: Requiring the insurance commissioner to review a health carrier's surplus, capital, or profit levels as part of its rate filing review process.)**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

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 Cody, Schmick and Riccelli spoke in favor of the passage of the bill.

Representative Corry spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6097, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6097, as amended by the House, and the bill passed the House by the following vote: Yeas, 83; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Callan, Chandler, Chapman, Chopp, Cody, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Steele, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Volz, Walen, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Caldier, Chambers, Corry, Griffey, Hoff, Jenkin, Kraft, MacEwen, Mosbrucker, Springer, Stokesbary, Van Werven, Vick and Walsh.

Excused: Representative Mead.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6097, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6143, by Senators Cleveland, Rivers and Becker**

**Concerning the podiatric medical board.**

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 Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6143.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6143, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SENATE BILL NO. 6143, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

**SUBSTITUTE SENATE BILL NO. 6158, by Senate Committee on Health & Long Term Care (originally sponsored by Dhingra, Cleveland, Wilson, C., Das, Darnelle, Hunt, Keiser, Kuderer, Lovelett, Randall, Stanford and Carlyle)**

**Concerning model sexual assault protocols for hospitals and clinics.**

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 47, February 28, 2020).

Representative Orwall moved the adoption of amendment (2028) to the committee striking amendment:

22.0. On page 1, line 10 of the striking amendment, after "(b)(i) The" strike "caucus leaders from" and insert "president of"

On page 1, line 12 of the striking amendment, after "(ii) The" strike "caucus leaders from" and insert "speaker of"

Representative Orwall spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2028) 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 Orwall and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6158, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6158, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 6158, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 6181, by Senate Committee on Ways & Means (originally sponsored by Padden, Pedersen, O'Ban, Warnick and Kuderer)**

**Concerning compensation for parents of minor victims of crime. Revised for 2nd Substitute: Concerning crime victims' compensation.**

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 Goodman and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6181.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6181, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SECOND SUBSTITUTE SENATE BILL NO. 6181, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6206, by Senate Committee on Labor & Commerce (originally sponsored by Rivers, King and Stanford)**

**Creating a certificate of compliance for marijuana business premises that meet the statutory qualifications at the time of application.**

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 Peterson spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6206.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6206, and the bill passed the House by the following vote: Yeas, 84; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall,

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

Voting nay: Representatives Boehnke, Dent, Dufault, Dye, Jenkin, Kilduff, Klippert, Kraft, McCaslin, Mosbrucker, Shea, Smith and Van Werven.

Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 6206, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6423, by Senators Cleveland, Darneille, Wilson and C.**

**Concerning reports alleging child abuse and neglect.**

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 Senn and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6423.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6423, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SENATE BILL NO. 6423, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6442, by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Saldaña,**

**Wilson, C., Salomon, McCoy, Wellman, Stanford, Hasegawa, Kuderer, Pedersen, Nguyen, Frockt and Das)**

**Concerning private detention facilities. Revised for 1st Substitute: Concerning the private detainment of individuals.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Public Safety was adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

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 Ortiz-Self and Doglio spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6442, as amended by the House.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6442, as amended by the House, and the bill passed the House by the following vote: Yeas, 64; Nays, 33; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Callan, Chandler, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, McCaslin, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shea, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Chambers, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Maycumber, Mosbrucker, Orcutt, Schmick, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox and Ybarra.

Excused: Representative Mead.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6442, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6476, by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Stanford, Darneille, Wilson, C., Nguyen, Hasegawa and Saldaña)**

**Increasing and expanding access of inmates and immediate family members of inmates to services provided within correctional facilities.**

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 Goodman and Appleton spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6476.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6476, and the bill passed the House by the following vote: Yeas, 68; Nays, 29; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Callan, Chandler, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Gregerson, Griffey, Hansen, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Chambers, Corry, DeBolt, Dent, Dufault, Dye, Graham, Harris, Hoff, Jenkin, Klippert, Kraft, Kretz, Maycumber, McCaslin, Mosbrucker, Orcutt, Schmick, Shea, Smith, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 6476, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6540, by Senate Committee on Ways & Means (originally sponsored by Wilson, C., Wellman, Dhingra, Hasegawa, Kuderer and Saldaña)**

**Concerning working connections child care payment authorizations.**

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 Senn and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6540.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6540, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6540, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5006, by Senate Committee on Labor & Commerce (originally sponsored by Takko, Fortunato, Palumbo and Mullet)**

**Allowing the sale of wine by microbrewery license holders. Revised for 1st Substitute: Allowing the sale of wine by microbrewery license holders. (REVISED FOR ENGROSSED: Creating a new on-premises endorsement for domestic wineries and domestic breweries and microbreweries.)**

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 MacEwen and Kloba 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. 5006.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5006, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Davis.

Excused: Representative Mead.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5006, having received the necessary constitutional majority, was declared passed.

**THIRD SUBSTITUTE SENATE BILL NO. 5164, by Senate Committee on Ways & Means (originally sponsored by Saldaña, Hasegawa, Frockt, Palumbo, Keiser, Nguyen, Wilson, C. and Darneille)**

**Providing public assistance to certain victims of human trafficking. Revised for 3rd Substitute: Providing public assistance to victims of certain crimes including human trafficking.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Human Services and Early Learning was not adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, March 2, 2020).

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 Pellicciotti and Stokesbary spoke in favor of the passage of the bill.

Representative Dent spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Third Substitute Senate Bill No. 5164, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Third Substitute Senate Bill No. 5164, as amended by the House, and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Dent, Eslick, Jenkin, Klippert, McCaslin, Shea, Walsh and Young.

Excused: Representative Mead.

THIRD SUBSTITUTE SENATE BILL NO. 5164, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5457, by Senators Keiser, Saldaña, Conway, Hasegawa, Hunt and Nguyen**

**Naming of subcontractors by prime contract bidders on public works contracts.**

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 Orwall presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5457.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5457, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

ENGROSSED SENATE BILL NO. 5457, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5549, by Senate Committee on Ways & Means (originally sponsored by Liias, King, Hunt and Braun)**

**Modernizing resident distillery marketing and sales restrictions.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Gaming was adopted. (For Committee amendment, see Journal, Day 44, February 25, 2020).

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, MacEwen, Vick, Caldier 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 Second Substitute Senate Bill No. 5549, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5549, as amended by the House, and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Chambers, Chandler, Chapman, Chopp, Cody, Corry, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kirby, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber,

McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Ramel, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

Voting nay: Representatives Callan, Davis, Kilduff, Leavitt, Pollet, Ramos, Senn and Mme. Speaker.

Excused: Representative Mead.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5549, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5759, by Senate Committee on Health & Long Term Care (originally sponsored by Cleveland, Rivers, Conway, Bailey, Wilson, L., Short and Keiser)**

**Increasing opportunities for the use of remote technology in eye exams. Revised for 1st Substitute: Increasing opportunities for the use of remote technology in corrective lens prescriptions.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, March 2, 2020).

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 Cody 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 Senate Bill No. 5759, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5759, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake,

Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5759, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5811, by Senators Nguyen, Rolfes, Wilson, C., Liias, Das, Hunt, Kuderer and Saldaña**

**Reducing emissions by making changes to the clean car standards and clean car program.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Environment & Energy was adopted. (For Committee amendment, see Journal, Day 43, February 24, 2020).

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 Kloba spoke in favor of the passage of the bill.

Representatives DeBolt, Dye and 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 Senate Bill No. 5811, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5811, as amended by the House, and the bill passed the House by the following vote: Yeas: 57 Nays: 40 Absent: 0 Excused: 1.

Voting yea: Representatives Appleton, Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Irwin, Jenkins, Johnson, J., Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Maycumber, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, and Wylie

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Jenkin, Klippert, Kraft, Kretz, MacEwen, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Excused: Representative Mead

SENATE BILL NO. 5811, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6072, by Senate Committee on Ways & Means (originally sponsored by Rolfes, Braun and Becker)**

**Dividing the state wildlife account into the fish, wildlife, and conservation account and the limited fish and wildlife account.**

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 Bergquist and MacEwen 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. 6072.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6072, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 6072, having received the necessary constitutional majority, was declared passed.

**RECONSIDERATION**

There being no objection, the House immediately reconsidered the vote by which SENATE BILL NO. 5811 passed the House.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of

Senate Bill No. 5811, as amended by the House, on reconsideration.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5811, as amended by the House, on reconsideration, and the bill passed the House by the following vote: Yeas; 55 Nays; 42 Absent; 0 Excused; 1

Voting yea: Representatives Appleton, Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jenkins, Johnson, J., Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, and Wylie

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Excused: Representative Mead

SENATE BILL NO. 5811, as amended by the House, on reconsideration, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6102, by Senators Wellman, Mullet, Wilson, C. and Sheldon**

**Adjusting stop signal requirements for school buses.**

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. 6102.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6102, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba,

Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SENATE BILL NO. 6102, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6103, by Senators Wellman, Wilson and C.**

**Concerning educational reporting requirements.**

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 Paul and Steele 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. 6103.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6103, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SENATE BILL NO. 6103, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6119, by Senators Conway, Holy, King, Keiser, Pedersen, Van De Wege, Wilson, L. and Saldaña**

**Authorizing that money laundering forfeited proceeds and property be used for improvement of gambling-related law enforcement activities.**

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 Kloba and MacEwen 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. 6119.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6119, and the bill passed the House by the following vote: Yeas; 95 Nays; 2 Absent; 0 Excused; 1

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Johnson, J., Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, and Young

Voting nay: Representatives Fey, and Ramel

Excused: Representative Mead

SENATE BILL NO. 6119, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6120, by Senators Conway and King**

**Amending types of nonprofit organizations qualified to engage in gambling activities.**

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 Kloba and MacEwen 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. 6120.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6120, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Leavitt.

Excused: Representative Mead.

SENATE BILL NO. 6120, having received the necessary constitutional majority, was declared passed.

**RECONSIDERATION**

There being no objection, the House immediately reconsidered the vote by which SENATE BILL NO. 6119 passed the House.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6119, on reconsideration.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6119 on reconsideration, and the bill passed the House by the following vote: Yeas; 94 Nays; 3 Absent; 0 Excused; 1

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Johnson, J., Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, and Young

Voting nay: Representatives Morgan, Ramel, and Ramos

Excused: Representative Mead

SENATE BILL NO. 6119, on reconsideration, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6142, by Senate Committee on Higher Education & Workforce Development (originally sponsored by Liias, Randall, Dhingra, Hasegawa, Mullet, Nguyen, Stanford, Carlyle, Wilson and C.)**

**Creating the Washington common application.**

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 Leavitt and Van Werven 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. 6142.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6142, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 6142, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6256, by Senate Committee on Environment, Energy & Technology (originally sponsored by Wellman, Short and Hasegawa)**

**Concerning the heating oil insurance 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 Fitzgibbon 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 Substitute Senate Bill No. 6256.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6256, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 6256, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6257, by Senate Committee on Environment, Energy & Technology (originally sponsored by Wellman and Short)**

**Concerning the underground storage tank reinsurance 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 Dye and Fitzgibbon 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. 6257.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6257, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 6257, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6383, by Senators Conway, Schoesler and Mullet**

**Concerning the retirement strategy funds in the plan 3 and the deferred compensation programs.**

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 Bergquist and Stokesbary 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. 6383.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6383, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake,

Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SENATE BILL NO. 6383, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6417, by Senators Holy and Van De Wege**

**Allowing retirees to change their survivor option election after retirement.**

The bill was read the second time.

With the consent of the House, amendment (1851) was withdrawn.

Representative Bergquist moved the adoption of amendment (2064):

22.0. On page 5, line 3, after "(6)" strike "Retirees" and insert "Beginning on the date that the state receives a determination from the federal internal revenue service that this subsection (6) conforms with federal law, retirees"

On page 5, after line 7, insert the following:

"**Sec. 2.** RCW 41.32.785 and 2019 c 102 s 3 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.32.765 or retirement for disability under RCW 41.32.790, a member shall elect to have the retirement allowance paid pursuant to the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to the member's estate, or such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a designated person. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall

include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2)(a) A member, if married, must provide the written consent of his or her spouse to the option selected under this section, except as provided in (b) and (c) of this subsection. If a member is married and both the member and member's spouse do not give written consent to an option under this section, the department will pay the member a joint and fifty percent survivor benefit and record the member's spouse as the beneficiary. Such benefit shall be calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal consent is not required as provided in (b) and (c) of this subsection.

(b) Written consent from a spouse or domestic partner is not required if a member who is married or a domestic partner selects a joint and survivor option under subsection (1)(b) of this section and names the member's spouse or domestic partner as the survivor beneficiary.

(c) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spousal consent provisions of (a) of this subsection do not apply.

(3)(a) Any member who retired before January 1, 1996, and who elected to receive a reduced retirement allowance under subsection (1)(b) or (2) of this section is entitled to receive a retirement allowance adjusted in accordance with (b) of this subsection, if they meet the following conditions:

(i) The retiree's designated beneficiary predeceases or has predeceased the retiree; and

(ii) The retiree provides to the department proper proof of the designated beneficiary's death.

(b) The retirement allowance payable to the retiree, as of July 1, 1998, or the date of the designated beneficiary's death, whichever comes last, shall be increased by the percentage derived in (c) of this subsection.

(c) The percentage increase shall be derived by the following:

(i) One hundred percent multiplied by the result of (c)(ii) of this subsection converted to a percent;

(ii) Subtract one from the reciprocal of the appropriate joint and survivor option factor;

(iii) The joint and survivor option factor shall be from the table in effect as of July 1, 1998.

(d) The adjustment under (b) of this subsection shall accrue from the beginning of the month following the date of the designated beneficiary's death or from July 1, 1998, whichever comes last.

(4) No later than July 1, 2001, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as a survivor during a one-year period beginning one year after the date of the postretirement marriage provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage prior to the effective date of the rules adopted pursuant to this subsection and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

(5) No later than July 1, 2003, the department shall adopt rules to permit:

(a) A court-approved property settlement incident to a court decree of dissolution made before retirement to provide that benefits payable to a member who meets the length of service requirements of RCW 41.32.815 and the member's divorcing spouse be divided into two separate benefits payable over the life of each spouse.

The member shall have available the benefit options of subsection (1) of this section upon retirement, and if remarried at the time of retirement remains subject to the spousal consent requirements of subsection (2) of this section. Any reductions of the member's benefit subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

The nonmember ex spouse shall be eligible to commence receiving their separate benefit upon reaching the age provided in RCW 41.32.765(1) and after filing a written application with the department.

(b) A court-approved property settlement incident to a court decree of dissolution made after retirement may only divide the benefit into two separate benefits payable over the life of each spouse if the nonmember ex spouse was selected as a survivor beneficiary at retirement.

The retired member may later choose the survivor benefit options available in subsection (4) of this section. Any actuarial reductions subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

Both the retired member and the nonmember divorced spouse shall be eligible to commence receiving their separate benefits upon filing a copy of the dissolution order with the department in accordance with RCW 41.50.670.

(c) The department may make an additional charge or adjustment if necessary to ensure that the separate benefits provided under this subsection are actuarially equivalent to the benefits payable prior to the decree of dissolution.

(6) Beginning on the date that the state receives a determination from the federal internal revenue service that this

subsection (6) conforms with federal law, retirees have up to ninety calendar days after the receipt of their first retirement allowance to change their survivor election under subsections (1) and (2) of this section. If a member changes the member's survivor election under this subsection the change is effective the first of the following month and is prospective only.

**Sec. 3.** RCW 41.32.851 and 2019 c 102 s 4 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.32.875 or retirement for disability under RCW 41.32.880, a member shall elect to have the retirement allowance paid pursuant to one of the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. Upon the death of the retired member, all benefits shall cease.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to such person or persons as the retiree shall have nominated by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and joint and fifty percent survivor option.

(2)(a) A member, if married, must provide the written consent of his or her spouse to the option selected under this section, except as provided in (b) and (c) of this subsection. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department shall pay a joint and fifty-percent survivor benefit calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal consent is not required as provided in (b) and (c) of this subsection.

(b) Written consent from a spouse or domestic partner is not required if a member who is married or a domestic partner selects a joint and survivor option under subsection (1)(b) of this section and names the member's spouse or domestic partner as the survivor beneficiary.

(c) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spousal consent provisions of (a) of this subsection do not apply.

(3) No later than July 1, 2001, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as a survivor during a one-year period beginning one year after the date of the postretirement marriage provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage prior to the effective date of the rules adopted pursuant to this subsection and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

(4) No later than July 1, 2003, the department shall adopt rules to permit:

(a) A court-approved property settlement incident to a court decree of dissolution made before retirement to provide that benefits payable to a member who meets the length of service requirements of RCW 41.32.875(1) and the member's divorcing spouse be divided into two separate benefits payable over the life of each spouse.

The member shall have available the benefit options of subsection (1) of this section upon retirement, and if remarried at the time of retirement remains subject to the spousal consent requirements of subsection (2) of this section. Any reductions of the member's benefit subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

The nonmember ex spouse shall be eligible to commence receiving their separate benefit upon reaching the age provided in RCW 41.32.875(1) and after filing a written application with the department.

(b) A court-approved property settlement incident to a court decree of dissolution made after retirement may only divide the benefit into two separate benefits payable over the life of each spouse if the nonmember ex spouse was selected as a survivor beneficiary at retirement.

The retired member may later choose the survivor benefit options available in subsection (3) of this section. Any actuarial reductions subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

Both the retired member and the nonmember divorced spouse shall be eligible to commence receiving their separate benefits upon filing a copy of the dissolution order with the department in accordance with RCW 41.50.670.

(c) The department may make an additional charge or adjustment if necessary to ensure that the separate benefits provided under this subsection are actuarially equivalent to the benefits payable prior to the decree of dissolution.

(5) Beginning on the date that the state receives a determination from the federal internal revenue service that this

subsection (5) conforms with federal law, retirees have up to ninety calendar days after the receipt of their first retirement allowance to change their survivor election under subsections (1) and (2) of this section. If a member changes the member's survivor election under this subsection the change is effective the first of the following month and is prospective only.

**Sec. 4.** RCW 41.35.220 and 2019 c 102 s 5 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.35.420 or 41.35.680 or retirement for disability under RCW 41.35.440 or 41.35.690, a member shall elect to have the retirement allowance paid pursuant to one of the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life.

(i) For members of plan 2, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to the member's estate, or such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(ii) For members of plan 3, upon the death of the retired member, the member's benefits shall cease.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion

of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2)(a) A member, if married, must provide the written consent of his or her spouse to the option selected under this section, except as provided in (b) and (c) of this subsection. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department shall pay a joint and fifty percent survivor benefit calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal consent is not required as provided in (b) and (c) of this subsection.

(b) Written consent from a spouse or domestic partner is not required if a member who is married or a domestic partner selects a joint and survivor option under subsection (1)(b) of this section and names the member's spouse or domestic partner as the survivor beneficiary.

(c) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spousal consent provisions of (a) of this subsection do not apply.

(3) No later than July 1, 2001, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as a survivor during a one-year period beginning one year after the date of the postretirement marriage provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage prior to the effective date of the rules adopted pursuant to this subsection and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

(4) No later than July 1, 2003, the department shall adopt rules to permit:

(a) A court-approved property settlement incident to a court decree of dissolution made before retirement to provide that benefits payable to a member of plan 2 who meets the length of service requirements of RCW 41.35.420, or a member of plan 3 who meets the length of service requirements of RCW 41.35.680(1), and the member's divorcing spouse be divided into two separate benefits payable over the life of each spouse.

The member shall have available the benefit options of subsection (1) of this section upon retirement, and if remarried at the time of retirement remains subject to the spousal consent requirements of subsection (2) of this section. Any reductions of the member's benefit subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

The nonmember ex spouse shall be eligible to commence receiving their separate benefit upon reaching the ages provided in RCW 41.35.420(1) for members of plan 2, or RCW 41.35.680(1) for members of plan 3, and after filing a written application with the department.

(b) A court-approved property settlement incident to a court decree of dissolution made after retirement may only divide the benefit into two separate benefits payable over the life of each spouse if the nonmember ex spouse was selected as a survivor beneficiary at retirement.

The retired member may later choose the survivor benefit options available in subsection (3) of this section. Any actuarial reductions subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

Both the retired member and the nonmember divorced spouse shall be eligible to commence receiving their separate benefits upon filing a copy of the dissolution order with the department in accordance with RCW 41.50.670.

(c) The department may make an additional charge or adjustment if necessary to ensure that the separate benefits provided under this subsection are actuarially equivalent to the benefits payable prior to the decree of dissolution.

(5) Beginning on the date that the state receives a determination from the federal internal revenue service that this subsection (5) conforms with federal law, retirees have up to ninety calendar days after the receipt of their first retirement allowance to change their survivor election under subsections (1) and (2) of this section. If a member changes the member's survivor election under this subsection the change is effective the first of the following month and is prospective only.

**Sec. 5.** RCW 41.37.170 and 2019 c 102 s 6 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.37.210 or retirement for disability under RCW 41.37.230,

a member shall elect to have the retirement allowance paid pursuant to one of the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout the member's life. If the retiree dies before the total of the retirement allowance paid to the retiree equals the amount of the retiree's accumulated contributions at the time of retirement, then the balance shall be paid to the member's estate, or the person or persons, trust, or organization the retiree nominated by written designation duly executed and filed with the department; or if there is no designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there is neither a designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, the portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2)(a) A member, if married, must provide the written consent of his or her spouse to the option selected under this section, except as provided in (b) and (c) of this subsection. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department shall pay a joint and fifty percent survivor benefit calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal consent is not required as provided in (b) and (c) of this subsection.

(b) Written consent from a spouse or domestic partner is not required if a member who is married or a domestic partner selects a joint and survivor option under subsection (1)(b) of this section and names the member's spouse or domestic partner as the survivor beneficiary.

(c) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spousal consent provisions of (a) of this subsection do not apply.

(3) The department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as

a survivor during a one-year period beginning one year after the date of the postretirement marriage provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage prior to the effective date of the rules adopted pursuant to this subsection and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

(4) The department shall adopt rules to permit:

(a) A court-approved property settlement incident to a court decree of dissolution made before retirement to provide that benefits payable to a member who meets the length of service requirements of RCW 41.37.210 and the member's divorcing spouse be divided into two separate benefits payable over the life of each spouse.

The member shall have available the benefit options of subsection (1) of this section upon retirement, and if remarried at the time of retirement remains subject to the spousal consent requirements of subsection (2) of this section. Any reductions of the member's benefit subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

The nonmember ex spouse shall be eligible to commence receiving their separate benefit upon reaching the age provided in RCW 41.37.210(1) and after filing a written application with the department.

(b) A court-approved property settlement incident to a court decree of dissolution made after retirement may only divide the benefit into two separate benefits payable over the life of each spouse if the nonmember ex spouse was selected as a survivor beneficiary at retirement.

The retired member may later choose the survivor benefit options available in subsection (3) of this section. Any actuarial reductions subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

Both the retired member and the nonmember divorced spouse shall be eligible to commence receiving their separate benefits upon filing a copy of the dissolution order with the department in accordance with RCW 41.50.670.

(c) The department may make an additional charge or adjustment if necessary to ensure that the separate benefits provided under this subsection are actuarially equivalent to the benefits payable prior to the decree of dissolution.

(5) Beginning on the date that the state receives a determination from the federal internal revenue service that this subsection (5) conforms with federal law, retirees have up to ninety calendar days after the receipt of their first retirement allowance to change their survivor election under subsections (1) and (2) of this section. If a member changes the member's survivor election under this subsection the change is effective the first of the following month and is prospective only.

**Sec. 6.** RCW 41.40.660 and 2019 c 102 s 8 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.40.630 or retirement for disability under RCW 41.40.670, a member shall elect to have the retirement allowance paid pursuant to one of the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to the member's estate, or such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2)(a) A member, if married, must provide the written consent of his or her spouse to the option selected under this section, except as provided in (b) and (c) of this subsection. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department shall pay a joint and fifty percent survivor benefit calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal consent is not required as provided in (b) and (c) of this subsection.

(b) Written consent from a spouse or domestic partner is not required if a member who is married or a domestic partner selects a joint and survivor option under subsection (1)(b) of this section and names the member's spouse or domestic partner as the survivor beneficiary.

(c) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spousal consent provisions of (a) of this subsection do not apply.

(3)(a) Any member who retired before January 1, 1996, and who elected to receive a reduced retirement allowance under subsection (1)(b) or (2) of this section is entitled to receive a retirement allowance adjusted in accordance with (b) of this subsection, if they meet the following conditions:

(i) The retiree's designated beneficiary predeceases or has predeceased the retiree; and

(ii) The retiree provides to the department proper proof of the designated beneficiary's death.

(b) The retirement allowance payable to the retiree, as of July 1, 1998, or the date of the designated beneficiary's death, whichever comes last, shall be increased by the percentage derived in (c) of this subsection.

(c) The percentage increase shall be derived by the following:

(i) One hundred percent multiplied by the result of (c)(ii) of this subsection converted to a percent;

(ii) Subtract one from the reciprocal of the appropriate joint and survivor option factor;

(iii) The joint and survivor option factor shall be from the table in effect as of July 1, 1998.

(d) The adjustment under (b) of this subsection shall accrue from the beginning of the month following the date of the designated beneficiary's death or from July 1, 1998, whichever comes last.

(4) No later than July 1, 2001, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as a survivor during a one-year period beginning one year after the date of the postretirement marriage provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage prior to the effective date of the rules adopted pursuant to this subsection and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

(5) No later than July 1, 2003, the department shall adopt rules to permit:

(a) A court-approved property settlement incident to a court decree of dissolution made before retirement to provide that benefits payable to a member who meets the length of service requirements of RCW 41.40.720 and the member's divorcing spouse be divided into two separate benefits payable over the life of each spouse.

The member shall have available the benefit options of subsection (1) of this section upon retirement, and if remarried at the time of retirement remains subject to the spousal consent requirements of subsection (2) of this section. Any reductions of the member's benefit subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

The nonmember ex spouse shall be eligible to commence receiving their separate benefit upon reaching the age provided in RCW 41.40.630(1) and after filing a written application with the department.

(b) A court-approved property settlement incident to a court decree of dissolution made after retirement may only divide the benefit into two separate benefits payable over the life of each spouse if the nonmember ex spouse was selected as a survivor beneficiary at retirement.

The retired member may later choose the survivor benefit options available in subsection (4) of this section. Any actuarial reductions subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

Both the retired member and the nonmember divorced spouse shall be eligible to commence receiving their separate benefits upon filing a copy of the dissolution order with the department in accordance with RCW 41.50.670.

(c) The department may make an additional charge or adjustment if necessary to ensure that the separate benefits provided under this subsection are actuarially equivalent to the benefits payable prior to the decree of dissolution.

(6) Beginning on the date that the state receives a determination from the federal internal revenue service that this subsection (6) conforms with federal law, retirees have up to ninety calendar days after the receipt of their first retirement allowance to change their survivor election under subsections (1) and (2) of this section. If a member changes the member's survivor election under this subsection the change is effective the first of the following month and is prospective only.

**Sec. 7.** RCW 41.40.845 and 2019 c 102 s 9 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.40.820 or retirement for disability under RCW 41.40.825, a member shall elect to have the retirement allowance paid pursuant to one of the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. Upon the death of the member, the member's benefits shall cease.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2)(a) A member, if married, must provide the written consent of his or her spouse to the option selected under this section, except as provided in (b) and (c) of this subsection. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department shall pay a joint and fifty percent survivor benefit calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal consent is not required as provided in (b) and (c) of this subsection.

(b) Written consent from a spouse or domestic partner is not required if a member who is married or a domestic partner selects a joint and survivor option under subsection (1)(b) of this section and names the member's spouse or domestic partner as the survivor beneficiary.

(c) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spousal consent provisions of (a) of this subsection do not apply.

(3) No later than July 1, 2002, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as a survivor during a one-year period beginning one year after the date of the postretirement marriage provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage prior to the effective date of the rules adopted under this section and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

(4) No later than July 1, 2003, the department shall adopt rules to permit:

(a) A court-approved property settlement incident to a court decree of dissolution made before retirement to provide that benefits payable to a member who meets the length of service requirements of RCW 41.40.820(1) and the member's divorcing spouse be divided into two separate benefits payable over the life of each spouse.

The member shall have available the benefit options of subsection (1) of this section upon retirement, and if remarried at the time of retirement remains subject to the spousal consent requirements of subsection (2) of this section. Any reductions of the member's benefit subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

The nonmember ex spouse shall be eligible to commence receiving their separate benefit upon reaching the age provided in RCW 41.40.820(1) and after filing a written application with the department.

(b) A court-approved property settlement incident to a court decree of dissolution made after retirement may only divide the benefit into two separate benefits payable over the life of each spouse if the nonmember ex spouse was selected as a survivor beneficiary at retirement.

The retired member may later choose the survivor benefit options available in subsection (3) of this section. Any actuarial reductions subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

Both the retired member and the nonmember divorced spouse shall be eligible to commence receiving their separate benefits upon filing a copy of the dissolution order with the department in accordance with RCW 41.50.670.

(c) The department may make an additional charge or adjustment if necessary to ensure that the separate benefits provided under this subsection are actuarially equivalent to the benefits payable prior to the decree of dissolution.

(5) Beginning on the date that the state receives a determination from the federal internal revenue service that this subsection (5) conforms with federal law, retirees have up to ninety calendar days after the receipt of their first retirement allowance to change their survivor election under subsections (1) and (2) of this section. If a member changes

the member's survivor election under this subsection the change is effective the first of the following month and is prospective only.

**Sec. 8.** RCW 43.43.271 and 2019 c 102 s 10 are each amended to read as follows:

(1) A member commissioned on or after January 1, 2003, upon retirement for service as prescribed in RCW 43.43.250 shall elect to have the retirement allowance paid pursuant to the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout the member's life. However, if the retiree dies before the total of the retirement allowance paid to the retiree equals the amount of the retiree's accumulated contributions at the time of retirement, then the balance shall be paid to the member's estate, or such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse or domestic partner; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse or domestic partner, then to the retiree's legal representative.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a designated person. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2)(a) A member, if married or in a domestic partnership, must provide the written consent of his or her spouse or domestic partner to the option selected under this section, except as provided in (b) and (c) of this subsection. If a member is married or in a domestic partnership and both the member and member's spouse or domestic partner do not give written consent to an option under this section, the department will pay the member a joint and fifty percent survivor benefit and record the member's spouse or domestic partner as the beneficiary. This benefit shall be calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless consent by the spouse or domestic partner is not required as provided in (b) and (c) of this subsection.

(b) Written consent from a spouse or domestic partner is not required if a member who is married or a domestic partner selects a joint and survivor option under subsection (1)(b) of this section and names the member's spouse or domestic partner as the survivor beneficiary.

(c) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed

with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spouse or domestic partner consent provisions of (a) of this subsection do not apply.

(3) No later than January 1, 2003, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse or domestic partner from a postretirement marriage or domestic partnership as a survivor during a one-year period beginning one year after the date of the postretirement marriage or domestic partnership provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage or domestic partnership prior to the effective date of the rules adopted pursuant to this subsection and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse or domestic partner as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse or a nondomestic partner as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

(4) No later than July 1, 2003, the department shall adopt rules to permit:

(a) A court-approved property settlement incident to a court decree of dissolution made before retirement to provide that benefits payable to a member who has completed at least five years of service and the member's divorcing spouse or former domestic partner be divided into two separate benefits payable over the life of each spouse or domestic partner.

The member shall have available the benefit options of subsection (1) of this section upon retirement, and if remarried or in a domestic partnership at the time of retirement remains subject to the spouse or domestic partner consent requirements of subsection (2) of this section. Any reductions of the member's benefit subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

The nonmember ex spouse or former domestic partner shall be eligible to commence receiving their separate benefit upon reaching the ages provided in RCW

43.43.250(2) and after filing a written application with the department.

(b) A court-approved property settlement incident to a court decree of dissolution made after retirement may only divide the benefit into two separate benefits payable over the life of each spouse or domestic partner if the nonmember ex spouse or former domestic partner was selected as a survivor beneficiary at retirement.

The retired member may later choose the survivor benefit options available in subsection (3) of this section. Any actuarial reductions subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

Both the retired member and the nonmember divorced spouse or former domestic partner shall be eligible to commence receiving their separate benefits upon filing a copy of the dissolution order with the department in accordance with RCW 41.50.670.

(c) The department may make an additional charge or adjustment if necessary to ensure that the separate benefits provided under this subsection are actuarially equivalent to the benefits payable prior to the decree of dissolution.

(5) Beginning on the date that the state receives a determination from the federal internal revenue service that this subsection (5) conforms with federal law, retirees have up to ninety calendar days after the receipt of their first retirement allowance to change their survivor election under subsections (1) and (2) of this section. If a member changes the member's survivor election under this subsection the change is effective the first of the following month and is prospective only."

Correct the title.

Representatives Bergquist and Stokesbary spoke in favor of the adoption of the amendment.

Amendment (2064) 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 Stokesbary and Bergquist 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. 6417, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6417, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt,

Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SENATE BILL NO. 6417, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6518, by Senate Committee on Ways & Means (originally sponsored by Rolfes, Van De Wege, Wilson and C.)**

**Reducing prenatal exposure and harm to children by limiting environmental exposure to certain pesticides.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Rural Development, Agriculture & Natural Resources was not adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, March 2, 2020).

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 Blake 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 Second Substitute Senate Bill No. 6518, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6518, as amended by the House, and the bill passed the House by the following vote: Yeas, 88; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham,

Gregerson, Griffey, Hansen, Harris, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Corry, Dufault, Hoff, Klippert, McCaslin, Orcutt, Shea, Vick and Young.

Excused: Representative Mead.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6518, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 6528, by Senate Committee on Ways & Means (originally sponsored by Lovelett, McCoy, Takko, Das, Hasegawa, Rolfes, Van De Wege, Wilson and C.)**

**Concerning the prevention of derelict vessels.**

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 Shewmake and Steele 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. 6528.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6528, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SECOND SUBSTITUTE SENATE BILL NO. 6528, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6565, by Senators Randall, Nguyen, Lovelett, Hasegawa, Das, Saldaña, Wilson and C.**

**Establishing permissible methods of parking a motorcycle.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For Committee amendment, see Journal, Day 50, March 2, 2020).

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

Representatives Paul, Chambers and Sutherland 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. 6565, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6565, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SENATE BILL NO. 6565, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6570, by Senate Committee on Behavioral Health Subcommittee on Health & Long Term Care (originally sponsored by King, Saldaña, Wagoner, Lovelett, Wilson and C.)**

**Concerning law enforcement officer mental health and wellness.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

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 Schmick and Macri 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. 6570, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6570, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 6570, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 6626, by Senators Conway, O'Ban, Hunt, Zeiger, Hobbs, Becker, Randall, Short, Brown and Wagoner**

**Creating the position of military spouse liaison.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Housing, Community Development & Veterans was adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

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 Ryu and Gildon 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. 6626, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6626, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

ENGROSSED SENATE BILL NO. 6626, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6641, by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by O'Ban, Conway, Wilson and C.)**

**Increasing the availability of certified sex offender treatment providers.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Health Care & Wellness was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 47, February 28, 2020).

Representative Cody moved the adoption of amendment (2075) to the committee striking amendment:

22.0. On page 1, line 12 of the striking amendment, after "worker," insert "licensed mental health counselor."

On page 1, line 20 of the striking amendment, after "worker," insert "licensed mental health counselor."

Representatives Cody and Schmick spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2075) to the committee striking amendment was adopted.

Representative Kilduff moved the adoption of amendment (2093) to the committee striking amendment:

On page 6, line 26 of the striking amendment, after "Washington" insert ". In considering workforce issues, the advisory committee must evaluate options for reducing or eliminating some or all of the certification-related fees, including the feasibility of requiring that the cost of regulation of persons certified under this chapter be borne by the professions that are identified as eligible to be an underlying credential for certification"

On page 7, after line 9 of the striking amendment, insert the following:

**"NEW SECTION. Sec. 6.** A new section is added to chapter 71.09 RCW to read as follows:

To facilitate the equitable geographic distribution of conditional releases under this chapter, the department shall notify the secretary of health, or the secretary's designee, whenever a sex offender treatment provider in an underserved county has been contracted to provide treatment services to persons on conditional release under this chapter, in which case the secretary of health shall waive any fees for the initial issue, renewal, and reissuance of a credential for the provider under chapter 18.155 RCW. An underserved county is any county identified by the department as having an inadequate supply of qualified sex offender treatment providers to achieve equitable geographic distribution of conditional releases under this chapter.

**Sec. 7.** RCW 18.155.040 and 2004 c 38 s 5 are each amended to read as follows:

In addition to any other authority provided by law, the secretary shall have the following authority:

(1) To set administrative procedures, administrative requirements, and fees in accordance with RCW 43.70.250, ~~(and)~~ 43.70.280, and section 6 of this act;

(2) To establish forms necessary to administer this chapter;

(3) To issue a certificate or an affiliate certificate to any applicant who has met the education, training, and examination requirements for certification or an affiliate certification and deny a certificate to applicants who do not meet the minimum qualifications for certification or affiliate certification. Proceedings concerning the denial of certificates based on unprofessional conduct or impaired practice shall be governed by the uniform disciplinary act, chapter 18.130 RCW;

(4) To hire clerical, administrative, and investigative staff as needed to implement and administer this chapter and

to hire individuals including those certified under this chapter to serve as examiners or consultants as necessary to implement and administer this chapter;

(5) To maintain the official department record of all applicants and certifications;

(6) To conduct a hearing on an appeal of a denial of a certificate on the applicant's failure to meet the minimum qualifications for certification. The hearing shall be conducted pursuant to chapter 34.05 RCW;

(7) To issue subpoenas, statements of charges, statements of intent to deny certificates, and orders and to delegate in writing to a designee the authority to issue subpoenas, statements of charges, and statements of intent to deny certificates;

(8) To determine the minimum education, work experience, and training requirements for certification or affiliate certification, including but not limited to approval of educational programs;

(9) To prepare and administer or approve the preparation and administration of examinations for certification;

(10) To establish by rule the procedure for appeal of an examination failure;

(11) To adopt rules implementing a continuing competency program;

(12) To adopt rules in accordance with chapter 34.05 RCW as necessary to implement this chapter."

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

Correct the title.

Representatives Kilduff and Schmick spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2093) 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 Schmick and Cody 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. 6641, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6641, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Blake.

Excused: Representative Mead.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6641, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6404, by Senate Committee on Health & Long Term Care (originally sponsored by Frockt, O'Ban, Dhingra, Becker, Kuderer, Rivers, Lovelett, Wellman, Pedersen, Nguyen, Darneille, Hasegawa, McCoy, Wilson, C., Das, Conway and Saldaña)**

**Adopting prior authorization and appropriate use criteria in patient care.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Health Care & Wellness was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 47, February 28, 2020).

With the consent of the House, amendment (1930) to the committee striking amendment was withdrawn.

Representative DeBolt moved the adoption of amendment (2057) to the committee striking amendment:

22.0. On page 1, line 5 of the striking amendment, after "By" strike "October 1, 2020" and insert "April 1, 2021"

On page 3, line 10 of the striking amendment, after "(e)" insert "Lists of the ten durable medical equipment codes: (i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; (ii) With the highest percentage of approved prior authorization requests during the previous plan year,

including the total number of prior authorization requests for each code and the percent of approved requests for each code; (iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(f)"

On page 3, line 12 of the striking amendment, after "through" strike "(d)" and insert "(e)"

On page 3, line 17 of the striking amendment, after "By" strike "January" and insert "July"

Representatives DeBolt and Cody spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2057) to the committee striking amendment was adopted.

Representative DeBolt moved the adoption of amendment (2058) to the committee striking amendment:

On page 1, line 5 of the striking amendment, after "By" strike "October 1, 2020" and insert "April 1, 2021"

On page 3, line 10 of the striking amendment, after "(e)" insert "Lists of the ten durable medical equipment codes: (i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; (ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; (iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(f)"

On page 3, line 12 of the striking amendment, after "through" strike "(d)" and insert "(e)"

On page 3, line 17 of the striking amendment, after "By" strike "January" and insert "July"

Representatives DeBolt and Cody spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2058) 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 Cody, Schmick and Slatter 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. 6404, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6404, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6404, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6521, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Wellman, Hunt, Mullet, Wilson and C.)**

#### **Creating an innovative learning pilot 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 Paul and Steele 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. 6521.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6521, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Calder, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 6521, having received the necessary constitutional majority, was declared passed.

### ENGROSSED SENATE JOINT RESOLUTION NO. 8212, by Senators Braun, Conway, Mullet, Schoesler and Palumbo

**(REVISED FOR ENGROSSED: Proposing an amendment to the Constitution concerning the investment of funds to provide for long-term care services and supports.)**

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 Stokesbary and Sullivan 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 Joint Resolution No. 8212.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Joint Resolution No. 8212, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Calder, Callan, Chambers,

Chandler, Chapman, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Chopp.

Excused: Representative Mead.

ENGROSSED SENATE JOINT RESOLUTION NO. 8212, having received the necessary constitutional majority, was declared passed.

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

### MOTIONS

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. 5402  
SECOND SUBSTITUTE SENATE BILL NO. 5601  
SENATE BILL NO. 6045  
SUBSTITUTE SENATE BILL NO. 6058  
SUBSTITUTE SENATE BILL NO. 6084  
SENATE BILL NO. 6123  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6189  
SENATE BILL NO. 6236  
SECOND SUBSTITUTE SENATE BILL NO. 6275  
SUBSTITUTE SENATE BILL NO. 6319

There being no objection, the Committee on State Government & Tribal Relations was relieved of ENGROSSED SENATE BILL NO. 5294 and the bill was placed on the second reading calendar:

There being no objection, the House adjourned until 9:00 a.m., March 6, 2020, the 54th Day of the Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

**SIXTY SIXTH LEGISLATURE - REGULAR SESSION**

**FIFTY FOURTH DAY**

House Chamber, Olympia, Friday, March 6, 2020

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Carter Black and Francoise De Paul Musafiri. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Cody Ryu, United Presbyterian Church of Seattle in Edmonds, and spouse of Representative Cindy Ryu.

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.

**MOTIONS**

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

SUBSTITUTE SENATE BILL NO. 6074  
 SUBSTITUTE SENATE BILL NO. 6358

There being no objection, the Committee on Rules was relieved of SENATE BILL NO. 6357 and the bill was placed on the second reading calendar.

Representative Paul was excused from the bar.

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

**MESSAGES FROM THE SENATE**

Mme. SPEAKER:

The Senate has passed:

HOUSE BILL NO. 1702  
 HOUSE BILL NO. 2217  
 SECOND SUBSTITUTE HOUSE BILL NO. 2277  
 SUBSTITUTE HOUSE BILL NO. 2308  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
 BILL NO. 2311  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
 BILL NO. 2467  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
 BILL NO. 2518  
 SUBSTITUTE HOUSE BILL NO. 2607

SUBSTITUTE HOUSE BILL NO. 2803  
 HOUSE BILL NO. 2853  
 SECOND SUBSTITUTE HOUSE BILL NO. 2864

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 5, 2020

Mme. SPEAKER:

The President has signed:

SECOND SUBSTITUTE SENATE BILL NO. 5144,  
 SUBSTITUTE SENATE BILL NO. 5867,  
 SENATE BILL NO. 6034,  
 SENATE BILL NO. 6096,  
 SECOND SUBSTITUTE SENATE BILL NO. 6139,  
 SENATE BILL NO. 6170,  
 SUBSTITUTE SENATE BILL NO. 6208,  
 SUBSTITUTE SENATE BILL NO. 6210,  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6217,  
 SENATE BILL NO. 6218,  
 SENATE BILL NO. 6229,  
 SUBSTITUTE SENATE BILL NO. 6267,  
 SENATE BILL NO. 6286,  
 SECOND SUBSTITUTE SENATE BILL NO. 6309,  
 ENGROSSED SENATE BILL NO. 6421,  
 SUBSTITUTE SENATE BILL NO. 6483,  
 SENATE BILL NO. 6493,  
 SUBSTITUTE SENATE BILL NO. 6495,  
 SUBSTITUTE SENATE BILL NO. 6663,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 5, 2020

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 1261,  
 HOUSE BILL NO. 1347,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 2265,  
 SUBSTITUTE HOUSE BILL NO. 2614,  
 ENGROSSED HOUSE BILL NO. 2755,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

### INTRODUCTION & FIRST READING

**HB 2966** by Representatives Tarleton, Frame and Ryu

AN ACT Relating to state lands development authorities; and adding a new chapter to Title 43 RCW.

Referred to Committee on Housing, Community Development & Veterans.

**E2SSB 6515** by Senate Committee on Ways & Means (originally sponsored by Van De Wege, Randall, Mullet, Takko, Lovelett, Lias, Conway, Hasegawa, Wilson and C.)

AN ACT Relating to nursing facilities; amending RCW 18.51.091, 18.51.230, 74.42.360, and 74.46.561; adding a new section to chapter 74.46 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Rules.

**ESSB 6534** by Senate Committee on Health & Long Term Care (originally sponsored by Cleveland)

AN ACT Relating to an ambulance transport quality assurance fee; reenacting and amending RCW 43.84.092; adding a new chapter to Title 74 RCW; prescribing penalties; providing an expiration date; and declaring an emergency.

Referred to Committee on Rules.

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 sixth order of business.

### SECOND READING

**SENATE BILL NO. 6066, by Senators Hasegawa, Kuderer, Nguyen, Stanford, Saldaña, Wilson and C.**

**Expanding ethnic studies materials and resources for public school students in grades kindergarten through six.**

The bill was read the second time.

Representative Stokesbary moved the adoption of amendment (2144):

22.0. On page 2, line 34, after "(3)" insert "By October 1, 2021, and in compliance with RCW 43.01.036, the superintendent of public instruction must submit to the appropriate committees of the legislature a report about the ethnic studies materials and resources identified and posted on its web site under RCW 28A.300.112, including an analysis, disaggregated by grade band, of which ethnic groups the materials and resources focus on, and which ethnic groups are not represented.

(4)"

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

Representative Santos spoke against the adoption of the amendment.

Amendment (2144) 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 Ortiz-Self and Corry spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6066.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6066 and the bill passed the House by the following vote: Yeas, 64; Nays, 33; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Corry, Davis, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goodman, Gregerson, Hansen, Harris, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Calder, Chambers, Chandler, DeBolt, Dent, Dufault, Goehner, Graham, Griffey, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Schmick, Shea, Smith, Steele, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Excused: Representative Paul.

SENATE BILL NO. 6066 having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6074, by Senate Committee on Law & Justice (originally sponsored by Dhingra, Rivers, Padden, Mullet, Van De Wege, Randall, Salomon, Keiser, Conway, Pedersen, Kuderer, Das and Stanford)**

**Reauthorizing and expanding the financial fraud and identity theft crimes investigation and prosecution 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.

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6074.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6074, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SUBSTITUTE SENATE BILL NO. 6074, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6088, by Senate Committee on Ways & Means (originally sponsored by Keiser, Conway, Das, Frockt, Hasegawa, Hunt, Kuderer, Pedersen, Randall, Rolfes, Stanford, Wilson and C.)**

**Establishing a prescription drug affordability board.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 50, March 2, 2020).

Representative Cody moved the adoption of amendment (2067) to the committee striking amendment:

22.0. On page 5, after line 7 of the striking amendment, insert the following:

"(4) Any proprietary information submitted by a prescription drug or biological product manufacturer pursuant to this section or section 4 of this act must be kept confidential."

Representatives Cody and Schmick spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2067) 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 Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6088, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6088, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Kraft, Shea and Sutherland.  
Excused: Representative Paul.

SUBSTITUTE SENATE BILL NO. 6088, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6357, by Senators Conway and King**

**Increasing the dollar limit of pull-tabs.**

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 Peterson and MacEwen spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6357.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6357, and the bill passed the House by the following vote: Yeas, 86; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Chambers, Chandler, Chapman, Cody, Corry, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kirby, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Riccelli, Robinson, Rude, Santos, Schmick, Sells, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Callan, Chopp, Davis, Harris, Kilduff, Leavitt, Ramos, Ryu, Senn, Smith and Thai.  
Excused: Representative Paul.

SENATE BILL NO. 6357, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6419, by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Keiser, Braun, Rolfes, Randall, Rivers, Dhingra, Darneille, Wilson, C., Saldaña and Salomon)**

**Concerning implementation of the recommendations of the December 2019 report from the William D. Ruckelshaus center regarding residential habilitation center clients.**

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 Robinson and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6419.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6419, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives DeBolt and Klippert.  
Excused: Representative Paul.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6419, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 6478, by Senate Committee on Ways & Means (originally sponsored by Nguyen, Darneille, Stanford, Saldaña, Dhingra, Das and Hasegawa)**

#### Revising economic assistance programs.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Human Services & Early Learning was not adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

Representative Senn moved the adoption of the striking amendment (2133):

22.0.

Strike everything after the enacting clause and insert the following:

**"Sec. 23.** RCW 74.08A.010 and 2019 c 343 s 2 are each amended to read as follows:

(1) A family that includes an adult who has received temporary assistance for needy families for sixty months after July 27, 1997, shall be ineligible for further temporary assistance for needy families assistance.

(2) For the purposes of applying the rules of this section, the department shall count any month in which an

adult family member received a temporary assistance for needy families cash assistance grant unless the assistance was provided when the adult family member was a minor child and not the head of the household or married to the head of the household.

(3) The department shall adopt regulations to apply the sixty-month time limit to households in which a parent is in the home and ineligible for temporary assistance for needy families. Any regulations shall be consistent with federal funding requirements.

(4) The department shall refer recipients who require specialized assistance to appropriate department programs, crime victims' programs through the department of commerce, or the crime victims' compensation program of the department of labor and industries.

(5)(a) The department shall add to adopted rules related to temporary assistance for needy families time limit extensions, the following criteria by which the department shall exempt a recipient and the recipient's family from the application of subsection (1) of this section:

(i) ~~By reason of hardship, including ((if the recipient is a homeless person as described in RCW 43.185C.010)) when:~~

(A) The recipient's family includes a child or youth who is without a fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119, subchapter VI, part B) as it existed on January 1, 2020; or

(B) The recipient is in need of mental health or substance use disorder treatment; or

(ii) If the family includes an individual who meets the family violence options of section 402(A)(7) of Title IVA of the federal social security act as amended by P.L. 104-193.

(b) Policies related to circumstances under which a recipient will be exempted from the application of subsection (1) or (3) of this section shall treat adults receiving benefits on their own behalf, and parents receiving benefits on behalf of their child similarly, unless required otherwise under federal law.

(6) The department shall not exempt a recipient and his or her family from the application of subsection (1) or (3) of this section until after the recipient has received fifty-two months of assistance under this chapter.

(7) The department shall provide transitional food assistance for a period of five months to a household that ceases to receive temporary assistance for needy families assistance and is not in sanction status. If necessary, the department shall extend the household's basic food certification until the end of the transition period.

**NEW SECTION. Sec. 24.** A new section is added to chapter 74.08A RCW to read as follows:

(1) Annually by December 31st, the department must report to the governor and the appropriate policy and fiscal committees of the legislature disaggregated data identifying the race of individuals whose temporary assistance for needy

families benefits were reduced or terminated during the preceding year due to:

(a) Sanction as described in RCW 74.08A.260; or

(b) Reaching the sixty-month time limit under RCW 74.08A.010.

(2) If the disaggregated data for terminated or sanctioned individuals shows a disproportionate representation of any racial group that has experienced historic disparities or discrimination, the department must describe steps it is taking to address and remedy the racial disproportionality.

**NEW SECTION. Sec. 25.** Section 1 of this act takes effect July 1, 2021."

Correct the title.

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

The striking amendment (2133) 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 Senn and Entenman spoke in favor of the passage of the bill.

Representatives Dent and Dye spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6478, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6478, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Boehnke, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Paul.

SECOND SUBSTITUTE SENATE BILL NO. 6478, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6592, by Senate Committee on Local Government (originally sponsored by Holy, Hunt, Takko and Keiser)**

**Concerning tourism authorities.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Innovation, Technology & Economic Development was not adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

There being no objection, the committee amendment by the Committee on Finance was adopted. (For Committee amendment, see Journal, Day 50, March 2, 2020).

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 Tarleton, Boehnke, Tarleton (again), Orcutt and Jenkin spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6592, as amended by the House.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6592, as amended by the House, and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Caldier, Corry, Dufault, Gildon, Kraft, Mosbrucker, Shea and Sutherland.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6592, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6086, by Senate Committee on Behavioral Health Subcommittee to Health & Long Term Care (originally sponsored by Hasegawa, Keiser, Kuderer and Nguyen)**

**Increasing access to medications for opioid use disorder.**

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 Davis and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6086.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6086, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SUBSTITUTE SENATE BILL NO. 6086, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6280, by Senate Committee on Environment, Energy & Technology (originally sponsored by Nguyen, Carlyle, Wellman, Salomon, Lovelett, Das, Randall, Pedersen, Wilson, C. and Hunt)**

**Concerning the use of facial recognition services.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Innovation, Technology & Economic

Development was not adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

With the consent of the House, amendment (2097) was withdrawn.

Representative Entenman moved the adoption of the striking amendment (2120):

25.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 26.** The legislature finds that:

(1) Unconstrained use of facial recognition services by state and local government agencies poses broad social ramifications that should be considered and addressed. Accordingly, legislation is required to establish safeguards that will allow state and local government agencies to use facial recognition services in a manner that benefits society while prohibiting uses that threaten our democratic freedoms and put our civil liberties at risk.

(2) However, state and local government agencies may use facial recognition services in a variety of beneficial ways, such as locating missing or incapacitated persons, identifying victims of crime, and keeping the public safe.

**NEW SECTION. Sec. 27.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Accountability report" means a report developed in accordance with section 3 of this act.

(2) "Enroll," "enrolled," or "enrolling" means the process by which a facial recognition service creates a facial template from one or more images of an individual and adds the facial template to a gallery used by the facial recognition service for recognition or persistent tracking of individuals. It also includes the act of adding an existing facial template directly into a gallery used by a facial recognition service.

(3)(a) "Facial recognition service" means technology that analyzes facial features and is used by a state or local government agency for the identification, verification, or persistent tracking of individuals in still or video images.

(b) "Facial recognition service" does not include: (i) The analysis of facial features to grant or deny access to an electronic device; or (ii) the use of an automated or semiautomated process for the purpose of redacting a recording for release or disclosure outside the law enforcement agency to protect the privacy of a subject depicted in the recording, if the process does not generate or result in the retention of any biometric data or surveillance information.

(4) "Facial template" means the machine-interpretable pattern of facial features that is extracted from one or more images of an individual by a facial recognition service.

(5) "Identification" means the use of a facial recognition service by a state or local government agency to determine whether an unknown individual matches any

individual whose identity is known to the state or local government agency and who has been enrolled by reference to that identity in a gallery used by the facial recognition service.

(6) "Legislative authority" means the respective city, county, or other local governmental agency's council, commission, or other body in which legislative powers are vested. For a port district, the legislative authority refers to the port district's port commission. For an airport established pursuant to chapter 14.08 RCW and operated by a board, the legislative authority refers to the airport's board. For a state agency, "legislative authority" refers to the technology services board created in RCW 43.105.285.

(7) "Meaningful human review" means review or oversight by one or more individuals who are trained in accordance with section 8 of this act and who have the authority to alter the decision under review.

(8) "Nonidentifying demographic data" means data that is not linked or reasonably linkable to an identified or identifiable individual, and includes, at a minimum, information about gender, race or ethnicity, age, and location.

(9) "Ongoing surveillance" means using a facial recognition service to track the physical movements of a specified individual through one or more public places over time, whether in real time or through application of a facial recognition service to historical records. It does not include a single recognition or attempted recognition of an individual, if no attempt is made to subsequently track that individual's movement over time after they have been recognized.

(10) "Persistent tracking" means the use of a facial recognition service by a state or local government agency to track the movements of an individual on a persistent basis without identification or verification of that individual. Such tracking becomes persistent as soon as:

(a) The facial template that permits the tracking is maintained for more than forty-eight hours after first enrolling that template; or

(b) Data created by the facial recognition service is linked to any other data such that the individual who has been tracked is identified or identifiable.

(11) "Recognition" means the use of a facial recognition service by a state or local government agency to determine whether an unknown individual matches:

(a) Any individual who has been enrolled in a gallery used by the facial recognition service; or

(b) A specific individual who has been enrolled in a gallery used by the facial recognition service.

(12) "Serious criminal offense" means any offense defined under RCW 9.94A.030 (26), (33), (42), (43), (47), or (56).

(13) "Verification" means the use of a facial recognition service by a state or local government agency to determine whether an individual is a specific individual

whose identity is known to the state or local government agency and who has been enrolled by reference to that identity in a gallery used by the facial recognition service.

**NEW SECTION. Sec. 28.** (1) A state or local government agency using or intending to develop, procure, or use a facial recognition service must file with a legislative authority a notice of intent to develop, procure, or use a facial recognition service and specify a purpose for which the technology is to be used. A state or local government agency may commence the accountability report required in this section only upon the approval of the notice of intent by the legislative authority.

(2) Prior to developing, procuring, or using a facial recognition service, a state or local government agency must produce an accountability report for that service. Each accountability report must include, at minimum, clear and understandable statements of the following:

(a)(i) The name of the facial recognition service, vendor, and version; and (ii) a description of its general capabilities and limitations, including reasonably foreseeable capabilities outside the scope of the proposed use of the agency;

(b)(i) The type or types of data inputs that the technology uses; (ii) how that data is generated, collected, and processed; and (iii) the type or types of data the system is reasonably likely to generate;

(c)(i) A description of the purpose and proposed use of the facial recognition service, including what decision or decisions will be used to make or support it; (ii) whether it is a final or support decision system; and (iii) its intended benefits, including any data or research demonstrating those benefits;

(d) A clear use and data management policy, including protocols for the following:

(i) How and when the facial recognition service will be deployed or used and by whom including, but not limited to, the factors that will be used to determine where, when, and how the technology is deployed, and other relevant information, such as whether the technology will be operated continuously or used only under specific circumstances. If the facial recognition service will be operated or used by another entity on the agency's behalf, the facial recognition service accountability report must explicitly include a description of the other entity's access and any applicable protocols;

(ii) Any measures taken to minimize inadvertent collection of additional data beyond the amount necessary for the specific purpose or purposes for which the facial recognition service will be used;

(iii) Data integrity and retention policies applicable to the data collected using the facial recognition service, including how the agency will maintain and update records used in connection with the service, how long the agency will keep the data, and the processes by which data will be deleted;

(iv) Any additional rules that will govern use of the facial recognition service and what processes will be required prior to each use of the facial recognition service;

(v) Data security measures applicable to the facial recognition service including how data collected using the facial recognition service will be securely stored and accessed, if and why an agency intends to share access to the facial recognition service or the data from that facial recognition service with any other entity, and the rules and procedures by which an agency sharing data with any other entity will ensure that such entities comply with the sharing agency's use and data management policy as part of the data sharing agreement;

(vi) How the facial recognition service provider intends to fulfill security breach notification requirements pursuant to chapter 19.255 RCW and how the agency intends to fulfill security breach notification requirements pursuant to RCW 42.56.590; and

(vii) The agency's training procedures, including those implemented in accordance with section 8 of this act, and how the agency will ensure that all personnel who operate the facial recognition service or access its data are knowledgeable about and able to ensure compliance with the use and data management policy prior to use of the facial recognition service;

(e) The agency's testing procedures, including its processes for periodically undertaking operational tests of the facial recognition service in accordance with section 6 of this act;

(f) Information on the facial recognition service's rate of false matches, potential impacts on protected subpopulations, and how the agency will address error rates, determined independently, greater than one percent;

(g) A description of any potential impacts of the facial recognition service on civil rights and liberties, including potential impacts to privacy and potential disparate impacts on marginalized communities, and the specific steps the agency will take to mitigate the potential impacts and prevent unauthorized use of the facial recognition service; and

(h) The agency's procedures for receiving feedback, including the channels for receiving feedback from individuals affected by the use of the facial recognition service and from the community at large, as well as the procedures for responding to feedback.

(3) Prior to finalizing the accountability report, the agency must:

(a) Allow for a public review and comment period;

(b) Hold at least three community consultation meetings; and

(c) Consider the issues raised by the public through the public review and comment period and the community consultation meetings.

(4) The final accountability report must be adopted by a legislative authority in a public meeting before the agency may develop, procure, or use a facial recognition service.

(5) The final adopted accountability report must be clearly communicated to the public at least ninety days prior to the agency putting the facial recognition service into operational use, posted on the agency's public web site, and submitted to the consolidated technology services agency established in RCW 43.105.006. The consolidated technology services agency must post each submitted accountability report on its public web site.

(6) A state or local government agency seeking to procure a facial recognition service must require vendors to disclose any complaints or reports of bias regarding the service.

(7) An agency seeking to use a facial recognition service for a purpose not disclosed in the agency's existing accountability report must first seek public comment and community consultation on the proposed new use and adopt an updated accountability report pursuant to the requirements contained in this section.

(8) A state or local government agency that is using a facial recognition service as of the effective date of this section must suspend its use of the service until it complies with the requirements of this chapter.

**NEW SECTION. Sec. 29.** (1) State and local government agencies using a facial recognition service are required to prepare and publish an annual report that discloses:

(a) The extent and effectiveness of their use of such services, including nonidentifying demographic data about individuals subjected to a facial recognition service;

(b) An assessment of compliance with the terms of their accountability report;

(c) Any known or reasonably suspected violations of their accountability report, including categories of complaints alleging violations; and

(d) Any revisions to the accountability report recommended by the agency during the next update of the policy.

(2) The annual report must be submitted to the office of privacy and data protection.

(3) All agencies must hold community meetings to review and discuss their annual report within sixty days of its adoption by a legislative authority and public release.

**NEW SECTION. Sec. 30.** State and local government agencies using a facial recognition service to make decisions that produce legal effects concerning individuals or similarly significant effects concerning individuals must ensure that those decisions are subject to meaningful human review. Decisions that produce legal effects concerning individuals or similarly significant effects concerning individuals means decisions that result in the provision or denial of financial and lending services, housing, insurance, education enrollment, criminal justice, employment opportunities,

health care services, or access to basic necessities such as food and water, or that impact civil rights of individuals.

**NEW SECTION. Sec. 31.** Prior to deploying a facial recognition service in the context in which it will be used, state and local government agencies using a facial recognition service to make decisions that produce legal effects on individuals or similarly significant effect on individuals must test the facial recognition service in operational conditions. State and local government agencies must take reasonable steps to ensure best quality results by following all guidance provided by the developer of the facial recognition service.

**NEW SECTION. Sec. 32.** (1)(a) A facial recognition service provider that provides or intends to provide facial recognition services to state or local government agencies must make available an application programming interface or other technical capability, chosen by the provider, to enable legitimate, independent, and reasonable tests of those facial recognition services for accuracy and unfair performance differences across distinct subpopulations. Such subpopulations are defined by visually detectable characteristics such as: (i) Race, skin tone, ethnicity, gender, age, or disability status; or (ii) other protected characteristics that are objectively determinable or self-identified by the individuals portrayed in the testing dataset. If the results of the independent testing identify material unfair performance differences across subpopulations, the provider must develop and implement a plan to mitigate the identified performance differences.

(b) Making an application programming interface or other technical capability does not require providers to do so in a manner that would increase the risk of cyberattacks or to disclose proprietary data. Providers bear the burden of minimizing these risks when making an application programming interface or other technical capability available for testing.

(2) Nothing in this section requires a state or local government to collect or provide data to a facial recognition service provider to satisfy the requirements in subsection (1) of this section.

**NEW SECTION. Sec. 33.** State and local government agencies using a facial recognition service must conduct periodic training of all individuals who operate a facial recognition service or who process personal data obtained from the use of a facial recognition service. The training must include, but not be limited to, coverage of:

(1) The capabilities and limitations of the facial recognition service;

(2) Procedures to interpret and act on the output of the facial recognition service; and

(3) To the extent applicable to the deployment context, the meaningful human review requirement for decisions that produce legal effects concerning individuals or similarly significant effects concerning individuals.

**NEW SECTION. Sec. 34.** (1) State and local government agencies must disclose their use of a facial

recognition service on a criminal defendant to that defendant in a timely manner prior to trial.

(2) State and local government agencies using a facial recognition service shall maintain records of their use of the service that are sufficient to facilitate public reporting and auditing of compliance with agencies' facial recognition policies.

(3) In January of each year, any judge who has issued a warrant for the use of a facial recognition service to engage in any surveillance, or an extension thereof, as described in section 13(1) of this act, that expired during the preceding year, or who has denied approval of such a warrant during that year shall report to the administrator for the courts:

(a) The fact that a warrant or extension was applied for;

(b) The fact that the warrant or extension was granted as applied for, was modified, or was denied;

(c) The period of surveillance authorized by the warrant and the number and duration of any extensions of the warrant;

(d) The identity of the applying investigative or law enforcement officer and agency making the application and the person authorizing the application; and

(e) The nature of the public spaces where the surveillance was conducted.

(4) In January of each year, any state or local government agency that has applied for a warrant, or an extension thereof, for the use of a facial recognition service to engage in any surveillance as described in section 13(1) of this act shall provide to a legislative authority a report summarizing nonidentifying demographic data of individuals named in warrant applications as subjects of surveillance with the use of a facial recognition service.

**NEW SECTION. Sec. 35.** This chapter does not apply to a state or local government agency that is mandated to use a specific facial recognition service pursuant to a federal regulation or order, or that are undertaken through partnership with a federal agency to fulfill a congressional mandate. A state or local government agency must report the mandated use of a facial recognition service to a legislative authority.

**NEW SECTION. Sec. 36.** (1) Any person who has been subjected to a facial recognition service in violation of this chapter or about whom information has been obtained, retained, accessed, or used in violation of this chapter, may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in any court of competent jurisdiction to enforce this chapter.

(2) A court shall award costs and reasonable attorneys' fees to a prevailing plaintiff in an action brought under subsection (1) of this section.

**NEW SECTION. Sec. 37.** (1)(a) The William D. Ruckelshaus center must establish a facial recognition task force, with members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate;

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives;

(iii) Eight representatives from advocacy organizations that represent individuals or protected classes of communities historically impacted by surveillance technologies including, but not limited to, African American, Hispanic American, Native American, and Asian American communities, religious minorities, protest and activist groups, and other vulnerable communities;

(iv) Two members from law enforcement or other agencies of government;

(v) One representative from a retailer or other company who deploys facial recognition services in physical premises open to the public;

(vi) Two representatives from consumer protection organizations;

(vii) Two representatives from companies that develop and provide facial recognition services; and

(viii) Two representatives from universities or research institutions who are experts in either facial recognition services or their sociotechnical implications, or both.

(b) The task force shall choose two cochairs from among its legislative membership.

(2) The task force shall review the following issues:

(a) Provide recommendations addressing the potential abuses and threats posed by the use of a facial recognition service to civil liberties and freedoms, privacy and security, and discrimination against vulnerable communities, as well as other potential harm, while also addressing how to facilitate and encourage the continued development of a facial recognition service so that individuals, businesses, government, and other stakeholders in society continue to utilize its benefits;

(b) Provide recommendations regarding the adequacy and effectiveness of applicable Washington state laws; and

(c) Conduct a study on the quality, accuracy, and efficacy of a facial recognition service including, but not limited to, its quality, accuracy, and efficacy across different subpopulations.

(3) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(4) The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by September 30, 2021.

(5) This section expires September 30, 2022.

**NEW SECTION. Sec. 38.** A new section is added to chapter 9.73 RCW to read as follows:

(1) State and local government agencies may not use a facial recognition service to engage in any surveillance including, but not limited to, engaging in ongoing surveillance, creating a facial template, conducting an identification, starting persistent surveillance, or performing a recognition, without a warrant, unless exigent circumstances exist.

(2) State and local government agencies must not apply a facial recognition service to any individual based on their religious, political, or social views or activities, participation in a particular noncriminal organization or lawful event, or actual or perceived race, ethnicity, citizenship, place of origin, immigration status, age, disability, gender, gender identity, sexual orientation, or other characteristic protected by law. This subsection does not condone profiling including, but not limited to, predictive law enforcement tools.

(3) State and local government agencies may not use a facial recognition service to create a record describing any individual's exercise of rights guaranteed by the First Amendment of the United States Constitution and by Article I, section 5 of the state Constitution.

(4) Law enforcement agencies that utilize body worn camera recordings shall comply with the provisions of RCW 42.56.240(14).

(5) State and local law enforcement agencies may not use the results of a facial recognition service as the sole basis to establish probable cause in a criminal investigation. The results of a facial recognition service may be used in conjunction with other information and evidence lawfully obtained by a law enforcement officer to establish probable cause in a criminal investigation.

**NEW SECTION. Sec. 39.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Consumer" means a natural person who is a Washington resident.

(2) "Controller" means the natural or legal person which, alone or jointly with others, determines the purposes and means of the processing of personal data.

(3) "Enroll," "enrolled," or "enrolling" means the process by which a facial recognition service creates a facial template from one or more images of a consumer and adds the facial template to a gallery used by the facial recognition service for identification, verification, or persistent tracking of consumers. It also includes the act of adding an existing facial template directly into a gallery used by a facial recognition service.

(4) "Facial recognition service" means technology that analyzes facial features and is used for the identification, verification, or persistent tracking of consumers in still or video images.

(5) "Facial template" means the machine-interpretable pattern of facial features that is extracted from one or more images of an individual by a facial recognition service.

(6) "Identification" means the use of a facial recognition service by a controller to determine whether an unknown consumer matches any consumer whose identity is known to the controller and who has been enrolled by reference to that identity in a gallery used by the facial recognition service.

(7) "Meaningful human review" means review or oversight by one or more individuals who are trained in accordance with section 15(8) of this act and who have the authority to alter the decision under review.

(8) "Persistent tracking" means the use of a facial recognition service to track the movements of a consumer on a persistent basis without identification or verification of that consumer. Such tracking becomes persistent as soon as:

(a) The facial template that permits the tracking uses a facial recognition service for more than forty-eight hours after the first enrolling of that template; or

(b) The data created by the facial recognition service in connection with the tracking of the movements of the consumer are linked to any other data such that the consumer who has been tracked is identified or identifiable.

(9) "Personal data" means any information that is linked or reasonably linkable to an identified or identifiable natural person. "Personal data" does not include deidentified data or publicly available information.

(10) "Processor" means a natural or legal person who processes personal data on behalf of a controller.

(11) "Recognition" means the use of a facial recognition service to determine whether:

(a) An unknown consumer matches any consumer who has been enrolled in a gallery used by the facial recognition service; or

(b) An unknown consumer matches a specific consumer who has been enrolled in a gallery used by the facial recognition service.

(12) "Verification" means the use of a facial recognition service by a controller to determine whether a consumer is a specific consumer whose identity is known to the controller and who has been enrolled by reference to that identity in a gallery used by the facial recognition service.

**NEW SECTION. Sec. 40.** (1)(a) Processors that provide facial recognition services must make available an application programming interface or other technical capability, chosen by the processor, to enable controllers or third parties to conduct legitimate, independent, and reasonable tests of those facial recognition services for accuracy and unfair performance differences across distinct subpopulations. Such subpopulations are defined by visually detectable characteristics, such as (i) race, skin tone, ethnicity, gender, age, or disability status, or (ii) other protected characteristics that are objectively determinable or self-identified by the individuals portrayed in the testing

dataset. If the results of that independent testing identify material unfair performance differences across subpopulations, the processor must develop and implement a plan to mitigate the identified performance differences. Nothing in this subsection prevents a processor from prohibiting the use of the processor's facial recognition service by a competitor for competitive purposes.

(b) Making an application programming interface or other technical capability does not require processors to do so in a manner that would increase the risk of cyberattacks or to disclose proprietary data. Processors bear the burden of minimizing these risks when making an application programming interface or other technical capability available for testing.

(2) Processors that provide facial recognition services must provide documentation that includes general information that:

(a) Explains the capabilities and limitations of the services in plain language; and

(b) Enables testing of the services in accordance with this section.

(3) Processors that provide facial recognition services must prohibit by contract the use of facial recognition services by controllers to unlawfully discriminate under federal or state law against individual consumers or groups of consumers.

(4) Controllers must provide a conspicuous and contextually appropriate notice whenever a facial recognition service is deployed in a physical premise open to the public that includes, at minimum, the following:

(a) The purpose or purposes for which the facial recognition service is deployed; and

(b) Information about where consumers can obtain additional information about the facial recognition service including, but not limited to, a link to any applicable online notice, terms, or policy that provides information about where and how consumers can exercise any rights that they have with respect to the facial recognition service.

(5) Controllers must obtain consent from a consumer prior to enrolling an image of that consumer in a facial recognition service used in a physical premise open to the public.

(6) Controllers using a facial recognition service to make decisions that produce legal effects on consumers or similarly significant effects on consumers must ensure that those decisions are subject to meaningful human review.

(7) Prior to deploying a facial recognition service in the context in which it will be used, controllers using a facial recognition service to make decisions that produce legal effects on consumers or similarly significant effects on consumers must test the facial recognition service in operational conditions. Controllers must take commercially reasonable steps to ensure best quality results by following all reasonable guidance provided by the developer of the facial recognition service.

(8) Controllers using a facial recognition service must conduct periodic training of all individuals that operate a facial recognition service or that process personal data obtained from the use of facial recognition services. Such training shall include, but not be limited to, coverage of:

(a) The capabilities and limitations of the facial recognition service;

(b) Procedures to interpret and act on the output of the facial recognition service; and

(c) The meaningful human review requirement for decisions that produce legal effects on consumers or similarly significant effects on consumers, to the extent applicable to the deployment context.

(9) Controllers shall not knowingly disclose personal data obtained from a facial recognition service to a law enforcement agency, except when such disclosure is:

(a) Pursuant to the consent of the consumer to whom the personal data relates;

(b) Required by federal, state, or local law in response to a warrant;

(c) Necessary to prevent or respond to an emergency involving danger of death or serious physical injury to any person, upon a good faith belief by the controller; or

(d) To the national center for missing and exploited children, in connection with a report submitted thereto under Title 18 U.S.C. Sec. 2258A.

(10) Voluntary facial recognition services used to verify an aviation passenger's identity in connection with services regulated by the secretary of transportation under Title 49 U.S.C. Sec. 41712 and exempt from state regulation under Title 49 U.S.C. Sec. 41713(b)(1) are exempt from this section. Images captured by an airline must not be retained for more than twenty-four hours and, upon request of the attorney general, airlines must certify that they do not retain the image for more than twenty-four hours. An airline facial recognition service must disclose and obtain consent from the customer prior to capturing an image.

**NEW SECTION. Sec. 41.** (1) Any person who has been subjected to a facial recognition service in violation of this chapter, or about whom information has been obtained, retained, accessed, or used in violation of this chapter, may institute proceedings in any court of competent jurisdiction to obtain injunctive relief or declaratory relief, or to recover actual damages, but not less than statutory damages of seven thousand five hundred dollars per violation, whichever is greater.

(2) A court shall award costs and reasonable attorneys' fees to a prevailing plaintiff in an action brought under subsection (1) of this section.

**NEW SECTION. Sec. 42.** Nothing in this act applies to the use of a facial recognition matching system by the department of licensing pursuant to RCW 46.20.037.

**NEW SECTION. Sec. 43.** (1) Sections 1 through 11 and 17 of this act constitute a new chapter in Title 43 RCW.

(2) Sections 14 through 16 of this act constitute a new chapter in Title 19 RCW."

Correct the title.

Representative Santos moved the adoption of amendment (2128) to the striking amendment (2120):

43.0. On page 10, line 4 of the striking amendment, after "Native American," insert "Pacific Islander American,"

Representatives Santos and Smith spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (2128) to the striking amendment (2120) was adopted.

Representative Entenman moved the adoption of amendment (2125) to the striking amendment (2120):

43.0. On page 11, line 12 of the striking amendment, after "exist." insert "A warrant is not required if a facial recognition service is used solely for purposes of locating a missing child or identifying a deceased person."

Representatives Entenman and Klippert spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (2125) to the striking amendment (2120) was adopted.

Representative Entenman moved the adoption of amendment (2126) to the striking amendment (2120):

43.0. On page 11, after line 34 of the striking amendment, insert the following:

"(6) State and local law enforcement agencies may not use a facial recognition service to identify an individual based on a sketch or other manually produced image.

(7) State and local law enforcement agencies may not substantively manipulate an image for use in a facial recognition service in a manner not consistent with the facial recognition service provider's intended use and training."

Representatives Entenman and Klippert spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (2126) to the striking amendment (2120) was adopted.

Representative Klippert moved the adoption of amendment (2127) to the striking amendment (2120):

43.0.

On page 1, line 14, after "crime," insert "identifying perpetrators of crime and bringing them to justice,"

On page 1, beginning on line 18, after "(1)" strike all material through "(3)" on line 27

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

Beginning on page 1, line 29, after "or" strike all material through "individuals." on page 7, line 11 and insert "ongoing surveillance of individuals in still or video images.

(b) "Facial recognition service" does not include: (i) The analysis of facial features to grant or deny access to a controlled access area or an electronic device or system; (ii) the use of an automated or semiautomated process for the purpose of redacting a recording for release or disclosure outside the law enforcement agency to protect the privacy of a subject depicted in the recording, if the process does not generate or result in the retention of any biometric data or surveillance information; (iii) the analysis of facial features as part of security systems protecting government facilities or property; or (iv) other uses that do not involve the involuntary analysis of the facial features of a member of the general public.

(2) "Facial recognition transparency report" means a report developed in accordance with section 3 of this act.

(3) "Meaningful human review" means review or oversight by one or more individuals who are trained in accordance with section 8 of this act and who have the authority to alter the decision under review.

(4) "Ongoing surveillance" means the continuous tracking of the physical movements of an identified individual through one or more public places for more than forty-eight consecutive hours by law enforcement.

**NEW SECTION. Sec. 3.** (1) At least ninety days prior to putting a facial recognition service into operational use for the first time after the effective date of this section, a state or local government agency must produce a facial recognition transparency report. The report must be clearly communicated to the public, posted on the agency's public web site, and submitted to the consolidated technology services agency established in RCW 43.105.006. The consolidated technology services agency must post each submitted transparency report on its public web site.

(2) Each facial recognition transparency report must include, at minimum, clear and understandable statements of the following:

(a) The name of the facial recognition service, vendor, and version, and a description of its general capabilities and limitations;

(b) A description of the purpose and proposed use of the facial recognition service and its intended benefits, including any data or research demonstrating those benefits;

(c) A clear use and data management policy;

(d) Measures taken to minimize inadvertent collection of additional data beyond the amount necessary for the specific purpose or purposes for which the facial recognition service will be used;

(e) Data integrity and retention policies applicable to the data collected using the facial recognition service, including how the agency will maintain and update records used in connection with the service, how long the agency will keep the data, and the processes by which data will be deleted;

(f) Any additional rules that will govern use of the facial recognition service;

(g) The agency's testing procedures, including its processes for periodically undertaking operational tests of the facial recognition service in accordance with section 6 of this act;

(h) The agency's procedures for receiving feedback, including the channels for receiving feedback from individuals affected by the use of the facial recognition service and from the community at large, as well as the procedures for responding to feedback.

(3) Prior to finalizing and implementing the facial recognition transparency report, the agency must consider issues raised by the public through:

(a) A public review and comment period; and

(b) Community consultation meetings during the public review period.

(4) The agency may update its facial recognition transparency report as it deems necessary and each update must be subject to the public comment and community consultation processes described in this section and submitted to the consolidated technology services agency.

(5) The facial recognition transparency report required for any facial recognition system in use as of the effective date of this section is due December 1, 2021.

**NEW SECTION. Sec. 4.** (1) State and local government agencies using a facial recognition service are required to prepare and publish an annual report that discloses:

(a) A summary of the extent of their use of such services;

(b) An assessment of compliance with the provisions of the agency's facial recognition transparency report;

(c) Any known violations of the agency's facial recognition transparency report; and

(d) Any revisions to the facial recognition transparency report recommended by the agency.

(2) All agencies must hold community meetings to review and discuss their annual report within sixty days of its public release.

**NEW SECTION. Sec. 5.** State and local government agencies using a facial recognition service to make decisions that produce legal effects concerning individuals must ensure that those decisions are subject to meaningful human review. Decisions that produce legal effects concerning individuals means decisions that result in the provision or denial of financial and lending services, housing, insurance, education enrollment, criminal justice, employment opportunities, health care services, or access to basic necessities such as food and water."

On page 7, beginning on line 15, after "individuals" strike all material through "individuals" on line 16

On page 7, line 19, after "all" insert "reasonable"

Beginning on page 7, line 21, strike all of section 7 and insert the following:

**"NEW SECTION. Sec. 7.** (1)(a) A state or local government agency that deploys a facial recognition service must require a facial recognition service provider to either:

(i) Make available an application programming interface or other technical capability, chosen by the provider, to enable legitimate, independent, and reasonable tests of those facial recognition services for accuracy and unfair performance differences across distinct subpopulations. However, making such an application programming interface or other technical capability available does not require the disclosure of proprietary data, trade secrets, intellectual property, or other information, or if doing so would increase the risk of cyber attacks including, without limitation, cyber attacks related to unique methods of conducting business, data unique to the product or services, or determining prices or rates to be charged for services. Such subpopulations are defined by visually detectable characteristics such as: (A) Race, skin tone, ethnicity, gender, age, or disability status; or (B) other protected characteristics that are objectively determinable among the individuals portrayed in the testing data set: Provided, however, that such characteristics are characteristics that the facial recognition service provider claims the technology is capable of detecting, and are characteristics that the state or local government agency intends to detect with its facial recognition service; or

(ii) Submit the service to the national institute of standards and technology for review and testing.

(b) If the results of the independent testing identify material unfair performance differences across subpopulations, and the methodology, data, and results are disclosed in a manner that allows full reproduction directly to the provider who, acting reasonably, determines that the methodology and results of that testing are valid, then the provider must develop and implement a plan to mitigate the identified performance differences.

(2) This section does not apply to any facial recognition service in use as of the effective date of this section. Upon renewal or extension of any contract as of the effective date of this section, or upon entering into a new contract for facial recognition services, the state or local government agency must ensure that the facial recognition service provider fulfills the requirements of this section."

On page 8, beginning on line 18, after "individuals" strike all material through "individuals" on line 19

Beginning on page 8, line 20, strike all of sections 9 through 18 and insert the following:

**"NEW SECTION. Sec. 9.** (1) State and local government agencies must disclose to a criminal defendant evidence gathered through the use of a facial recognition service that has been used, or is intended to be used against the defendant in the current criminal proceeding in a timely manner prior to trial.

(2) State and local government agencies using a facial recognition service shall maintain records of their use of the

service that are sufficient to facilitate the annual reporting under section 4 of this act.

**NEW SECTION. Sec. 10.** This chapter does not apply to a state or local government agency that is mandated to use a specific facial recognition service pursuant to a federal regulation or order.

**NEW SECTION. Sec. 11.** A new section is added to chapter 9.73 RCW to read as follows:

(1) State and local government agencies may not use a facial recognition service:

(a) In a manner that disturbs a person's private affairs, or invades their home, without authority of law;

(b) Without a bona fide criminal justice purpose;

(c) Without reasonable suspicion that a criminal offense has been committed, is being committed, or is about to be committed; or

(d) To engage in ongoing surveillance unless the use is in support of law enforcement activities and there is reasonable suspicion to believe that an individual has committed, is engaged in, or is about to commit, a criminal offense or there is a need by law enforcement to invoke their community caretaking function, and either:

(i) A court order has been obtained to permit the use of the facial recognition service for ongoing surveillance; or

(ii) Where the agency reasonably determines that an exigent circumstance exists, and an appropriate court order is obtained as soon as reasonably practicable. In the absence of an authorizing order, such use must immediately terminate at the earliest of the following:

(A) The information sought is obtained;

(B) The application for the order is denied; or

(C) When forty-eight hours have lapsed since the beginning of the emergency surveillance for the purpose of ongoing surveillance.

(2) State and local government agencies must not apply a facial recognition service to any individual based on their religious, political, or social views or activities, participation in a particular noncriminal organization or lawful event, or actual or perceived race, ethnicity, citizenship, place of origin, age, disability, gender, gender identity, sexual orientation, or other characteristic protected by law. This subsection does not condone profiling. The prohibition in this subsection does not prohibit state and local government agencies from applying a facial recognition service to an individual who possesses one or more of these characteristics where an officer of that agency holds a reasonable suspicion that that individual has committed, is engaged in, or is about to commit a criminal offense or there is need to invoke their community caretaking function.

(3) State and local government agencies may not use a facial recognition service to create a record describing any individual's exercise of rights guaranteed by the First

Amendment of the United States Constitution and by Article I, section 5 of the state Constitution, unless:

(a) Such use is pertinent to and within the scope of an authorized law enforcement activity; and

(b) There is reasonable suspicion to believe the individual has committed, is engaged in, or is about to commit a criminal offense or there is need to invoke their community caretaking function.

(4) Law enforcement agencies that utilize body worn camera recordings shall comply with the provisions of RCW 42.56.240(14).

(5) State and local law enforcement agencies may not use the results of a facial recognition service as the sole basis to establish probable cause in a criminal investigation. The results of a facial recognition service may be used in conjunction with other information and evidence lawfully obtained by a law enforcement officer to establish probable cause in a criminal investigation.

(6) State and local law enforcement agencies may not use a facial recognition service to identify an individual based on a sketch or other manually produced image.

(7) State and local law enforcement agencies may not substantively manipulate an image for use in a facial recognition service in any manner not consistent with the facial recognition service provider's intended use and training.

**NEW SECTION. Sec. 12.** Sections 1 through 10 of this act constitute a new chapter in Title 43 RCW."

Representatives Klippert and Boehnke spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Hudgins and Hansen spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

## ROLL CALL

The Clerk called the roll on the adoption of amendment (2127) to the striking amendment (2120) and the amendment was not adopted by the following vote: Yeas, 41; Nays, 56; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, Mosbrucker, Orcutt, Rude, Schmick, Shea, Shewmake, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox and Ybarra.

Voting nay: Representatives Appleton, Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Lekanoff, Lovick, Macri, McCaslin, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Slatter, Smith, Springer, Stonier,

Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie, Young and Mme. Speaker.

Excused: Representative Paul.

The striking amendment (2120), 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 Entenman, Smith, Orcutt and Kraft spoke in favor of the passage of the bill.

Representatives Klippert, Appleton and Stokesbary spoke against the passage of the bill.

Representative Shea was excused from the bar.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6280, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6280, as amended by the House, and the bill passed the House by the following vote: Yeas, 63; Nays, 33; Absent, 0; Excused, 2.

Voting yea: Representatives Bergquist, Blake, Calder, Callan, Chandler, Chopp, Cody, Davis, DeBolt, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Kraft, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Walsh, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Appleton, Barkis, Boehnke, Chambers, Chapman, Corry, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Schmick, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Wilcox and Ybarra.

Excused: Representatives Paul and Shea.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6280, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6087, by Senate Committee on Ways & Means (originally sponsored by Keiser, Conway, Das, Hasegawa, Hunt, Kuderer, Pedersen, Randall, Rolfes, Stanford, Saldaña, Wilson, C. and Sheldon)**

**Imposing cost-sharing requirements for coverage of insulin products.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

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 Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6087, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6087, as amended by the House, and the bill passed the House by the following vote: Yeas, 63; Nays, 33; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Maycumber, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Calder, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Harris, Hoff, Jenkin, Klippert, Kraft, Kretz, MacEwen, McCaslin, Mosbrucker, Orcutt, Smith, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Paul and Shea.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6087, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6090, by Senators Warnick, Honeyford and Liias**

**Limiting fire protection service agency liability for the installation of detection devices.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Civil Rights & Judiciary was adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

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 Irwin and Kilduff spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6090, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6090, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Paul and Shea.

SENATE BILL NO. 6090, as amended by the House, having received the necessary constitutional majority, was declared passed.

### ENGROSSED SUBSTITUTE SENATE BILL NO. 6095, by Senate Committee on Labor & Commerce (originally sponsored by Keiser)

**Excluding the common carrier licensees from the definition of retailer for the purposes of the three-tier system. Revised for 1st Substitute: Describing permissible common carrier activities under the three-tier system.**

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 Peterson, MacEwen, Orwall and Jenkin spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6095.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6095, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Davis, Harris and Leavitt.

Excused: Representatives Paul and Shea.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6095, having received the necessary constitutional majority, was declared passed.

### SUBSTITUTE SENATE BILL NO. 6319, by Senate Committee on Ways & Means (originally sponsored by Takko, Short, Dhingra, Lovelett, Wilson and C.)

**Concerning administration of the senior property tax exemption 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 Ryu and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6319.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6319, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri,

Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Paul and Shea.

SUBSTITUTE SENATE BILL NO. 6319, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6430, by Senators Brown, Rolfes, Frockt, Warnick, Das and Hasegawa**

**Establishing a statewide industrial waste coordination 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 Boehnke and Doglio spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6430.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6430, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Paul and Shea.

SENATE BILL NO. 6430, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6499, by Senate Committee on State Government, Tribal Relations &**

**Elections (originally sponsored by Schoesler, Hunt, Kuderer, Becker, Conway and Hasegawa)**

**Concerning the confidentiality of retirement system files and records relating to health information.**

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 and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6499.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6499, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Paul and Shea.

SUBSTITUTE SENATE BILL NO. 6499, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6567, by Senators Frockt, Conway, Short, Pedersen, Cleveland, Kuderer, Randall, Hunt, Saldaña, Takko, Wellman, Wilson and C.**

**Recognizing the eighteenth day of December as blood donor day.**

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 Walsh, Gregerson and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6567.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6567, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SENATE BILL NO. 6567, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6574, by Senate Committee on Local Government (originally sponsored by Takko and Short)**

**Clarifying the respective administrative powers, duties, and responsibilities of the growth management hearings board and the environmental land use and hearings office.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Environment & Energy was adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

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 Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6574, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6574, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6574, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6623, by Senators Darneille, Kuderer, Warnick, Zeiger, Das, Nguyen and Saldaña**

**Reducing host home funding restrictions.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Human Services & Early Learning was adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

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 Senn and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6623, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6623, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba,

Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SENATE BILL NO. 6623, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Appleton to preside.

The Speaker assumed the chair.

#### **SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1261  
HOUSE BILL NO. 1347  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1608  
SECOND SUBSTITUTE HOUSE BILL NO. 1651  
THIRD SUBSTITUTE HOUSE BILL NO. 1660  
HOUSE BILL NO. 1755  
SUBSTITUTE HOUSE BILL NO. 2017  
SECOND SUBSTITUTE HOUSE BILL NO. 2066  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2265  
SUBSTITUTE HOUSE BILL NO. 2295  
SUBSTITUTE HOUSE BILL NO. 2417  
SUBSTITUTE HOUSE BILL NO. 2448  
SUBSTITUTE HOUSE BILL NO. 2483  
SUBSTITUTE HOUSE BILL NO. 2525  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2551  
SUBSTITUTE HOUSE BILL NO. 2567  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2576  
HOUSE BILL NO. 2602  
SUBSTITUTE HOUSE BILL NO. 2613  
SUBSTITUTE HOUSE BILL NO. 2614  
HOUSE BILL NO. 2617  
HOUSE BILL NO. 2619  
SUBSTITUTE HOUSE BILL NO. 2673  
ENGROSSED HOUSE BILL NO. 2755  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2783  
HOUSE BILL NO. 2837

The Speaker called upon Representative Lovick to preside.

#### **SECOND READING**

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6189, by Senate Committee on Ways & Means (originally sponsored by Wellman, Mullet, Pedersen, Zeiger, Kuderer, Das, Short, Wilson and C.)**

#### **Clarifying eligibility for school employees' benefits board coverage. Revised for 1st Substitute: Concerning eligibility for school employees' benefits board coverage.**

The bill was read the second time.

Representative Bergquist moved the adoption of amendment (2162):

12.0. On page 3, after line 18, insert the following:

**"NEW SECTION. Sec. 5.** A new section is added to chapter 41.05 RCW to read as follows:

(1) A school employee eligible as of February 29, 2020, for the employer contribution towards benefits offered by the school employees' benefits board shall maintain their eligibility for the employer contribution under the following circumstances directly related or in response to the governor's February 29, 2020, proclamation of a state of emergency existing in all counties in the state of Washington related to the novel coronavirus (COVID-19):

(a) During any school closures or changes in school operations for the school employee;

(b) While the school employee is quarantined or required to care for a family member, as defined by RCW 49.46.210(2), who is quarantined; and

(c) In order to take care of a child as defined by RCW 49.46.210(2), who is enrolled in school employee benefits, when the child's:

(i) School is closed;

(ii) Regular day care facility is closed; or

(iii) Regular child care provider is unable to provide services.

(2) Requirements in subsection (1) of this section expires when the governor's state of emergency related to the novel coronavirus (COVID-19) ends.

(3) When regular school operations resume, school employees shall continue to maintain their eligibility for the employer contribution for the remainder of the school year so long as their work schedule returns to the schedule in place before February 29, 2020, or, if there is a change in schedule, so long as the new schedule, had it been in effect at the start of the school year, would have resulted in the employee being anticipated to work the minimum hours to meet benefits eligibility.

(4) Quarantine, as used in subsection (1)(b) includes only periods of isolation required by the federal government, a foreign national government, a state or local public health official, a health care provider, or an employer."

Correct the title.

Representatives Bergquist and Stokesbary spoke in favor of the adoption of the amendment.

Amendment (2162) 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 Robinson and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6189, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6189, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6189, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6236, by Senators Kuderer, Pedersen, Lovelett, Wellman and Hasegawa**

**Concerning certain noneconomic damage waivers.**

The bill was read the second time.

With the consent of the House, amendment (2154) was withdrawn.

Representative Irwin moved the adoption of the striking amendment (2153):

12.0. Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 12.1.** (1) The administrative office of the courts is directed to create a work group to study the appropriateness of discovery of health care records as evidence in claims requesting noneconomic damages brought under the Washington law against discrimination, chapter 48.60 RCW.

(2) Work group membership shall include, but is not limited to:

(a) lawyers with experience representing plaintiffs in discrimination cases;

(b) lawyers with experience representing defendants in discrimination cases;

(c) representatives from the office of the attorney general; and

(d) members of the judicial branch, especially including judges of the superior courts and district courts.

(3) The work group must develop suggestions and recommendations specific to whether RCW 49.60.510 should be maintained, amended, or repealed.

(4) The work group shall report to the administrative office of the courts and appropriate committees of the legislature on its findings and recommendations by June 1, 2021."

Correct the title.

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

Representative Kilduff spoke against the adoption of the striking amendment.

The striking amendment (2153) 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 Kilduff spoke in favor of the passage of the bill.

Representative Irwin spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6236.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6236 and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye,

Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Paul.

SENATE BILL NO. 6236, having received the necessary constitutional majority, was declared passed.

The speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

**ENGROSSED SENATE BILL NO. 6032, by Senators Hawkins, Hobbs, King, Takko, Kuderer, Fortunato, Becker, Short, Sheldon, Warnick, Saldaña, Mullet, Zeiger, Wilson, C., Holy, Hunt, Wilson, L., Wellman, Padden, Hasegawa, Brown, Carlyle, Conway, Das, Dhingra, Ericksen, Lovelett, Muzzall, Nguyen, Pedersen, Rivers, Rolfes and Salomon**

**Creating a Washington apples special license plate.**

The bill was read the second time.

With the consent of the House, amendment (2065) was withdrawn.

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

Representatives Dufault, Valdez, Steele, Goehner, Corry and Jenkin 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. 6032.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6032, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives DeBolt, Leavitt, Rude, Senn and Thai.

Excused: Representative Paul.

ENGROSSED SENATE BILL NO. 6032, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6660, by Senate Committee on Ways & Means (originally sponsored by Rolfes, Braun and Mullet)**

**Improving fiscal responsibility and budget discipline by replacing the spending limit with additional four-year balanced budget requirements.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, March 2, 2020).

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, Stokesbary and Kraft 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. 6660, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6660, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chopp, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Thai, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chapman, Cody, Fitzgibbon, Hudgins, McCaslin, Ormsby, Riccelli, Shea, Tarleton, Tharinger and Young.

Excused: Representative Paul.

SUBSTITUTE SENATE BILL NO. 6660, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5197, by Senators Hobbs, Zeiger, Wagoner, Short, Bailey, Hunt, Fortunato and Keiser**

**Concerning the Washington national guard postsecondary education grant 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 Kilduff and Jenkin 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. 5197.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5197, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SENATE BILL NO. 5197, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6045, by Senators Takko, Kuderer, Pedersen, Randall and Rolfes**

**Concerning vulnerable users of a public way.**

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. 6045.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6045, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SENATE BILL NO. 6045, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6123, by Senators Hunt, Kuderer, Nguyen, Stanford, Van De Wege, Wilson, C. and Sheldon**

**Allowing state employee leave for organ donation.**

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 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 Senate Bill No. 6123.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6123, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri,

Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SENATE BILL NO. 6123, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5792, by Senators Salomon, Wellman, Walsh and Honeyford**

**Making statutory requirements and policies for cultural access programs the same in all counties of the state.**

The bill was read the second time.

With the consent of the House, amendments (2045) and (2046) were withdrawn.

Representative Bergquist moved the adoption of amendment (1843):

12.0.

On page 5, line 34, after "county." insert "A public school cultural access program must provide every school in the county a list of appropriate off-site cultural experiences and a list of appropriate on-site cultural experiences for each grade level, every year. Information notifying schools of available transportation funding must be included in the list of off-site cultural experiences."

On page 6, line 2, after "funding" insert ". A public school cultural access program must provide transportation to off-site cultural experiences for all students at all schools in the county that are located within a school district in which at least forty percent of the district's students are eligible for the federal free and reduced-price school meals program. The county may limit its spending on the transportation benefit to no more than five percent of funds collected each year under RCW 36.160.080"

Representatives Bergquist and Jenkin spoke in favor of the adoption of the amendment.

Amendment (1843) was adopted.

Representative Ryu moved the adoption of amendment (1867):

12.0. On page 6, line 23, after "entity;" strike "and" and insert "~~(and)~~"

On page 6, line 28, after "organizations;" insert "and

(f) Procedures to be used by the designated entity in considering the award of funding to community preservation and development authorities formed under chapter 43.167 RCW, if any exist within the county. The procedures must

ensure the eligibility of and consider support for the projects and programs identified in the strategic preservation and development plans, adopted pursuant to RCW 43.167.030, of each community preservation and development authority within the county;"

Representatives Ryu and Jenkin spoke in favor of the adoption of the amendment.

Amendment (1867) 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 Springer and Jenkin spoke in favor of the passage of the bill.

Representative Santos spoke against 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. 5792, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5792, as amended by the House, and the bill passed the House by the following vote: Yeas, 80; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chandler, Chopp, Cody, Corry, Davis, DeBolt, Doglio, Duerr, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Griffey, Hansen, Harris, Hoff, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Rude, Ryu, Schmick, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Sullivan, Sutherland, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chapman, Dent, Dolan, Dufault, Entenman, Gregerson, Hudgins, Klippert, Kloba, Kraft, Mosbrucker, Robinson, Santos, Sells, Stonier and Thai.

Excused: Representative Paul.

SENATE BILL NO. 5792, as amended by the House, having received the necessary constitutional majority, was declared passed.

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. 5976  
 SUBSTITUTE SENATE BILL NO. 6135  
 SUBSTITUTE SENATE BILL NO. 6302

Speaker Jinkins assumed the chair.

**SUBSTITUTE SENATE BILL NO. 6091, by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Warnick, Saldaña, Lovelett, Stanford, Wilson and C.)**

**Continuing the work of the Washington food policy forum.**

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 Gregerson spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6091.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6091, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SUBSTITUTE SENATE BILL NO. 6091, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6617, by Senate Committee on Housing Stability & Affordability (originally sponsored by Liias and Das)**

**Concerning accessory dwelling unit regulation.**

The bill was read the second time.

With the consent of the House, amendments (2006), (1791), (1854), (1855), (1789) and (1790) were withdrawn.

Representative Fitzgibbon moved the adoption of the striking amendment (2038):

12.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 13.** (1) The legislature makes the following findings:

(a) Washington state is experiencing a housing affordability crisis. Many communities across the state are in need of more housing for renters, across the income spectrum. Accessory dwelling units are frequently rented at below market rate, providing additional affordable housing options for renters.

(b) Accessory dwelling units are often occupied by tenants who pay no rent at all; among these tenants are grandparents, adult children, family members with disabilities, friends going through life transitions, and community members in need. Accessory dwelling units meet the needs of these people who might otherwise require scarce subsidized housing space and resources.

(c) Accessory dwelling units can meet the needs of Washington's growing senior population, making it possible for this population to age in their communities by offering senior-friendly housing, which prioritizes physical accessibility, in walkable communities near amenities essential to successful aging in place, including transit and grocery stores, without requiring costly renovations of existing housing stock.

(d) Homeowners who add an accessory dwelling unit may benefit from added income and an increased sense of security.

(e) Siting accessory dwelling units near transit hubs and near public amenities can help to reduce greenhouse gas emissions by increasing walkability, shortening household commutes, and limiting sprawl.

(2) The legislature intends to promote and encourage the creation of accessory dwelling units as a means to address the need for additional affordable housing options.

**NEW SECTION. Sec. 14.** A new section is added to chapter 36.70A 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) "Accessory dwelling unit" means a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome, or other housing unit.

(2) "Attached accessory dwelling unit" means an accessory dwelling unit located within or attached to a single-family housing unit, duplex, triplex, townhome, or other housing unit.

(3) "City" means any city, code city, and town located in a county planning under RCW 36.70A.040.

(4) "Detached accessory dwelling unit" means an accessory dwelling unit that consists partly or entirely of a building that is separate and detached from a single-family housing unit, duplex, triplex, townhome, or other housing unit.

(5) "Dwelling unit" means a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

(6) "Major transit stop" means:

(a) A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;

(b) Commuter rail stops;

(c) Stops on rail or fixed guideway systems, including transitways;

(d) Stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes; or

(e) Stops for a bus or other transit mode providing fixed route service at intervals of at least fifteen minutes during the peak hours of operation.

**NEW SECTION. Sec. 15.** A new section is added to chapter 36.70A RCW to read as follows:

(1) Cities must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of section 4 of this act to take effect by July 1, 2021.

(2) Beginning July 1, 2021, the requirements of section 4 of this act:

(a) Apply and take effect in any city that has not adopted or amended ordinances, regulations, or other official controls as required under this section; and

(b) Supersede, preempt, and invalidate any local development regulations that conflict with section 4 of this act.

**NEW SECTION. Sec. 16.** A new section is added to chapter 36.70A RCW to read as follows:

(1) Except as provided in subsection (2) and (3) of this section, through ordinances, development regulations, zoning regulations, and other official controls as required under section 3 of this act, cities may not require the provision of off-street parking for accessory dwelling units within one-quarter mile of a major transit stop.

(2) A city may require the provision of off-street parking for an accessory dwelling unit located within one-quarter mile of a major transit stop if the city has determined that the accessory dwelling unit is in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the accessory dwelling unit.

(3) A city that has adopted or substantively amended accessory dwelling unit regulations within the four years previous to the effective date of this section is not subject to the requirements of this section.

**NEW SECTION. Sec. 17.** A new section is added to chapter 36.70A RCW to read as follows:

Nothing in this act modifies or limits any rights or interests legally recorded in the governing documents of associations subject to chapter 64.32, 64.34, 64.38, or 64.90 RCW."

Correct the title.

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

The striking amendment (2038) 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, DeBolt, Mosbrucker and Barkis 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 Senate Bill No. 6617, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6617, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, Goehner and Kraft.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6617, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5601, by Senate Committee on Ways & Means (originally**

sponsored by Rolfes, Short, Keiser, Liias, Kuderer, Walsh, Hobbs, King, Warnick, Honeyford and Conway)

**Concerning health care benefit management. Revised for 2nd Substitute: Regulating health care benefit managers.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was not adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, March 2, 2020).

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 Stonier, Schmick and DeBolt spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5601, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5601, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SECOND SUBSTITUTE SENATE BILL NO. 5601, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5829, by Senate Committee on Ways & Means (originally sponsored by Mullet, Schoesler, Hunt, Walsh, Warnick, Takko and Van De Wege)**

**Concerning pension benefits and contributions in the volunteer firefighters' and reserve officers' relief and pension system.**

The bill was read the second time.

Representative Stokesbary moved the adoption of amendment (2118):

17.0. On page 6, line 30, strike all of section 3 and insert the following:

"NEW SECTION. Sec. 3. This act takes effect the later of January 1, 2021, or the date that the board for volunteer firefighters and reserve officers receives notice from the federal internal revenue service that the volunteer firefighters and reserve officers relief and pension system is a qualified employee benefit plan under the federal law. The board must provide written notice of the effective date of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the board."

Representatives Stokesbary and Bergquist spoke in favor of the adoption of the amendment.

Amendment (2118) 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 Bergquist and Stokesbary 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 Senate Bill No. 5829, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5829, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5829, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6040, by Senate Committee on Ways & Means (originally sponsored by Braun, Becker and Kuderer)**

**Concerning the budgeting process for certain state waiver services for individuals with developmental disabilities.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, March 2, 2020).

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 Robinson and Stokesbary 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 Senate Bill No. 6040, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6040, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6040, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6058, by Senate Committee on Local Government (originally sponsored**

**by Randall, Saldaña, Wilson, C., Hunt, Kuderer, Nguyen and Van De Wege)**

**Concerning fire district health clinic services.**

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.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6058.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6058, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Kraft, McCaslin and Walsh.

Excused: Representative Paul.

SUBSTITUTE SENATE BILL NO. 6058, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6084, by Senate Committee on Transportation (originally sponsored by Takko, Hobbs, Mullet and Padden)**

**Concerning roundabouts. Revised for 1st Substitute: Concerning circular intersections.**

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, Barkis 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 Substitute Senate Bill No. 6084.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6084, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SUBSTITUTE SENATE BILL NO. 6084, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6212, by Senators Das, Keiser, Lovelett, Zeiger, Dhingra, Saldaña, Nguyen, Kuderer, Warnick, Randall, Darneille, Van De Wege, Conway, Wilson and C.**

**Concerning the authority of counties, cities, and towns to exceed statutory property tax limitations for the purpose of financing affordable housing for very low-income households and low-income households.**

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 Walen, Orcutt and Ryu spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6212.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6212, and the bill passed the House by the following vote: Yeas, 91; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz,

Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, Kraft, McCaslin, Mosbrucker, Shea and Sutherland.

Excused: Representative Paul.

SENATE BILL NO. 6212, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6415, by Senate Committee on Local Government (originally sponsored by Das, Van De Wege, Wellman, Takko, Wilson, C., Hunt and Billig)**

**Allowing a permanent fire protection district benefit charge with voter approval.**

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 Springer and Stokesbary spoke in favor of the passage of the bill.

Representatives Orcutt and Walsh spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6415.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6415, and the bill passed the House by the following vote: Yeas, 72; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Boehnke, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Volz, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Caldier, Corry, DeBolt, Dent, Dufault, Dye, Goehner, Hoff, Jenkin, Klippert, Kraft, Kretz, McCaslin, Mosbrucker, Orcutt, Schmick, Shea, Sutherland, Van Werven, Vick, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Paul.

SUBSTITUTE SENATE BILL NO. 6415, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE JOINT MEMORIAL NO. 8017, by Senate Committee on State Government, Tribal Relations & Elections (originally sponsored by Hasegawa, Hunt, Billig, Saldaña, Stanford, Wilson and C.)**

**Addressing compacts of free association.**

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 Riccelli, Walsh and Harris spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Joint Memorial No. 8017.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Joint Memorial No. 8017, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8017, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5976, by Senate Committee on Ways & Means (originally sponsored by Rolfes, Kuderer and Walsh)**

**Concerning the access to baby and child dentistry program for children with disabilities.**

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 Riccelli and Caldier spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5976.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5976, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SUBSTITUTE SENATE BILL NO. 5976, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5572, by Senate Committee on Ways & Means (originally sponsored by Honeyford, Takko, Short, Warnick, Schoesler and King)**

**Authorizing modernization grants for small school districts.**

The bill was read the second time.

With the consent of the House, amendment (2143) was withdrawn.

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

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

The Speaker stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5572.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5572, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SECOND SUBSTITUTE SENATE BILL NO. 5572, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5402, by Senators Schoesler and Rolfes**

**Improving tax and licensing laws administered by the department of revenue, but not including changes to tax laws that are estimated to affect state or local tax collections as reflected in any fiscal note prepared and approved under the process established in chapter 43.88A RCW.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Finance was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 50, March 2, 2020).

Representative Walen moved the adoption of amendment (2163) to the committee striking amendment:

17.0.

On page 68, after line 31, insert the following:

"**Sec. 59.** RCW 82.32.050 and 2008 c 181 s 501 are each amended to read as follows:

(1) If upon examination of any returns or from other information obtained by the department it appears that a tax or penalty has been paid less than that properly due, the department shall assess against the taxpayer such additional amount found to be due and shall add thereto interest on the tax only. The department shall notify the taxpayer by mail, or electronically as provided in RCW 82.32.135, of the additional amount and the additional amount shall become due and shall be paid within thirty days from the date of the

notice, or within such further time as the department may provide.

(a) For tax liabilities arising before January 1, 1992, interest shall be computed at the rate of nine percent per annum from the last day of the year in which the deficiency is incurred until the earlier of December 31, 1998, or the date of payment. After December 31, 1998, the rate of interest shall be variable and computed as provided in subsection (2) of this section. The rate so computed shall be adjusted on the first day of January of each year for use in computing interest for that calendar year.

(b) For tax liabilities arising after December 31, 1991, the rate of interest shall be variable and computed as provided in subsection (2) of this section from the last day of the year in which the deficiency is incurred until the date of payment. The rate so computed shall be adjusted on the first day of January of each year for use in computing interest for that calendar year.

(c) ~~(Interest)~~ (i) Except as otherwise provided in (c)(ii) of this subsection (1), interest imposed after December 31, 1998, shall be computed from the last day of the month following each calendar year included in a notice, and the last day of the month following the final month included in a notice if not the end of a calendar year, until the due date of the notice.

(ii) For interest associated with annual tax reporting periods having a due date as prescribed in RCW 82.32.045(3), interest must be computed from the last day of April immediately following each such annual reporting period included in the notice, until the due date of the notice.

(iii) If payment in full is not made by the due date of the notice, additional interest shall be computed under this subsection (1)(c) until the date of payment. The rate of interest shall be variable and computed as provided in subsection (2) of this section. The rate so computed shall be adjusted on the first day of January of each year for use in computing interest for that calendar year.

(2) For the purposes of this section, the rate of interest to be charged to the taxpayer shall be an average of the federal short-term rate as defined in 26 U.S.C. Sec. 1274(d) plus two percentage points. The rate set for each new year shall be computed by taking an arithmetical average to the nearest percentage point of the federal short-term rate, compounded annually. That average shall be calculated using the rates from four months: January, April, and July of the calendar year immediately preceding the new year, and October of the previous preceding year.

(3) During a state of emergency declared under RCW 43.06.010(12), the department, on its own motion or at the request of any taxpayer affected by the emergency, may extend the due date of any assessment or correction of an assessment for additional taxes, penalties, or interest as the department deems proper.

(4) No assessment or correction of an assessment for additional taxes, penalties, or interest due may be made by the department more than four years after the close of the tax year, except (a) against a taxpayer who has not registered as

required by this chapter, (b) upon a showing of fraud or of misrepresentation of a material fact by the taxpayer, or (c) where a taxpayer has executed a written waiver of such limitation. The execution of a written waiver shall also extend the period for making a refund or credit as provided in RCW 82.32.060(2).

(5) For the purposes of this section, "return" means any document a person is required by the state of Washington to file to satisfy or establish a tax or fee obligation that is administered or collected by the department of revenue and that has a statutorily defined due date.

**Sec. 60.** RCW 82.32.060 and 2009 c 176 s 4 are each amended to read as follows:

(1) If, upon receipt of an application by a taxpayer for a refund or for an audit of the taxpayer's records, or upon an examination of the returns or records of any taxpayer, it is determined by the department that within the statutory period for assessment of taxes, penalties, or interest prescribed by RCW 82.32.050 any amount of tax, penalty, or interest has been paid in excess of that properly due, the excess amount paid within, or attributable to, such period must be credited to the taxpayer's account or must be refunded to the taxpayer, at the taxpayer's option. Except as provided in subsection (2) of this section, no refund or credit may be made for taxes, penalties, or interest paid more than four years prior to the beginning of the calendar year in which the refund application is made or examination of records is completed.

(2)(a) The execution of a written waiver under RCW 82.32.050 or 82.32.100 will extend the time for making a refund or credit of any taxes paid during, or attributable to, the years covered by the waiver if, prior to the expiration of the waiver period, an application for refund of such taxes is made by the taxpayer or the department discovers a refund or credit is due.

(b) A refund or credit must be allowed for an excess payment resulting from the failure to claim a bad debt deduction, credit, or refund under RCW 82.04.4284, 82.08.037, 82.12.037, 82.14B.150, or 82.16.050(5) for debts that became bad debts under 26 U.S.C. Sec. 166, as amended or renumbered as of January 1, 2003, less than four years prior to the beginning of the calendar year in which the refund application is made or examination of records is completed.

(3) Any such refunds must be made by means of vouchers approved by the department and by the issuance of state warrants drawn upon and payable from such funds as the legislature may provide. However, taxpayers who are required to pay taxes by electronic funds transfer under RCW 82.32.080 must have any refunds paid by electronic funds transfer if the department has the necessary account information to facilitate a refund by electronic funds transfer.

(4) Any judgment for which a recovery is granted by any court of competent jurisdiction, not appealed from, for tax, penalties, and interest which were paid by the taxpayer, and costs, in a suit by any taxpayer must be paid in the same manner, as provided in subsection (3) of this section, upon

the filing with the department of a certified copy of the order or judgment of the court.

(a) Interest at the rate of three percent per annum must be allowed by the department and by any court on the amount of any refund, credit, or other recovery allowed to a taxpayer for taxes, penalties, or interest paid by the taxpayer before January 1, 1992. This rate of interest applies for all interest allowed through December 31, 1998. Interest allowed after December 31, 1998, must be computed at the rate as computed under RCW 82.32.050(2). The rate so computed must be adjusted on the first day of January of each year for use in computing interest for that calendar year.

(b) For refunds or credits of amounts paid or other recovery allowed to a taxpayer after December 31, 1991, the rate of interest must be the rate as computed for assessments under RCW 82.32.050(2) less one percent. This rate of interest applies for all interest allowed through December 31, 1998. Interest allowed after December 31, 1998, must be computed at the rate as computed under RCW 82.32.050(2). The rate so computed must be adjusted on the first day of January of each year for use in computing interest for that calendar year.

(5) Interest allowed on a credit notice or refund issued after December 31, 2003, must be computed as follows:

(a) If all overpayments for each calendar year and all reporting periods ending with the final month included in a notice or refund were made on or before the due date of the final return for each calendar year or the final reporting period included in the notice or refund:

(i) Interest must be computed from January 31st following each calendar year included in a notice or refund; ~~((or))~~

(ii) Interest must be computed from the last day of the month following the final month included in a notice or refund; or

(iii) For interest associated with annual tax reporting periods having a due date as prescribed in RCW 82.32.045(3), interest must be computed from the last day of April following each such annual reporting period included in a notice or refund.

(b) If the taxpayer has not made all overpayments for each calendar year and all reporting periods ending with the final month included in a notice or refund on or before the dates specified by RCW 82.32.045 for the final return for each calendar year or the final month included in the notice or refund, interest must be computed from the last day of the month following the date on which payment in full of the liabilities was made for each calendar year included in a notice or refund, and the last day of the month following the date on which payment in full of the liabilities was made if the final month included in a notice or refund is not the end of a calendar year.

(c) Interest included in a credit notice must accrue up to the date the taxpayer could reasonably be expected to use the credit notice, as defined by the department's rules. If a credit notice is converted to a refund, interest must be recomputed to the date the refund is issued, but not to exceed

the amount of interest that would have been allowed with the credit notice.

**NEW SECTION. Sec. 61.** Sections 59 and 60 of this act apply both prospectively and retroactively to January 1, 2020.

**NEW SECTION. Sec. 62.** Sections 59 through 61 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."

Correct the title.

Representatives Walen and Orcutt spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2163) to the committee striking amendment, was adopted.

Representative Orwall moved the adoption of amendment (2168) to the committee striking amendment:

62.0. On page 68, after line 31 of the striking amendment, insert the following:

"**Sec. 59.** RCW 35.90.020 and 2017 c 209 s 2 are each amended to read as follows:

(1) Except as otherwise provided in subsection (7) of this section, a city that requires a general business license of any person that engages in business activities within that city must partner with the department to have such license issued, and renewed if the city requires renewal, through the business licensing service in accordance with chapter 19.02 RCW.

(a) Except as otherwise provided in subsection (3) of this section, the department must phase in the issuance and renewal of general business licenses of cities that required a general business license as of July 1, 2017, and are not already partnering with the department, as follows:

(i) Between January 1, 2018, and December 31, 2021, the department must partner with at least six cities per year;

(ii) Between January 1, 2022, and December 31, 2027, the department must partner with the remaining cities; or

(iii) Between July 1, 2017 and December 31, 2022, the department must partner with all cities requiring a general business license if specific funding for the purposes of this subsection

((H:\DATA\2020 JOURNAL\Journal2020\LegDay054\1(a).doc)) (1)(a)(iii) is appropriated in the omnibus appropriations act.

(b) A city that imposes a general business license requirement and does not partner with the department as of January 1, 2018, may continue to issue and renew its general business licenses until the city partners with the department as provided in subsection (4) of this section.

(2)(a) A city that did not require a general business license as of July 1, 2017, but imposes a new general business license requirement after that date must advise the

department in writing of its intent to do so at least ninety days before the requirement takes effect.

(b) If a city subject to (a) of this subsection (2) imposes a new general business license requirement after July 1, 2017, the department, in its sole discretion, may adjust resources to partner with the imposing city as of the date that the new general business licensing requirement takes effect. If the department cannot reallocate resources, the city may issue and renew its general business license until the department is able to partner with the city.

(3) The department may delay assuming the duties of issuing and renewing general business licenses beyond the dates provided in subsection (1)(a) of this section if:

(a) Insufficient funds are appropriated for this specific purpose;

(b) The department cannot ensure the business licensing system is adequately prepared to handle all general business licenses due to unforeseen circumstances;

(c) The department determines that a delay is necessary to ensure that the transition to mandatory department issuance and renewal of general business licenses is as seamless as possible; or

(d) The department receives a written notice from a city within sixty days of the date that the city appears on the department's biennial partnership plan, which includes an explanation of the fiscal or technical challenges causing the city to delay joining the system. A delay under this subsection (3)(d) may be for no more than three years.

(4)(a) In consultation with affected cities and in accordance with the priorities established in subsection (5) of this section, the department must establish a biennial plan for partnering with cities to assume the issuance and renewal of general business licenses as required by this section. The plan must identify the cities that the department will partner with and the dates targeted for the department to assume the duties of issuing and renewing general business licenses.

(b) By January 1, 2018, and January 1st of each even-numbered year thereafter until the department has partnered with all cities that currently impose a general business license requirement and that have not declined to partner with the department under subsection (7) of this section, the department must submit the partnering plan required in (a) of this subsection (4) to the governor; legislative fiscal committees; house local government committee; senate ((~~agriculture, water, trade and~~) financial institutions, economic development and trade committee; senate local government committee; affected cities; association of Washington cities; association of Washington business; national federation of independent business; and Washington retail association.

(c) The department may, in its sole discretion, alter the plan required in (a) of this subsection (4) with a minimum notice of thirty days to affected cities.

(5) When determining the plan to partner with cities for the issuance and renewal of general business licenses as required in subsection (4) of this section, cities that notified

the department of their wish to partner with the department before January 1, 2017, must be allowed to partner before other cities.

(6) A city that partners with the department for the issuance and renewal of general business licenses through the business licensing service in accordance with chapter 19.02 RCW may not issue and renew those licenses.

(7) ~~((A))~~ (a) Except at provided in (b) of this subsection, a city may decline to partner with the department for the issuance and renewal of a general business license as provided in subsection (1) of this section if the city participates in the online local business license and tax filing portal known as "FileLocal" as of July 1, 2020.

(b) A city that receives at least one million nine hundred fifty thousand dollars in fiscal year 2020 for temporary streamlined sales tax mitigation under the 2019 omnibus appropriations act, section 722, chapter 415, Laws of 2019, may decline to partner with the department for the issuance and renewal of a general business license as provided in subsection (1) of this section if the city participates in FileLocal as of July 1, 2021.

(c) For the purposes of this subsection (7), a city is considered to be a FileLocal participant as of the date that a business may access FileLocal for purposes of applying for or renewing that city's general business license and reporting and paying that city's local business and occupation taxes. A city that ceases participation in FileLocal after July 1, 2020, or July 1, 2021, in the case of a city eligible for the extension under (b) of this subsection, must partner with the department for the issuance and renewal of its general business license as provided in subsection (1) of this section.

(8) By January 1, 2019, and each January 1st thereafter through January 1, 2028, the department must submit a progress report to the legislature. The report required by this subsection must provide information about the progress of the department's efforts to partner with all cities that impose a general business license requirement and include:

(a) A list of cities that have partnered with the department as required in subsection (1) of this section;

(b) A list of cities that have not partnered with the department;

(c) A list of cities that are scheduled to partner with the department during the upcoming calendar year;

(d) A list of cities that have declined to partner with the department as provided in subsection (7) of this section;

(e) An explanation of lessons learned and any process efficiencies incorporated by the department;

(f) Any recommendations to further simplify the issuance and renewal of general business licenses by the department; and

(g) Any other information the department considers relevant."

Correct the title.

Representatives Orwall and Orcutt spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2168) 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 Orcutt and Tarleton spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Senate Bill No. 5402, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5402, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

ENGROSSED SENATE BILL NO. 5402, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6135, by Senate Committee on Environment, Energy & Technology (originally sponsored by Sheldon, Carlyle and Short)**

**Concerning system reliability under the clean energy transformation act. Revised for 1st Substitute: Concerning system reliability during the clean energy transformation act implementation.**

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, MacEwen and Boehnke spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6135.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6135, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SUBSTITUTE SENATE BILL NO. 6135, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6429, by Senate Committee on Transportation (originally sponsored by Brown, Walsh, Schoesler, Rivers, Van De Wege and Becker)**

**Providing a designation on a driver's license or identicard that a person has a developmental disability.**

The bill was read the second time.

With the consent of the House, amendment (2170) was withdrawn.

Representative Kilduff moved the adoption of the striking amendment (2171):

62.0. Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 63.** The legislature finds that the health and safety of the traveling public, law enforcement, and emergency medical service providers are enhanced by the voluntary sharing of information about medical conditions, including deafness and developmental disabilities. Licensed drivers and applicants who wish to

voluntarily include a medical alert designation on their driver's license may provide law enforcement and emergency medical service providers with the opportunity to know at the point of contact or shortly thereafter that there is a medical condition which could affect communication or account for a driver health emergency. By taking action in accordance with existing driver privacy protections, the legislature seeks to enhance health and public safety by the voluntary provision and careful use of this information.

**Sec. 64.** RCW 46.20.117 and 2018 c 157 s 2 are each amended to read as follows:

(1) **Issuance.** The department shall issue an identicard, containing a picture, if the applicant:

(a) Does not hold a valid Washington driver's license;

(b) Proves his or her identity as required by RCW 46.20.035; and

(c) Pays the required fee. Except as provided in subsection ~~((5))~~ (7) of this section, the fee is fifty-four dollars, unless an applicant is:

(i) A recipient of continuing public assistance grants under Title 74 RCW, who is referred in writing by the secretary of social and health services;

(ii) Under the age of eighteen and does not have a permanent residence address as determined by the department by rule; or

(iii) An individual who is scheduled to be released from an institution as defined in RCW 13.40.020, a community facility as defined in RCW 72.05.020, or other juvenile rehabilitation facility operated by the department of social and health services or the department of children, youth, and families; or an individual who has been released from such an institution or facility within thirty calendar days before the date of the application.

For those persons under (c)(i) through (iii) of this subsection, the fee must be the actual cost of production of the identicard.

(2)(a) **Design and term.** The identicard must:

(i) Be distinctly designed so that it will not be confused with the official driver's license; and

(ii) Except as provided in subsection ~~((5))~~ (7) of this section, expire on the sixth anniversary of the applicant's birthdate after issuance.

(b) The identicard may include the person's status as a veteran, consistent with RCW 46.20.161 ~~((2))~~ (4).

(c) If applicable, the identicard may include a medical alert designation as provided in subsection (5) of this section.

(3) **Renewal.** An application for identicard renewal may be submitted by means of:

(a) Personal appearance before the department; or

(b) Mail or electronic commerce, if permitted by rule of the department and if the applicant did not renew his or

her identicard by mail or by electronic commerce when it last expired.

An identicard may not be renewed by mail or by electronic commerce unless the renewal issued by the department includes a photograph of the identicard holder.

(4) **Cancellation.** The department may cancel an identicard if the holder of the identicard used the card or allowed others to use the card in violation of RCW 46.20.0921.

(5) Any person may apply to the department to obtain a medical alert designation, a developmental disability designation, or a deafness designation on an identicard issued under this chapter by providing:

(a) Self-attestation that the individual:

(i) Has a medical condition that could affect communication or account for a health emergency;

(ii) Is deaf or hard of hearing; or

(iii) Has a developmental disability as defined in RCW 71A.10.020;

(b) A statement from the person that they have voluntarily provided the self-attestation and other information verifying the condition; and

(c) For persons under eighteen years of age or who have a developmental disability, the signature of a parent or legal guardian.

(6) A self-attestation or data contained in a self-attestation provided under this section:

(a) Shall not be disclosed; and

(b) Is for the confidential use of the director, the chief of the Washington state patrol, and law enforcement and emergency medical service providers as designated by law.

(7) **Alternative issuance/renewal/extension.** The department may issue or renew an identicard for a period other than six years, or may extend by mail or electronic commerce an identicard that has already been issued, in order to evenly distribute, as nearly as possible, the yearly renewal rate of identicard holders. The fee for an identicard issued or renewed for a period other than six years, or that has been extended by mail or electronic commerce, is nine dollars for each year that the identicard is issued, renewed, or extended. The department may adopt any rules as are necessary to carry out this subsection.

**Sec. 65.** RCW 46.20.161 and 2018 c 69 s 1 are each amended to read as follows:

(1) The department, upon receipt of a fee of forty-five dollars from October 1, 2012, to June 30, 2013, and fifty-four dollars after June 30, 2013, unless the driver's license is issued for a period other than five years from October 1, 2012, to June 30, 2013, or six years after June 30, 2013, in which case the fee shall be nine dollars for each year that the license is issued, which includes the fee for the required photograph, shall issue to every qualifying applicant a driver's license. A driver's license issued to a person under

the age of eighteen is an intermediate license, subject to the restrictions imposed under RCW 46.20.075, until the person reaches the age of eighteen.

(2) The license must include:

(a) A distinguishing number assigned to the licensee(;;);

(b) The name of record(;;);

(c) Date of birth(;;);

(d) Washington residence address(;;);

(e) Photograph(;;);

(f) A brief description of the licensee(;;);

(g) Either a facsimile of the signature of the licensee or a space upon which the licensee shall write his or her usual signature with pen and ink immediately upon receipt of the license(;; and);

(h) If applicable, the person's status as a veteran as provided in subsection ((2)) (4) of this section; and

(i) If applicable, a medical alert designation as provided in subsection (5) of this section.

(3) No license is valid until it has been ((s)) signed by the licensee.

((2)) (4)(a) A veteran, as defined in RCW 41.04.007, or an individual who otherwise meets the criteria of RCW 41.04.007 but who has received a general discharge under honorable conditions, may apply to the department to obtain a veteran designation on a driver's license issued under this section by providing:

((s)) (i) A United States department of veterans affairs identification card or proof of service letter;

((s)) (ii) A United States department of defense discharge document, DD Form 214 or DD Form 215, as it exists on June 7, 2018, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, or equivalent or successor discharge paperwork, that shows a discharge status of "honorable" or "general under honorable conditions" that establishes the person's service in the armed forces of the United States;

((s)) (iii) A national guard state-issued report of separation and military service, NGB Form 22, as it exists on June 7, 2018, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, or equivalent or successor discharge paperwork, that shows a discharge status of "honorable" or "general under honorable conditions" that establishes the person's active duty or reserve service in the national guard; or

((s)) (iv) A United States uniformed services identification card, DD Form 2, that displays on its face that it has been issued to a retired member of any of the armed forces of the United States, including the national guard and armed forces reserves.

(b) The department may permit a veteran, as defined in RCW 41.04.007, or an individual who otherwise meets

the criteria of RCW 41.04.007 but who has received a general discharge under honorable conditions, to submit an alternate form of documentation to apply to obtain a veteran designation on a driver's license, as specified by rule, that requires a discharge status of "honorable" or "general under honorable conditions" and that establishes the person's service as required under RCW 41.04.007.

(5) Any person may apply to the department to obtain a medical alert designation, a developmental disability designation, or a deafness designation on a driver's license issued under this chapter by providing:

(a) Self-attestation that the individual:

(i) Has a medical condition that could affect communication or account for a driver health emergency;

(ii) Is deaf or hard of hearing; or

(iii) Has a developmental disability as defined in RCW 71A.10.020;

(b) A statement from the person that they have voluntarily provided the self-attestation and other information verifying the condition; and

(c) For persons under eighteen years of age or who have a developmental disability, the signature of a parent or legal guardian.

(6) A self-attestation or data contained in a self-attestation provided under this section:

(a) Shall not be disclosed;

(b) Is for the confidential use of the director, the chief of the Washington state patrol, and law enforcement and emergency medical service providers as designated by law; and

(c) Is subject to the privacy protections of the driver's privacy protection act, 18 U.S.C. Sec. 2725.

NEW SECTION. Sec. 66. This act takes effect January 1, 2022."

Correct the title.

Representatives Kilduff and Schmick spoke in favor of the adoption of the striking amendment.

The striking amendment (2171) 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 Kilduff and Schmick spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6429, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6429, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SUBSTITUTE SENATE BILL NO. 6429, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 6281, by Senate Committee on Ways & Means (originally sponsored by Carlyle, Nguyen, Rivers, Short, Sheldon, Wellman, Lovelett, Das, Van De Wege, Billig, Randall, Pedersen, Dhingra, Hunt, Salomon, Lias, Mullet, Wilson, C., Frockt, Cleveland and Keiser)**

**Concerning the management and oversight of personal data.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Innovation, Technology & Economic Development was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 47, February 28, 2020).

With the consent of the House, amendments (2142), (2159), (2161), (2156), (2142), (2159), (2161) and (2156) were withdrawn.

Representative Smith moved the adoption of amendment (2155) to the committee striking amendment:

66.0. On page 3, line 19 of the striking amendment, after "(4)" insert "'Chief privacy officer" means the person appointed under RCW 43.105.369(2).

(5)"

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

On page 3, line 36 of the striking amendment, after "(9)" insert "(a) "Data broker" means a business, or unit or units of a business, separately or together, that knowingly

collects and sells or licenses to third parties the personal data of a consumer with whom the business does not have a direct relationship.

(b) The following activities conducted by a business do not qualify the business as a data broker:

(i) Furnishing a consumer report, as defined in 15 U.S.C. Sec. 1681a(d), by a consumer reporting agency, as defined in 15 U.S.C. Sec. 1681a(f);

(ii) Collecting or disclosing nonpublic personal information, as defined in 15 U.S.C. Sec. 6809(4), by a financial institution, as defined in 15 U.S.C. Sec. 6809(3), in a manner than is regulated under the federal Gramm Leach Bliley act, P.L. 106-102, and implementing regulations;

(iii) Providing 411 directory assistance or directory information services, including name, address, and telephone number, on behalf of or as a function of a telecommunications carrier; or

(iv) Providing publicly available information via real-time or near real-time alert services for health or safety purposes.

(10)"

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

On page 21, after line 15 of the striking amendment, insert the following:

**"NEW SECTION. Sec. 11. DATA BROKER REGISTRATION.** (1) Annually, on or before January 31st following a year in which a business meets the definition of data broker as provided in section 3 of this act, a data broker shall:

(a) Register with the chief privacy officer;

(b) Pay a registration fee of two hundred fifty dollars to the chief privacy officer; and

(c) Provide the following information to the chief privacy officer:

(i) The name and primary physical, email, and internet addresses of the data broker;

(ii) If the data broker permits a consumer to opt out of the data broker's collection of personal data, opt out of its databases, or opt out of certain sales of data:

(A) The method for requesting an opt-out;

(B) If the opt-out applies to only certain activities or sales, a statement specifying to which activities or sales the opt-out applies;

(C) Whether the data broker permits a consumer to authorize a third party to opt out on the consumer's behalf;

(D) A statement specifying the data collection, databases, or sales activities from which a consumer may not opt out;

(iii) Whether the data broker implements a purchaser credentialing process;

(iv) Where the data broker has actual knowledge that it possesses the personal data of minors, a separate statement detailing the data collection practices, databases, sales activities, and opt-out policies that are applicable to the personal data of minors; and

(v) Any additional data that the data broker chooses to provide concerning its data collection practices.

(2) The chief privacy officer is authorized to coordinate with a third party for the purpose of collecting the registration fee under subsection (1)(b) of this section.

(3) A data broker that fails to fulfill the requirements of subsection (1) of this section is subject to:

(a) A civil penalty of fifty dollars for each day, not to exceed a total of ten thousand dollars for each year it fails to register pursuant to this section;

(b) A fine equal to the fees due under this section during the period it failed to register pursuant to this section; and

(c) Other penalties imposed by law.

(4) The attorney general may maintain an action to collect the penalties imposed in this section and to seek appropriate injunctive relief."

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

On page 26, line 4 of the striking amendment, after "through" strike "18 and 20" and insert "19 and 21"

Representative Smith spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Slatter spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2155) to the committee striking amendment was not adopted.

Representative Smith moved the adoption of amendment (2141) to the committee striking amendment:

66.0. On page 4, line 5 of the striking amendment, after "device" insert "or household"

On page 4, line 8 of the striking amendment, after "person" insert ", or a device or household linked to such person"

Representatives Smith and Kloba spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2141) to the committee striking amendment was adopted.

Representative Hudgins moved the adoption of amendment (2117) to the committee striking amendment:

66.0. On page 4, beginning on line 12 of the striking amendment, strike all of subsections (11) through (13)

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

On page 4, beginning on line 31 of the striking amendment, strike all of subsection (17)

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

On page 5, beginning on line 14 of the striking amendment, strike all of subsection (24)

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

On page 6, beginning on line 13 of the striking amendment, strike all of subsection (31)

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

On page 7, beginning on line 28 of the striking amendment, strike all of subsection (40)

On page 17, beginning on line 16 of the striking amendment, after "purpose." strike all material through "program." on line 19

On page 22, line 1 of the striking amendment, after "PREEMPTION." strike "(1)"

On page 22, beginning on line 8 of the striking amendment, strike all of subsection (2)

On page 23, beginning on line 9 of the striking amendment, strike all of section 17

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

On page 26, line 4 of the striking amendment, after "through" strike "18 and 20" and insert "17 and 19"

Representative Hudgins spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2117) to the committee striking amendment was adopted.

With the consent of the House, amendments (2122) and (2151) were withdrawn.

Representative Smith moved the adoption of amendment (2160) to the committee striking amendment:

66.0. On page 5, line 31 of the striking amendment, after "records" insert "'Publicly available information" does not mean information collected by a business about a consumer without the consumer's knowledge."

Representative Smith spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Tarleton spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2160) to the committee striking amendment was not adopted.

Representative Smith moved the adoption of amendment (2139) to the committee striking amendment:

66.0. On page 6, line 12 of the striking amendment, after "person." insert "Photographs or other graphic or visual depictions of natural persons, whether or not in electronic form, cannot be pseudonymous within the meaning of this subsection."

Representatives Smith and Kloba spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2139) to the committee striking amendment was adopted.

Representative Van Werven moved the adoption of amendment (2137) to the committee striking amendment:

66.0. On page 7, line 3 of the striking amendment, after "from a" strike "known child; or (d)" and insert "child; (d) a minor over twelve and under sixteen years of age; or (e)"

Representatives Van Werven, Smith, Corry, Walsh and Maycumber spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Tarleton and Hudgins spoke against the adoption of the amendment to the committee striking amendment.

An electronic roll call was requested.

## ROLL CALL

The Clerk called the roll on the adoption of amendment (2137) to the committee striking amendment, and the amendment was not adopted by the following vote: Yeas, 46; Nays, 51; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Corry, DeBolt, Dent, Doglio, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Shewmake, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Voting nay: Representatives Appleton, Bergquist, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Slatter,

Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Excused: Representative Paul.

Representative Stokesbary moved the adoption of amendment (2148) to the committee striking amendment:

66.0. On page 7, line 34 of the striking amendment, after "to" insert "institutions of higher education and"

On page 7, line 36 of the striking amendment, after "Washington," strike "and that" and insert "if the institutions or legal entities"

On page 26, at the beginning of line 2 of the striking amendment, strike "institutions of higher education or"

Representatives Stokesbary, Boehnke, Corry, Gildon and Walsh spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Wylie spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2148) to the committee striking amendment was not adopted.

Representative Hoff moved the adoption of amendment (2150) to the committee striking amendment:

66.0. On page 7, line 34 of the striking amendment, after "to" insert "state agencies, local governments, municipal corporations, and"

On page 7, line 36 of the striking amendment, after "Washington," strike "and that" and insert "if the state agencies, local governments, municipal corporations, or legal entities"

On page 8, beginning on line 5 of the striking amendment, after "(a)" strike all material through "(c)" on line 7

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

Representatives Hoff, Kraft, Maycumber, Boehnke, Stokesbary and Dufault spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Kloba and Hudgins spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2150) to the committee striking amendment was not adopted.

Representative Barkis moved the adoption of amendment (2149) to the committee striking amendment:

66.0. On page 8, line 7 of the striking amendment, after "(c)" insert "Legal entities earning less than five million dollars in global revenue, including revenue attributable to their affiliates;

(d)"

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

Representatives Barkis, Stokesbary, Walsh and Boehnke spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Wylie and Hudgins spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2149) to the committee striking amendment was not adopted.

Representative Smith moved the adoption of amendment (2158) to the committee striking amendment:

66.0. On page 8, line 7 of the striking amendment, after "of" insert "personal data, unless this chapter provides stronger or additional privacy protections for such data"

Representative Smith spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Hudgins spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2158) to the committee striking amendment was not adopted.

Representative Smith moved the adoption of amendment (2157) to the committee striking amendment:

66.0. On page 13, beginning on line 6 of the striking amendment, after "consumer" strike all material through "concerning a consumer" on line 9

Representative Smith spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Hudgins spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2157) to the committee striking amendment was not adopted.

Representative Smith moved the adoption of amendment (2136) to the committee striking amendment:

66.0. On page 13, line 39 of the striking amendment, after "(7)" insert "*Notifying third parties of consumer requests*. A controller must take reasonable steps to communicate a consumer's request to correct, delete, or opt out of the processing of personal data under subsection (2), (3), or (5) of this section to each third party to whom the controller disclosed, including through sale, the personal data within one year preceding the consumer's request, unless this proves functionally impractical, technically infeasible, or involves disproportionate effort.

(8)"

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

Representative Smith and Smith (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Slatter spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2136) to the committee striking amendment was not adopted.

Representative Smith moved the adoption of amendment (2152) to the committee striking amendment:

66.0. On page 17, line 20 of the striking amendment, after "*data*." insert "(a)"

On page 17, line 26 of the striking amendment, after "requirements." insert "Each person has an absolute privacy right in the person's biometric identifiers.

(b)(i) The office of the attorney general, in consultation with the office of privacy and data protection, must convene a task force to examine the issues related to infringement by biometric surveillance technology on the biometric identifiers privacy rights guaranteed in (a) of this subsection, including:

(A) The use of affirmative consent for collection of biometric data;

(B) Requiring clear purposes for which biometric data is collected and limiting collection to those purposes;

(C) The ability of a consumer to withdraw consent and obtain deletion of all biometric data of the consumer; and

(D) Imposing on entities that collect biometric data the duties to protect, secure, and prevent misuse of biometric data.

(ii) The majority of the task force members must be representatives of organizations that advocate for civil liberties, consumer rights, and privacy protections. The task force must also include a data ethics expert and a representative from a statewide organization that represents law enforcement agencies.

(iii) By December 1, 2021, the attorney general must submit to the relevant committees of the legislature a report that summarizes the findings of the task force. The report must include for consideration and possible adoption by the legislature recommendations regarding legal remedies to provide justice for those whose biometric privacy rights are violated.

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

(i) "Biometric identifier" means any information, regardless of how it is captured, converted, stored, or shared, based on biological, physiological, or behavioral traits that are uniquely attributable to a single individual.

(ii) "Biometric surveillance technology" means any technology or process capable of collecting, capturing, or replicating a biometric identifier."

Representatives Smith, Boehnke and Walsh spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Slatter spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2152) to the committee striking amendment was not adopted.

Representative Smith moved the adoption of amendment (2138) to the committee striking amendment:

66.0. On page 19, beginning on line 37 of the striking amendment, strike all of subsection (a)

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

Representatives Smith and Walsh spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Slatter spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2138) to the committee striking amendment was not adopted.

Representative Smith moved the adoption of amendment (2135) to the committee striking amendment:

66.0. On page 19, beginning on line 37 of the striking amendment, strike all of subsection (a)

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

Representative Smith spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Hudgins spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2135) to the committee striking amendment was not adopted.

Representative Corry moved the adoption of amendment (2147) to the committee striking amendment:

66.0. On page 21, line 24 of the striking amendment, after "(2)" insert "A controller or processor earning less than one hundred million dollars in annual global revenue, including revenue attributable to its affiliates, is in violation of this chapter if it fails to cure any alleged violation within thirty days after receiving notice of alleged noncompliance."

Representatives Corry and Stokesbary spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Hudgins spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2147) to the committee striking amendment was not adopted.

Representative Walen moved the adoption of amendment (2131) to the committee striking amendment:

66.0. On page 21, beginning on line 16 of the striking amendment, strike all of section 11 and insert the following:

**"NEW SECTION. Sec. 66.11. LIABILITY.** (1) Any violation of this chapter shall not serve as the basis for, or be subject to, a private right of action under this chapter or any other law or serve as the basis for a violation of chapter 19.86 RCW or under any other law. This chapter does not relieve any party from any duty or obligation imposed, or alter any right, burden, or obligation that a consumer has under other laws, including without limitation chapter 19.86 RCW, the Washington State Constitution, or the United States Constitution.

(2) In the event that a consumer institutes a civil action under chapter 19.86 RCW arising out of conduct that independently violates chapter 19.86 RCW, such civil action shall continue to be permitted solely under chapter 19.86 RCW, even if such conduct is regulated by this chapter. For purposes of RCW 19.86.093, this chapter does not incorporate chapter 19.86 RCW.

(3) Where more than one controller or processor, or both a controller and a processor, involved in the same processing, is in violation of this chapter, the liability must be allocated among the parties according to principles of comparative fault.

**NEW SECTION. Sec. 66.12. ENFORCEMENT.** (1) The attorney general has exclusive authority to enforce this chapter. The attorney general shall exercise such authority by bringing an action either in the name of the state or as parens patriae on behalf of persons residing in the state. For the purposes of this chapter the attorney general has the same authority to investigate alleged violations as he or she does in RCW 19.86.110.

(2) Any controller or processor that violates this chapter is subject to an injunction and liable for a civil penalty of not more than seven thousand five hundred dollars for each violation.

(3) In the event that a legal entity subject to this chapter is held liable in any action arising out of conduct governed under this chapter, such legal entity shall not be made to defend against, and shall not be held liable, against causes of action or claims arising of the same conduct in any other proceeding."

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

On page 26, line 4 of the striking amendment, after "through" strike "18 and 20" and insert "19 and 21"

Representatives Walen, Dufault and Stokesbary spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Hudgins spoke against the adoption of the amendment to the committee striking amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (2131) and the amendment was not adopted by the following vote: Yeas, 46; Nays, 51; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Caldier, Chambers, Chandler, Chapman, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Fey, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Kirby, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Pettigrew, Rude, Schmick, Shea, Slatter, Springer, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Ybarra and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Boehnke, Callan, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Smith, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Wylie and Mme. Speaker.

Excused: Representative Paul.

Amendment (2134) was ruled out of order.

Representative Vick moved the adoption of amendment (2146) to the committee striking amendment:

66.0. On page 22, beginning on line 4 of the striking amendment, after "processors." strike all material through "preempted."

Representatives Vick and Stokesbary spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Tarleton spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2146) to the committee striking amendment was not adopted.

Representative Boehnke moved the adoption of amendment (2140) to the committee striking amendment:

66.0. On page 23, at the beginning of line 4 of the striking amendment, strike all material through "initiatives" on line 6 and insert "to enable the sharing of personal data or personal information by public bodies

across national and state borders, but solely for the purposes of joint data-driven research on life-threatening diseases"

On page 23, line 8 of the striking amendment, after "data." insert "Prior to sharing any personal data or personal information, public bodies must obtain informed opt-in consent of Washington residents whose personal data or personal information is shared across national and state borders."

Representatives Boehnke, Kraft and Walsh spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Tarleton spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2140) to the committee striking amendment was not 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 Kloba, Wylie and Smith spoke in favor of the passage of the bill.

Representatives Stokesbary, Dufault, Sutherland, Boehnke, Corry and Kraft spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6281, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6281, as amended by the House, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chopp, Cody, Davis, DeBolt, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Calder, Chambers, Chandler, Chapman, Corry, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Kirby, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Schmick, Shea, Springer, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Paul.

SECOND SUBSTITUTE SENATE BILL NO. 6281, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

**MOTIONS**

There being no objection, the following bills were returned to the Committee on Rules:

- SUBSTITUTE SENATE BILL NO. 5011
- ENGROSSED SENATE BILL NO. 5294
- SUBSTITUTE SENATE BILL NO. 5679
- SENATE BILL NO. 5749
- SENATE BILL NO. 5782
- SUBSTITUTE SENATE BILL NO. 6022
- SENATE BILL NO. 6047
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6122
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6147
- SUBSTITUTE SENATE BILL NO. 6155
- SUBSTITUTE SENATE BILL NO. 6182
- ENGROSSED SENATE BILL NO. 6238
- SECOND SUBSTITUTE SENATE BILL NO. 6275
- SUBSTITUTE SENATE BILL NO. 6302
- SUBSTITUTE SENATE BILL NO. 6358
- SECOND SUBSTITUTE SENATE BILL NO. 6382
- SUBSTITUTE SENATE BILL NO. 6408
- SUBSTITUTE SENATE BILL NO. 6455
- SUBSTITUTE SENATE BILL NO. 6501
- SUBSTITUTE SENATE BILL NO. 6531
- SENATE BILL NO. 6556
- SENATE JOINT MEMORIAL NO. 8014

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 HOUSE BILL NO. 1808
- HOUSE BILL NO. 2505
- HOUSE BILL NO. 2943
- HOUSE BILL NO. 2945
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5323
- SENATE BILL NO. 6049
- SUBSTITUTE SENATE BILL NO. 6632

There being no objection, the House adjourned until 9:00 a.m., March 7, 2020, the 55th Day of the Regular Session.

Laurie Jinkins, Speaker  
Bernard Dean, Chief Clerk



**SIXTY SIXTH LEGISLATURE - REGULAR SESSION**

**FIFTY FIFTH DAY**

House Chamber, Olympia, Saturday, March 7, 2020

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

March 6, 2020

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Nicole Rees and Clara Sodon. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Norma Smith, 10th Legislative District, Washington.

Mme. SPEAKER:

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

The President has signed:

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

SECOND ENGROSSED HOUSE BILL NO. 1056,  
HOUSE BILL NO. 1165,  
ENGROSSED HOUSE BILL NO. 1187,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1520,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1551,  
HOUSE BILL NO. 2109,  
SUBSTITUTE HOUSE BILL NO. 2205,  
HOUSE BILL NO. 2251,  
HOUSE BILL NO. 2259,  
HOUSE BILL NO. 2266,  
SUBSTITUTE HOUSE BILL NO. 2378,  
HOUSE BILL NO. 2390,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2411,  
HOUSE BILL NO. 2416,  
SUBSTITUTE HOUSE BILL NO. 2473,  
HOUSE BILL NO. 2474,  
SUBSTITUTE HOUSE BILL NO. 2476,  
HOUSE BILL NO. 2508,  
HOUSE BILL NO. 2512,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2571,  
SUBSTITUTE HOUSE BILL NO. 2589,  
HOUSE BILL NO. 2599,  
HOUSE BILL NO. 2677,  
HOUSE BILL NO. 2682,  
HOUSE BILL NO. 2762,  
SUBSTITUTE HOUSE BILL NO. 2785,  
ENGROSSED HOUSE BILL NO. 2792,  
SUBSTITUTE HOUSE BILL NO. 2868,  
SUBSTITUTE HOUSE BILL NO. 2873,  
SUBSTITUTE HOUSE BILL NO. 2883,

**MESSAGES FROM THE SENATE**

March 6, 2020

Mme. SPEAKER:

The Senate has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1645,  
SUBSTITUTE HOUSE BILL NO. 1847,  
ENGROSSED HOUSE BILL NO. 2188,  
HOUSE BILL NO. 2229,  
SUBSTITUTE HOUSE BILL NO. 2246,  
SUBSTITUTE HOUSE BILL NO. 2250,  
HOUSE BILL NO. 2271,  
SUBSTITUTE HOUSE BILL NO. 2338,  
HOUSE BILL NO. 2380,  
HOUSE BILL NO. 2491,  
SUBSTITUTE HOUSE BILL NO. 2544,  
SUBSTITUTE HOUSE BILL NO. 2555,  
SUBSTITUTE HOUSE BILL NO. 2556,  
HOUSE BILL NO. 2579,  
HOUSE BILL NO. 2624,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2731,  
SUBSTITUTE HOUSE BILL NO. 2758,  
HOUSE BILL NO. 2763,  
ENGROSSED HOUSE BILL NO. 2819,  
HOUSE BILL NO. 2826,  
HOUSE BILL NO. 2833,  
HOUSE BILL NO. 2858,  
HOUSE BILL NO. 2860,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

and the same are herewith transmitted.

**SECOND READING**

Brad Hendrickson, Secretary

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5323, by Senate Committee on Environment, Energy & Technology (originally sponsored by Das, Carlyle, Kuderer, Palumbo, Hunt, Rolfes, Frockt, Keiser, Pedersen and Saldaña)**

**Reducing pollution from plastic bags by establishing minimum state standards for the use of bags at retail establishments.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Environment & Energy was not adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

There being no objection, the committee amendment by the Committee on Finance was not adopted. (For Committee amendment, see Journal, Day 53, March 5, 2020).

Amendment (2132) to the Finance committee amendment was ruled out of order.

Representative Chapman moved the adoption of the striking amendment (2167):

66.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 67.** (1) State policy has long placed waste reduction as the highest priority in the collection, handling, and management of solid waste. Reducing plastic bag waste holds particular importance among state waste reduction efforts for a number of reasons:

(a) Single-use plastic carryout bags are made of nonrenewable resources and never biodegrade; instead, over time, they break down into tiny particles. Single-use plastic carryout bags, and the particles they break into, are carried into rivers, lakes, Puget Sound, and the world's oceans, posing a threat to animal life and the food chain;

(b) Plastic bags are one of the most commonly found items that litter state roads, beaches, and other public spaces; and

(c) Even when plastic bags avoid the common fate of becoming litter, they are a drain on public resources and a burden on environment and resource conservation goals. For example, if plastic bags are disposed of in commingled recycling systems rather than as garbage or in retailer drop-off programs, they clog processing and sorting machinery, resulting in missorted materials and costly inefficiencies that are ultimately borne by utility ratepayers. Likewise, when green or brown-tinted plastic bags confuse consumers into attempting to dispose of them as compost, the resultant plastic contamination undercuts the ability to use the compost in gardens, farms, landscaping, and surface water and transportation projects.

(2) Alternatives to single-use plastic carryout bags are convenient, functional, widely available, and measure as

superior across most environmental performance metrics. Alternatives to single-use plastic carryout bags feature especially superior environmental performance with respect to litter and marine debris, since plastic bags do not biodegrade.

(3) As of 2020, many local governments in Washington have shown leadership in regulating the use of single-use plastic carryout bags. This local leadership has shown the value of establishing state standards that will streamline regulatory inconsistency and reduce burdens on covered retailers caused by a patchwork of inconsistent local requirements across the state.

(4) Data provided from grocery retailers has shown that requests for paper bags have skyrocketed where plastic bag bans have been implemented. To accommodate the anticipated consequences of a statewide plastic bag ban, it is rational to expect additional capacity will be needed in Washington state for manufacturing paper bags. The legislature intends to provide that capacity by prioritizing and expediting siting and permitting of expansions or reconfiguring for paper manufacturing.

(5) Therefore, in order to reduce waste, litter, and marine pollution, conserve resources, and protect fish and wildlife, it is the intent of the legislature to:

(a) Prohibit the use of single-use plastic carryout bags;

(b) Require a pass-through charge on recycled content paper carryout bags and reusable carryout bags made of film plastic, to encourage shoppers to bring their own reusable carryout bags;

(c) Require that bags provided by a retail establishment contain recycled content; and

(d) Encourage the provision of reusable and recycled content paper carryout bags by retail establishments.

**NEW SECTION. Sec. 68.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Carryout bag" means any bag that is provided by a retail establishment at home delivery, the check stand, cash register, point of sale, or other point of departure to a customer for use to transport or carry away purchases.

(2) "Department" means the department of ecology.

(3) "Pass-through charge" means a charge to be collected and retained by retail establishments from their customers when providing recycled content paper carryout bags and reusable carryout bags made of film plastic.

(4) "Recycled content paper carryout bag" means a paper carryout bag provided by a retail establishment to a customer that meets the requirements in section 3(6)(a) of this act.

(5) "Retail establishment" means any person, corporation, partnership, business, facility, vendor, organization, or individual that sells or provides food, merchandise, goods, or materials directly to a customer including home delivery, temporary stores, or vendors at farmers markets, street fairs, and festivals.

(6) "Reusable carryout bag" means a carryout bag made of cloth or other durable material with handles that is specifically designed and manufactured for long-term multiple reuse and meets the requirements of section 3(6)(b) of this act.

(7) "Single-use plastic carryout bag" means any carryout bag that is made from plastic that is designed and suitable only to be used once and disposed.

**NEW SECTION. Sec. 69.** (1) Beginning January 1, 2021, except as provided in this section and section 4 of this act, a retail establishment may not provide to a customer or a person at an event:

(a) A single-use plastic carryout bag;

(b) A paper carryout bag or reusable carryout bag made of film plastic that does not meet recycled content requirements; or

(c) Beginning January 1, 2026, a reusable carryout bag made of film plastic with a thickness of less than four mils, in the event that the 2025 legislature does not amend this section to reflect the recommendations to the legislature made consistent with section 7 of this act.

(2)(a) A retail establishment may provide a reusable carryout bag or a recycled content paper carryout bag of any size to a customer at the point of sale. A retail establishment may make reusable carryout bags available to customers through sale.

(b)(i) Until December 31, 2025, a retail establishment must collect a pass-through charge of eight cents for every recycled content paper carryout bag with a manufacturer's stated capacity of one-eighth barrel (eight hundred eighty-two cubic inches) or greater or reusable carryout bag made of film plastic it provides, except as provided in subsection (5) of this section and section 4 of this act.

(ii) Beginning January 1, 2026, a retail establishment must collect a pass-through charge of twelve cents for reusable carryout bags made of film plastic and eight cents for recycled content paper carryout bags, in the event that the 2025 legislature does not amend this section to reflect the recommendations to the legislature made consistent with section 7 of this act. It is the intent of the legislature for the 2025 legislature to reassess the amount of the pass-through charge authorized under this subsection (2)(b), taking into consideration the content of the report to the legislature under section 7 of this act.

(c) A retail establishment must keep all revenue from pass-through charges. The pass-through charge is a taxable retail sale. A retail establishment must show all pass-through charges on a receipt provided to the customer.

(3) Carryout bags provided by a retail establishment do not include:

(a) Bags used by consumers inside stores to:

(i) Package bulk items, such as fruit, vegetables, nuts, grains, candy, greeting cards, or small hardware items such as nails, bolts, or screws;

(ii) Contain or wrap items where dampness or sanitation might be a problem including, but not limited to:

(A) Frozen foods;

(B) Meat;

(C) Fish;

(D) Flowers; and

(E) Potted plants;

(iii) Contain unwrapped prepared foods or bakery goods;

(iv) Contain prescription drugs; or

(v) Protect a purchased item from damaging or contaminating other purchased items when placed in a recycled content paper carryout bag or reusable carryout bag; or

(b) Newspaper bags, mailing pouches, sealed envelopes, door hanger bags, laundry/dry cleaning bags, or bags sold in packages containing multiple bags for uses such as food storage, garbage, or pet waste.

(4)(a) Any compostable film bag that a retail establishment provides to customers for products, including for products bagged in stores prior to checkout, must meet the requirements for compostable products and film bags in chapter 70.360 RCW.

(b) A retail establishment may not use or provide polyethylene or other noncompostable plastic bags for bagging of customer products in stores, as carryout bags, or for home delivery that do not meet the requirements for noncompostable products and film bags in chapter 70.360 RCW.

(5) Except as provided by local regulations enacted as of April 1, 2020, a retail establishment may provide a bag restricted under subsection (1) of this section from existing inventory until one year after the effective date of this section. The retail establishment, upon request by the department, must provide purchase invoices, distribution receipts, or other information documenting that the bag was acquired prior to the effective date of this section.

(6) For the purposes of this section:

(a) A recycled content paper carryout bag must:

(i) Contain a minimum of forty percent postconsumer recycled materials;

(ii) Be capable of composting, consistent with the timeline and specifications of the entire American society of testing materials D6868 and associated test methods that must be met, as it existed as of January 1, 2020; and

(iii) Display in print on the exterior of the paper bag the minimum percentage of postconsumer content.

(b) A reusable carryout bag must:

(i) Have a minimum lifetime of one hundred twenty-five uses, which for purposes of this subsection means the capacity to carry a minimum of twenty-two pounds one

hundred twenty-five times over a distance of at least one hundred seventy-five feet;

(ii) Be machine washable or made from a durable material that may be cleaned or disinfected; and

(iii) If made of film plastic:

(A) Be made from a minimum of twenty percent postconsumer recycled content until July 1, 2022, and thereafter must be made from a minimum of forty percent postconsumer recycled content;

(B) Display in print on the exterior of the plastic bag the minimum percentage of postconsumer recycled content, the mil thickness, and that the bag is reusable; and

(C) Have a minimum thickness of no less than 2.25 mils until December 31, 2025, and beginning January 1, 2026, must have a minimum thickness of four mils.

(c) Except for the purposes of subsection (4) of this section, food banks and other food assistance programs are not retail establishments, but are encouraged to take actions to reduce the use of single-use plastic carryout bags.

**NEW SECTION. Sec. 70.** It is a violation of section 3 of this act for any retail establishment to pay or otherwise reimburse a customer for any portion of the pass-through charge; provided that retail establishments may not collect a pass-through charge from anyone using a voucher or electronic benefits card issued under the women, infants, and children (WIC) or temporary assistance for needy families (TANF) support programs, or the federal supplemental nutrition assistance program (SNAP, also known as basic food), or the Washington state food assistance program (FAP).

**NEW SECTION. Sec. 71.** (1) Until June 1, 2025, the department shall prioritize the expedited processing of applications for permits related to the expansion or reconfiguration of an existing pulp and paper mill for the purpose of manufacturing paper bags or raw materials used to manufacture paper bags.

(2) The department may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

(3) The enforcement of this chapter must be based primarily on complaints filed with the department and local governments. The department must establish a forum for the filing of complaints. Local governments and any person may file complaints with the department using the forum and local governments may review complaints filed with the department via the forum for purposes of the local government carrying out education and outreach to retail establishments. The forum established by the department may include a complaint form on the department's web site, 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 local governments, must provide education and outreach activities to inform retail establishments, consumers, and other interested individuals about the requirements of this chapter.

(4) The department or local government shall work with retail establishments, retail associations, unions, and other organizations to create educational elements regarding the ban and the benefits of reusable carryout bags. Educational elements may include signage at store locations, informational literature, and employee training by October 1, 2020.

(5) Retail establishments are encouraged to educate their staff to promote reusable bags as the best option for carryout bags and to post signs encouraging customers to use reusable carryout bags.

(6) A violation of this chapter is subject to a civil penalty of up to two hundred fifty dollars. Each calendar day of operation or activity in violation of this chapter comprises a new violation. Penalties issued under this section are appealable to the pollution control hearings board established in chapter 43.21B RCW.

(7) If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by July 1, 2020, from the waste reduction, recycling, and litter control account for purposes of implementing the education and outreach activities required under this section, then this act is null and void.

**NEW SECTION. Sec. 72.** (1) Except as provided in subsection (2) of this section, a city, town, county, or municipal corporation may not implement a local carryout bag ordinance. Except as provided in subsection (2) of this section, any carryout bag ordinance that was enacted as of April 1, 2020, is preempted by this chapter.

(2)(a) A city, town, county, or municipal corporation carryout bag ordinance enacted as of April 1, 2020, that has established a pass-through charge of ten cents is not preempted with respect to the amount of the pass-through charge until January 1, 2026.

(b) A city, town, county, or municipal corporation ordinance not specified in (a) of this subsection and enacted as of April 1 2020, is not preempted until January 1, 2021.

**NEW SECTION. Sec. 73.** (1) By December 1, 2024, the department of commerce, in consultation with the department, must submit a report to the appropriate committees of the legislature in order to allow an opportunity for the legislature to amend the mil thickness requirements for reusable carryout bags made of film plastic, the amount of the pass-through charges for bags, or to make other needed revisions to this chapter during the 2025 legislative session. The report required under this section must include:

(a) An assessment of the effectiveness of the pass-through charge for reducing the total volume of bags purchased and encouraging the use of reusable carryout bags;

(b) An assessment of the sufficiency of the amount of the pass-through charge allowed under chapter 70.--- RCW (the new chapter created in section 13 of this act) relative to the cost of the authorized bags to retail establishments and an assessment of the pricing and availability of various types of carryout bags. For purposes of conducting this

assessment, the department and the department of commerce may request, but not require, retail establishments and bag distributors to furnish information regarding the cost of various types of paper and plastic carryout bags provided to retail establishments; and

(c) Recommendations for revisions to chapter 70.--- RCW (the new chapter created in section 13 of this act), if needed.

(2) This section expires July 1, 2027.

**NEW SECTION. Sec. 74.** A new section is added to chapter 82.04 RCW to read as follows:

In computing the tax due under this chapter, there may be deducted any amounts derived from the pass-through charge collected by a taxpayer pursuant to chapter 70.--- RCW (the new chapter created in section 13 of this act).

**NEW SECTION. Sec. 75.** RCW 82.32.805 and 82.32.808 do not apply to this act.

**Sec. 76.** RCW 43.21B.110 and 2019 c 344 s 16, 2019 c 292 s 10, and 2019 c 290 s 12 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 70.94 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, 70.94.431, 70.105.080, 70.107.050, section 5 of this act, 70.365.070, 70.375.060, 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, 70.94.211, 70.94.332, 70.105.095, 70.365.070, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) A final decision by the department or director made under chapter 183, Laws of 2009.

(d) 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 70.95.300.

(e) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(f) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(g) 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 70.95.205.

(h) 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.

(i) 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.

(j) 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).

(k) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(l) 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.

(m) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(n) 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.

(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 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, 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. 77.** RCW 43.21B.110 and 2019 c 344 s 16, 2019 c 292 s 10, and 2019 c 290 s 12 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 70.94 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, 70.94.431, 70.105.080, 70.107.050, section 5 of this act, 70.365.070, 70.375.060, 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, 70.94.211, 70.94.332, 70.105.095, 70.365.070, 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 70.95.300.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(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 70.95.205.

(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.

(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 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, 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.

**NEW SECTION. Sec. 78.** 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. 79.** Sections 1 through 7 of this act constitute a new chapter in Title 70 RCW.

**NEW SECTION. Sec. 80.** Section 10 of this act expires June 30, 2021.

**NEW SECTION. Sec. 81.** Section 11 of this act takes effect June 30, 2021."

Correct the title.

Representative Orcutt moved the adoption of amendment (2173) to the striking amendment (2167):

81.0. On page 3, line 27 of the striking amendment, after "(2)" strike "(a)"

On page 3, line 29 of the striking amendment, after "make" strike "reusable"

Beginning on page 3, line 31 of the striking amendment, strike all of subsections (b) and (c)

On page 6, beginning on line 1 of the striking amendment, strike all of section 4

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

On page 7, beginning on line 11 of the striking amendment, after "(1)" strike "Except as provided in subsection (2) of this section, a" and insert "A"

On page 7, beginning on line 13 of the striking amendment, after "ordinance." strike everything through "2021." on line 22 and insert "Any carryout bag ordinance that was enacted as of April 1, 2020 is preempted by this chapter, effective January 1, 2021."

Beginning on page 7, line 30 of the striking amendment, after "include" strike everything through "Recommendations" on page 8, line 6 and insert "recommendations"

On page 8, beginning on line 12 of the striking amendment, after "the" strike "pass-through charge collected" and insert "sale of a carryout bag"

Representative Orcutt and Orcutt (again) spoke in favor of the adoption of the amendment to the striking amendment.

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

Amendment (2173) to the striking amendment (2167) was not adopted.

Representative Stokesbary moved the adoption of amendment (2172) to the striking amendment (2167):

81.0. On page 4, line 9 of the striking amendment, after "charges." strike "The pass-through charge is a taxable retail sale."

On page 8, after line 14 of the striking amendment, insert the following:

**NEW SECTION. Sec. 9.** A new section is added to chapter 82.08 RCW to read as follows:

The tax levied pursuant to RCW 82.08.020 does not apply to a reusable carryout bag or a recycled content paper carryout bag provided by a retail establishment pursuant to this act."

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

Representatives Stokesbary, Orcutt and Walsh 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.

### MOTION

On motion of Representative Riccelli, Representatives Appleton and Paul were excused.

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 44 - YEAS; 52 - NAYS.

Amendment (2172) to the striking amendment (2167) was not adopted.

Representatives Chapman and DeBolt spoke in favor of the adoption of the striking amendment.

The striking amendment (2167) 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, DeBolt, Chapman and Dye spoke in favor of the passage of the bill.

Representatives Orcutt and Sutherland spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5323, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5323, as amended by the House, and the bill passed the House by the following vote: Yeas, 67; Nays, 29; Absent, 0; Excused, 2.

Voting yea: Representatives Bergquist, Boehnke, Callan, Chambers, Chapman, Chopp, Cody, Davis, DeBolt, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Gregerson, Hansen, Harris, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Walen, Walsh, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Barkis, Blake, Caldier, Chandler, Corry, Dent, Dufault, Graham, Griffey, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Stokesbary, Sutherland, Vick, Volz and Wilcox.

Excused: Representatives Appleton and Paul.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5323, as amended by the House, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 1808, by Orcutt

**Making the nonprofit and library fund-raising exemption permanent.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1808 was substituted for House Bill No. 1808 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1808 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, Tarleton and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1808.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1808, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Appleton and Paul.

SUBSTITUTE HOUSE BILL NO. 1808, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2505, by Representatives Robinson, Boehnke, Chapman, Leavitt, Orcutt, Doglio and Tharinger**

**Extending the business and occupation tax exemption for amounts received as credits against contracts with or funds provided by the Bonneville power administration and used for low-income ratepayer assistance and weatherization.**

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 Robinson, Orcutt and Boehnke spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2505.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2505, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Appleton and Paul.

HOUSE BILL NO. 2505, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2943, by Representatives Robinson, Chapman and Tharinger**

**Providing a business and occupation tax preference for behavioral health administrative services 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.

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2943.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2943, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon,

Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Appleton.

HOUSE BILL NO. 2943, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2950, by Macri and Ramel**

**Addressing affordable housing needs through the multifamily housing tax exemption by providing an extension of the exemption until January 1, 2022, for certain properties currently receiving a twelve-year exemption and by convening a work group.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2950 was substituted for House Bill No. 2950 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2950 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, Barkis and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2950.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2950, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shea,

Shewmake, Slatter, Smith, Springer, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, Goehner, Schmick and Steele.

Excused: Representative Appleton.

SUBSTITUTE HOUSE BILL NO. 2950, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6049, by Senators Liias, Das, Keiser, Kuderer, Rolfes, Van De Wege, Wilson and C.**

**Creating the insurance commissioner's fraud account.**

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 Tarleton and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6049.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6049, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Appleton.

SENATE BILL NO. 6049, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6632, by Senate Committee on Ways & Means (originally sponsored by Takko)**

**Providing additional funding for the business licensing service program administered by the department of revenue.**

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, Springer and Eslick spoke in favor of the passage of the bill.

Representative Kraft spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6632.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6632, and the bill passed the House by the following vote: Yeas, 80; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Callan, Chambers, Chapman, Chopp, Cody, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, Mead, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Caldier, Chandler, Corry, Dufault, Dye, Griffey, Irwin, Kraft, MacEwen, McCaslin, Mosbrucker, Schmick, Shea, Smith, Stokesbary, Sutherland and Walsh.

Excused: Representative Appleton.

SUBSTITUTE SENATE BILL NO. 6632, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

**SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

HOUSE BILL NO. 1702  
HOUSE BILL NO. 2217  
SECOND SUBSTITUTE HOUSE BILL NO. 2277  
SUBSTITUTE HOUSE BILL NO. 2308  
ENGROSSED SECOND SUBSTITUTE HOUSE  
BILL NO. 2311  
SUBSTITUTE HOUSE BILL NO. 2419

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2455  
ENGROSSED SECOND SUBSTITUTE HOUSE  
BILL NO. 2467  
ENGROSSED SECOND SUBSTITUTE HOUSE  
BILL NO. 2518  
SUBSTITUTE HOUSE BILL NO. 2607  
SUBSTITUTE HOUSE BILL NO. 2803  
HOUSE BILL NO. 2853  
SECOND SUBSTITUTE HOUSE BILL NO. 2864

The Speaker called upon Representative Lovick to preside.

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

**THIRD READING**

**MESSAGE FROM THE SENATE**

March 4, 2020

Mme. SPEAKER:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1182, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 82.** The legislature acknowledges that the learning assistance program was developed to provide supplemental services for public school students who are not meeting academic standards. Initially, school districts were allowed to use learning assistance program funds in a flexible manner to support participating students. Over time, the legislature has continued to reduce flexibility, create additional restrictions, and establish priorities for the use of learning assistance program funds to such an extent that the program may no longer be as effective in promoting student success or serving the original intent as it could be. The legislature finds that it is time to reexamine the learning assistance program requirements in a holistic manner with a goal of restoring flexibility to districts to use the funds in a way that promotes a coordinated system of academic and nonacademic supports that reduce barriers to academic achievement and best serve student success while also balancing local control with local accountability for improvement in student learning.

**NEW SECTION. Sec. 83.** (1) The office of the superintendent of public instruction shall review the requirements of the learning assistance program and shall make recommendations to the legislature by October 1, 2020, on how to modify the program requirements including, but not limited to, recommendations on:

(a) Appropriate monitoring and reporting requirements;

(b) The types of services and activities that can be supported by the learning assistance program funds, including whether support for all or portions of the

Washington integrated student supports protocol established under RCW 28A.300.139 should be included; and

(c) Whether use of a practice or strategy identified on the state menu as required by RCW 28A.165.035 should continue to be a criteria of the program.

(2) This section expires January 1, 2021.

**Sec. 84.** RCW 28A.165.035 and 2018 c 75 s 7 are each amended to read as follows:

(1) Use of best practices that have been demonstrated through research to be associated with increased student achievement magnifies the opportunities for student success. To the extent they are included as a best practice or strategy in one of the state menus or an approved alternative under this section or RCW 28A.655.235, the following are services and activities that may be supported by the learning assistance program:

(a) Extended learning time opportunities occurring:

(i) Before or after the regular school day;

(ii) On Saturday; and

(iii) Beyond the regular school year;

(b) Services under RCW 28A.320.190;

(c) Intensive reading and literacy improvement strategies under RCW 28A.655.235;

(d) Professional development for certificated and classified staff that focuses on:

(i) The needs of a diverse student population;

(ii) Specific literacy and mathematics content and instructional strategies; and

(iii) The use of student work to guide effective instruction and appropriate assistance;

~~((d))~~ (e) Consultant teachers to assist in implementing effective instructional practices by teachers serving participating students;

~~((e))~~ (f) Tutoring support for participating students;

~~((f))~~ (g) School-wide behavioral health system of supports and interventions for students including social workers, counselors, instructional aides, and other school-based health professionals;

(h) Screening and intervention requirements under RCW 28A.320.260, even if the student being screened or provided with supports is not eligible to participate in the learning assistance program, and any staff trainings necessary to implement RCW 28A.320.260;

(i) Outreach activities and support for parents of participating students, including employing parent and family engagement coordinators; and

~~((g))~~ (j) Up to ~~((five))~~ fifteen percent of a district's learning assistance program allocation may be used for development of partnerships with community-based organizations, educational service districts, and other local agencies to deliver academic and nonacademic supports to

participating students who are significantly at risk of not being successful in school to reduce barriers to learning, increase student engagement, and enhance students' readiness to learn. The school board must approve in an open meeting any community-based organization or local agency before learning assistance program funds may be expended.

(2) In addition to the state menu developed under RCW 28A.655.235, the office of the superintendent of public instruction shall convene a panel of experts, including the Washington state institute for public policy, to develop additional state menus of best practices and strategies for use in the learning assistance program to assist struggling students at all grade levels in English language arts and mathematics and reduce disruptive behaviors in the classroom. The office of the superintendent of public instruction shall publish the state menus by July 1st ~~((, 2015, and update the state menus by each July 1st thereafter))~~ of each year.

(3)(a) ~~((Beginning in the 2016-17 school year, except))~~ Except as provided in (b) of this subsection, school districts must use a practice or strategy that is on a state menu developed under subsection (2) of this section or RCW 28A.655.235.

(b) ~~((Beginning in the 2016-17 school year, school))~~ School districts may use a practice or strategy that is not on a state menu developed under subsection (2) of this section for two school years initially. If the district is able to demonstrate improved outcomes for participating students over the previous two school years at a level commensurate with the best practices and strategies on the state menu, the office of the superintendent of public instruction shall approve use of the alternative practice or strategy by the district for one additional school year. Subsequent annual approval by the superintendent of public instruction to use the alternative practice or strategy is dependent on the district continuing to demonstrate increased improved outcomes for participating students.

(c) ~~((Beginning in the 2016-17 school year, school))~~ School districts may enter cooperative agreements with state agencies, local governments, or school districts for administrative or operational costs needed to provide services in accordance with the state menus developed under this section and RCW 28A.655.235.

~~((4))~~ School districts are encouraged to implement best practices and strategies from the state menus developed under this section and RCW 28A.655.235 before the use is required.

~~((5))~~ School districts may use learning assistance program allocations to meet the screening and intervention requirements of RCW 28A.320.260, even if the student being screened or provided with supports is not eligible to participate in the learning assistance program. The learning assistance program allocations may also be used for school district staff trainings necessary to implement the provisions of RCW 28A.320.260.)

**Sec. 85.** RCW 28A.165.005 and 2017 3rd sp.s. c 13 s 403 are each amended to read as follows:

(1) This chapter is designed to: (a) Promote the use of data when developing programs to assist students who are not meeting academic standards and reduce disruptive behaviors in the classroom; and (b) guide school districts in providing the most effective and efficient practices when implementing supplemental instruction and services to assist students who are not meeting academic standards and reduce disruptive behaviors in the classroom.

(2) School districts implementing a learning assistance program shall ~~((focus first on addressing))~~ expend a portion of learning assistance program funding to address the needs of students in grades kindergarten through four who are deficient in reading or reading readiness skills to improve reading literacy."

On page 1, line 5 of the title, after "protocol;" strike the remainder of the title and insert "amending RCW 28A.165.035 and 28A.165.005; creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1182 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

March 4, 2020

Mme. SPEAKER:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2421, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 86.** RCW 29A.04.410 and 2013 c 11 s 10 are each amended to read as follows:

Every county, city, town, and district, and the state is liable for its proportionate share of the costs when such elections are held in conjunction with other elections held under RCW 29A.04.321 and 29A.04.330.

Whenever any county, city, town, or district, or the state holds any primary or election, general or special, on an isolated date, all costs of such elections must be borne by the county, city, town, or district concerned, or the state as appropriate.

The purpose of this section is to clearly establish that the county is not responsible for any costs involved in the holding of any city, town, ~~((or))~~ district, state, or federal election.

In recovering such election expenses, including a reasonable ~~((pro-ration))~~ proration of administrative costs,

the county auditor shall certify the cost to the county treasurer with a copy to the clerk or auditor of the city, town, or district concerned, or the secretary of state as appropriate. Upon receipt of such certification relating to a city, town, or district, the county treasurer shall make the transfer from any available and appropriate city, town, or district funds to the county current expense fund or to the county election reserve fund if such a fund is established. Each city, town, or district must be promptly notified by the county treasurer whenever such transfer has been completed. However, in those districts wherein a treasurer, other than the county treasurer, has been appointed such transfer procedure does not apply, but the district shall promptly issue its warrant for payment of election costs. State and federal offices are to be considered one entity for purposes of election cost proration and reimbursement.

**Sec. 87.** RCW 29A.04.420 and 2019 c 161 s 2 are each amended to read as follows:

(1) Whenever federal officers, state officers, or measures are voted upon at a state primary or general election held ~~((in an odd-numbered year))~~ under RCW 29A.04.321, the state of Washington shall assume a prorated share of the costs of that state primary or general election~~((~~

~~((2) The state shall reimburse counties for))~~ for the federal and state offices and measures, including the prorated cost of return postage, required to be included on return envelopes pursuant to RCW 29A.40.091~~((, for all elections)).~~

~~((3))~~ (2) Whenever a primary or vacancy election is held to fill a vacancy in the position of United States senator or United States representative under chapter 29A.28 RCW, the state of Washington shall assume a prorated share of the costs of that primary or vacancy election.

~~((4))~~ (3) The county auditor shall apportion the state's share of these expenses when prorating election costs under RCW 29A.04.410 and in accordance with the state budgeting, accounting, and reporting system, shall file such expense claims with the secretary of state.

~~((5))~~ (4) The secretary of state shall include in his or her biennial budget requests sufficient funds to carry out this section. Reimbursements for election costs shall be from appropriations specifically provided by law for that purpose.

(5) State and federal offices are to be considered one entity for purposes of election cost proration and reimbursement.

**Sec. 88.** RCW 29A.04.216 and 2013 c 11 s 7 are each amended to read as follows:

The county auditor of each county shall be ex officio the supervisor of all primaries and elections, general or special, and it shall be the county auditor's duty to provide places for holding such primaries and elections; to provide the supplies and materials necessary for the conduct of elections; and to publish and post notices of calling such primaries and elections in the manner provided by law. The auditor shall also apportion to the county, each city, town, or district, and to the state of Washington ~~((in the odd-numbered year)),~~ its share of the expense of such primaries

and elections. This section does not apply to general or special elections for any city, town, or district that is not subject to RCW 29A.04.321 and 29A.04.330, but all such elections must be held and conducted at the time, in the manner, and by the officials (with such notice, requirements for filing for office, and certifications by local officers) as provided and required by the laws governing such elections. State and federal offices are to be considered one entity for purposes of election cost proration and reimbursement.

**Sec. 89.** RCW 29A.04.430 and 2003 c 111 s 148 are each amended to read as follows:

(1) For any reimbursement of election costs under RCW 29A.04.420, the secretary of state shall pay ((interest at an annual rate equal to two percentage points in excess of the discount rate on ninety day commercial paper in effect at the federal reserve bank in San Francisco on the fifteenth day of the month immediately preceding the payment for any period of time in excess of)) within thirty days after the receipt of a properly executed and documented voucher for such expenses and the entry of an allotment from specifically appropriated funds for this purpose until those funds are exhausted. If funds appropriated for this purpose are not sufficient to pay all claims, the secretary of state shall include a budget request to the legislature during the next legislative session for sufficient funds for reimbursement of all remaining claims and shall pay all properly executed and documented vouchers to the counties within thirty days of allotment of specifically appropriated funds for this purpose. The secretary of state shall promptly notify any county that submits an incomplete or inaccurate voucher for reimbursement under RCW 29A.04.420.

(2) Funding provided in this section to counties for election costs in even-numbered years is retrospective and prospective reimbursement under RCW 43.135.060 for any new or increased responsibilities under this title.

**Sec. 90.** RCW 29A.64.081 and 2004 c 271 s 181 are each amended to read as follows:

The canvassing board shall determine the expenses for conducting a recount of votes.

~~((The))~~ (1) For a recount conducted under RCW 29A.64.011, the cost of the recount shall be deducted from the amount deposited by the applicant for the recount at the time of filing the request for the recount, and the balance shall be returned to the applicant. If the costs of the recount exceed the deposit, the applicant shall pay the difference. No charges may be deducted by the canvassing board from the deposit for a recount if the recount changes the result of the nomination or election for which the recount was ordered.

(2) For a recount conducted under RCW 29A.64.021, for an office where the candidates filed the declarations of candidacy with the secretary of state, any legislative office, and any congressional office, the county auditor shall file an expense claim for such costs with the secretary of state. The secretary of state shall include a budget request to the legislature during the next legislative session for sufficient funds for reimbursement of all costs of the recount and shall pay all properly executed and documented vouchers to the counties within thirty days of allotment of specifically

appropriated funds for this purpose. The secretary of state shall promptly notify any county that submits an incomplete or inaccurate voucher for reimbursement under this section.

(3) State and federal offices are to be considered one entity for purposes of election cost proration and reimbursement.

**Sec. 91.** RCW 29A.32.210 and 2013 c 11 s 38 are each amended to read as follows:

~~((At least ninety days before))~~ Before any primary or general election, or ((at least forty days before)) any special election held under RCW 29A.04.321 or 29A.04.330, ((the legislative authority of any county or first class or code city may adopt an ordinance authorizing the publication and distribution of)) each county auditor shall print and distribute a local voters' pamphlet. The pamphlet shall provide information on all measures ((within that jurisdiction and may, if specified in the ordinance, include information on)) and candidates within that jurisdiction. ((If both a county and a first class or code city within that county authorize a local voters' pamphlet for the same election, the pamphlet shall be produced jointly by the county and the first class or code city. If no agreement can be reached between the county and first class or code city, the county and first class or code city may each produce a pamphlet. Any ordinance adopted authorizing a local voters' pamphlet may be for a specific primary, special election, or general election or for any future primaries or elections.)) The format of any local voters' pamphlet shall, whenever applicable, comply with the provisions of this chapter regarding the publication of the state candidates' and voters' pamphlets.

NEW SECTION. **Sec. 92.** This act takes effect July 1, 2021."

On page 1, line 1 of the title, after "costs;" strike the remainder of the title and insert "amending RCW 29A.04.410, 29A.04.420, 29A.04.216, 29A.04.430, 29A.64.081, and 29A.32.210; and providing an effective date."

and the same is herewith transmitted.

Brad Hendrickson, 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. 2421 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

March 5, 2020

Mme. SPEAKER:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2456, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 93. A new section is added to chapter 43.216 RCW to read as follows:

(1) The department must extend the homeless grace period, as adopted in department rule as of January 1, 2020, from a four-month grace period to a six-month grace period.

(2) For the purposes of this section, "homeless" means being without a fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (42 U.S.C., chapter 119, subchapter VI, part B) as it existed on January 1, 2020.

(3) The homeless grace period must begin on the date that child care is expected to begin.

NEW SECTION. Sec. 94. This act takes effect July 1, 2020."

On page 1, line 1 of the title, after "eligibility;" strike the remainder of the title and insert "adding a new section to chapter 43.216 RCW; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2456 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

March 3, 2020

Mme. SPEAKER:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2632, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 95. False reporting laws criminalize the knowingly false reporting of certain occurrences that are likely to cause unwarranted evacuations, public inconvenience, or alarm. Recently, however, false reporting and the 911 system have been weaponized, resulting in serious dangers and even lost lives. The term "swatting" describes the false reporting of an emergency with the goal of having a police unit or special weapons and tactics team deployed. The reckless act of swatting, often motivated by the perpetrator's bias towards protected classes, has caused death and trauma in some cases. As such, we find that a gross misdemeanor is insufficient as a legal response and here create felony false reporting punishments when the false reporting leads to injury or death.

Sec. 96. RCW 9A.84.040 and 2011 c 336 s 411 are each amended to read as follows:

(1) ~~((A))~~ (a) Except as provided in subsection (5) of this section and under circumstances not constituting false

reporting in the first or second degree, a person is guilty of false reporting in the third degree if with knowledge that the information reported, conveyed, or circulated is false, (~~he or she~~) that person initiates or circulates a false report or warning of an alleged occurrence or impending occurrence (~~of a fire, explosion, crime, catastrophe, or emergency~~) knowing that such false report is likely to cause (~~evacuation of a building, place of assembly, or transportation facility, or to cause public inconvenience or alarm~~) an emergency response.

~~((2))~~ (b) False reporting in the third degree is a gross misdemeanor.

(2)(a) Except as provided in subsection (5) of this section, a person is guilty of false reporting in the second degree if with knowledge that the information reported, conveyed, or circulated is false, that person initiates or circulates a false report or warning of an alleged occurrence or impending occurrence knowing that such false report is likely to cause an emergency response, the report was made with reckless disregard for the safety of others, and substantial bodily harm is sustained by any person as a proximate result of an emergency response.

(b) False reporting in the second degree is a class C felony.

(3)(a) Except as provided in subsection (5) of this section, a person is guilty of false reporting in the first degree if with knowledge that the information reported, conveyed, or circulated is false, that person initiates or circulates a false report or warning of an alleged occurrence or impending occurrence knowing that such false report is likely to cause an emergency response, the report was made with reckless disregard for the safety of others, and death is sustained by any person as a proximate result of an emergency response.

(b) False reporting in the first degree is a class B felony.

(4) Any person convicted of violating this section and that resulted in an emergency response may be liable to a public agency for the reasonable costs of the emergency response by, and at the discretion of, the public agency that incurred the costs.

(5) Where a case is legally sufficient to charge a person under the age of eighteen with the crime of false reporting and the alleged offense is the offender's first violation of this section, the prosecutor may divert the case.

(6) A violation or attempted violation of this section may be prosecuted in any jurisdiction where the defendant made the false report, the county where the false report was communicated to law enforcement, or the county where law enforcement responded to the false report.

(7)(a) An individual who is a victim of an offense under this section may bring a civil action against the person who committed the offense or against any person who knowingly benefits, financially or by receiving anything of value, from participation in a venture that the person knew or should have known has engaged in an act in violation of this chapter, and may recover damages and any other appropriate relief, including reasonable attorneys' fees.

(b) A person who is found liable under this subsection shall be jointly and severally liable with each other person, if any, who is found liable under this subsection for damages arising from the same violation of this section.

(8) As used in this section, "emergency response" means any action to protect life, health, or property by:

(a) A peace officer or law enforcement agency of the United States, the state, or a political subdivision of the state:

(b) An agency of the United States, the state, or a political subdivision of the state, or a private not-for-profit organization, that provides fire, rescue, or emergency medical services.

(9) Nothing in this section will be construed to:

(a) Impose liability on a person who contacts law enforcement for the purpose of, or in connection with, the reporting of unlawful conduct;

(b) Conflict with Title 47 U.S.C. Sec. 230 of the communication decency act; or

(c) Conflict with Title 42 U.S.C. Sec. 1983 of the civil rights act.

**Sec. 97.** RCW 9.94A.515 and 2019 c 271 s 7, 2019 c 243 s 5, 2019 c 64 s 3, and 2019 c 46 s 5009 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055)
	Malicious explosion 1 (RCW 70.74.280(1))
	Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050)
	Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2))
	Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011)
	Assault of a Child 1 (RCW 9A.36.120)
	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))

	Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)
	Rape 1 (RCW 9A.44.040)
	Rape of a Child 1 (RCW 9A.44.073)
	Trafficking 2 (RCW 9A.40.100(3))
XI	Manslaughter 1 (RCW 9A.32.060)
	Rape 2 (RCW 9A.44.050)
	Rape of a Child 2 (RCW 9A.44.076)
	Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
	Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
X	Child Molestation 1 (RCW 9A.44.083)
	Criminal Mistreatment 1 (RCW 9A.42.020)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
	Kidnapping 1 (RCW 9A.40.020)
	Leading Organized Crime (RCW 9A.82.060(1)(a))
	Malicious explosion 3 (RCW 70.74.280(3))
	Sexually Violent Predator Escape (RCW 9A.76.115)
IX	Abandonment of Dependent Person 1 (RCW 9A.42.060)
	Assault of a Child 2 (RCW 9A.36.130)
	Explosive devices prohibited (RCW 70.74.180)
	Hit and Run—Death (RCW 46.52.020(4)(a))
	Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
	Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
	Malicious placement of an explosive 2 (RCW 70.74.270(2))

	Robbery 1 (RCW 9A.56.200)	Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
	Sexual Exploitation (RCW 9.68A.040)	
VIII	Arson 1 (RCW 9A.48.020)	Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(b))
	Commercial Sexual Abuse of a Minor (RCW 9.68A.100)	
	Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)	Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))
	Manslaughter 2 (RCW 9A.32.070)	Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
	Promoting Prostitution 1 (RCW 9A.88.070)	Use of a Machine Gun or Bump-fire Stock in Commission of a Felony (RCW 9.41.225)
	Theft of Ammonia (RCW 69.55.010)	
VII	Air bag diagnostic systems (causing bodily injury or death) (RCW 46.37.660(2)(b))	Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
	Air bag replacement requirements (causing bodily injury or death) (RCW 46.37.660(1)(b))	VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
	Burglary 1 (RCW 9A.52.020)	Bribery (RCW 9A.68.010)
	Child Molestation 2 (RCW 9A.44.086)	Incest 1 (RCW 9A.64.020(1))
	Civil Disorder Training (RCW 9A.48.120)	Intimidating a Judge (RCW 9A.72.160)
	Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))	Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
	Drive-by Shooting (RCW 9A.36.045)	Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
	<u>False Reporting 1 (section 2(3) of this act)</u>	Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))
	Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)	Rape of a Child 3 (RCW 9A.44.079)
	Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))	Theft of a Firearm (RCW 9A.56.300)
	Introducing Contraband 1 (RCW 9A.76.140)	Theft from a Vulnerable Adult 1 (RCW 9A.56.400(1))
	Malicious placement of an explosive 3 (RCW 70.74.270(3))	Unlawful Storage of Ammonia (RCW 69.55.020)
	Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (causing bodily injury or death) (RCW 46.37.650(1)(b))	V Abandonment of Dependent Person 2 (RCW 9A.42.070)
		Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
		Air bag diagnostic systems (RCW 46.37.660(2)(c))

Air bag replacement requirements (RCW 46.37.660(1)(c))	Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))	Sexually Violating Human Remains (RCW 9A.44.105)
Child Molestation 3 (RCW 9A.44.089)	Stalking (RCW 9A.46.110)
Criminal Mistreatment 2 (RCW 9A.42.030)	Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
Custodial Sexual Misconduct 1 (RCW 9A.44.160)	IV Arson 2 (RCW 9A.48.030)
Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))	Assault 2 (RCW 9A.36.021)
Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.50.110, 26.52.070, or 74.34.145)	Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
Extortion 1 (RCW 9A.56.120)	Assault 4 (third domestic violence offense) (RCW 9A.36.041(3))
Extortionate Extension of Credit (RCW 9A.82.020)	Assault by Watercraft (RCW 79A.60.060)
Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)	Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
Incest 2 (RCW 9A.64.020(2))	Cheating 1 (RCW 9.46.1961)
Kidnapping 2 (RCW 9A.40.030)	Commercial Bribery (RCW 9A.68.060)
Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (RCW 46.37.650(1)(c))	Counterfeiting (RCW 9.16.035(4))
Perjury 1 (RCW 9A.72.020)	Driving While Under the Influence (RCW 46.61.502(6))
Persistent prison misbehavior (RCW 9.94.070)	Endangerment with a Controlled Substance (RCW 9A.42.100)
Possession of a Stolen Firearm (RCW 9A.56.310)	Escape 1 (RCW 9A.76.110)
Rape 3 (RCW 9A.44.060)	Hate Crime (RCW 9A.36.080)
Rendering Criminal Assistance 1 (RCW 9A.76.070)	Hit and Run—Injury (RCW 46.52.020(4)(b))
Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(c))	Hit and Run with Vessel—Injury Accident (RCW 79A.60.200(3))
Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))	Identity Theft 1 (RCW 9.35.020(2))
	Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
	Influencing Outcome of Sporting Event (RCW 9A.82.070)
	Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))

Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))	Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
Residential Burglary (RCW 9A.52.025)	Burglary 2 (RCW 9A.52.030)
Robbery 2 (RCW 9A.56.210)	Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
Theft of Livestock 1 (RCW 9A.56.080)	Criminal Gang Intimidation (RCW 9A.46.120)
Threats to Bomb (RCW 9.61.160)	Custodial Assault (RCW 9A.36.100)
Trafficking in Stolen Property 1 (RCW 9A.82.050)	Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))	Escape 2 (RCW 9A.76.120)
Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))	Extortion 2 (RCW 9A.56.130)
Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))	<u>False Reporting 2 (section 2(2) of this act)</u>
Unlawful transaction of insurance business (RCW 48.15.023(3))	Harassment (RCW 9A.46.020)
Unlicensed practice as an insurance professional (RCW 48.17.063(2))	Intimidating a Public Servant (RCW 9A.76.180)
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))	Introducing Contraband 2 (RCW 9A.76.150)
Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))	Malicious Injury to Railroad Property (RCW 81.60.070)
Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)	Manufacture of Untraceable Firearm with Intent to Sell (RCW 9.41.190)
Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))	Manufacture or Assembly of an Undetectable Firearm or Untraceable Firearm (RCW 9.41.325)
Willful Failure to Return from Furlough (RCW 72.66.060)	Mortgage Fraud (RCW 19.144.080)
III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))	Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))	Organized Retail Theft 1 (RCW 9A.56.350(2))
Assault of a Child 3 (RCW 9A.36.140)	Perjury 2 (RCW 9A.72.030)
	Possession of Incendiary Device (RCW 9.40.120)
	Possession of Machine Gun, Bump-Fire Stock, Undetectable Firearm, or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
	Promoting Prostitution 2 (RCW 9A.88.080)

	Retail Theft with Special Circumstances 1 (RCW 9A.56.360(2))	Electronic Data Theft (RCW 9A.90.100)
	Securities Act violation (RCW 21.20.400)	Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))
	Tampering with a Witness (RCW 9A.72.120)	Escape from Community Custody (RCW 72.09.310)
	Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))	Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132)
	Theft of Livestock 2 (RCW 9A.56.083)	Health Care False Claims (RCW 48.80.030)
	Theft with the Intent to Resell 1 (RCW 9A.56.340(2))	Identity Theft 2 (RCW 9.35.020(3))
	Trafficking in Stolen Property 2 (RCW 9A.82.055)	Improperly Obtaining Financial Information (RCW 9.35.010)
	Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))	Malicious Mischief 1 (RCW 9A.48.070)
	Unlawful Imprisonment (RCW 9A.40.040)	Organized Retail Theft 2 (RCW 9A.56.350(3))
	Unlawful Misbranding of Fish or Shellfish 1 (RCW 77.140.060(3))	Possession of Stolen Property 1 (RCW 9A.56.150)
	Unlawful possession of firearm in the second degree (RCW 9.41.040(2))	Possession of a Stolen Vehicle (RCW 9A.56.068)
	Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))	Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3))
	Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))	Scrap Processing, Recycling, or Supplying Without a License (second or subsequent offense) (RCW 19.290.100)
	Unlawful Use of a Nondesignated Vessel (RCW 77.15.530(4))	Theft 1 (RCW 9A.56.030)
	Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)	Theft of a Motor Vehicle (RCW 9A.56.065)
	Willful Failure to Return from Work Release (RCW 72.65.070)	Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at five thousand dollars or more) (RCW 9A.56.096(5)(a))
II	Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))	Theft with the Intent to Resell 2 (RCW 9A.56.340(3))
	Computer Trespass 1 (RCW 9A.90.040)	Trafficking in Insurance Claims (RCW 48.30A.015)
	Counterfeiting (RCW 9.16.035(3))	Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
	Electronic Data Service Interference (RCW 9A.90.060)	
	Electronic Data Tampering 1 (RCW 9A.90.080)	

Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))	Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))
Unlawful Practice of Law (RCW 2.48.180)	Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))	Unlawful Possession of Fictitious Identification (RCW 9A.56.320)
Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))	Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)
Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))	Unlawful Possession of Payment Instruments (RCW 9A.56.320)
Voyeurism 1 (RCW 9A.44.115)	Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)
I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)	Unlawful Production of Payment Instruments (RCW 9A.56.320)
False Verification for Welfare (RCW 74.08.055)	Unlawful Releasing, Planting, Possessing, or Placing Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))
Forgery (RCW 9A.60.020)	Unlawful Trafficking in Food Stamps (RCW 9.91.142)
Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)	Unlawful Use of Food Stamps (RCW 9.91.144)
Malicious Mischief 2 (RCW 9A.48.080)	Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))
Mineral Trespass (RCW 78.44.330)	Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3))
Possession of Stolen Property 2 (RCW 9A.56.160)	Vehicle Prowl 1 (RCW 9A.52.095)
Reckless Burning 1 (RCW 9A.48.040)	Violating Commercial Fishing Area or Time 1 (RCW 77.15.550(3)(b))"
Spotlighting Big Game 1 (RCW 77.15.450(3)(b))	
Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))	On page 1, line 1 of the title, after "emergency;" strike the remainder of the title and insert "amending RCW 9A.84.040; reenacting and amending RCW 9.94A.515; creating a new section; and prescribing penalties."
Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)	and the same is herewith transmitted.
Theft 2 (RCW 9A.56.040)	
Theft from a Vulnerable Adult 2 (RCW 9A.56.400(2))	Sarah Bannister, Deputy Secretary
Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at seven hundred fifty dollars or more but less than five thousand dollars) (RCW 9A.56.096(5)(b))	<b>SENATE AMENDMENT TO HOUSE BILL</b>
Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)	There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2632 and asked the Senate to recede therefrom.
	<b>MESSAGE FROM THE SENATE</b>
	March 5, 2020
	Mme. SPEAKER:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2722, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 98.** (1) Sustainable and resilient markets for recycled materials are essential to any successful recycling system. For many years, Washington has depended on foreign markets to accept the recyclable materials that are collected for recycling in the state. Developing domestic markets for recycled materials benefits the environment and the state's economy and is critical due to the loss of foreign markets.

(2) China's 2018 national sword policy bans the importation of recycled mixed paper and certain types of recycled plastic and imposes a stringent one-half of one percent contamination limit on all other recycled material imports. Washington's recycling facilities are struggling to find markets for recycled materials, resulting in the stockpiling of these materials. Washington must reduce its reliance on unpredictable foreign markets for its recycled materials.

(3) Plastic bottles can be recycled and can contain recycled content in order to close the loop in the recycling stream. Many companies have already taken the initiative at closing the loop by using plastic bottles that contain one hundred percent recycled content. Since November 2010, one national juice company has been using bottles made with one hundred percent postconsumer recycled content for all of its juices and juice smoothies. In January 2018, an international beverage producer announced that it will make all its bottles from one hundred percent recycled plastic by 2025.

(4) The requirements imposed by this act are reasonable and are achievable at minimal cost relative to the burden imposed by the continued excessive use of virgin materials in beverage containers in Washington.

(5) The legislature encourages beverage manufacturers to use plastic beverage containers that exceed the standards set forth in this act.

**NEW SECTION. Sec. 99.** The definitions in this section apply throughout sections 3 through 7 of this act unless the context clearly requires otherwise.

(1) "Beverage manufacturer" means a manufacturer of one or more beverages described in section 3(1) of this act, that are sold, offered for sale, or distributed in Washington.

(2) "Beverage manufacturing industry" means an association that represents companies that manufacture beverages.

(3) "Department" means the department of ecology.

**NEW SECTION. Sec. 100.** (1) Beginning January 1, 2022, manufacturers of plastic beverage containers that offer for sale, sell, or distribute in Washington beverages, intended for human or animal consumption and in a quantity more than or equal to two fluid ounces and less than or equal

to one gallon, must meet minimum postconsumer recycled content as required under section 4 of this act, on average for the total number of plastic beverage containers for the following beverages:

(a) Water and flavored water;

(b) Beer or other malt beverages;

(c) Wine;

(d) Mineral waters, soda water, and similar carbonated soft drinks; and

(e) Any beverage other than those specified in subsection (2) of this section, except infant formula.

(2) The following containers are exempt from sections 3 through 6 of this act:

(a) Refillable plastic beverage containers;

(b) Rigid plastic containers or rigid plastic bottles that are medical devices, medical products that are required to be sterile, prescription medicine, and packaging used for those products; and

(c) Bladders or pouches that contain wine.

(3) The department may adopt rules to exempt beverages.

**NEW SECTION. Sec. 101.** (1) Every year, a beverage manufacturer must meet the following minimum postconsumer recycled plastic content on average for the total number of plastic beverage containers for beverages as established in section 3 of this act that are sold, offered for sale, or distributed in Washington effective:

(a) January 1, 2022, through December 31, 2024: No less than ten percent postconsumer recycled plastic;

(b) January 1, 2025, through December 31, 2029: No less than twenty-five percent postconsumer recycled plastic;

(c) On and after January 1, 2030: No less than fifty percent postconsumer recycled plastic.

(2)(a) Beginning in 2021, and every other year thereafter, or at the petition of the beverage manufacturing industry but not more than annually, the department shall consider whether the minimum postconsumer recycled content requirements established under subsection (1) of this section should be waived or reduced. The department must consider a petition from the beverage manufacturing industry within sixty days of receipt.

(b) If the department determines that a minimum postconsumer recycled content requirement should be adjusted, the adjusted rate must be in effect until a new determination is made or upon the expiration of the minimum postconsumer recycled content requirement's effective period, whichever occurs first. The department may not adjust the minimum postconsumer recycled content requirements above the minimum postconsumer recycled plastic content percentages, as established under subsection (1) of this section. In making a determination to adjust the minimum postconsumer recycled content requirements the department must at least consider the following:

(i) Changes in market conditions, including supply and demand for postconsumer recycled plastics, collection rates, and bale availability;

(ii) Recycling rates;

(iii) The availability of recycled plastic suitable to meet the minimum postconsumer recycled content requirements, including the availability of high quality recycled plastic, and food grade recycled plastic from beverage container recycling programs;

(iv) The capacity of recycling or processing infrastructure;

(v) The progress made by beverage manufacturers in meeting the requirements of this section; and

(vi) The carbon footprint of the transportation of the recycled resin.

(3) The beverage manufacturing industry or a beverage manufacturer may appeal adjustments to the requirement for minimum postconsumer recycled content as determined under subsection (1) of this section to the pollution control hearings board within thirty days of the department's determination.

(4) The department may grant extensions of time for beverage manufacturers to meet the minimum postconsumer recycled plastic content requirements established under subsection (1) of this section if the department determines that a beverage manufacturer has made a substantial effort but has failed to meet the minimum recycled plastic content requirements due to extenuating circumstances beyond the beverage manufacturer's control.

(5) A beverage manufacturer that does not meet the minimum postconsumer recycled plastic content requirements established in subsection (1) of this section is subject to a fee established in section 6 of this act.

**NEW SECTION. Sec. 102.** (1)(a) On or before March 1, 2022, and annually thereafter, a beverage manufacturer, under penalty of perjury, must report to the department, in pounds and by resin type, the amount of virgin plastic and postconsumer recycled plastic used for plastic beverage containers containing a beverage as established under section 3 of this act sold, offered for sale, or distributed in Washington in the previous calendar year.

(b) The department must post the information reported under this subsection on its web site.

(2) The department may: (a) Conduct audits and investigations for the purpose of ensuring compliance with this section based on the information reported under subsection (1) of this section; and (b) adopt rules to implement, administer, and enforce the requirements of this act.

(3) The department shall keep confidential all business trade secrets and proprietary information about manufacturing processes and equipment that the department gathers or becomes aware of through the course of conducting audits or investigations pursuant to this chapter.

**NEW SECTION. Sec. 103.** (1) Beginning January 1, 2023, a beverage manufacturer that does not meet the minimum postconsumer recycled plastic content requirements as established under section 4 of this act, based upon the amount in pounds and in the aggregate, is subject to an annual fee.

(2) The following violation levels are based on a beverage manufacturer's overall compliance rate of the minimum postconsumer recycled plastic content requirements.

(a) Level one violation: At least seventy-five percent but less than one hundred percent of the minimum recycled plastic content requirements;

(b) Level two violation: At least fifty percent but less than seventy-five percent of the minimum recycled plastic content requirements;

(c) Level three violation: At least twenty-five percent but less than fifty percent of the minimum recycled plastic content requirements;

(d) Level four violation: At least fifteen percent but less than twenty-five percent of the minimum recycled plastic content requirements; and

(e) Level five violation: Less than fifteen percent of the minimum recycled plastic content requirements.

(3) Beginning March 1, 2023, the department may assess fees for violations as follows:

(a) Level one violation, the fee range is five cents to fifteen cents per pound;

(b) Level two violation, the fee range is ten cents to twenty cents per pound;

(c) Level three violation, the fee range is fifteen cents to twenty-five cents per pound;

(d) Level four violation, the fee range is twenty cents to thirty cents per pound;

(e) Level five violation, the fee range is twenty-five cents to thirty cents per pound.

(4) In lieu of or in addition to assessing a fee under subsection (3) of this section, the department may require a beverage manufacturer to submit a corrective action plan detailing how the beverage manufacturer plans to come into compliance with section 4 of this act.

(5) The department shall consider equitable factors in determining whether to assess a fee under subsection (3) of this section and the amount of the fee including, but not limited to: The nature and circumstances of the violation; actions taken by the beverage manufacturer to correct the violation; the beverage manufacturer's history of compliance; the size and economic condition of the beverage manufacturer; and whether the violation or conditions giving rise to the violation were due to circumstances beyond the reasonable control of the beverage manufacturer or were otherwise unavoidable under the circumstances including, but not limited to, unforeseen changes in market conditions.

(6) A beverage manufacturer must:

(a) Pay to the department assessed fees in quarterly installments; or

(b) Arrange an alternative payment schedule subject to the approval of the department.

(7) A beverage manufacturer may appeal fees assessed under this section to the pollution control hearings board within thirty days of assessment.

(8)(a) The department shall consider waiving or reducing the fees or extending the time frame for assessing fees established under subsection (3) of this section for a beverage manufacturer that has demonstrated progress toward meeting the minimum postconsumer recycled content requirements, as established under section 4 of this act, if the beverage manufacturer:

(i) Has failed to meet the minimum postconsumer recycled content requirements; or

(ii) Anticipates it will not be able to meet the minimum postconsumer recycled content requirements.

(b) In determining whether to grant a waiver of, or reduce a fee, or extend the time frame for assessing a fee, the department shall consider, at a minimum, all of the following:

(i) Anomalous market conditions;

(ii) Disruption in, or lack of supply of, recycled plastics; and

(iii) Other factors that have prevented a beverage manufacturer from meeting the requirements.

(9) A beverage manufacturer shall pay the fees assessed pursuant to this section, as applicable, based on the information reported to the department as required under section 5(1) of this act in the form and manner prescribed by the department.

**NEW SECTION. Sec. 104.** The recycling enhancement fee account is created in the state treasury. All fees collected by the department pursuant to section 6 of this act must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used by the department only for providing funding to the recycling development center created in RCW 70.370.030 for the purpose of furthering the development of recycling infrastructure in this state.

**NEW SECTION. Sec. 105.** A new section is added to chapter 42.56 RCW to read as follows:

Information submitted to the department of ecology under chapter 70.--- RCW (the new chapter created in section 13 of this act), that contains business trade secrets or proprietary information about manufacturing processes and equipment, is exempt from disclosure under this chapter.

**Sec. 106.** RCW 43.21B.110 and 2019 c 344 s 16, 2019 c 292 s 10, and 2019 c 290 s 12 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 70.94 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, 70.94.431, 70.105.080, 70.107.050, 70.365.070, 70.375.060, 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, 70.94.211, 70.94.332, 70.105.095, 70.365.070, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) A final decision by the department or director made under chapter 183, Laws of 2009.

(d) 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 70.95.300.

(e) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(f) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(g) 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 70.95.205.

(h) 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.

(i) 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.

(j) 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).

(k) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(l) 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.

(m) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(n) 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.

(o) Decisions of the department that are appealable under sections 4 and 6 of this act, to set recycled minimum postconsumer content for plastic beverage containers and to assess fees.

(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 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, 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. 107.** RCW 43.21B.110 and 2019 c 344 s 16, 2019 c 292 s 10, and 2019 c 290 s 12 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 70.94 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, 70.94.431, 70.105.080, 70.107.050, 70.365.070, 70.375.060, 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, 70.94.211, 70.94.332, 70.105.095, 70.365.070, 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 70.95.300.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(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 70.95.205.

(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 that are appealable under sections 4 and 6 of this act, to set recycled minimum postconsumer content for plastic beverage containers and to assess fees.

(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 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, 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.

**NEW SECTION. Sec. 108.** Section 9 of this act expires June 30, 2021.

**NEW SECTION. Sec. 109.** Section 10 of this act takes effect June 30, 2021.

**NEW SECTION. Sec. 110.** Sections 2 through 7 of this act constitute a new chapter in Title 70 RCW."

On page 1, line 1 of the title, after "requirements;" strike the remainder of the title and insert "reenacting and amending RCW 43.21B.110 and 43.21B.110; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 70 RCW; creating a new section; prescribing penalties; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy 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. 2722 and asked the Senate to recede therefrom.

**MESSAGE FROM THE SENATE**

March 4, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1251 with the following amendment:

110.0.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that public confidence in state elections systems and election data are of paramount consideration to the integrity of the voting process. The legislature also finds that recent events have revealed an intentional and persistent effort by foreign entities to influence election systems and other cyber networks. Therefore, the legislature intends to review the state's electoral systems and processes and take appropriate measures to identify whether foreign entities were responsible for the intrusions.

**NEW SECTION. Sec. 2.** A new section is added to chapter 29A.12 RCW to read as follows:

(1) The secretary of state must annually consult with the Washington state fusion center, state chief information officer, and each county auditor to identify instances of security breaches of election systems or election data.

(2) To the extent possible, the secretary of state must identify whether the source of a security breach, if any, is a foreign entity, domestic entity, or both.

(3) By December 31st of each year, the secretary of state must submit a report to the governor, state chief information officer, Washington state fusion center, and the chairs and ranking members of the appropriate legislative committees from the senate and house of representatives that includes information on any instances of security breaches identified under subsection (1) of this section and options to increase the security of the election systems and election data, and to prevent future security breaches. The report, and any related material, data, or information provided pursuant to subsection (1) of this section or used to assemble the report, may only be distributed to, or otherwise shared with, the individuals specifically mentioned in this subsection (3).

(4) For the purposes of this section:

(a) "Foreign entity" means an entity that is not organized or formed under the laws of the United States, or a person who is not domiciled in the United States or a citizen of the United States.

(b) "Security breach" means a breach of the election system or associated data where the system or associated data has been penetrated, accessed, or manipulated by an unauthorized person.

**Sec. 3.** RCW 29A.12.070 and 2003 c 111 s 307 are each amended to read as follows:

An agreement to purchase or lease a voting system or a component of a voting system is subject to that system or component passing ((~~aa~~)):

(1) An acceptance test sufficient to demonstrate that the equipment is the same as that certified by the secretary of state and that the equipment is operating correctly as delivered to the county; and

(2) A vulnerability test conducted by a federal or state public entity which includes participation by local elections officials."

On page 1, line 2 of the title, after "entities;" strike the remainder of the title and insert "amending RCW 29A.12.070; adding a new section to chapter 29A.12 RCW; and creating a new section."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO.

1251 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representatives Tarleton and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1251, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1251, 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 Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slater, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Appleton.

SUBSTITUTE HOUSE BILL NO. 1251, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

March 5, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1622 with the following amendment:

3.0.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.83B RCW to read as follows:

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

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

(2) "Drought condition" means that the water supply for a geographic area, or for a significant portion of a geographic area, is below seventy-five percent of normal and

the water shortage is likely to create undue hardships for water users or the environment.

(3) "Normal" water supply, for the purpose of determining drought conditions, means the median amount of water available to a geographical area, relative to the most recent thirty-year base period used to define climate normals.

**Sec. 2.** RCW 43.83B.400 and 1989 c 171 s 1 are each amended to read as follows:

~~(It is the intent of)~~ The legislature ~~((to provide emergency powers to the department of ecology to enable it to take actions, in a timely and expeditious manner, that are designed to alleviate hardships and reduce burdens on various water users and uses arising from drought conditions. As used in this chapter, "drought condition" means that the water supply for a geographical area or for a significant portion of a geographical area is below seventy-five percent of normal and the water shortage is likely to create undue hardships for various water uses and users.))~~ recognizes that drought and water shortages can place a significant hardship on Washington communities, farms, and the natural environment. Rising temperatures due to climate change may cause water supply shortages to be more frequent and severe in the future. Therefore, the ability to respond to drought and water shortage emergencies is critical to the long-term prosperity of our state. It is the intent of the legislature to provide the department with the authority to effectively and efficiently take actions when a drought emergency occurs to alleviate hardship on water users and our natural environment.

The legislature also recognizes that effective emergency drought response is predicated on building resiliency and preparedness before water shortages occur. Therefore, it is also the intent of the legislature that the department assist water users by supporting measures to strengthen the resiliency and preparedness of water users to drought conditions in the long term.

**Sec. 3.** RCW 43.83B.405 and 1989 c 171 s 2 are each amended to read as follows:

(1) Whenever it appears to the department, based on the definitions of drought condition and normal water supply set forth in section 1 of this act, that drought conditions may develop, the department may issue a drought advisory. The drought advisory should seek to increase the awareness and readiness of affected water users and may recommend voluntary actions to alleviate drought impacts.

(2)(a) Whenever it appears to the department ((of ecology)), based on the definitions of drought condition and normal water supply set forth in section 1 of this act, that a drought condition either exists or is forecast to occur within the state or portions thereof, the department ((of ecology)) is authorized to issue orders of drought emergency, pursuant to adopted rules ((previously adopted)), to implement the powers as set forth in RCW 43.83B.410 through 43.83B.420. ((The department shall, immediately upon the issuance of an order under this section, cause said order to be published in newspapers of general circulation in the areas of the state to which the order relates.))

(b) Prior to the issuance of an order of drought emergency, the department shall ~~((a))~~;

(i) Consult with ~~((and obtain the views of))~~ the federal and state government entities identified in the drought contingency plan periodically revised by the department pursuant to ~~((RCW 43.83B.410(4), and~~

~~((b)))~~ section 7 of this act and consult with affected federally recognized tribes:

(ii) Consider input from local water users, including nursery and landscape professionals, in the determination of undue hardship under section 1(2) of this act; and

(iii) Obtain the written approval of the governor.

(c) Upon issuance of an order of drought emergency, the department shall notify the public of the order consistent with rules adopted by the department.

(d) Orders of drought emergency issued under ~~((this section))~~ (a) of this subsection shall be deemed orders for the purposes of chapter 34.05 RCW.

(e) A person may petition the department to declare a drought emergency for the state or portions of the state. The department may review a petition, but any order of drought emergency issued after receipt of a petition must be based on the definitions of drought condition and normal water supply set forth in section 1 of this act, and must be issued according to the procedure set forth in this section. The department must not rely exclusively on information presented in a petition when determining whether to issue an order of drought emergency.

~~((2))~~ (3)(a) Any order issued under subsection ~~((4))~~ (2) of this section shall contain a termination date for the order. The termination date shall be not later than one calendar year from the date the order is issued. Although the department may, with the written approval of the governor, change the termination date by amending the order, no such amendment or series of amendments may have the effect of extending its termination to a date which is later than two calendar years after the issuance of the order.

~~((3))~~ (b) The provisions of ~~((subsection (2) of))~~ this section do not preclude the issuance of more than one order under subsection ~~((4))~~ (2) of this section for different areas of the state, or sequentially for the same area, as the need arises ~~((for such an order or orders)).~~

**Sec. 4.** RCW 43.83B.410 and 1989 c 171 s 3 are each amended to read as follows:

Upon the issuance of an order of drought emergency under RCW 43.83B.405(2), the department ~~((of ecology is empowered to))~~ may:

(1)(a) Authorize emergency withdrawal of public surface and ground waters, including dead storage within reservoirs, on a temporary basis and authorize temporary or permanent associated physical works ~~((which may be either temporary or permanent)).~~ The department shall prioritize the approval of emergency withdrawal authorizations in order to address those most affected by the water deficit to

ensure the survival of irrigated crops, the state's fisheries, and the provision of water for small communities.

(b) The termination date for ~~((the authority to make such an))~~ emergency withdrawal may not be later than the termination date of the order issued under RCW 43.83B.405(2) ~~((under which the power to authorize the withdrawal is established)).~~

(c) The department ~~((of ecology))~~ may issue ~~((such))~~ emergency withdrawal authorizations only when, after investigation and after providing appropriate federal, state, and local governmental bodies and affected federally recognized tribes an opportunity to comment, the following are found:

(i) The waters proposed for withdrawal are to be used for a beneficial use involving a previously established activity or purpose;

(ii) The previously established activity or purpose was furnished water through rights applicable to the use of a public body of water that cannot be exercised due to the lack of water arising from natural drought conditions; and

(iii) The proposed withdrawal will not reduce flows or levels below essential minimums necessary ~~((A))~~ to ~~((assure))~~ ensure the maintenance of fisheries requirements~~((s))~~ and ~~((B))~~ to protect federal and state interests including, among others, power generation, navigation, and existing water rights~~((s))~~;

~~((b))~~ (d) All emergency withdrawal authorizations issued under this section shall contain provisions that allow for termination of withdrawals, in whole or in part, whenever withdrawals will conflict with flows and levels as provided in ~~((a))~~ (c)(iii) of this subsection. (Domestic and irrigation uses of public surface and ground waters shall be given priority in determining "beneficial uses.")

(e) As to water withdrawal and associated works authorized under this subsection, the requirements of chapter 43.21C RCW and public bidding requirements as otherwise provided by law are waived and inapplicable. All state and local agencies with authority to issue permits or other authorizations for such works shall, to the extent possible, expedite the processing of the permits or authorizations in keeping with the emergency nature of the requests and shall provide a decision to the applicant within fifteen calendar days of the date of application. All state departments or other agencies having jurisdiction over state or other public lands, if such lands are necessary to effectuate the withdrawal authorizations issued under this subsection, shall provide short-term easements or other appropriate property interest upon the payment of the fair market value. This mandate shall not apply to any lands of the state that are reserved for a special purpose or use that cannot properly be carried out if the property interest were conveyed;

(2) Approve a temporary change in purpose, place of use, ~~((or))~~ point of diversion, or point of withdrawal, consistent with existing state policy allowing transfer or lease of waters between willing parties, as provided for in RCW 90.03.380, 90.03.390, and 90.44.100. However, compliance with any requirements of ~~((a))~~ notice of

newspaper publication of these sections or ~~((b))~~ the state environmental policy act ~~((s))~~ under chapter 43.21C RCW, is not required when such changes are necessary to respond to drought conditions as determined by the department ~~((of ecology))~~. An approval of a temporary change of a water right as authorized under this subsection is not admissible as evidence in either supporting or contesting the validity of water claims in ~~((State of Washington, Department of Ecology v. Acquavella, Yakima county superior court number 77-2-01484-5))~~ a general adjudication under RCW 90.03.210 or any similar proceeding where the existence of a water right is at issue ~~((s))~~;

(3) Employ additional persons for specified terms of time, consistent with the term of a drought condition, as are necessary to ensure the successful performance of the activities associated with implementing the emergency drought program of this chapter ~~((s))~~;

(4) ~~((Revise the drought contingency plan previously developed by the department; and~~

~~((S))~~) Acquire needed emergency drought-related equipment;

(5) Enter into agreements with applicants receiving emergency withdrawal authorizations established under this section to recover the costs, or a portion thereof, of mitigation for emergency withdrawal authorizations, provided that mitigation is done to protect instream flows, federally regulated flows, or senior water rights. The department may establish the specifics of cost recovery by rule, based on the amount of water used in the emergency withdrawal, which shall not exceed the cost of mitigation; and

(6) Enter into interagency agreements as authorized under chapter 39.34 RCW to partner in emergency drought response.

Sec. 5. RCW 43.83B.415 and 1989 c 171 s 4 are each amended to read as follows:

~~(1)(a) The department ((of ecology is authorized to make loans, grants, or combinations of loans and grants from emergency agricultural water supply funds when necessary to provide water to alleviate emergency drought conditions in order to ensure the survival of irrigated crops and the state's fisheries. For the purposes of this section, "emergency agricultural water supply funds" means funds appropriated from the state emergency water projects revolving account created under RCW 43.83B.360. The department of ecology may make the loans, grants, or combinations of loans and grants as matching funds in any case where federal, local, or other funds have been made available on a matching basis. The department may make a loan of up to ninety percent of the total eligible project cost or combination loan and grant up to one hundred percent of the total single project cost. The grant portion for any single project shall not exceed twenty percent of the total project cost except that, for activities forecast to have fifty percent or less of normal seasonal water supply, the grant portion for any single project or entity shall not exceed forty percent of the total project cost. No single entity shall receive more than ten percent of the total emergency agricultural water supply funds available for~~

~~drought relief. These funds shall not be used for nonagricultural drought relief purposes unless there are no other capital budget funds available for these purposes. In any biennium the total expenditures of emergency agricultural water supply funds for nonagricultural drought relief purposes may not exceed ten percent of the total of such funds available during that biennium.~~

~~(2)(a) Except as provided in (b) of this subsection, after June 30, 1989, emergency agricultural water supply funds, including the repayment of loans and any accrued interest, shall not be used for any purpose except during drought conditions as determined under RCW 43.83B.400 and 43.83B.405.~~

(b) Emergency agricultural water supply funds may be used on a one-time basis for the development of procedures to be used by state governmental entities to implement the state's drought contingency plan.) is authorized to issue grants to eligible public entities to reduce current or future hardship caused by water unavailability stemming from drought conditions. No single entity may receive more than twenty-five percent of the total funds available. The department is not obligated to fund projects that do not provide sufficient benefit to alleviating hardship caused by drought or water unavailability. Projects must show substantial benefit from securing water supply, availability, or reliability relative to project costs.

(b) Except for projects for public water systems serving economically disadvantaged communities, the department may only fund up to fifty percent of the total eligible cost of the project. Money used by applicants as a cash match may not originate from other state funds.

(c) For the purposes of this chapter, eligible public entities include only:

(i) Counties, cities, and towns;

(ii) Water and sewer districts formed under chapter 57.02 RCW;

(iii) Public utility districts formed under chapter 54.04 RCW;

(iv) Port districts formed under chapter 53.04 RCW;

(v) Conservation districts formed under chapter 89.08 RCW;

(vi) Irrigation districts formed under chapter 87.03 RCW;

(vii) Watershed management partnerships formed under RCW 39.34.200; and

(viii) Federally recognized tribes.

(2) Grants may be used to develop projects that enhance the ability of water users to effectively mitigate for the impacts of water unavailability arising from drought. Project applicants must demonstrate that the projects will increase their resiliency, preparedness, or ability to withstand drought conditions when they occur. Projects may include, but are not limited to:

(a) Creation of additional water storage;

(b) Implementation of source substitution projects;

(c) Development of alternative, backup, or emergency water supplies or interties;

(d) Installation of infrastructure or creation of educational programs that improve water conservation and efficiency or promote use of reclaimed water;

(e) Development or update of local drought contingency plans if not already required by state rules adopted under chapter 246-290 WAC;

(f) Mitigation of emergency withdrawals authorized under RCW 43.83B.410(1);

(g) Projects designed to mitigate for the impacts of water supply shortages on fish and wildlife; and

(h) Emergency construction or modification of water recreational facilities.

(3) During a drought emergency order pursuant to RCW 43.83B.405(2), the department shall prioritize funding for projects designed to relieve the immediate hardship caused by water unavailability.

**Sec. 6.** RCW 43.83B.430 and 2016 sp.s. c 36 s 933 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 ~~((funds transferred from the state emergency water projects revolving account))~~ 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. ~~((Expenditures from the account may be used only for drought preparedness. During the 2009-2011 fiscal biennium, the legislature may transfer from the state drought preparedness account to the state general fund such amounts as reflect the excess fund balance of the account. For the 2015-2017 fiscal biennium, the account may also accept revenue collected from emergency drought well related water service contracts and may be used for drought response.))~~

**NEW SECTION. Sec. 7.** A new section is added to chapter 43.83B RCW to read as follows:

In collaboration with affected governments, the department may revise the existing drought contingency plan. The department shall notify interested parties of any updates to the drought contingency plan.

**NEW SECTION. Sec. 8.** A new section is added to chapter 43.83B RCW to read as follows:

(1) The department shall initiate a pilot program in a selected basin or basins to explore the cost, feasibility, and benefits of entering into long-term water right lease agreements. The purpose of the agreements is to alleviate water supply conditions that may affect public health and safety, drinking water supplies, agricultural activities, or fish and wildlife survival. Under this program, the department is

authorized to negotiate and enter into contractual agreements before a drought emergency is declared under RCW 43.83B.405(2) that identify projects, measures, sources of water, and other resources that may be accessed during times of water shortage. Water right changes executed under agreement under this section are subject to the requirements of RCW 90.03.380.

(2) The department shall submit a report to the legislature by December 31, 2024, on the results of the pilot program. The department shall include a summary of the contracts entered into pursuant to this section and recommendations to the legislature.

(3) This section expires June 30, 2025.

**NEW SECTION. Sec. 9.** The following sections are decodified:

(1) RCW 43.83B.005 (Transfer of duties to the department of health);

(2) RCW 43.83B.200 (Deposit of proceeds from repayment of loans, interest, gifts, grants, etc., in state and local improvements revolving account-water supply facilities—Use);

(3) RCW 43.83B.210 (Loans or grants from department of ecology—Authorized—Limitations);

(4) RCW 43.83B.300 (Legislative findings—General obligation bonds authorized—Issuance, terms—Appropriation required);

(5) RCW 43.83B.345 (Rates of charges for water—Payment into bond redemption fund—Grants and loans—Contracts);

(6) RCW 43.83B.360 (State emergency water projects revolving account—Proceeds from sale of bonds);

(7) RCW 43.83B.380 (Appropriations to department of health—Authorized projects—Conditions); and

(8) RCW 43.83B.385 (Appropriations to department of ecology—Authorized projects—Findings).

**NEW SECTION. Sec. 10.** The following acts or parts of acts are each repealed:

(1) RCW 43.83B.220 (Contractual agreements) and 2009 c 549 s 5159, 1989 c 11 s 17, & 1975 1st ex.s. c 295 s 5; and

(2) RCW 43.83B.336 (Civil penalties)."

On page 1, line 1 of the title, after "response;" strike the remainder of the title and insert "amending RCW 43.83B.400, 43.83B.405, 43.83B.410, 43.83B.415, and 43.83B.430; adding new sections to chapter 43.83B RCW; decodifying RCW 43.83B.005, 43.83B.200, 43.83B.210, 43.83B.300, 43.83B.345, 43.83B.360, 43.83B.380, and 43.83B.385; repealing RCW 43.83B.220 and 43.83B.336; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1622 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Chandler and Pettigrew spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1622, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1622, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 87; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Goehner, Jenkin, Klippert, Kraft, McCaslin, Orcutt, Shea, Sutherland and Walsh.

Excused: Representative Appleton.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1622, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 3, 2020

Madame Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1694 with the following amendment:

10.0.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 11.** A new section is added to chapter 59.18 RCW to read as follows:

(1)(a) Except as provided in (b) of this subsection, upon receipt of a tenant's written request, a landlord must

permit the tenant to pay any deposits, nonrefundable fees, and last month's rent in installments.

(b) A landlord is not required to permit a tenant to pay in installments if the total amount of the deposits and nonrefundable fees do not exceed twenty-five percent of the first full month's rent and payment of the last month's rent is not required at the inception of the tenancy.

(2) In all cases where premises are rented for a specified time that is three months or longer, the tenant may elect to pay any deposits, nonrefundable fees, and last month's rent in three consecutive and equal monthly installments, beginning at the inception of the tenancy. In all other cases, the tenant may elect to pay any deposits, nonrefundable fees, and last month's rent in two consecutive and equal monthly installments, beginning at the inception of the tenancy.

(3) A landlord may not impose any fee, charge any interest, or otherwise impose a cost on a tenant because a tenant elects to pay in installments. Installment payments are due at the same time as rent is due. All installment schedules must be in writing and signed by the landlord and the tenant.

(4)(a) A fee or deposit to hold a dwelling unit or secure that the prospective tenant will move into a dwelling unit, as authorized under RCW 59.18.253, shall not be considered a deposit or nonrefundable fee for purposes of this section.

(b) A landlord may not request a fee or deposit to hold a dwelling unit or secure that the prospective tenant will move into a dwelling unit in excess of twenty-five percent of the first month's rent.

(5) Beginning January 1, 2021, any landlord who refuses to permit a tenant to pay any deposits, nonrefundable fees, and last month's rent in installments upon the tenant's written request as described in subsection (1) of this section is subject to a statutory penalty of one month's rent and reasonable attorneys' fees payable to the tenant.

(6)(a) In any application seeking relief pursuant RCW 59.18.283(3), the court shall issue a finding as to whether the tenant is low-income, limited resourced, or experiencing hardship to determine if the landlord would be eligible for reimbursement through the landlord mitigation program account established within RCW 43.31.605(1)(c). In making this finding, the court may include an inquiry regarding the tenant's income relative to area median income, household composition, any extenuating circumstances, or other factors, and may rely on written declarations or oral testimony by the parties at the hearing.

(b) After a finding that the tenant is low-income, limited resourced, or experiencing hardship, the court may issue an order: (i) Finding that the landlord is eligible to receive on behalf of the tenant and may apply for reimbursement from the landlord mitigation program; and (ii) directing the clerk to remit, without further order of the court, any future payments made by the tenant in order to reimburse the department of commerce pursuant to RCW 43.31.605(1)(c)(iii). Nothing in this subsection shall be deemed to obligate the department of commerce to provide

assistance in claim reimbursement through the landlord mitigation program if there are not sufficient funds.

(c) Upon payment by the department of commerce to the landlord for the remaining or total amount of the judgment, as applicable, the judgment is satisfied and the landlord shall file a satisfaction of judgment with the court.

**Sec. 12.** RCW 43.31.605 and 2019 c 356 s 12 are each amended to read as follows:

(1)(a) Subject to the availability of funds for this purpose, the landlord mitigation program is created and administered by the department. The department shall have such rule-making authority as the department deems necessary to administer the program.

(b) The following types of claims related to landlord mitigation for renting private market rental units to low-income tenants using a housing subsidy program are eligible for reimbursement from the landlord mitigation program account:

(i) Up to one thousand dollars for improvements identified in RCW 59.18.255(1)(a). In order to be eligible for reimbursement under this subsection (1)(b)(i), the landlord must pay for the first five hundred dollars for improvements, and rent to the tenant whose housing subsidy program was conditioned on the real property passing inspection. Reimbursement under this subsection (1)(b)(i) may also include up to fourteen days of lost rental income from the date of offer of housing to the applicant whose housing subsidy program was conditioned on the real property passing inspection until move in by that applicant;

(ii) Reimbursement for damages as reflected in a judgment obtained against the tenant through either an unlawful detainer proceeding, or through a civil action in a court of competent jurisdiction after a hearing;

(iii) Reimbursement for damages established pursuant to subsection (2) of this section; and

(iv) Reimbursement for unpaid rent and unpaid utilities, provided that the landlord can evidence it to the department's satisfaction.

(c) Claims related to landlord mitigation for an unpaid judgment for rent, unpaid judgments resulting from the tenant's failure to comply with an installment payment agreement identified in section 1 of this act, late fees, attorneys' fees, and costs after a court order pursuant to RCW 59.18.410(3), including any unpaid portion of the judgment after the tenant defaults on the payment plan pursuant to RCW 59.18.410(3)(c), are eligible for reimbursement from the landlord mitigation program account and are exempt from any postjudgment interest required under RCW 4.56.110. Any claim for reimbursement under this subsection (1)(c) is not an entitlement.

(i) The department shall provide for a form on its web site for tenants and landlords to apply for reimbursement funds for the landlord pursuant to this subsection (1)(c).

(ii) The form must include: (A) Space for the landlord and tenant to provide names, mailing addresses, phone numbers, date of birth for the tenant, and any other

identifying information necessary for the department to process payment; (B) the landlord's statewide vendor identification number and how to obtain one; (C) name and address to whom payment must be made; (D) the amount of the judgment with instructions to include any other supporting documentation the department may need to process payment; (E) instructions for how the tenant is to reimburse the department under (c)(iii) of this subsection; (F) a description of the consequences if the tenant does not reimburse the department as provided in this subsection (1)(c); (G) a signature line for the landlord and tenant to confirm that they have read and understood the contents of the form and program; and (H) any other information necessary for the operation of the program. If the tenant has not signed the form after the landlord has made good faith efforts to obtain the tenant's signature, the landlord may solely submit the form but must attest to the amount of money owed and sign the form under penalty of perjury.

(iii) When a landlord has been reimbursed pursuant to this subsection (1)(c), the tenant for whom payment was made shall reimburse the department by depositing the amount disbursed from the landlord mitigation program account into the court registry of the superior court in which the judgment was entered. The tenant or other interested party may seek an ex parte order of the court under the unlawful detainer action to order such funds to be disbursed by the court. Upon entry of the order, the court clerk shall disburse the funds and include a case number with any payment issued to the department. If directed by the court, a clerk shall issue any payments made by a tenant to the department without further court order.

(iv) The department may deny an application made by a tenant who has failed to reimburse the department for prior payments issued pursuant to this subsection (1)(c).

(v) With any disbursement from the account to the landlord, the department shall notify the tenant at the address provided within the application that a disbursement has been made to the landlord on the tenant's behalf and that failure to reimburse the account for the payment through the court registry may result in a denial of a future application to the account pursuant to this subsection (1)(c). The department may include any other additional information about how to reimburse the account it deems necessary to fully inform the tenant.

(vi) The department's duties with respect to obtaining reimbursement from the tenant to the account are limited to those specified within this subsection (1)(c).

(vii) If at any time funds do not exist in the landlord mitigation program account to reimburse claims submitted under this subsection (1)(c), the department must create and maintain a waitlist and distribute funds in the order the claims are received pursuant to subsection (6) of this section. Payment of any claims on the waitlist shall be made only from the landlord mitigation program account. The department shall not be civilly or criminally liable and may not have any penalty or cause of action of any nature arise against it regarding the provision or lack of provision of funds for reimbursement.

(2) In order for a claim under subsection (1)(b)(iii) of this section to be eligible for reimbursement from the landlord mitigation program account, a landlord must:

(a) Have ensured that the rental property was inspected at the commencement of the tenancy by both the tenant and the landlord or landlord's agent and that a detailed written move-in property inspection report, as required in RCW 59.18.260, was prepared and signed by both the tenant and the landlord or landlord's agent;

(b) Make repairs and then apply for reimbursement to the department;

(c) Submit a claim on a form to be determined by the department, signed under penalty of perjury; and

(d) Submit to the department copies of the move-in property inspection report specified in (a) of this subsection and supporting materials including, but not limited to, before repair and after repair photographs, videos, copies of repair receipts for labor and materials, and such other documentation or information as the department may request.

(3) The department shall make reasonable efforts to review a claim within ten business days from the date it received properly submitted and complete claims to the satisfaction of the department. In reviewing a claim pursuant to subsection (1)(b) of this section, and determining eligibility for reimbursement, the department must receive documentation, acceptable to the department in its sole discretion, that the claim involves a private market rental unit rented to a low-income tenant who is using a housing subsidy program.

(4) Claims pursuant to subsection (1)(b) of this section related to a tenancy must total at least five hundred dollars in order for a claim to be eligible for reimbursement from the program. While claims or damages may exceed five thousand dollars, total reimbursement from the program may not exceed five thousand dollars per tenancy.

(5) Damages, beyond wear and tear, that are eligible for reimbursement include, but are not limited to: Interior wall gouges and holes; damage to doors and cabinets, including hardware; carpet stains or burns; cracked tiles or hard surfaces; broken windows; damage to household fixtures such as disposal, toilet, sink, sink handle, ceiling fan, and lighting. Other property damages beyond normal wear and tear may also be eligible for reimbursement at the department's discretion.

(6) All reimbursements for eligible claims shall be made on a first-come, first-served basis, to the extent of available funds. The department shall use best efforts to notify the tenant of the amount and the reasons for any reimbursements made.

(7) The department, in its sole discretion, may inspect the property and the landlord's records related to a claim, including the use of a third-party inspector as needed to investigate fraud, to assist in making its claim review and determination of eligibility.

(8) A landlord in receipt of reimbursement from the program pursuant to subsection (1)(b) of this section is prohibited from:

(a) Taking legal action against the tenant for damages attributable to the same tenancy; or

(b) Pursuing collection, or authorizing another entity to pursue collection on the landlord's behalf, of a judgment against the tenant for damages attributable to the same tenancy.

(9) A landlord denied reimbursement under subsection (1)(b)(iii) of this section may seek to obtain a judgment from a court of competent jurisdiction and, if successful, may resubmit a claim for damages supported by the judgment, along with a certified copy of the judgment. The department may reimburse the landlord for that portion of such judgment that is based on damages reimbursable under the landlord mitigation program, subject to the limitations set forth in this section.

(10) Determinations regarding reimbursements shall be made by the department in its sole discretion.

(11) The department must establish a web site that advertises the landlord mitigation program, the availability of reimbursement from the landlord mitigation program account, and maintains or links to the agency rules and policies established pursuant to this section.

(12) Neither the state, the department, or persons acting on behalf of the department, while acting within the scope of their employment or agency, is liable to any person for any loss, damage, harm, or other consequence resulting directly or indirectly from the department's administration of the landlord mitigation program or determinations under this section.

(13)(a) A report to the appropriate committees of the legislature on the effectiveness of the program and recommended modifications shall be submitted to the governor and the appropriate committees of the legislature by January 1, 2021. In preparing the report, the department shall convene and solicit input from a group of stakeholders to include representatives of large multifamily housing property owners or managers, small rental housing owners in both rural and urban markets, a representative of tenant advocates, and a representative of the housing authorities.

(b) The report shall include discussion of the effectiveness of the program as well as the department's recommendations to improve the program, and shall include the following:

(i) The number of total claims and total amount reimbursed to landlords by the fund;

(ii) Any indices of fraud identified by the department;

(iii) Any reports by the department regarding inspections authorized by and conducted on behalf of the department;

(iv) An outline of the process to obtain reimbursement for improvements and for damages from the fund;

(v) An outline of the process to obtain reimbursement for lost rent due to the rental inspection and tenant screening process, together with the total amount reimbursed for such damages;

(vi) An evaluation of the feasibility for expanding the use of the mitigation fund to provide up to ninety-day no interest loans to landlords who have not received timely rental payments from a housing authority that is administering section 8 rental assistance;

(vii) Any other modifications and recommendations made by stakeholders to improve the effectiveness and applicability of the program.

(14) As used in this section:

(a) "Housing subsidy program" means a housing voucher as established under 42 U.S.C. Sec. 1437 as of January 1, 2018, or other housing subsidy program including, but not limited to, valid short-term or long-term federal, state, or local government, private nonprofit, or other assistance program in which the tenant's rent is paid either partially by the program and partially by the tenant, or completely by the program directly to the landlord;

(b) "Low-income" means income that does not exceed eighty percent of the median income for the standard metropolitan statistical area in which the private market rental unit is located; and

(c) "Private market rental unit" means any unit available for rent that is owned by an individual, corporation, limited liability company, nonprofit housing provider, or other entity structure, but does not include housing acquired, or constructed by a public housing agency under 42 U.S.C. Sec. 1437 as it existed on January 1, 2018.

**Sec. 13.** RCW 59.18.253 and 2011 c 132 s 12 are each amended to read as follows:

(1) It shall be unlawful for a landlord to require a fee or deposit from a prospective tenant for the privilege of being placed on a waiting list to be considered as a tenant for a dwelling unit.

(2) A landlord who charges a prospective tenant a fee or deposit to hold a dwelling unit or secure that the prospective tenant will move into a dwelling unit, after the dwelling unit has been offered to the prospective tenant, must provide the prospective tenant with a receipt for the fee or deposit, together with a written statement of the conditions, if any, under which the fee or deposit may be retained, immediately upon payment of the fee or deposit.

(3) A landlord may not request a fee or deposit to hold a dwelling or secure that the prospective tenant will move into the dwelling unit in excess of twenty-five percent of the first month's rent as described in section 1(4) of this act.

(4)(a) If the prospective tenant does occupy the dwelling unit, then the landlord must credit the amount of the fee or deposit to the tenant's first month's rent or to the tenant's security deposit. If the prospective tenant does not occupy the dwelling unit, then the landlord may keep up to the full amount of any fee or deposit that was paid by the prospective tenant to secure the tenancy, so long as it is in

accordance with the written statement of conditions furnished to the prospective tenant at the time the fee or deposit was charged.

(b) A fee or deposit to hold a dwelling unit or secure that the prospective tenant will move into a dwelling unit under this subsection does not include any cost charged by a landlord to use a tenant screening service or obtain background information on a prospective tenant.

(c) A portion of the fee or deposit may not be withheld if the dwelling unit fails a tenant-based rental assistance program inspection by a qualified inspector as defined in RCW 59.18.030. If the inspection does not occur within ten days from the date of collection of the fee or deposit or a longer period of time that the landlord and tenant may agree upon, the landlord may notify the tenant that the dwelling unit will no longer be held. The landlord shall promptly return the fee or deposit to the prospective tenant after the landlord is notified that the dwelling unit failed the inspection or the landlord has notified the tenant that the dwelling unit will no longer be held. The landlord complies with this section by promptly depositing the fee or deposit in the United States mail properly addressed with first-class postage prepaid.

~~((4))~~ (5) In any action brought for a violation of this section, a landlord may be liable for the amount of the fee or deposit charged. In addition, any landlord who violates this section may be liable to the prospective tenant for an amount not to exceed two times the fee or deposit. The prevailing party may also recover court costs and a reasonable attorneys' fee."

On page 1, line 2 of the title, after "installments;" strike the remainder of the title and insert "amending RCW 43.31.605 and 59.18.253; and adding a new section to chapter 59.18 RCW."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1694 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

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

Representative Dufault spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1694, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1694, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 53; Nays, 44; Absent, 0; Excused, 1.

Voting yea: Representatives Bergquist, Blake, Callan, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Paul, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Appleton.

ENGROSSED HOUSE BILL NO. 1694, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 3, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754 with the following amendment:  
13.0.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature makes the following findings:

(a) Residents in temporary settings hosted by religious organizations are a particularly vulnerable population that do not have access to the same services as citizens with more stable housing.

(b) Residents in these settings, including outdoor uses such as outdoor encampments, indoor overnight shelters, temporary small houses on-site, and homeless-occupied vehicle resident safe parking, can be at increased risk of exploitation, theft, unsanitary living conditions, and physical harm.

(c) Furthermore, the legislature finds and declares that hosted outdoor encampments, indoor overnight shelters, temporary small houses on-site, and homeless-occupied vehicle resident safe parking serve as pathways for individuals experiencing homelessness to receive services and achieve financial stability, health, and permanent housing.

(2) The legislature intends that local municipalities have the discretion to protect the health and safety of both

residents in temporary settings that are hosted by religious organizations and the surrounding community. The legislature encourages local jurisdictions and religious organizations to work together collaboratively to protect the health and safety of residents and the surrounding community while allowing religious organizations to fulfill their mission to serve the homeless. The legislature further intends to monitor the implementation of this act and continue to refine it to achieve these goals.

**Sec. 2.** RCW 36.01.290 and 2010 c 175 s 2 are each amended to read as follows:

(1) A religious organization may host ~~((temporary encampments for))~~ the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings.

(2) Except as provided in subsection (7) of this section, a county may not enact an ordinance or regulation or take any other action that:

(a) Imposes conditions other than those necessary to protect public health and safety and that do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter, such as an outdoor encampment, indoor overnight shelter, temporary small house on-site, or vehicle resident safe parking, for homeless persons on property owned or controlled by the religious organization;

(b) Requires a religious organization to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on property owned by a religious organization or otherwise requires the religious organization to indemnify the municipality against such liability; ~~((or))~~

(c) Imposes permit fees in excess of the actual costs associated with the review and approval of ~~((the required))~~ permit applications. A county has discretion to reduce or waive permit fees for a religious organization that is hosting the homeless;

(d) Specifically limits a religious organization's availability to host an outdoor encampment on its property or property controlled by the religious organization to fewer than six months during any calendar year. However, a county may enact an ordinance or regulation that requires a separation of time of no more than three months between subsequent or established outdoor encampments at a particular site;

(e) Specifically limits a religious organization's outdoor encampment hosting term to fewer than four consecutive months;

(f) Limits the number of simultaneous religious organization outdoor encampment hostings within the same municipality during any given period of time. Simultaneous and adjacent hostings of outdoor encampments by religious organizations may be limited if located within one thousand feet of another outdoor encampment concurrently hosted by a religious organization;

(g) Limits a religious organization's availability to host safe parking efforts at its on-site parking lot, including limitations on any other congregationally sponsored uses and the parking available to support such uses during the hosting, except for limitations that are in accord with the following criteria that would govern if enacted by local ordinance or memorandum of understanding between the host religious organization and the jurisdiction:

(i) No less than one space may be devoted to safe parking per ten on-site parking spaces;

(ii) Restroom access must be provided either within the buildings on the property or through use of portable facilities, with the provision for proper disposal of waste if recreational vehicles are hosted; and

(iii) Religious organizations providing spaces for safe parking must continue to abide by any existing on-site parking minimum requirement so that the provision of safe parking spaces does not reduce the total number of available parking spaces below the minimum number of spaces required by the county, but a county may enter into a memorandum of understanding with a religious organization that reduces the minimum number of on-site parking spaces required;

(h) Limits a religious organization's availability to host an indoor overnight shelter in spaces with at least two accessible exits due to lack of sprinklers or other fire-related concerns, except that:

(i) If a county fire official finds that fire-related concerns associated with an indoor overnight shelter pose an imminent danger to persons within the shelter, the county may take action to limit the religious organization's availability to host the indoor overnight shelter; and

(ii) A county may require a host religious organization to enter into a memorandum of understanding for fire safety that includes local fire district inspections, an outline for appropriate emergency procedures, a determination of the most viable means to evacuate occupants from inside the host site with appropriate illuminated exit signage, panic bar exit doors, and a completed fire watch agreement indicating:

(A) Posted safe means of egress;

(B) Operable smoke detectors, carbon monoxide detectors as necessary, and fire extinguishers;

(C) A plan for monitors who spend the night awake and are familiar with emergency protocols, who have suitable communication devices, and who know how to contact the local fire department; or

(i) Limits a religious organization's ability to host temporary small houses on land owned or controlled by the religious organization, except for recommendations that are in accord with the following criteria:

(i) A renewable one-year duration agreed to by the host religious organization and local jurisdiction via a memorandum of understanding;

(ii) Maintaining a maximum unit square footage of one hundred twenty square feet, with units set at least six feet apart;

(iii) Electricity and heat, if provided, must be inspected by the local jurisdiction;

(iv) Space heaters, if provided, must be approved by the local fire authority;

(v) Doors and windows must be included and be lockable, with a recommendation that the managing agency and host religious organization also possess keys;

(vi) Each unit must have a fire extinguisher;

(vii) Adequate restrooms must be provided, including restrooms solely for families if present, along with handwashing and potable running water to be available if not provided within the individual units, including accommodating black water;

(viii) A recommendation for the host religious organization to partner with regional homeless service providers to develop pathways to permanent housing.

(3)(a) A county may enact an ordinance or regulation or take any other action that requires a host religious organization and a distinct managing agency using the religious organization's property, owned or controlled by the religious organization, for hostings to include outdoor encampments, temporary small houses on-site, indoor overnight shelters, or vehicle resident safe parking to enter into a memorandum of understanding to protect the public health and safety of both the residents of the particular hosting and the residents of the county.

(b) At a minimum, the agreement must include information regarding: The right of a resident in an outdoor encampment, vehicle resident safe parking, temporary small house on-site, or indoor overnight shelter to seek public health and safety assistance, the resident's ability to access social services on-site, and the resident's ability to directly interact with the host religious organization, including the ability to express any concerns regarding the managing agency to the religious organization; a written code of conduct agreed to by the managing agency, if any, host religious organization, and all volunteers working with residents of the outdoor encampment, temporary small house on-site, indoor overnight shelter, or vehicle resident safe parking; and when a publicly funded managing agency exists, the ability for the host religious organization to interact with residents of the outdoor encampment, indoor overnight shelter, temporary small house on-site, or vehicle resident safe parking using a release of information.

(4) If required to do so by the county, any host religious organization performing any hosting of an outdoor encampment, vehicle resident safe parking, or indoor overnight shelter, or the host religious organization's managing agency, must ensure that the county or local law enforcement agency has completed sex offender checks of all adult residents and guests. The host religious organization retains the authority to allow such offenders to remain on the property. A host religious organization or host religious organization's managing agency performing any hosting of

vehicle resident safe parking must inform vehicle residents how to comply with laws regarding the legal status of vehicles and drivers, and provide a written code of conduct consistent with area standards.

(5) Any host religious organization performing any hosting of an outdoor encampment, vehicle resident safe parking, temporary small house on-site, or indoor overnight shelter, with a publicly funded managing agency, must work with the county to utilize Washington's homeless client management information system, as provided for in RCW 43.185C.180. When the religious organization does not partner with a managing agency, the religious organization is encouraged to partner with a local homeless services provider using the Washington homeless client managing information system. Any managing agency receiving any funding from local continuum of care programs must utilize the homeless client management information system. Temporary, overnight, extreme weather shelter provided in religious organization buildings does not need to meet this requirement.

(6) For the purposes of this section((:));

(a) "Managing agency" means an organization such as a religious organization or other organized entity that has the capacity to organize and manage a homeless outdoor encampment, temporary small houses on-site, indoor overnight shelter, and a vehicle resident safe parking program.

(b) "Outdoor encampment" means any temporary tent or structure encampment, or both.

(c) "Religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

(d) "Temporary" means not affixed to land permanently and not using underground utilities.

((4)) (7)(a) Subsection (2) of this section does not affect a county policy, ordinance, memorandum of understanding, or applicable consent decree that regulates religious organizations' hosting of the homeless if such policies, ordinances, memoranda of understanding, or consent decrees:

(i) Exist prior to the effective date of this section;

(ii) Do not categorically prohibit the hosting of the homeless by religious organizations; and

(iii) Have not been previously ruled by a court to violate the religious land use and institutionalized persons act, 42 U.S.C. Sec. 2000cc.

(b) If such policies, ordinances, memoranda of understanding, and consent decrees are amended after the effective date of this section, those amendments are not affected by subsection (2) of this section if those amendments satisfy (a)(ii) and (iii) of this subsection.

(8) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470 is immune from civil liability for (a) damages arising from the permitting decisions for a temporary encampment for the

homeless as provided in this section and (b) any conduct or unlawful activity that may occur as a result of the temporary encampment for the homeless as provided in this section.

(9) A religious organization hosting outdoor encampments, vehicle resident safe parking, or indoor overnight shelters for the homeless that receives funds from any government agency may not refuse to host any resident or prospective resident because of age, sex, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, as these terms are defined in RCW 49.60.040.

(10)(a) Prior to the opening of an outdoor encampment, indoor overnight shelter, temporary small house on-site, or vehicle resident safe parking, a religious organization hosting the homeless on property owned or controlled by the religious organization must host a meeting open to the public for the purpose of providing a forum for discussion of related neighborhood concerns, unless the use is in response to a declared emergency. The religious organization must provide written notice of the meeting to the county legislative authority at least one week if possible but no later than ninety-six hours prior to the meeting. The notice must specify the time, place, and purpose of the meeting.

(b) A county must provide community notice of the meeting described in (a) of this subsection by taking at least two of the following actions at any time prior to the time of the meeting:

(i) Delivering 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 special meetings;

(ii) Posting on the county's web site. A county is not required to post a special meeting notice on its web site if it: (A) Does not have a web site; (B) employs fewer than ten full-time equivalent employees; or (C) does not employ personnel whose duty, as defined by a job description or existing contract, is to maintain or update the web site;

(iii) Prominently displaying, on signage at least two feet in height and two feet in width, one or more meeting notices that can be placed on or adjacent to the main arterials in proximity to the location of the meeting; or

(iv) Prominently displaying the notice at the meeting site.

**Sec. 3.** RCW 35.21.915 and 2010 c 175 s 3 are each amended to read as follows:

(1) A religious organization may host ~~((temporary encampments for))~~ the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings.

(2) Except as provided in subsection (7) of this section, a city or town may not enact an ordinance or regulation or take any other action that:

(a) Imposes conditions other than those necessary to protect public health and safety and that do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter, such as an outdoor encampment, indoor overnight shelter, temporary small house on-site, or vehicle resident safe parking, for homeless persons on property owned or controlled by the religious organization;

(b) Requires a religious organization to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on property owned by a religious organization or otherwise requires the religious organization to indemnify the municipality against such liability; ~~((€))~~

(c) Imposes permit fees in excess of the actual costs associated with the review and approval of ~~((the required))~~ permit applications. A city or town has discretion to reduce or waive permit fees for a religious organization that is hosting the homeless;

(d) Specifically limits a religious organization's availability to host an outdoor encampment on its property or property controlled by the religious organization to fewer than six months during any calendar year. However, a city or town may enact an ordinance or regulation that requires a separation of time of no more than three months between subsequent or established outdoor encampments at a particular site;

(e) Specifically limits a religious organization's outdoor encampment hosting term to fewer than four consecutive months;

(f) Limits the number of simultaneous religious organization outdoor encampment hostings within the same municipality during any given period of time. Simultaneous and adjacent hostings of outdoor encampments by religious organizations may be limited if located within one thousand feet of another outdoor encampment concurrently hosted by a religious organization;

(g) Limits a religious organization's availability to host safe parking efforts at its on-site parking lot, including limitations on any other congregationally sponsored uses and the parking available to support such uses during the hosting, except for limitations that are in accord with the following criteria that would govern if enacted by local ordinance or memorandum of understanding between the host religious organization and the jurisdiction:

(i) No less than one space may be devoted to safe parking per ten on-site parking spaces;

(ii) Restroom access must be provided either within the buildings on the property or through use of portable facilities, with the provision for proper disposal of waste if recreational vehicles are hosted; and

(iii) Religious organizations providing spaces for safe parking must continue to abide by any existing on-site parking minimum requirement so that the provision of safe parking spaces does not reduce the total number of available parking spaces below the minimum number of spaces required by the city or town, but a city or town may enter

into a memorandum of understanding with a religious organization that reduces the minimum number of on-site parking spaces required;

(h) Limits a religious organization's availability to host an indoor overnight shelter in spaces with at least two accessible exits due to lack of sprinklers or other fire-related concerns, except that:

(i) If a city or town fire official finds that fire-related concerns associated with an indoor overnight shelter pose an imminent danger to persons within the shelter, the city or town may take action to limit the religious organization's availability to host the indoor overnight shelter; and

(ii) A city or town may require a host religious organization to enter into a memorandum of understanding for fire safety that includes local fire district inspections, an outline for appropriate emergency procedures, a determination of the most viable means to evacuate occupants from inside the host site with appropriate illuminated exit signage, panic bar exit doors, and a completed fire watch agreement indicating:

(A) Posted safe means of egress;

(B) Operable smoke detectors, carbon monoxide detectors as necessary, and fire extinguishers;

(C) A plan for monitors who spend the night awake and are familiar with emergency protocols, who have suitable communication devices, and who know how to contact the local fire department; or

(i) Limits a religious organization's ability to host temporary small houses on land owned or controlled by the religious organization, except for recommendations that are in accord with the following criteria:

(i) A renewable one-year duration agreed to by the host religious organization and local jurisdiction via a memorandum of understanding;

(ii) Maintaining a maximum unit square footage of one hundred twenty square feet, with units set at least six feet apart;

(iii) Electricity and heat, if provided, must be inspected by the local jurisdiction;

(iv) Space heaters, if provided, must be approved by the local fire authority;

(v) Doors and windows must be included and be lockable, with a recommendation that the managing agency and host religious organization also possess keys;

(vi) Each unit must have a fire extinguisher;

(vii) Adequate restrooms must be provided, including restrooms solely for families if present, along with handwashing and potable running water to be available if not provided within the individual units, including accommodating black water;

(viii) A recommendation for the host religious organization to partner with regional homeless service providers to develop pathways to permanent housing.

(3)(a) A city or town may enact an ordinance or regulation or take any other action that requires a host religious organization and a distinct managing agency using the religious organization's property, owned or controlled by the religious organization, for hostings to include outdoor encampments, temporary small houses on-site, indoor overnight shelters, or vehicle resident safe parking to enter into a memorandum of understanding to protect the public health and safety of both the residents of the particular hosting and the residents of the city or town.

(b) At a minimum, the agreement must include information regarding: The right of a resident in an outdoor encampment, vehicle resident safe parking, temporary small house on-site, or indoor overnight shelter to seek public health and safety assistance, the resident's ability to access social services on-site, and the resident's ability to directly interact with the host religious organization, including the ability to express any concerns regarding the managing agency to the religious organization; a written code of conduct agreed to by the managing agency, if any, host religious organization, and all volunteers working with residents of the outdoor encampment, temporary small house on-site, indoor overnight shelter, or vehicle resident safe parking; and when a publicly funded managing agency exists, the ability for the host religious organization to interact with residents of the outdoor encampment, indoor overnight shelter, temporary small house on-site, or vehicle resident safe parking using a release of information.

(4) If required to do so by a city or town, any host religious organization performing any hosting of an outdoor encampment, vehicle resident safe parking, or indoor overnight shelter, or the host religious organization's managing agency, must ensure that the city or town or local law enforcement agency has completed sex offender checks of all adult residents and guests. The host religious organization retains the authority to allow such offenders to remain on the property. A host religious organization or host religious organization's managing agency performing any hosting of vehicle resident safe parking must inform vehicle residents how to comply with laws regarding the legal status of vehicles and drivers, and provide a written code of conduct consistent with area standards.

(5) Any host religious organization performing any hosting of an outdoor encampment, vehicle resident safe parking, temporary small house on-site, or indoor overnight shelter, with a publicly funded managing agency, must work with the city or town to utilize Washington's homeless client management information system, as provided for in RCW 43.185C.180. When the religious organization does not partner with a managing agency, the religious organization is encouraged to partner with a local homeless services provider using the Washington homeless client managing information system. Any managing agency receiving any funding from local continuum of care programs must utilize the homeless client management information system. Temporary, overnight, extreme weather shelter provided in religious organization buildings does not need to meet this requirement.

(6) For the purposes of this section(7):

(a) "Managing agency" means an organization such as a religious organization or other organized entity that has the capacity to organize and manage a homeless outdoor encampment, temporary small houses on-site, indoor overnight shelter, and a vehicle resident safe parking program.

(b) "Outdoor encampment" means any temporary tent or structure encampment, or both.

(c) "Religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

(d) "Temporary" means not affixed to land permanently and not using underground utilities.

((4)) (7)(a) Subsection (2) of this section does not affect a city or town policy, ordinance, memorandum of understanding, or applicable consent decree that regulates religious organizations' hosting of the homeless if such policies, ordinances, memoranda of understanding, or consent decrees:

(i) Exist prior to the effective date of this section;

(ii) Do not categorically prohibit the hosting of the homeless by religious organizations; and

(iii) Have not been previously ruled by a court to violate the religious land use and institutionalized persons act, 42 U.S.C. Sec. 2000cc.

(b) If such policies, ordinances, memoranda of understanding, and consent decrees are amended after the effective date of this section, those amendments are not affected by subsection (2) of this section if those amendments satisfy (a)(ii) and (iii) of this subsection.

(8) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470 is immune from civil liability for (a) damages arising from the permitting decisions for a temporary encampment for the homeless as provided in this section and (b) any conduct or unlawful activity that may occur as a result of the temporary encampment for the homeless as provided in this section.

(9) A religious organization hosting outdoor encampments, vehicle resident safe parking, or indoor overnight shelters for the homeless that receives funds from any government agency may not refuse to host any resident or prospective resident because of age, sex, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, as these terms are defined in RCW 49.60.040.

(10)(a) Prior to the opening of an outdoor encampment, indoor overnight shelter, temporary small house on-site, or vehicle resident safe parking, a religious organization hosting the homeless on property owned or controlled by the religious organization must host a meeting open to the public for the purpose of providing a forum for discussion of related neighborhood concerns, unless the use is in response to a declared emergency. The religious organization must provide written notice of the meeting to

the city or town legislative authority at least one week if possible but no later than ninety-six hours prior to the meeting. The notice must specify the time, place, and purpose of the meeting.

(b) A city or town must provide community notice of the meeting described in (a) of this subsection by taking at least two of the following actions at any time prior to the time of the meeting:

(i) Delivering 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 special meetings;

(ii) Posting on the city or town's web site. A city or town is not required to post a special meeting notice on its web site if it: (A) Does not have a web site; (B) employs fewer than ten full-time equivalent employees; or (C) does not employ personnel whose duty, as defined by a job description or existing contract, is to maintain or update the web site;

(iii) Prominently displaying, on signage at least two feet in height and two feet in width, one or more meeting notices that can be placed on or adjacent to the main arterials in proximity to the location of the meeting; or

(iv) Prominently displaying the notice at the meeting site.

**Sec. 4.** RCW 35A.21.360 and 2010 c 175 s 4 are each amended to read as follows:

(1) A religious organization may host ~~((temporary encampments for))~~ the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings.

(2) Except as provided in subsection (7) of this section, a code city may not enact an ordinance or regulation or take any other action that:

(a) Imposes conditions other than those necessary to protect public health and safety and that do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter, such as an outdoor encampment, indoor overnight shelter, temporary small house on-site, or vehicle resident safe parking, for homeless persons on property owned or controlled by the religious organization;

(b) Requires a religious organization to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on property owned by a religious organization or otherwise requires the religious organization to indemnify the municipality against such liability; ~~((€))~~

(c) Imposes permit fees in excess of the actual costs associated with the review and approval of ~~((the required))~~ permit applications. A code city has discretion to reduce or waive permit fees for a religious organization that is hosting the homeless;

(d) Specifically limits a religious organization's availability to host an outdoor encampment on its property or property controlled by the religious organization to fewer than six months during any calendar year. However, a code city may enact an ordinance or regulation that requires a separation of time of no more than three months between subsequent or established outdoor encampments at a particular site;

(e) Specifically limits a religious organization's outdoor encampment hosting term to fewer than four consecutive months;

(f) Limits the number of simultaneous religious organization outdoor encampment hostings within the same municipality during any given period of time. Simultaneous and adjacent hostings of outdoor encampments by religious organizations may be limited if located within one thousand feet of another outdoor encampment concurrently hosted by a religious organization;

(g) Limits a religious organization's availability to host safe parking efforts at its on-site parking lot, including limitations on any other congregationally sponsored uses and the parking available to support such uses during the hosting, except for limitations that are in accord with the following criteria that would govern if enacted by local ordinance or memorandum of understanding between the host religious organization and the jurisdiction:

(i) No less than one space may be devoted to safe parking per ten on-site parking spaces;

(ii) Restroom access must be provided either within the buildings on the property or through use of portable facilities, with the provision for proper disposal of waste if recreational vehicles are hosted; and

(iii) Religious organizations providing spaces for safe parking must continue to abide by any existing on-site parking minimum requirement so that the provision of safe parking spaces does not reduce the total number of available parking spaces below the minimum number of spaces required by the code city, but a code city may enter into a memorandum of understanding with a religious organization that reduces the minimum number of on-site parking spaces required;

(h) Limits a religious organization's availability to host an indoor overnight shelter in spaces with at least two accessible exits due to lack of sprinklers or other fire-related concerns, except that:

(i) If a code city fire official finds that fire-related concerns associated with an indoor overnight shelter pose an imminent danger to persons within the shelter, the code city may take action to limit the religious organization's availability to host the indoor overnight shelter; and

(ii) A code city may require a host religious organization to enter into a memorandum of understanding for fire safety that includes local fire district inspections, an outline for appropriate emergency procedures, a determination of the most viable means to evacuate occupants from inside the host site with appropriate

illuminated exit signage, panic bar exit doors, and a completed fire watch agreement indicating:

(A) Posted safe means of egress;

(B) Operable smoke detectors, carbon monoxide detectors as necessary, and fire extinguishers;

(C) A plan for monitors who spend the night awake and are familiar with emergency protocols, who have suitable communication devices, and who know how to contact the local fire department; or

(i) Limits a religious organization's ability to host temporary small houses on land owned or controlled by the religious organization, except for recommendations that are in accord with the following criteria:

(i) A renewable one-year duration agreed to by the host religious organization and local jurisdiction via a memorandum of understanding;

(ii) Maintaining a maximum unit square footage of one hundred twenty square feet, with units set at least six feet apart;

(iii) Electricity and heat, if provided, must be inspected by the local jurisdiction;

(iv) Space heaters, if provided, must be approved by the local fire authority;

(v) Doors and windows must be included and be lockable, with a recommendation that the managing agency and host religious organization also possess keys;

(vi) Each unit must have a fire extinguisher;

(vii) Adequate restrooms must be provided, including restrooms solely for families if present, along with handwashing and potable running water to be available if not provided within the individual units, including accommodating black water;

(viii) A recommendation for the host religious organization to partner with regional homeless service providers to develop pathways to permanent housing.

(3)(a) A code city may enact an ordinance or regulation or take any other action that requires a host religious organization and a distinct managing agency using the religious organization's property, owned or controlled by the religious organization, for hostings to include outdoor encampments, temporary small houses on-site, indoor overnight shelters, or vehicle resident safe parking to enter into a memorandum of understanding to protect the public health and safety of both the residents of the particular hosting and the residents of the code city.

(b) At a minimum, the agreement must include information regarding: The right of a resident in an outdoor encampment, vehicle resident safe parking, temporary small house on-site, or indoor overnight shelter to seek public health and safety assistance, the resident's ability to access social services on-site, and the resident's ability to directly interact with the host religious organization, including the ability to express any concerns regarding the managing agency to the religious organization; a written code of

conduct agreed to by the managing agency, if any, host religious organization, and all volunteers working with residents of the outdoor encampment, temporary small house on-site, indoor overnight shelter, or vehicle resident safe parking; and when a publicly funded managing agency exists, the ability for the host religious organization to interact with residents of the outdoor encampment, indoor overnight shelter, temporary small house on-site, or vehicle resident safe parking using a release of information.

(4) If required to do so by a code city, any host religious organization performing any hosting of an outdoor encampment, vehicle resident safe parking, or indoor overnight shelter, or the host religious organization's managing agency, must ensure that the code city or local law enforcement agency has completed sex offender checks of all adult residents and guests. The host religious organization retains the authority to allow such offenders to remain on the property. A host religious organization or host religious organization's managing agency performing any hosting of vehicle resident safe parking must inform vehicle residents how to comply with laws regarding the legal status of vehicles and drivers, and provide a written code of conduct consistent with area standards.

(5) Any host religious organization performing any hosting of an outdoor encampment, vehicle resident safe parking, temporary small house on-site, or indoor overnight shelter, with a publicly funded managing agency, must work with the code city to utilize Washington's homeless client management information system, as provided for in RCW 43.185C.180. When the religious organization does not partner with a managing agency, the religious organization is encouraged to partner with a local homeless services provider using the Washington homeless client managing information system. Any managing agency receiving any funding from local continuum of care programs must utilize the homeless client management information system. Temporary, overnight, extreme weather shelter provided in religious organization buildings does not need to meet this requirement.

(6) For the purposes of this section((:));

(a) "Managing agency" means an organization such as a religious organization or other organized entity that has the capacity to organize and manage a homeless outdoor encampment, temporary small houses on-site, indoor overnight shelter, and a vehicle resident safe parking program.

(b) "Outdoor encampment" means any temporary tent or structure encampment, or both.

(c) "Religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

(d) "Temporary" means not affixed to land permanently and not using underground utilities.

((4)) (7)(a) Subsection (2) of this section does not affect a code city policy, ordinance, memorandum of understanding, or applicable consent decree that regulates religious organizations' hosting of the homeless if such

policies, ordinances, memoranda of understanding, or consent decrees:

(i) Exist prior to the effective date of this section;

(ii) Do not categorically prohibit the hosting of the homeless by religious organizations; and

(iii) Have not been previously ruled by a court to violate the religious land use and institutionalized persons act, 42 U.S.C. Sec. 2000cc.

(b) If such policies, ordinances, memoranda of understanding, and consent decrees are amended after the effective date of this section, those amendments are not affected by subsection (2) of this section if those amendments satisfy (a)(ii) and (iii) of this subsection.

(8) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470 is immune from civil liability for (a) damages arising from the permitting decisions for a temporary encampment for the homeless as provided in this section and (b) any conduct or unlawful activity that may occur as a result of the temporary encampment for the homeless as provided in this section.

(9) A religious organization hosting outdoor encampments, vehicle resident safe parking, or indoor overnight shelters for the homeless that receives funds from any government agency may not refuse to host any resident or prospective resident because of age, sex, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, as these terms are defined in RCW 49.60.040.

(10)(a) Prior to the opening of an outdoor encampment, indoor overnight shelter, temporary small house on-site, or vehicle resident safe parking, a religious organization hosting the homeless on property owned or controlled by the religious organization must host a meeting open to the public for the purpose of providing a forum for discussion of related neighborhood concerns, unless the use is in response to a declared emergency. The religious organization must provide written notice of the meeting to the code city legislative authority at least one week if possible but no later than ninety-six hours prior to the meeting. The notice must specify the time, place, and purpose of the meeting.

(b) A code city must provide community notice of the meeting described in (a) of this subsection by taking at least two of the following actions at any time prior to the time of the meeting:

(i) Delivering 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 special meetings;

(ii) Posting on the code city's web site. A code city is not required to post a special meeting notice on its web site if it: (A) Does not have a web site; (B) employs fewer than ten full-time equivalent employees; or (C) does not employ

personnel whose duty, as defined by a job description or existing contract, is to maintain or update the web site;

(iii) Prominently displaying, on signage at least two feet in height and two feet in width, one or more meeting notices that can be placed on or adjacent to the main arterials in proximity to the location of the meeting; or

(iv) Prominently displaying the notice at the meeting site."

On page 1, line 2 of the title, after "organizations;" strike the remainder of the title and insert "amending RCW 36.01.290, 35.21.915, and 35A.21.360; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1754, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1754, 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 Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Appleton.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

March 3, 2020

Madame Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2040 with the following amendment:

4.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 5.** RCW 28A.545.030 and 2017 3rd sp.s. c 13 s 1001 are each amended to read as follows:

The purposes of RCW 28A.545.030 through 28A.545.110 and 84.52.0531 are to:

(1) Simplify the annual process of determining and paying the amounts due by nonhigh school districts to high school districts for educating students residing in a nonhigh school district;

(2) Provide for a payment schedule that coincides to the extent practicable with the ability of nonhigh school districts to pay and the need of high school districts for payment; ~~(and)~~

(3) Establish that the maximum amount due per annual average full-time equivalent student by a nonhigh school district for each school year is ~~((no greater than))~~ the lesser of:

(a) The enrichment levy rate per annual average full-time equivalent student levied upon the taxpayers of the high school district; or

(b) The enrichment levy rate per annual average full-time equivalent student levied upon the taxpayers of the nonhigh school district;

(4) If the nonhigh school district has not levied an enrichment levy during the current school year, then the amount due per annual average full-time equivalent student by the nonhigh school district is the enrichment levy rate per annual average full-time equivalent student levied upon the taxpayers of the high school district; and

(5) Designate the revenue provided to secondary school buildings to ensure dollars are being spent to support secondary school students.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.545 RCW to read as follows:

Upon a nonhigh school district's request, a host high school district shall provide an annual data report to the nonhigh school district within sixty days of the request. The report must include attendance, grades, discipline, and state assessment data for all nonhigh secondary students sent to the high school district.

**Sec. 7.** RCW 28A.545.070 and 2017 3rd sp.s. c 13 s 1002 are each amended to read as follows:

(1) The superintendent of public instruction shall annually determine the estimated amount due by a nonhigh school district to a high school district for the school year as follows:

(a) The total of the high school district's enrichment levy or nonhigh school district's enrichment levy, as determined under RCW 28A.545.030(3), that has been authorized and determined by the superintendent of public instruction to be allowable pursuant to RCW 84.52.0531, as now or hereafter amended, for collection during the next calendar year, shall first be divided by the total estimated number of annual average full-time equivalent students which ~~((the high school district))~~ that district's superintendent or the superintendent of public instruction has certified pursuant to RCW 28A.545.060 will be enrolled in ~~((the high school))~~ that district during the school year;

(b) The result of the calculation provided for in subsection (1)(a) of this section shall then be multiplied by the estimated number of annual average full-time equivalent students residing in the nonhigh school district that will be enrolled in the high school district during the school year which has been established pursuant to RCW 28A.545.060; and

(c) The result of the calculation provided for in subsection (1)(b) of this section shall be adjusted upward to the extent the estimated amount due by a nonhigh school district for the prior school year was less than the actual amount due based upon actual annual average full-time equivalent student enrollments during the previous school year and the actual per annual average full-time equivalent student enrichment levy rate for the current tax collection year, ~~((of the high school district,))~~ or adjusted downward to the extent the estimated amount due was greater than such actual amount due or greater than such lesser amount as a high school district may have elected to assess pursuant to RCW 28A.545.090.

(2) The amount arrived at pursuant to subsection (1)(c) of this subsection shall constitute the estimated amount due by a nonhigh school district to a high school district for the school year."

On page 1, line 2 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 28A.545.030 and 28A.545.070; and adding a new section to chapter 28A.545 RCW."

Correct the title.

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2040 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2040, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2040, 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 Barkis, Bergquist, Blake, Boehnke, Calder, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Appleton.

ENGROSSED HOUSE BILL NO. 2040, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 5, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2099 with the following amendment:

7.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 8.** RCW 71.05.020 and 2019 c 446 s 2, 2019 c 444 s 16, and 2019 c 325 s 3001 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) "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;

(8) "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;

(9) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(10) "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;

(11) "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;

(12) "Department" means the department of health;

(13) "Designated crisis responder" means a mental health professional appointed by the county or an entity appointed by the county, to perform the duties specified in this chapter;

(14) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(15) "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;

(16) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(17) "Director" means the director of the authority;

(18) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(19) "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;

(20) "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;

(21) "Gravely disabled" means a condition in which a person, as a result of a mental disorder, or as a result of the use of alcohol or other psychoactive chemicals: (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;

(22) "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;

(23) "Hearing" means any proceeding conducted in open court. For purposes of this chapter, at any hearing the petitioner, the respondent, the witnesses, and the presiding judicial officer may be present and participate either in person or by video, as determined by the court. The term "video" as used herein shall include any functional equivalent. At any hearing conducted by video, the

technology used must permit the judicial officer, counsel, all parties, and the witnesses to be able to see, hear, and speak, when authorized, during the hearing; to allow attorneys to use exhibits or other materials during the hearing; and to allow respondent's counsel to be in the same location as the respondent unless otherwise requested by the respondent or the respondent's counsel. Witnesses in a proceeding may also appear in court through other means, including telephonically, pursuant to the requirements of superior court civil rule 43. Notwithstanding the foregoing, the court, upon its own motion or upon a motion for good cause by any party, may require all parties and witnesses to participate in the hearing in person rather than by video. In ruling on any such motion, the court may allow in-person or video testimony; and the court may consider, among other things, whether the respondent's alleged mental illness affects the respondent's ability to perceive or participate in the proceeding by video;

(24) "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 mental health facility, a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction;

(25) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(26) "In need of assisted outpatient behavioral health treatment" means that a person, as a result of a mental disorder or substance use 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;

(27) "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;

(28) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information;

(29) "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;

(30) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(31) "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 mental health and substance use disorder service providers under RCW 71.05.130;

(32) "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;

(33) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(34) "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;

(35) "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;

(36) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(37) "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;

(38) "Mental health service provider" means a public or private agency that provides mental health services to persons with mental disorders or substance use 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, 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;

(39) "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;

(40) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW;

(41) "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 mental illness, substance use disorders, or both mental illness and substance use disorders;

(42) "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;

(43) "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 psychiatry and mental health nursing;

(44) "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;

(45) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(46) "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 mental illness, substance use disorders, or both mental illness and substance use disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(47) "Release" means legal termination of the commitment under the provisions of this chapter;

(48) "Resource management services" has the meaning given in chapter 71.24 RCW;

(49) "Secretary" means the secretary of the department of health, or his or her designee;

(50) "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;

(51) "Serious violent offense" has the same meaning as provided in RCW 9.94A.030;

(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 mental illness, 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, nonfatal injuries, or substantial damage to property.

**Sec. 9.** RCW 71.05.150 and 2019 c 446 s 4 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a mental disorder, substance use disorder, or both 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, or approved substance use disorder treatment program. 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) An order to detain a person with a mental disorder to a designated evaluation and treatment facility, or to detain a person with a substance use disorder to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, for not more than a seventy-two-hour evaluation and treatment period may be issued by a judge of the superior court upon request of a designated crisis responder, subject to (d) of this subsection, whenever it appears to the satisfaction of a judge of the superior court:

(i) That there is probable cause to support the petition; and

(ii) That 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.

(3) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, 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 seventy-two 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.

**Sec. 10.** RCW 71.05.150 and 2019 c 446 s 5 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a mental disorder, substance use disorder, or both 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, or approved substance use disorder treatment program. 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) An order to detain a person with a mental disorder to a designated evaluation and treatment facility, or to detain a person with a substance use disorder to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, for not more than a seventy-two-hour evaluation and treatment period may be issued by a judge of the superior court upon

request of a designated crisis responder whenever it appears to the satisfaction of a judge of the superior court:

(i) That there is probable cause to support the petition; and

(ii) That 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.

(3) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, 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 seventy-two 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.

**Sec. 11.** RCW 71.05.153 and 2019 c 446 s 6 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as the result of a mental disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts

alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take such person, or cause by oral or written order such person to be taken into emergency custody in an evaluation and treatment facility for not more than seventy-two hours as described in RCW 71.05.180.

(2) When a designated crisis responder receives information alleging that a person, as the result of substance use disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take the person, or cause by oral or written order the person to be taken, into emergency custody in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program for not more than seventy-two hours as described in RCW 71.05.180, if a secure withdrawal management and stabilization facility or approved substance use disorder treatment program is available and has adequate space for the person.

(3)(a) Subject to (b) of this subsection, a peace officer may take or cause such person to be taken into custody and immediately delivered to a triage facility, crisis stabilization unit, evaluation and treatment facility, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or the emergency department of a local hospital under the following circumstances:

(i) Pursuant to subsection (1) or (2) of this section; or

(ii) When he or she has reasonable cause to believe that such person is suffering from a mental disorder or substance use disorder and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled.

(b) A peace officer's delivery of a person, based on a substance use disorder, to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program is subject to the availability of a secure withdrawal management and stabilization facility or approved substance use disorder treatment program with adequate space for the person.

(4) Persons delivered to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, triage facility that has elected to operate as an involuntary facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program by peace officers pursuant to subsection (3) of this section may be held by the facility for a period of up to twelve hours, not counting time periods prior to medical clearance.

(5) Within three hours after arrival, not counting time periods prior to medical clearance, the person must be examined by a mental health professional. Within twelve hours of notice of the need for evaluation, not counting time periods prior to medical clearance, the designated crisis responder must determine whether the individual meets

detention criteria. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview. If the individual is detained, the designated crisis responder shall file a petition for detention or a supplemental petition as appropriate and commence service on the designated attorney for the detained person. If the individual is released to the community, the mental health service provider shall inform the peace officer of the release within a reasonable period of time after the release if the peace officer has specifically requested notification and provided contact information to the provider.

(6) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated mental health professional has totally disregarded the requirements of this section.

**Sec. 12.** RCW 71.05.153 and 2019 c 446 s 7 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as the result of a mental disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take such person, or cause by oral or written order such person to be taken into emergency custody in an evaluation and treatment facility for not more than seventy-two hours as described in RCW 71.05.180.

(2) When a designated crisis responder receives information alleging that a person, as the result of substance use disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take the person, or cause by oral or written order the person to be taken, into emergency custody in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program for not more than seventy-two hours as described in RCW 71.05.180.

(3) A peace officer may take or cause such person to be taken into custody and immediately delivered to a triage facility, crisis stabilization unit, evaluation and treatment facility, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or the emergency department of a local hospital under the following circumstances:

(a) Pursuant to subsection (1) or (2) of this section; or

(b) When he or she has reasonable cause to believe that such person is suffering from a mental disorder or substance use disorder and presents an imminent likelihood of serious

harm or is in imminent danger because of being gravely disabled.

(4) Persons delivered to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, triage facility that has elected to operate as an involuntary facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program by peace officers pursuant to subsection (3) of this section may be held by the facility for a period of up to twelve hours, not counting time periods prior to medical clearance.

(5) Within three hours after arrival, not counting time periods prior to medical clearance, the person must be examined by a mental health professional. Within twelve hours of notice of the need for evaluation, not counting time periods prior to medical clearance, the designated crisis responder must determine whether the individual meets detention criteria. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview. If the individual is detained, the designated crisis responder shall file a petition for detention or a supplemental petition as appropriate and commence service on the designated attorney for the detained person. If the individual is released to the community, the mental health service provider shall inform the peace officer of the release within a reasonable period of time after the release if the peace officer has specifically requested notification and provided contact information to the provider.

(6) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated mental health professional has totally disregarded the requirements of this section.

**NEW SECTION. Sec. 13.** Sections 2 and 4 of this act expire July 1, 2026.

**NEW SECTION. Sec. 14.** Sections 3 and 5 of this act take effect July 1, 2026."

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "amending RCW 71.05.150, 71.05.150, 71.05.153, and 71.05.153; reenacting and amending RCW 71.05.020; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2099 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representatives Irwin and Kilduff spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2099, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2099, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting year: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Appleton.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2099, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

March 4, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2231 with the following amendment:

14.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 15.** RCW 9A.76.170 and 2001 c 264 s 3 are each amended to read as follows:

(1) ~~((Any person having been))~~ A person is guilty of bail jumping if he or she:

(a) Is released by court order or admitted to bail ((with knowledge)), has received written notice of the requirement of a subsequent personal appearance for trial before any court of this state, and fails to appear for trial as required; or

(b)(i) Is held for, charged with, or convicted of a violent offense or sex offense, as those terms are defined in RCW 9.94A.030, is released by court order or admitted to

bail, has received written notice of the requirement of a subsequent personal appearance before any court of this state or of the requirement to report to a correctional facility for service of sentence, and ((who)) fails to appear or ((who)) fails to surrender for service of sentence as required ((is guilty of bail jumping)); and

(ii)(A) Within thirty days of the issuance of a warrant for failure to appear or surrender, does not make a motion with the court to quash the warrant, and if a motion is made under this subsection, he or she does not appear before the court with respect to the motion; or

(B) Has had a prior warrant issued based on a prior incident of failure to appear or surrender for the present cause for which he or she is being held or charged or has been convicted.

(2) It is an affirmative defense to a prosecution under this section that uncontrollable circumstances prevented the person from appearing or surrendering, and that the person did not contribute to the creation of such circumstances ~~((in reckless disregard of))~~ by negligently disregarding the requirement to appear or surrender, and that the person appeared or surrendered as soon as such circumstances ceased to exist.

(3) Bail jumping is:

(a) A class A felony if the person was held for, charged with, or convicted of murder in the first degree;

(b) A class B felony if the person was held for, charged with, or convicted of a class A felony other than murder in the first degree;

(c) A class C felony if the person was held for, charged with, or convicted of a class B or class C felony; or

(d) A misdemeanor if the person was held for, charged with, or convicted of a gross misdemeanor or misdemeanor.

NEW SECTION. Sec. 16. A new section is added to chapter 9A.76 RCW to read as follows:

(1)(a) A person is guilty of failure to appear or surrender if he or she is released by court order or admitted to bail, has received written notice of the requirement of a subsequent personal appearance before any court of this state or of the requirement to report to a correctional facility for service of sentence, and fails to appear or fails to surrender for service of sentence as required; and

(b)(i) Within thirty days of the issuance of a warrant for failure to appear or surrender, does not make a motion with the court to quash the warrant, and if a motion is made under this subsection, he or she does not appear before the court with respect to the motion; or

(ii) Has had a prior warrant issued based on a prior incident of failure to appear or surrender for the present cause for which he or she is being held or charged or has been convicted.

(2) It is an affirmative defense to a prosecution under this section that uncontrollable circumstances prevented the person from appearing or surrendering, that the person did not contribute to the creation of such circumstances by

negligently disregarding the requirement to appear or surrender, and that the person appeared or surrendered as soon as such circumstances ceased to exist.

(3) Failure to appear or surrender is:

(a) A gross misdemeanor if the person was held for, charged with, or convicted of a felony; or

(b) A misdemeanor if the person was held for, charged with, or convicted of a gross misdemeanor or misdemeanor."

On page 1, line 1 of the title, after "jumping;" strike the remainder of the title and insert "amending RCW 9A.76.170; adding a new section to chapter 9A.76 RCW; and prescribing penalties."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2231 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2231, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2231, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 53; Nays, 44; Absent, 0; Excused, 1.

Voting yea: Representatives Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Paul, Rude, Schmick, Shea, Smith, Steele, Stokesbary,

Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Appleton.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2231, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 4, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2315 with the following amendment:

16.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 17.** RCW 53.54.030 and 1993 c 150 s 1 are each amended to read as follows:

For the purposes of this chapter, in developing a remedial program, the port commission may utilize one or more of the following programs:

(1) Acquisition of property or property rights within the impacted area, which shall be deemed necessary to accomplish a port purpose. The port district may purchase such property or property rights by time payment notwithstanding the time limitations provided for in RCW 53.08.010. The port district may mortgage or otherwise pledge any such properties acquired to secure such transactions. The port district may assume any outstanding mortgages.

(2) Transaction assistance programs, including assistance with real estate fees and mortgage assistance, and other neighborhood remedial programs as compensation for impacts due to aircraft noise and noise associated conditions. Any such programs shall be in connection with properties located within an impacted area and shall be provided upon terms and conditions as the port district shall determine appropriate.

(3) Programs of soundproofing structures located within an impacted area. Such programs may be executed without regard to the ownership, provided the owner waives damages and conveys an easement for the operation of aircraft, and for noise and noise associated conditions therewith, to the port district.

(4) Mortgage insurance of private owners of lands or improvements within such noise impacted area where such private owners are unable to obtain mortgage insurance solely because of noise impact. In this regard, the port district may establish reasonable regulations and may impose reasonable conditions and charges upon the granting of such mortgage insurance: PROVIDED, That such fees and charges shall at no time exceed fees established for federal mortgage insurance programs for like service.

(5)(a) An individual property may be provided benefits by the port district under each of the programs described in subsections (1) through (4) of this section.

However, an individual property may not be provided benefits under any one of these programs more than once, unless the property ~~((is))~~;

(i) Is subjected to increased aircraft noise or differing aircraft noise impacts that would have afforded different levels of mitigation, even if the property owner had waived all damages and conveyed a full and unrestricted easement; or

(ii) Contains a soundproofing installation, structure, or other type of sound mitigation equipment product or benefit previously installed pursuant to the remedial program under this chapter by the port district that is determined through inspection to be in need of a repair or replacement.

(b) Port districts choosing to exercise the authority under (a)(ii) of this subsection are required to conduct inspections of homes where mitigation improvements are no longer working as intended. In those properties, port districts must work with a state certified building inspector to determine whether package failure resulted in additional hazards or structural damage to the property.

(6) Management of all lands, easements, or development rights acquired, including but not limited to the following:

(a) Rental of any or all lands or structures acquired;

(b) Redevelopment of any such lands for any economic use consistent with airport operations, local zoning and the state environmental policy;

(c) Sale of such properties for cash or for time payment and subjection of such property to mortgage or other security transaction: PROVIDED, That any such sale shall reserve to the port district by covenant an unconditional right of easement for the operation of all aircraft and for all noise or noise conditions associated therewith.

(7) A property shall be considered within the impacted area if any part thereof is within the impacted area."

On page 1, line 2 of the title, after "area;" strike the remainder of the title and insert "and amending RCW 53.54.030."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2315 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Orwall and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2315, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2315, 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 Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Appleton.

HOUSE BILL NO. 2315, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### **MESSAGE FROM THE SENATE**

March 4, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2318 with the following amendment:  
17.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 18.** RCW 5.70.010 and 2015 c 221 s 1 are each amended to read as follows:

(1) In any felony case initially charged as a violent or sex offense, as defined in RCW 9.94A.030, a governmental entity shall preserve any DNA work product that has been secured in connection with the criminal case, including related investigatory reports and records, according to the following guidelines:

(a) Except as provided in (b) of this subsection, where a defendant has been charged and convicted in connection with the case, the DNA work product and investigatory reports and records must be maintained throughout the length of the sentence, including any period of community custody extending through final discharge;

(b) Where a defendant has been convicted and sentenced under RCW 9.94A.507 in connection with the case, the DNA work product and investigatory reports and

~~records~~ must be maintained for ninety-nine years or until the death of the defendant, whichever is sooner; and

(c) Where no conviction has been made in connection with the case, the DNA work product ~~and investigatory reports and records~~ must be maintained for ninety-nine years or throughout the period of the statute of limitations pursuant to RCW 9A.04.080, whichever is sooner.

(2) Notwithstanding subsection (1) of this section, in any felony case regardless of whether the identity of the offender is known and law enforcement has probable cause sufficient to believe the elements of a violent or sex offense as defined in RCW 9.94A.030 have been committed, a governmental entity shall preserve any DNA work product(~~; including a sexual assault examination kit;~~) secured in connection with the criminal case ~~and investigatory reports and records~~ for ninety-nine years or throughout the period of the statute of limitations pursuant to RCW 9A.04.080, whichever is sooner.

(3) ~~(For purposes of this section:~~

(a) "Amplified DNA" means DNA generated during scientific analysis using a polymerase chain reaction.

(b) "DNA work product" means (i) product generated during the process of scientific analysis of such material, except amplified DNA, material that had been subjected to DNA extraction, and DNA extracts from reference samples; or (ii) any material contained on a microscope slide, swab, in a sample tube, cutting, DNA extract, or some other similar retention method used to isolate potential biological evidence that has been collected by law enforcement as part of its investigation and prepared for scientific analysis, whether or not it is submitted for scientific analysis and derived from:

~~(A) The contents of a sexual assault examination kit;~~

~~(B) Blood;~~

~~(C) Semen;~~

~~(D) Hair;~~

~~(E) Saliva;~~

~~(F) Skin tissue;~~

~~(G) Fingerprints;~~

~~(H) Bones;~~

~~(I) Teeth; or~~

~~(J) Any other identifiable human biological material or physical evidence.~~

~~Notwithstanding the foregoing, "DNA work product" does not include a reference sample collected unless it has been shown through DNA comparison to associate the source of the sample with the criminal case for which it was collected.~~

~~(c) "Governmental entity" means any general law enforcement agency or any person or organization officially acting on behalf of the state or any political subdivision of the state involved in the collection, examination, tracking,~~

~~packaging, storing, or disposition of biological material collected in connection with a criminal investigation relating to a felony offense.~~

~~(d) "Reference sample" means a known sample collected from an individual by a governmental entity for the purpose of comparison to DNA profiles developed in a criminal case.~~

~~(4)) The failure of a law enforcement agency to preserve DNA work product does not constitute grounds in any criminal proceeding for challenging the admissibility of other DNA work product that was preserved in a case, and any evidence offered may not be excluded by a court on those grounds. The court may not set aside the conviction or sentence or order the reversal of a conviction under this section on the grounds that the DNA work product is no longer available. Unless the court finds that DNA work product was destroyed with malicious intent to violate this section, a person accused of committing a crime against a person has no cause of action against a law enforcement agency for failure to comply with the requirements of this section. If the court finds that DNA work product was destroyed with malicious intent to violate this section, the court may impose appropriate sanctions. Nothing in this section may be construed to create a private right of action on the part of any individual or entity against any law enforcement agency or any contractor of a law enforcement agency.~~

~~**NEW SECTION. Sec. 19.** A new section is added to chapter 5.70 RCW to read as follows:~~

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

~~(1) "Amplified DNA" means DNA generated during scientific analysis using a polymerase chain reaction.~~

~~(2) "DNA work product" means (a) product generated during the process of scientific analysis of such material, except amplified DNA, material that had been subjected to DNA extraction, screening byproducts, and DNA extracts from reference samples; or (b) any material contained on a microscope slide, swab, in a sample tube, cutting, DNA extract, or some other similar retention method used to isolate potential biological evidence that has been collected by law enforcement or a forensic nurse as part of an investigation and prepared for scientific analysis, whether or not it is submitted for scientific analysis and derived from:~~

~~(i) The contents of a sexual assault examination kit;~~

~~(ii) Blood;~~

~~(iii) Semen;~~

~~(iv) Hair;~~

~~(v) Saliva;~~

~~(vi) Skin tissue;~~

~~(vii) Fingerprints;~~

~~(viii) Bones;~~

~~(ix) Teeth; or~~

(x) Any other identifiable human biological material or physical evidence.

Notwithstanding the foregoing, "DNA work product" does not include a reference sample collected unless it has been shown through DNA comparison to associate the source of the sample with the criminal case for which it was collected.

(3) "Governmental entity" means any general law enforcement agency or any person or organization officially acting on behalf of the state or any political subdivision of the state involved in the collection, examination, tracking, packaging, storing, or disposition of biological material collected in connection with a criminal investigation relating to a felony offense.

(4) "Reference sample" means a known sample collected from an individual by a governmental entity for the purpose of comparison to DNA profiles developed in a criminal case.

(5) "Screening byproduct" means a product or waste generated during examination of DNA evidence, or the screening process of such evidence, that is not intended for long-term storage.

(6) "Sexual assault kit" includes all evidence collected during a sexual assault medical forensic examination.

(7) "Unreported sexual assault kit" means a sexual assault kit where a law enforcement agency has not received a related report or complaint alleging a sexual assault or other crime has occurred.

**NEW SECTION. Sec. 20.** A new section is added to chapter 5.70 RCW to read as follows:

(1)(a) Any unreported sexual assault kit collected on or after the effective date of this section must be transported from the collecting entity to the applicable local law enforcement agency.

(b) By January 1, 2021, unreported sexual assault kits collected prior to the effective date of this section and stored according to the requirements of RCW 70.125.101 must be transported to the applicable local law enforcement agency.

(2)(a) The applicable local law enforcement agency is responsible for conducting the transport of the unreported sexual assault kit from the collecting entity to the agency as required under subsection (1) of this section.

(b) The applicable law enforcement agency shall store and preserve the unreported sexual assault kit for twenty years from the date of collection.

(3) The term "applicable local law enforcement agency" refers to the local law enforcement agency that would have jurisdiction to investigate any related criminal allegations if they were to be reported to law enforcement. The applicable local law enforcement agency is determined through consultation between the collecting entity or, in the case of unreported sexual assault kits stored according to the requirements of RCW 70.125.101, the Washington state patrol, and local law enforcement agencies.

**Sec. 21.** RCW 70.125.090 and 2019 c 93 s 6 are each amended to read as follows:

(1) When a law enforcement agency receives a sexual assault kit, the law enforcement agency must, within thirty days of its receipt, submit a request for laboratory examination to the Washington state patrol crime laboratory for prioritization for testing by it or another accredited laboratory that holds an outsourcing agreement with the Washington state patrol if:

(a) The law enforcement agency has received a related report or complaint alleging a sexual assault or other crime has occurred; and

(b)(i) Consent for laboratory examination has been given by the victim; or

(ii) The victim is a person under the age of eighteen who is not emancipated pursuant to chapter 13.64 RCW.

(2) Beginning May 1, 2022, when the Washington state patrol receives a request for laboratory examination of a sexual assault kit from a law enforcement agency, the Washington state patrol shall conduct the laboratory examination of the sexual assault kit, and when appropriate, enter relevant information into the combined DNA index system, within forty-five days of receipt of the request. The Washington state patrol crime laboratory must give priority to the laboratory examination of sexual assault kits at the request of a local law enforcement agency for:

(a) Active investigations and cases with impending court dates;

(b) Active investigations where public safety is an immediate concern;

(c) Violent crimes investigations, including active sexual assault investigations;

(d) Postconviction cases; and

(e) Other crimes' investigations and nonactive investigations, such as previously unsubmitted older sexual assault kits or recently collected sexual assault kits that the submitting agency has determined to be lower priority based on their initial investigation.

(3) The requirements to request and complete laboratory examination of sexual assault kits under subsections (1) and (2) of this section do not include forensic toxicological analysis. However, nothing in this section limits or modifies the authority of a law enforcement agency to request toxicological analysis of evidence collected in a sexual assault kit.

(4) The failure of a law enforcement agency to submit a request for laboratory examination, or the failure of the Washington state patrol to facilitate laboratory examination, within the time periods prescribed under this section does not constitute grounds in any criminal proceeding for challenging the validity of a DNA evidence association, and any evidence obtained from the sexual assault kit may not be excluded by a court on those grounds.

((4)) (5) A person accused or convicted of committing a crime against a victim has no standing to object

to any failure to comply with the requirements of this section, and the failure to comply with the requirements of this section is not grounds for setting aside the conviction or sentence.

~~((5))~~ (6) Nothing in this section may be construed to create a private right of action or claim on the part of any individual, entity, or agency against any law enforcement agency or any contractor of any law enforcement agency.

~~((6))~~ (7) This section applies ~~((prospectively only and not retroactively. It only applies))~~ to sexual assault examinations performed on or after July 24, 2015.

~~((7))~~ (8)(a) Until June 30, 2023, the Washington state patrol shall compile the following information related to the sexual assault kits identified in this section and RCW 70.125.100 (as recodified by this act):

(i) The number of requests for laboratory examination made for sexual assault kits and the law enforcement agencies that submitted the requests; and

(ii) The progress made towards testing the sexual assault kits, including the status of requests for laboratory examination made by each law enforcement agency.

(b) The Washington state patrol shall make recommendations for increasing the progress on testing any untested sexual assault kits.

(c) Beginning in 2015, the Washington state patrol shall report its findings and recommendations annually to the appropriate committees of the legislature and the governor by December 1st of each year.

**Sec. 22.** RCW 70.125.100 and 2019 c 93 s 7 are each amended to read as follows:

(1) Law enforcement agencies shall submit requests for forensic analysis of all sexual assault kits collected prior to July 24, 2015, and in the possession of the agencies to the Washington state patrol crime laboratory by October 1, 2019, except submission for forensic analysis is not required when: (a) Forensic analysis has previously been conducted; (b) there is documentation of an adult victim or emancipated minor victim expressing that he or she does not want his or her sexual assault kit submitted for forensic analysis; or (c) a sexual assault kit is noninvestigatory and held by a law enforcement agency pursuant to an agreement with a hospital or other medical provider. The requirements of this subsection apply regardless of the statute of limitations or the status of any related investigation.

(2) The Washington state patrol crime laboratory may consult with local law enforcement agencies to coordinate the efficient submission of requests for forensic analysis under this section in conjunction with the implementation of the statewide tracking system under RCW 43.43.545, provided that all requests are submitted and all required information is entered into the statewide sexual assault tracking system by October 1, 2019. The Washington state patrol crime laboratory shall facilitate the forensic analysis of all sexual assault kits submitted under this section by December 1, 2021. The analysis may be conducted by the Washington state patrol laboratory or an accredited

laboratory holding a contract or agreement with the Washington state patrol. The Washington state patrol shall process the forensic analysis of sexual assault kits in accordance with the priorities in RCW 70.125.090(2) (as recodified by this act).

(3) The requirements to request and complete laboratory examination of sexual assault kits under this section do not include forensic toxicological analysis. However, nothing in this section limits or modifies the authority of a law enforcement agency to request toxicological analysis of evidence collected in a sexual assault kit.

(4) The failure of a law enforcement agency to submit a request for laboratory examination within the time prescribed under this section does not constitute grounds in any criminal proceeding for challenging the validity of a DNA evidence association, and any evidence obtained from the sexual assault kit may not be excluded by a court on those grounds.

~~((4))~~ (5) A person accused or convicted of committing a crime against a victim has no standing to object to any failure to comply with the requirements of this section, and the failure to comply with the requirements of this section is not grounds for setting aside the conviction or sentence.

~~((5))~~ (6) Nothing in this section may be construed to create a private right of action or claim on the part of any individual, entity, or agency against any law enforcement agency or any contractor of any law enforcement agency.

**Sec. 23.** RCW 43.43.545 and 2019 c 93 s 4 are each amended to read as follows:

(1) The Washington state patrol shall create and operate a statewide sexual assault kit tracking system. The Washington state patrol may contract with state or nonstate entities including, but not limited to, private software and technology providers, for the creation, operation, and maintenance of the system.

(2) The statewide sexual assault kit tracking system must:

(a) Track the location and status of sexual assault kits throughout the criminal justice process, including the initial collection in examinations performed at medical facilities, receipt and storage at law enforcement agencies, receipt and analysis at forensic laboratories, and storage and any destruction after completion of analysis;

(b) Designate sexual assault kits as unreported or reported;

(c) Indicate whether a sexual assault kit contains biological materials collected for the purpose of forensic toxicological analysis;

(d) Allow medical facilities performing sexual assault forensic examinations, law enforcement agencies, prosecutors, the Washington state patrol bureau of forensic laboratory services, and other entities having custody of sexual assault kits to update and track the status and location of sexual assault kits;

~~((d))~~ (e) Allow victims of sexual assault to anonymously track or receive updates regarding the status of their sexual assault kits; and

~~((e))~~ (f) Use electronic technology or technologies allowing continuous access.

(3) The Washington state patrol may use a phased implementation process in order to launch the system and facilitate entry and use of the system for required participants. The Washington state patrol may phase initial participation according to region, volume, or other appropriate classifications. All entities having custody of sexual assault kits shall fully participate in the system no later than June 1, 2018. The Washington state patrol shall submit a report on the current status and plan for launching the system, including the plan for phased implementation, to the joint legislative task force on sexual assault forensic examination best practices, the appropriate committees of the legislature, and the governor no later than January 1, 2017.

(4) The Washington state patrol shall submit a semiannual report on the statewide sexual assault kit tracking system to the joint legislative task force on sexual assault forensic examination best practices, the appropriate committees of the legislature, and the governor. The Washington state patrol may publish the current report on its web site. The first report is due July 31, 2018, and subsequent reports are due January 31st and July 31st of each year. The report must include the following:

(a) The total number of sexual assault kits in the system statewide and by jurisdiction;

(b) The total and semiannual number of sexual assault kits where forensic analysis has been completed statewide and by jurisdiction;

(c) The number of sexual assault kits added to the system in the reporting period statewide and by jurisdiction;

(d) The total and semiannual number of sexual assault kits where forensic analysis has been requested but not completed statewide and by jurisdiction;

(e) The average and median length of time for sexual assault kits to be submitted for forensic analysis after being added to the system, including separate sets of data for all sexual assault kits in the system statewide and by jurisdiction and for sexual assault kits added to the system in the reporting period statewide and by jurisdiction;

(f) The average and median length of time for forensic analysis to be completed on sexual assault kits after being submitted for analysis, including separate sets of data for all sexual assault kits in the system statewide and by jurisdiction and for sexual assault kits added to the system in the reporting period statewide and by jurisdiction;

(g) The total and semiannual number of sexual assault kits destroyed or removed from the system statewide and by jurisdiction;

(h) The total number of sexual assault kits, statewide and by jurisdiction, where forensic analysis has not been

completed and six months or more have passed since those sexual assault kits were added to the system; and

(i) The total number of sexual assault kits, statewide and by jurisdiction, where forensic analysis has not been completed and one year or more has passed since those sexual assault kits were added to the system.

(5) For the purpose of reports under subsection (4) of this section, a sexual assault kit must be assigned to the jurisdiction associated with the law enforcement agency anticipated to receive the sexual assault kit or otherwise having custody of the sexual assault kit.

(6) Any public agency or entity, including its officials and employees, and any hospital and its employees providing services to victims of sexual assault may not be held civilly liable for damages arising from any release of information or the failure to release information related to the statewide sexual assault kit tracking system, so long as the release was without gross negligence.

(7) The Washington state patrol shall adopt rules as necessary to implement this section.

(8) For the purposes of this section ~~(, an "unreported sexual assault kit" refers to a sexual assault kit collected from a victim who has consented to the collection of the sexual assault kit but who has not reported the alleged crime to law enforcement);~~

(a) "Reported sexual assault kit" means a sexual assault kit where a law enforcement agency has received a related report or complaint alleging a sexual assault or other crime has occurred;

(b) "Sexual assault kit" includes all evidence collected during a sexual assault medical forensic examination; and

(c) "Unreported sexual assault kit" means a sexual assault kit where a law enforcement agency has not received a related report or complaint alleging a sexual assault or other crime has occurred.

**Sec. 24.** RCW 43.43.754 and 2019 c 443 s 3 are each amended to read as follows:

(1) A biological sample must be collected for purposes of DNA identification analysis from:

(a) Every adult or juvenile individual convicted of a felony, or any of the following crimes (or equivalent juvenile offenses):

(i) Assault in the fourth degree where domestic violence as defined in RCW 9.94A.030 was pleaded and proven (RCW 9A.36.041, 9.94A.030);

(ii) Assault in the fourth degree with sexual motivation (RCW 9A.36.041, 9.94A.835);

(iii) Communication with a minor for immoral purposes (RCW 9.68A.090);

(iv) Custodial sexual misconduct in the second degree (RCW 9A.44.170);

(v) Failure to register (chapter 9A.44 RCW);

- (vi) Harassment (RCW 9A.46.020);
  - (vii) Patronizing a prostitute (RCW 9A.88.110);
  - (viii) Sexual misconduct with a minor in the second degree (RCW 9A.44.096);
  - (ix) Stalking (RCW 9A.46.110);
  - (x) Indecent exposure (RCW 9A.88.010);
  - (xi) Violation of a sexual assault protection order granted under chapter 7.90 RCW; and
- (b) Every adult or juvenile individual who is required to register under RCW 9A.44.130.

(2)(a) A municipal jurisdiction may also submit any biological sample to the laboratory services bureau of the Washington state patrol for purposes of DNA identification analysis when:

(i) The sample was collected from a defendant upon conviction for a municipal offense where the underlying ordinance does not adopt the relevant state statute by reference but the offense is otherwise equivalent to an offense in subsection (1)(a) of this section;

(ii) The equivalent offense in subsection (1)(a) of this section was an offense for which collection of a biological sample was required under this section at the time of the conviction; and

(iii) The sample was collected on or after June 12, 2008, and before January 1, 2020.

(b) When submitting a biological sample under this subsection, the municipal jurisdiction must include a signed affidavit from the municipal prosecuting authority of the jurisdiction in which the conviction occurred specifying the state crime to which the municipal offense is equivalent.

(3) Law enforcement may submit to the forensic laboratory services bureau of the Washington state patrol, for purposes of DNA identification analysis, any lawfully obtained biological sample within its control from a deceased offender who was previously convicted of an offense under subsection (1)(a) of this section, regardless of the date of conviction.

(4) If the Washington state patrol crime laboratory already has a DNA sample from an individual for a qualifying offense, a subsequent submission is not required to be submitted.

(5) Biological samples shall be collected in the following manner:

(a) For persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense, who do not serve a term of confinement in a department of corrections facility or a department of children, youth, and families facility, and are serving a term of confinement in a city or county jail facility, the city or county jail facility shall be responsible for obtaining the biological samples.

(b) The local police department or sheriff's office shall be responsible for obtaining the biological samples for:

(i) Persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense, who do not serve a term of confinement in a department of corrections facility, department of children, youth, and families facility, or a city or county jail facility; and

(ii) Persons who are required to register under RCW 9A.44.130.

(c) For persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense, who are serving or who are to serve a term of confinement in a department of corrections facility or a department of children, youth, and families facility, the facility holding the person shall be responsible for obtaining the biological samples as part of the intake process. If the facility did not collect the biological sample during the intake process, then the facility shall collect the biological sample as soon as is practicable. For those persons incarcerated before June 12, 2008, who have not yet had a biological sample collected, priority shall be given to those persons who will be released the soonest.

~~((6))~~ (d) For persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense, who will not serve a term of confinement, the court shall ~~((order))~~: Order the person to report to the local police department or sheriff's office as provided under subsection (5)(b)(i) of this section within a reasonable period of time established by the court in order to provide a biological sample; or if the local police department or sheriff's office has a protocol for collecting the biological sample in the courtroom, order the person to immediately provide the biological sample to the local police department or sheriff's office before leaving the presence of the court. The court must further inform the person that refusal to provide a biological sample is a gross misdemeanor under this section.

~~((7))~~ (6) Any biological sample taken pursuant to RCW 43.43.752 through 43.43.758 may be retained by the forensic laboratory services bureau, and shall be used solely for the purpose of providing DNA or other tests for identification analysis and prosecution of a criminal offense or for the identification of human remains or missing persons. Nothing in this section prohibits the submission of results derived from the biological samples to the federal bureau of investigation combined DNA index system.

~~((8))~~ (7) The forensic laboratory services bureau of the Washington state patrol is responsible for testing performed on all biological samples that are collected under this section, to the extent allowed by funding available for this purpose. Known duplicate samples may be excluded from testing unless testing is deemed necessary or advisable by the director.

~~((9))~~ (8) This section applies to:

(a) All adults and juveniles to whom this section applied prior to June 12, 2008;

(b) All adults and juveniles to whom this section did not apply prior to June 12, 2008, who:

(i) Are convicted on or after June 12, 2008, of an offense listed in subsection (1)(a) of this section on the date of conviction; or

(ii) Were convicted prior to June 12, 2008, of an offense listed in subsection (1)(a) of this section and are still incarcerated on or after June 12, 2008;

(c) All adults and juveniles who are required to register under RCW 9A.44.130 on or after June 12, 2008, whether convicted before, on, or after June 12, 2008; and

(d) All samples submitted under subsections (2) and (3) of this section.

~~((40))~~ (9) This section creates no rights in a third person. No cause of action may be brought based upon the noncollection or nonanalysis or the delayed collection or analysis of a biological sample authorized to be taken under RCW 43.43.752 through 43.43.758.

~~((44))~~ (10) The detention, arrest, or conviction of a person based upon a database match or database information is not invalidated if it is determined that the sample was obtained or placed in the database by mistake, or if the conviction or juvenile adjudication that resulted in the collection of the biological sample was subsequently vacated or otherwise altered in any future proceeding including but not limited to posttrial or postfact-finding motions, appeals, or collateral attacks. No cause of action may be brought against the state based upon the analysis of a biological sample authorized to be taken pursuant to a municipal ordinance if the conviction or adjudication that resulted in the collection of the biological sample was subsequently vacated or otherwise altered in any future proceeding including, but not limited to, posttrial or postfact-finding motions, appeals, or collateral attacks.

~~((42))~~ (11) A person commits the crime of refusal to provide DNA if the person willfully refuses to comply with a legal request for a DNA sample as required under this section. The refusal to provide DNA is a gross misdemeanor.

**NEW SECTION. Sec. 25.** A new section is added to chapter 43.101 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission shall develop a proposal for a case review program. The commission shall research, design, and develop case review strategies designed to optimize outcomes in sexual assault investigations through improved training and investigatory practices. The proposed program must evaluate whether current training and practices foster a trauma-informed, victim-centered approach to victim interviews that identifies best practices and current gaps in training and assesses the integration of the community resiliency model. The program will include a comparison of cases involving investigators and interviewers who have participated in training to cases involving investigators and interviewers who have not participated in training. The program will also include other randomly selected cases for a systematic review to assess whether current practices conform to national best practices for a multidisciplinary approach to investigating sexual assault cases and interacting with survivors.

(2) In designing the program, the commission shall consult and collaborate with experts in trauma-informed and victim-centered training, experts in sexual assault investigations and prosecutions, victim advocates, and other stakeholders identified by the commission. The commission may form a multidisciplinary working group for the purpose of carrying out the requirements of this section.

(3) The commission shall submit a report with a summary of its proposal to the governor and the appropriate committees of the legislature by December 1, 2020.

(4) This section expires July 1, 2021.

**NEW SECTION. Sec. 26.** The legislature recognizes that proper storage and preservation of evidence, including maintaining chain of custody requirements, are critical to any successful investigation and prosecution. Unreported sexual assault kits are, therefore, most appropriately stored and preserved by law enforcement agencies. The legislature further recognizes that some agencies are facing storage capacity constraints. Agencies are currently responsible for storing found property, regardless if the property is associated with a criminal investigation. Therefore, the legislature hereby intends to provide flexibility for local governments to designate an alternate entity to store found property in order to allow those agencies with capacity issues to prioritize storage space for evidence and potential evidence in criminal investigations.

**Sec. 27.** RCW 63.21.010 and 1997 c 237 s 1 are each amended to read as follows:

(1) Any person who finds property that is not unlawful to possess, the owner of which is unknown, and who wishes to claim the found property, shall:

(a) Within seven days of the finding acquire a signed statement setting forth an appraisal of the current market value of the property prepared by a qualified person engaged in buying or selling like items or by a district court judge, unless the found property is cash; and

(b) Within seven days report the find of property and surrender, if requested, the property and a copy of the evidence of the value of the property to the chief law enforcement officer, ~~((or))~~ his or her designated representative, or other designated entity under section 15 of this act, of the governmental entity where the property was found, and serve written notice upon the officer or designee of the finder's intent to claim the property if the owner does not make out his or her right to it under this chapter.

(2) Within thirty days of the report the governmental entity shall cause notice of the finding to be published at least once a week for two successive weeks in a newspaper of general circulation in the county where the property was found, unless the appraised value of the property is less than the cost of publishing notice. If the value is less than the cost of publishing notice, the governmental entity may cause notice to be posted or published in other media or formats that do not incur expense to the governmental entity.

**Sec. 28.** RCW 63.21.020 and 1979 ex.s. c 85 s 2 are each amended to read as follows:

The finder's claim to the property shall be extinguished:

(1) If the owner satisfactorily establishes, within sixty days after the find was reported to the appropriate officer or, if so designated under section 15 of this act, the appropriate entity, the owner's right to possession of the property; or

(2) If the chief law enforcement officer or designee determines and so informs the finder that the property is illegal for the finder to possess.

**Sec. 29.** RCW 63.21.030 and 1997 c 237 s 2 are each amended to read as follows:

(1) The found property shall be released to the finder and become the property of the finder sixty days after the find was reported to the appropriate officer or designee if no owner has been found, or sixty days after the final disposition of any judicial or other official proceeding involving the property, whichever is later. The property shall be released only after the finder has presented evidence of payment to the treasurer of the governmental entity handling the found property, the amount of ten dollars plus the amount of the cost of publication of notice incurred by the ~~((government—[governmental]))~~ governmental entity pursuant to RCW 63.21.010, which amount shall be deposited in the general fund of the governmental entity. If the appraised value of the property is less than the cost of publication of notice of the finding, then the finder is not required to pay any fee.

(2) When ninety days have passed after the found property was reported to the appropriate officer or designee, or ninety days after the final disposition of a judicial or other proceeding involving the found property, and the finder has not completed the requirements of this chapter, the finder's claim shall be deemed to have expired and the found property may be disposed of as unclaimed property under chapter 63.32 or 63.40 RCW. Such laws shall also apply whenever a finder states in writing that he or she has no intention of claiming the found property.

**Sec. 30.** RCW 63.21.050 and 2019 c 30 s 1 are each amended to read as follows:

(1) The chief law enforcement officer ~~((or))~~, his or her designated representative, or other designated entity under section 15 of this act to whom a finder surrenders property, must:

(a) Advise the finder if the found property is illegal for him or her to possess;

(b) Advise the finder if the found property is to be held as evidence in judicial or other official proceedings;

(c) Advise the finder in writing of the procedures to be followed in claiming the found property;

(d) If the property is valued at one hundred dollars or less adjusted for inflation under subsection (2) of this section, allow the finder to retain the property if it is determined there is no reason for the officer or designee to retain the property;

(e) If the property exceeds one hundred dollars adjusted for inflation under subsection (2) of this section in value and has been requested to be surrendered to the ~~((law enforcement agency))~~ governmental entity, retain the property for sixty days before it can be claimed by the finder under this chapter, unless the owner has recovered the property;

(f) If the property is held as evidence in judicial or other official proceedings, retain the property for sixty days after the final disposition of the judicial or other official proceeding, before it can be claimed by the finder or owner under the provisions of this chapter;

(g) After the required number of days have passed, and if no owner has been found, surrender the property to the finder according to the requirements of this chapter; or

(h) If neither the finder nor the owner claim the property retained by the officer or designee within thirty days of the time when the claim can be made, the property must be disposed of as unclaimed property under chapter 63.32 or 63.40 RCW.

(2)(a) The office of financial management must adjust the dollar thresholds established in subsection (1)(d) and (e) of this section for inflation every five years, beginning July 1, 2025, based upon changes in the Seattle consumer price index during that time period. The office of financial management must calculate the new dollar threshold and transmit the new dollar threshold, rounded up to the nearest dollar, to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

(b) For the purposes of determining the thresholds in subsection (1)(d) and (e) of this section, the chief law enforcement officer ~~((or))~~, his or her designated representative, or other designated entity under section 15 of this act must use the latest thresholds published by the office of financial management in the Washington State Register under (a) of this subsection.

**Sec. 31.** RCW 63.21.060 and 1979 ex.s. c 85 s 6 are each amended to read as follows:

Any governmental entity that acquires lost property shall attempt to notify the apparent owner of the property. If the property is not returned to a person validly establishing ownership or right to possession of the property, the governmental entity shall forward the lost property within thirty days but not less than ten days after the time the governmental entity acquires the lost property to the chief law enforcement officer, ~~((or))~~ his or her designated representative, or other designated entity under section 16 of this act, of the county in which the property was found, except that if the property is found within the borders of a city or town the property shall be forwarded to the chief law enforcement officer of the city or town ~~((or))~~, his or her designated representative, or other entity of the city or town so designated under section 15 of this act. A governmental entity may elect to retain property which it acquires and dispose of the property as provided by chapter 63.32 or 63.40 RCW.

**NEW SECTION. Sec. 32.** A new section is added to chapter 63.21 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, a county, city, or town may designate an alternate department or governmental entity to accept, store, retain, and dispose of found property as required under this chapter, rather than the chief law enforcement officer or his or her designee, so long as the alternate department or governmental entity complies with the requirements and procedures under this chapter.

(2) Regardless of whether a county, city, or town designates an alternate department or governmental entity under subsection (1) of this section, the chief law enforcement officer or his or her designated representative is responsible for retaining any of the following types of property in accordance with the requirements of this chapter: A bank card; charge or credit card; cash; government-issued document, financial document, or legal document; firearm; evidence in a judicial or other official proceeding; or an item that is not legal for the finder to possess. A county, city, or town designating an alternate department or governmental entity under subsection (1) of this section shall establish procedures for ensuring these types of property are directed to the chief law enforcement officer or his or her designated representative.

**NEW SECTION. Sec. 33.** A new section is added to chapter 63.32 RCW to read as follows:

(1) This chapter does not modify the requirements for a police department to accept found property under chapter 63.21 RCW.

(2) If a city or town designates an alternate department or governmental entity to accept found property under section 15 of this act:

(a) The designated department or governmental entity shall comply with the retention and disposition requirements under this chapter in the same manner as would be required of a police department; and

(b) The police department is not required to accept found property from a finder of said property, unless the property is any of the following: A bank card; charge or credit card; cash; government-issued document, financial document, or legal document; firearm; evidence in a judicial or other official proceeding; or an item that is not legal for the finder to possess. Such found property accepted by a police department must be retained or disposed of in accordance with this chapter and other applicable state laws.

**NEW SECTION. Sec. 34.** A new section is added to chapter 63.40 RCW to read as follows:

(1) This chapter does not modify the requirements for a sheriff to accept found property under chapter 63.21 RCW.

(2) If a county designates an alternate department or governmental entity to accept found property under section 15 of this act:

(a) The designated department or governmental entity shall comply with the disposition requirements under this

chapter in the same manner as would be required of the sheriff; and

(b) The sheriff is not required to accept found property from a finder of said property, unless the property is any of the following: A bank card; charge or credit card; cash; government-issued document, financial document, or legal document; firearm; evidence in a judicial or other official proceeding; or an item that is not legal for the finder to possess. Such found property accepted by a sheriff must be retained or disposed of in accordance with this chapter and other applicable state laws.

**NEW SECTION. Sec. 35.** RCW 70.125.090 and 70.125.100 are each recodified as sections in chapter 5.70 RCW.

**NEW SECTION. Sec. 36.** Section 3 of this act takes effect June 30, 2020."

On page 1, line 1 of the title, after "practices;" strike the remainder of the title and insert "amending RCW 5.70.010, 70.125.090, 70.125.100, 43.43.545, 43.43.754, 63.21.010, 63.21.020, 63.21.030, 63.21.050, and 63.21.060; adding new sections to chapter 5.70 RCW; adding a new section to chapter 43.101 RCW; adding a new section to chapter 63.21 RCW; adding a new section to chapter 63.32 RCW; adding a new section to chapter 63.40 RCW; creating a new section; recodifying RCW 70.125.090 and 70.125.100; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2318 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2318, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2318, 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 Barkis, Bergquist, Blake, Boehnke, Calder, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Klippert.

Excused: Representative Appleton.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2318, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 3, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2343 with the following amendment:

36.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 37.** RCW 36.70A.600 and 2019 c 348 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 ~~((five))~~ two hundred acres in cities with a population greater than forty thousand or not fewer than ~~((two))~~ one hundred ~~((fifty))~~ 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;

~~((e) Authorize attached accessory dwelling units on all parcels containing single family homes where the lot is at least three thousand two hundred square feet in size, and permit both attached and detached accessory dwelling units on all parcels containing single family homes, provided lots are at least four thousand three hundred fifty six square feet in size. Qualifying city ordinances or regulations may not provide for on-site parking requirements, owner occupancy requirements, or square footage limitations below one thousand square feet for the accessory dwelling unit, and must not prohibit the separate rental or sale of accessory dwelling units and the primary residence. Cities must set applicable impact fees at no more than the projected impact of the accessory dwelling unit. To allow local flexibility, other than these factors, accessory dwelling units may be subject to such regulations, conditions, procedures, and limitations as determined by the local legislative authority, and must follow all applicable state and federal laws and local ordinances;))~~

(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; ~~((and))~~

(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 the effective date of this section, 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, ((2024)) 2023, ordinances, amendments to development 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, ~~((2021))~~ 2023, to amend their comprehensive plan, 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 ~~((with a population over twenty thousand))~~ 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. 38.** RCW 43.21C.495 and 2019 c 348 s 4 are each amended to read as follows:

If adopted by April 1, ~~((2024))~~ 2023, amendments to development regulations and other nonproject actions taken by a city to implement RCW 36.70A.600 (1) or (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. 39.** RCW 36.70A.620 and 2019 c 348 s 5 are each amended to read as follows:

In counties and cities planning under RCW 36.70A.040, minimum residential parking requirements mandated by municipal zoning ordinances for housing units constructed after July 1, 2019, are subject to the following requirements:

(1) For housing units that are affordable to very low-income or extremely low-income individuals and that are located within one-quarter mile of a transit stop that receives transit service at least ~~((four))~~ two times per hour for twelve or more hours per day, minimum residential parking requirements may be no greater than one parking space per bedroom or .75 space per unit. A city may require a developer to record a covenant that prohibits the rental of a unit subject to this parking restriction for any purpose other than providing for housing for very low-income or extremely low-income individuals. The covenant must address price restrictions and household income limits and policies if the property is converted to a use other than for low-income housing. A city may establish a requirement for the provision of more than one parking space per bedroom or .75 space per unit if the jurisdiction has determined a particular housing unit to be in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the unit.

(2) For housing units that are specifically for seniors or people with disabilities, that are located within one-quarter mile of a transit stop that receives transit service at least four times per hour for twelve or more hours per day, a city may not impose minimum residential parking requirements for the residents of such housing units, subject to the exceptions provided in this subsection. A city may establish parking requirements for staff and visitors of such housing units. A city may establish a requirement for the provision of one or more parking space per bedroom if the jurisdiction has determined a particular housing unit to be in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the unit. A city may require a developer to record a covenant that prohibits the rental of a unit subject to this parking restriction for any purpose other than providing for housing for seniors or people with disabilities.

(3) For market rate multifamily housing units that are located within one-quarter mile of a transit stop that receives transit service from at least one route that provides service at least four times per hour for twelve or more hours per day, minimum residential parking requirements may be no greater than one parking space per bedroom or .75 space per unit. A city or county may establish a requirement for the provision of more than one parking space per bedroom or .75 space per unit if the jurisdiction has determined a particular housing unit to be in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the unit.

**Sec. 40.** RCW 36.70A.030 and 2019 c 348 s 2 are each reenacted and amended to read as follows:

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

(1) "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) "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.

(10) "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.

(11) "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.

(12) "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.

(13) "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.

(14) "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.

(15) "Minerals" include gravel, sand, and valuable metallic substances.

(16) "Permanent supportive housing" is subsidized, leased housing with no limit on length of stay (~~paired with on-site or off-site voluntary services designed to support a person living with a disability to be a successful tenant in a housing arrangement, improve the resident's health status, and connect residents of the housing with community-based health care, treatment, and employment services~~) 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.

(17) "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.

(18) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

(19) "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.

(20) "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.

(21) "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.

(22) "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).

(23) "Short line railroad" means those railroad lines designated class II or class III by the United States surface transportation board.

(24) "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.

(25) "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.

(26) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

(27) "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.

(28) "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.

**NEW SECTION. Sec. 41.** The department of ecology shall remove parking as an element of the environment within WAC 197-11-444 and as a component of the environmental checklist within WAC 197-11-960, as those sections existed on the effective date of this section, the next time that the department amends rules implementing chapter 43.21C RCW after the effective date of this section.

**Sec. 42.** RCW 36.70A.610 and 2019 c 348 s 3 are each amended to read as follows:

(1) The Washington center for real estate research at the University of Washington shall produce a ~~((report every two years))~~ series of reports as described in this section that compiles housing supply and affordability metrics for each city planning under RCW 36.70A.040 with a population of ten thousand or more.

(a) The initial report, completed by October 15, 2020, must be a compilation of objective criteria relating to ~~((development regulations, zoning,))~~ income, employment, housing and rental prices, housing affordability ((programs)) by housing tenure, and other metrics relevant to assessing housing supply and affordability for all income segments, including the percentage of cost-burdened households~~((:))~~ of each ~~((city subject to the report required by this section))~~ jurisdiction. This report may also include city-specific median income data for those cities implementing the multifamily tax exemption program under chapter 84.14 RCW.

(b) The report completed by October 15, 2021, must include an analysis of the private rental housing market for each area outlining the number of units, vacancy rates, and rents by unit type, where possible. This analysis should separate market rate multifamily rental housing developments and other smaller scale market rate rental housing. This analysis should also incorporate data from the Washington state housing finance commission on subsidized rental housing in the area consistent with the first report under this subsection.

(c) The report completed by October 15, 2022, must also include data relating to actions taken by cities under chapter 348, Laws of 2019 as well as detailed information on development regulations, levies and fees, and zoning related to housing development.

(d) The report completed by October 15, 2024, and every two years thereafter, must also include relevant data relating to buildable lands reports prepared under RCW 36.70A.215, where applicable, and updates to comprehensive plans under this chapter.

(2) The Washington center for real estate research shall collaborate with the Washington housing finance commission and the office of financial management to develop the metrics compiled in the ~~((report))~~ series of reports under this section.

(3) The ~~((report))~~ series of reports under this section must be submitted, consistent with RCW 43.01.036, to the standing committees of the legislature with jurisdiction over housing issues and this chapter."

On page 1, line 1 of the title, after "supply;" strike the remainder of the title and insert "amending RCW 36.70A.600, 43.21C.495, 36.70A.620, and 36.70A.610; reenacting and amending RCW 36.70A.030; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2343 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2343, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2343, 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 Barkis, Bergquist, Blake, Boehnke, Calder, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger,

Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chopp, Dufault, Kraft, McCaslin and Shea.

Excused: Representative Appleton.

SUBSTITUTE HOUSE BILL NO. 2343, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 5, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2384 with the following amendment:

42.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 43.** RCW 84.36.560 and 2019 c 390 s 11 are each amended to read as follows:

(1) The real and personal property owned or used by a nonprofit entity in providing rental housing for ~~((very low income))~~ qualifying households or used to provide space for the placement of a mobile home for a ~~((very low income))~~ qualifying household within a mobile home park is exempt from taxation if:

(a) The benefit of the exemption inures to the nonprofit entity;

(b) At least seventy-five percent of the occupied dwelling units in the rental housing or lots in a mobile home park are occupied by a ~~((very low income))~~ qualifying household; and

(c) The rental housing or lots in a mobile home park were insured, financed, or assisted in whole or in part through one or more of the following sources:

(i) A federal or state housing program administered by the department of commerce;

(ii) A federal housing program administered by a city or county government;

(iii) An affordable housing levy authorized under RCW 84.52.105;

(iv) The surcharges authorized by RCW 36.22.178 and 36.22.179 and any of the surcharges authorized in chapter 43.185C RCW; or

(v) The Washington state housing finance commission, provided that the financing is for a mobile home park cooperative or a manufactured housing cooperative, as defined in RCW 59.20.030, or a nonprofit entity.

(2) If less than seventy-five percent of the occupied dwelling units within the rental housing or lots in the mobile home park are occupied by ~~((very low income))~~ qualifying households, the rental housing or mobile home park is eligible for a partial exemption on the real property and a

total exemption of the housing's or park's personal property as follows:

(a) A partial exemption is allowed for each dwelling unit in the rental housing or for each lot in a mobile home park occupied by a ~~((very low income))~~ qualifying household.

(b) The amount of exemption must be calculated by multiplying the assessed value of the property reasonably necessary to provide the rental housing or to operate the mobile home park by a fraction. The numerator of the fraction is the number of dwelling units or lots occupied by ~~((very low income))~~ qualifying households as of December 31st of the first assessment year in which the rental housing or mobile home park becomes operational or on January 1st of each subsequent assessment year for which the exemption is claimed. The denominator of the fraction is the total number of dwelling units or lots occupied as of December 31st of the first assessment year the rental housing or mobile home park becomes operational and January 1st of each subsequent assessment year for which exemption is claimed.

(3) If a currently exempt rental housing unit ~~((in a facility with ten units or fewer))~~ or mobile home lot in a mobile home park ~~((with ten lots or fewer))~~ was occupied by a ~~((very low income))~~ qualifying household at the time the exemption was granted and the income of the household subsequently rises above ~~((fifty percent of the median income))~~ the threshold set in subsection (7)(e) of this section but remains at or below eighty percent of the median income, the exemption will continue as long as the housing continues to meet the certification requirements ~~((of a very low income housing program))~~ listed in subsection (1) of this section. For purposes of this section, median income, as most recently determined by the federal department of housing and urban development for the county in which the rental housing or mobile home park is located, shall be adjusted for family size. However, if a dwelling unit or a lot becomes vacant and is subsequently rented, the income of the new household must be at or below ~~((fifty percent of the median income adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the rental housing or mobile home park is located))~~ the threshold set in subsection (7)(e) of this section to remain exempt from property tax.

(4) If at the time of initial application the property is unoccupied, or subsequent to the initial application the property is unoccupied because of renovations, and the property is not currently being used for the exempt purpose authorized by this section but will be used for the exempt purpose within two assessment years, the property shall be eligible for a property tax exemption for the assessment year in which the claim for exemption is submitted under the following conditions:

(a) A commitment for financing to acquire, construct, renovate, or otherwise convert the property to provide housing for ~~((very low income))~~ qualifying households has been obtained, in whole or in part, by the nonprofit entity claiming the exemption from one or more of the sources listed in subsection (1)(c) of this section;

(b) The nonprofit entity has manifested its intent in writing to construct, remodel, or otherwise convert the property to housing for ~~((very low income))~~ qualifying households; and

(c) Only the portion of property that will be used to provide housing or lots for ~~((very low income))~~ qualifying households shall be exempt under this section.

(5) To be exempt under this section, the property must be used exclusively for the purposes for which the exemption is granted, except as provided in RCW 84.36.805.

(6) The nonprofit entity qualifying for a property tax exemption under this section may agree to make payments to the city, county, or other political subdivision for improvements, services, and facilities furnished by the city, county, or political subdivision for the benefit of the rental housing. However, these payments shall not exceed the amount last levied as the annual tax of the city, county, or political subdivision upon the property prior to exemption.

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

(a) "Group home" means a single-family dwelling financed, in whole or in part, by one or more of the sources listed in subsection (1)(c) of this section. The residents of a group home shall not be considered to jointly constitute a household, but each resident shall be considered to be a separate household occupying a separate dwelling unit. The individual incomes of the residents shall not be aggregated for purposes of this exemption;

(b) "Mobile home lot" or "mobile home park" means the same as these terms are defined in RCW 59.20.030;

(c) "Occupied dwelling unit" means a living unit that is occupied by an individual or household as of December 31st of the first assessment year the rental housing becomes operational or is occupied by an individual or household on January 1st of each subsequent assessment year in which the claim for exemption is submitted. If the housing facility is comprised of three or fewer dwelling units and there are any unoccupied units on January 1st, the department shall base the amount of the exemption upon the number of occupied dwelling units as of December 31st of the first assessment year the rental housing becomes operational and on May 1st of each subsequent assessment year in which the claim for exemption is submitted;

(d) "Rental housing" means a residential housing facility or group home that is occupied but not owned by ~~((very low income))~~ qualifying households;

(e)(i) ~~((Very low income))~~ Qualifying household" means a single person, family, or unrelated persons living together whose income is at or below fifty percent of the median income adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the rental housing or mobile home park is located and in effect as of January 1st of the year the application for exemption is submitted; ~~((and))~~

(ii) Beginning July 1, 2021, "qualifying household" means a single person, family, or unrelated persons living together whose income is at or below sixty percent of the median income adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the rental housing or mobile home park is located and in effect as of January 1st of the year the application for exemption is submitted; and

(f) "Nonprofit entity" means a:

(i) Nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal internal revenue code;

(ii) Limited partnership where a nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal internal revenue code, a public corporation established under RCW 35.21.660, 35.21.670, or 35.21.730, a housing authority created under RCW 35.82.030 or 35.82.300, or a housing authority meeting the definition in RCW 35.82.210(2)(a) is a general partner;

(iii) Limited liability company where a nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal internal revenue code, a public corporation established under RCW 35.21.660, 35.21.670, or 35.21.730, a housing authority established under RCW 35.82.030 or 35.82.300, or a housing authority meeting the definition in RCW 35.82.210(2)(a) is a managing member; or

(iv) Mobile home park cooperative or a manufactured housing cooperative, as defined in RCW 59.20.030.

**Sec. 44.** RCW 84.36.815 and 2016 c 217 s 4 are each amended to read as follows:

(1) In order to qualify for exempt status for any real or personal property under this chapter except personal property under RCW 84.36.600, all foreign national governments; cemeteries; nongovernmental nonprofit corporations, organizations, and associations; hospitals owned and operated by a public hospital district for purposes of exemption under RCW 84.36.040(2); and soil and water conservation districts must file an initial application on or before March 31st with the state department of revenue. However, the initial application deadline for the exemption provided in RCW 84.36.049 is July 1st for 2016 and March 31st for 2017 and thereafter. All applications must be filed on forms prescribed by the department and must be signed by an authorized agent of the applicant.

(2)(a) In order to requalify for exempt status, all applicants except nonprofit cemeteries and nonprofits receiving the exemption under RCW 84.36.049 and nonprofits receiving the exemption under RCW 84.36.560 must file an annual renewal declaration on or before March 31st each year. The renewal declaration must be on forms prescribed by the department of revenue and must contain a statement certifying the exempt status of the real or personal property owned by the exempt organization. This renewal declaration may be submitted electronically in a format provided or approved by the department. Information may also be required with the renewal declaration to assist the

department in determining whether the property tax exemption should continue.

(b) In order to requalify for exempt status, nonprofits receiving the exemption under RCW 84.36.560 must file a renewal declaration on or before March 31st of every third year following initial qualification for the exemption. Except for the annual renewal requirement, all other requirements of (a) of this subsection apply.

(3) When an organization acquires real property qualified for exemption or converts real property to exempt status, the organization must file an initial application for the property within sixty days following the acquisition or conversion in accordance with all applicable provisions of subsection (1) of this section. If the application is filed after the expiration of the sixty-day period, a late filing penalty is imposed under RCW 84.36.825.

(4) When organizations acquire real property qualified for exemption or convert real property to an exempt use, the property, upon approval of the application for exemption, is entitled to a property tax exemption for property taxes due and payable the following year. If the owner has paid taxes for the year following the year the property qualified for exemption, the owner is entitled to a refund of the amount paid on the property so acquired or converted.

(5) The department must share approved initial applications for the tax preference provided in RCW 84.36.049 with the joint legislative audit and review committee, upon request by the committee, in order for the committee to complete its review of the tax preference provided in RCW 84.36.049.

NEW SECTION. Sec. 45. The provisions of RCW 82.32.805 and 82.32.808 do not apply to this act."

On page 1, line 3 of the title, after "households;" strike the remainder of the title and insert "amending RCW 84.36.560 and 84.36.815; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2384 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2384, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2384, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, McCaslin and Shea.

Excused: Representative Appleton.

SUBSTITUTE HOUSE BILL NO. 2384, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

March 3, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2402 with the following amendment:

45.0.

Strike everything after the enacting clause and insert the following:

**"PART I**

**REPEAL OF SELECTED STATUTORY COMMITTEES**

NEW SECTION. Sec. 46. The following acts or parts of acts are each repealed:

(1)RCW 28A.657.130 (Education accountability system oversight committee—Membership—Duties—Reports) and 2013 c 159 s 13;

(2)RCW 28B.95.170 (Legislative advisory committee) and 2011 1st sp.s. c 12 s 6;

(3)RCW 44.55.010 (Findings—Intent) and 2003 c 404 s 1;

(4)RCW 44.55.020 (Committee membership) and 2003 c 404 s 2;

(5)RCW 44.55.030 (Chair—Officers—Rules) and 2003 c 404 s 3;

(6)RCW 44.55.040 (Powers, duties) and 2003 c 404 s 4;

(7)RCW 44.55.050 (Staff support) and 2003 c 404 s 5;

(8)RCW 44.55.060 (Compensation) and 2003 c 404 s 6;

(9)RCW 44.68.020 (Committee created—Members, terms, vacancies, officers, rules) and 1993 c 332 s 1 & 1986 c 61 s 2; and

(10)RCW 44.68.035 (Administration) and 2001 c 259 s 16.

## PART II

### RELATED AMENDMENTS

**Sec. 47.** RCW 28A.175.075 and 2018 c 58 s 31 are each amended to read as follows:

(1) The office of the superintendent of public instruction shall establish a state-level ~~((building bridges work group that includes))~~ advisory committee to be known as the graduation: a team effort partnership advisory committee. The advisory committee shall include K-12 and state agencies that work with youth who have dropped out or are at risk of dropping out of school. The following agencies shall appoint representatives to the ~~((work group))~~ advisory committee: The office of the superintendent of public instruction, the workforce training and education coordinating board, the department of children, youth, and families, the employment security department, the state board for community and technical colleges, the department of health, the community mobilization office, and the children's services and behavioral health and recovery divisions of the department of social and health services. The ~~((work group should))~~ advisory committee shall also consist of one representative from each of the following agencies and organizations: A statewide organization representing career and technical education programs including skill centers; the juvenile courts or the office of juvenile justice, or both; the Washington association of prosecuting attorneys; the Washington state office of public defense; accredited institutions of higher education; the educational service districts; the area workforce development councils; parent and educator associations; educational opportunity gap oversight and accountability committee; office of the education ombuds; local school districts; agencies or organizations that provide services to special education students; community organizations serving youth; federally recognized tribes and urban tribal centers; each of the major political caucuses of the senate and house of representatives; and the minority commissions.

(2) To assist and enhance the work of the ~~((building bridges))~~ programs established in RCW 28A.175.025, the ~~((state level work group))~~ advisory committee shall:

(a) Identify and make recommendations to the legislature for the reduction of fiscal, legal, and regulatory barriers that prevent coordination of program resources across agencies at the state and local level;

(b) Develop and track performance measures and benchmarks for each partner agency or organization across the state including performance measures and benchmarks based on student characteristics and outcomes specified in RCW 28A.175.035(1)(e); and

(c) Identify research-based and emerging best practices regarding prevention, intervention, and retrieval programs.

~~(3)((a))~~ The ~~((work group))~~ advisory committee shall report to the appropriate committees of the legislature and the governor on an annual basis beginning December 1, 2007, with proposed strategies for building K-12 dropout prevention, intervention, and reengagement systems in local communities throughout the state including, but not limited to, recommendations for implementing emerging best practices, needed additional resources, and eliminating barriers.

~~((b))~~ By September 15, 2010, the work group shall report on:

~~(i) A recommended state goal and annual state targets for the percentage of students graduating from high school;~~

~~(ii) A recommended state goal and annual state targets for the percentage of youth who have dropped out of school who should be reengaged in education and be college and work ready;~~

~~(iii) Recommended funding for supporting career guidance and the planning and implementation of K-12 dropout prevention, intervention, and reengagement systems in school districts and a plan for phasing the funding into the program of basic education, beginning in the 2011-2013 biennium; and~~

~~(iv) A plan for phasing in the expansion of the current school improvement planning program to include state-funded, dropout focused school improvement technical assistance for school districts in significant need of improvement regarding high school graduation rates.)~~

(4) State agencies in the ~~((building bridges work group))~~ advisory committee shall work together, wherever feasible, on the following activities to support school/family/community partnerships engaged in building K-12 dropout prevention, intervention, and reengagement systems:

(a) Providing opportunities for coordination and flexibility of program eligibility and funding criteria;

(b) Providing joint funding;

(c) Developing protocols and templates for model agreements on sharing records and data;

(d) Providing joint professional development opportunities that provide knowledge and training on:

(i) Research-based and promising practices;

(ii) The availability of programs and services for vulnerable youth; and

(iii) Cultural competence.

~~((5))~~ The ~~building bridges work group~~ shall make recommendations to the governor and the legislature by December 1, 2010, on a state level and regional infrastructure for coordinating services for vulnerable youth. Recommendations must address the following issues:

~~(a) Whether to adopt an official conceptual approach or framework for all entities working with vulnerable youth that can support coordinated planning and evaluation;~~

~~(b) The creation of a performance based management system, including outcomes, indicators, and performance measures relating to vulnerable youth and programs serving them, including accountability for the dropout issue;~~

~~(c) The development of regional and/or county level multipartner youth consortia with a specific charge to assist school districts and local communities in building K-12 comprehensive dropout prevention, intervention, and reengagement systems;~~

~~(d) The development of integrated or school based one stop shopping for services that would:~~

~~(i) Provide individualized attention to the neediest youth and prioritized access to services for students identified by a dropout early warning and intervention data system;~~

~~(ii) Establish protocols for coordinating data and services, including getting data release at time of intake and common assessment and referral processes; and~~

~~(iii) Build a system of single case managers across agencies;~~

~~(e) Launching a statewide media campaign on increasing the high school graduation rate; and~~

~~(f) Developing a statewide database of available services for vulnerable youth.))~~

**Sec. 48.** RCW 28A.657.100 and 2013 c 159 s 10 are each amended to read as follows:

(1) The superintendent of public instruction must provide a report twice per year to the state board of education regarding the progress made by all school districts designated as required action districts.

(2) The superintendent of public instruction must recommend to the state board of education that a school district be released from the designation as a required action district after the district implements a required action plan for a period of three years; has made progress, as defined by the superintendent of public instruction using the criteria adopted under RCW 28A.657.020 including progress in closing the educational opportunity gap; and no longer has a school within the district identified as persistently lowest-achieving. The state board shall release a school district from the designation as a required action district upon confirmation that the district has met the requirements for a release.

(3) If the state board of education determines that the required action district has not met the requirements for release after at least three years of implementing a required action plan, the board may recommend that the district remain in required action and submit a new or revised plan under the process in RCW 28A.657.050, or the board may direct that the school district be assigned to level two of the required action process as provided in RCW 28A.657.105. If the required action district received a federal school

improvement grant for the same persistently lowest-achieving school in 2010 or 2011, the board may direct that the school district be assigned to level two of the required action process after one year of implementing a required action plan under this chapter if the district is not making progress. ~~((Before making a determination of whether to recommend that a school district that is not making progress remain in required action or be assigned to level two of the required action process, the state board of education must submit its findings to the education accountability system oversight committee under RCW 28A.657.130 and provide an opportunity for the oversight committee to review and comment.))~~

**Sec. 49.** RCW 28B.15.067 and 2015 3rd sp.s. c 36 s 3 are each amended to read as follows:

(1) Tuition fees shall be established under the provisions of this chapter.

~~(2) ((Beginning in the 2011-12 academic year and through the 2014-15 academic year, reductions or increases in full-time tuition fees shall be as provided in the omnibus appropriations act for resident undergraduate students at community and technical colleges.~~

~~(3)(a) In the 2015-16 and 2016-17 academic years, tuition operating fees for resident undergraduates at community and technical colleges excluding applied baccalaureate degrees as defined in RCW 28B.50.030, shall be five percent less than the 2014-15 academic year tuition operating fee.~~

~~(b) Beginning in the 2017-18 academic year, tuition operating fees for resident undergraduates at ((community and technical colleges)) institutions of higher education as defined in RCW 28B.10.016, excluding applied baccalaureate degrees as defined in RCW 28B.50.030, may increase by no more than the average annual percentage growth rate in the median hourly wage for Washington for the previous fourteen years as the wage is determined by the federal bureau of labor statistics.~~

~~((4)) (3) The governing boards of the state universities, regional universities, and The Evergreen State College; and the state board for community and technical colleges may reduce or increase full-time tuition fees for all students other than resident undergraduates, including nonresident students, summer school students, and students in other self-supporting degree programs. Percentage increases in full-time tuition may exceed the fiscal growth factor. Except during the 2013-2015 fiscal biennium, the state board for community and technical colleges may pilot or institute differential tuition models. The board may define scale, scope, and rationale for the models.~~

~~((5)(a) Beginning with the 2011-12 academic year and through the end of the 2014-15 academic year, the governing boards of the state universities, the regional universities, and The Evergreen State College may reduce or increase full-time tuition fees for all students, including summer school students and students in other self-supporting degree programs. Percentage increases in full-time tuition fees may exceed the fiscal growth factor. Reductions or increases may be made for all or portions of~~

~~an institution's programs, campuses, courses, or students; however, during the 2013-2015 fiscal biennium, reductions or increases in tuition must be uniform among resident undergraduate students.~~

~~(b) Prior to reducing or increasing tuition for each academic year, the governing boards of the state universities, the regional universities, and The Evergreen State College shall consult with existing student associations or organizations with student undergraduate and graduate representatives regarding the impacts of potential tuition increases. Each governing board shall make public its proposal for tuition and fee increases twenty one days before the governing board of the institution considers adoption and allow opportunity for public comment. However, the requirement to make public a proposal for tuition and fee increases twenty one days before the governing board considers adoption shall not apply if the omnibus appropriations act has not passed the legislature by May 15th. Governing boards shall be required to provide data regarding the percentage of students receiving financial aid, the sources of aid, and the percentage of total costs of attendance paid for by aid.~~

~~(c) Prior to reducing or increasing tuition for each academic year, the state board for community and technical college system shall consult with existing student associations or organizations with undergraduate student representation regarding the impacts of potential tuition increases. The state board for community and technical colleges shall provide data regarding the percentage of students receiving financial aid, the sources of aid, and the percentage of total costs of attendance paid for by aid.~~

~~(6)(a) In the 2015-16 academic year, full time tuition operating fees for resident undergraduates for state universities, regional universities, The Evergreen State College, and applied baccalaureate degrees as defined in RCW 28B.50.030 shall be five percent less than the 2014-15 academic year tuition operating fee.~~

~~(b) Beginning with the 2016-17 academic year, full-time tuition operating fees for resident undergraduates for:~~

~~(i) State universities shall be fifteen percent less than the 2014-15 academic year tuition operating fee; and~~

~~(ii) Regional universities, The Evergreen State College, and applied baccalaureate degrees as defined in RCW 28B.50.030 shall be twenty percent less than the 2014-15 academic year tuition operating fee.~~

~~(c) Beginning with the 2017-18 academic year, full-time tuition operating fees for resident undergraduates in (b) of this subsection may increase by no more than the average annual percentage growth rate in the median hourly wage for Washington for the previous fourteen years as the wage is determined by the federal bureau of labor statistics.~~

~~(7)) (4) The tuition fees established under this chapter shall not apply to high school students enrolling in participating institutions of higher education under RCW 28A.600.300 through 28A.600.400.~~

~~((8)) (5) The tuition fees established under this chapter shall not apply to eligible students enrolling in a~~

dropout reengagement program through an interlocal agreement between a school district and a community or technical college under RCW 28A.175.100 through 28A.175.110.

~~((9) The legislative advisory committee to the committee on advanced tuition payment established in RCW 28B.95.170 shall:~~

~~(a) Review the impact of differential tuition rates on the funded status and future unit price of the Washington advanced college tuition payment program; and~~

~~(b) No later than January 14, 2013, make a recommendation to the appropriate policy and fiscal committees of the legislature regarding how differential tuition should be addressed in order to maintain the ongoing solvency of the Washington advanced college tuition payment program.~~

~~(10)) (6) As a result of any changes in tuition under section 3, chapter 36, Laws of 2015 3rd sp. sess., the governing boards of the state universities, the regional universities, and The Evergreen State College shall not reduce resident undergraduate enrollment below the 2014-15 academic year levels.~~

**Sec. 50.** RCW 43.15.020 and 2017 3rd sp.s. c 6 s 814 are each amended to read as follows:

The lieutenant governor serves as president of the senate and is responsible for making appointments to, and serving on, the committees and boards as set forth in this section.

(1) The lieutenant governor serves on the following boards and committees:

(a) Capitol furnishings preservation committee, RCW 27.48.040;

(b) Washington higher education facilities authority, RCW 28B.07.030;

(c) Productivity board, also known as the employee involvement and recognition board, RCW 41.60.015;

(d) State finance committee, RCW 43.33.010;

(e) State capitol committee, RCW 43.34.010;

(f) Washington health care facilities authority, RCW 70.37.030;

(g) State medal of merit nominating committee, RCW 1.40.020;

(h) Medal of valor committee, RCW 1.60.020; and

~~(i) ((Association of Washington generals)) Washington state leadership board, RCW 43.15.030.~~

(2) The lieutenant governor, and when serving as president of the senate, appoints members to the following boards and committees:

(a) Civil legal aid oversight committee, RCW 2.53.010;

(b) Office of public defense advisory committee, RCW 2.70.030;

(c) Washington state gambling commission, RCW 9.46.040;

(d) Sentencing guidelines commission, RCW 9.94A.860;

(e) State building code council, RCW 19.27.070;

(f) Financial education public-private partnership, RCW 28A.300.450;

(g) Joint administrative rules review committee, RCW 34.05.610;

(h) Capital projects advisory review board, RCW 39.10.220;

(i) Select committee on pension policy, RCW 41.04.276;

(j) Legislative ethics board, RCW 42.52.310;

(k) Washington citizens' commission on salaries, RCW 43.03.305;

(l) Legislative oral history committee, RCW 44.04.325;

(m) State council on aging, RCW 43.20A.685;

(n) State investment board, RCW 43.33A.020;

(o) Capitol campus design advisory committee, RCW 43.34.080;

(p) Washington state arts commission, RCW 43.46.015;

(q) PNWER-Net working subgroup under chapter 43.147 RCW;

(r) Community economic revitalization board, RCW 43.160.030;

(s) Washington economic development finance authority, RCW 43.163.020;

~~(t) ((Life sciences discovery fund authority, RCW 43.350.020;~~

~~(t+))~~ Joint legislative audit and review committee, RCW 44.28.010;

~~((t+))~~ (u) Joint committee on energy supply and energy conservation, RCW 44.39.015;

~~((t+))~~ (v) Legislative evaluation and accountability program committee, RCW 44.48.010;

~~((x))~~ ~~Agency council on coordinated transportation, RCW 47.06B.020;~~

~~(y))~~ (w) Washington horse racing commission, RCW 67.16.014;

~~((z))~~ (x) Correctional industries board of directors, RCW 72.09.080;

~~((aa))~~ (y) Joint committee on veterans' and military affairs, RCW 73.04.150;

~~((bb))~~ (z) Joint legislative committee on water supply during drought, RCW 90.86.020; and

~~((ee))~~ (aa) Statute law committee, RCW 1.08.001(~~;~~ and

~~(dd)~~ ~~Joint legislative oversight committee on trade policy, RCW 44.55.020).~~

**Sec. 51.** RCW 43.216.572 and 2016 c 57 s 1 are each amended to read as follows:

For the purposes of implementing this chapter, the governor shall appoint a state ~~((birth to three))~~ interagency coordinating council for infants and toddlers with disabilities and their families and ensure that state agencies involved in the provision of, or payment for, early intervention services to infants and toddlers with disabilities and their families shall coordinate and collaborate in the planning and delivery of such services.

No state or local agency currently providing early intervention services to infants and toddlers with disabilities may use funds appropriated for early intervention services for infants and toddlers with disabilities to supplant funds from other sources.

All state and local agencies shall ensure that the implementation of this chapter will not cause any interruption in existing early intervention services for infants and toddlers with disabilities.

Nothing in this chapter shall be construed to permit the restriction or reduction of eligibility under Title V of the Social Security Act, P.L. 90-248, relating to maternal and child health or Title XIX of the Social Security Act, P.L. 89-97, relating to medicaid for infants and toddlers with disabilities.

**Sec. 52.** RCW 43.216.574 and 2016 c 57 s 2 are each amended to read as follows:

The state ~~((birth to three))~~ interagency coordinating council for infants and toddlers with disabilities and their families shall identify and work with county early childhood interagency coordinating councils to coordinate and enhance existing early intervention services and assist each community to meet the needs of infants and toddlers with disabilities and their families.

**Sec. 53.** RCW 44.04.325 and 2008 c 222 s 4 are each amended to read as follows:

(1) A legislative oral history committee is created, which shall consist of the following individuals:

(a) Four members of the house of representatives, two from each of the two largest caucuses of the house, appointed by the speaker of the house of representatives;

(b) Four members of the senate, two from each of the two largest caucuses of the senate, appointed by the president of the senate;

(c) The chief clerk of the house of representatives; and

(d) The secretary of the senate.

(2) Ex officio members may be appointed by a majority vote of the committee's members appointed under subsection (1) of this section.

(3) The chair of the committee shall be elected by a majority vote of the committee members appointed under subsection (1) of this section.

(4) Staff support for the committee must be provided by the office of the secretary of the senate and the office of the chief clerk of the house of representatives.

**Sec. 54.** RCW 44.68.010 and 2007 c 18 s 1 are each amended to read as follows:

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

(1) "Administrative committee" means the joint legislative systems administrative committee created under RCW 44.68.030.

(2) "Center" means the legislative service center established under RCW 44.68.060.

(3) "Coordinator" means the legislative systems coordinator employed under RCW 44.68.040.

~~((4) "Systems committee" means the joint legislative systems committee created under RCW 44.68.020.))~~

**Sec. 55.** RCW 44.68.040 and 2007 c 18 s 3 are each amended to read as follows:

Subject to RCW 44.04.260:

(1) The ~~((systems committee, after consultation with the))~~ administrative committee ~~((;))~~ shall employ a legislative systems coordinator. The coordinator shall serve at the pleasure of the ~~((systems))~~ administrative committee, which shall fix the coordinator's salary.

(2)(a) The coordinator shall serve as the executive and administrative head of the center, and shall assist the administrative committee in managing the information processing and communications systems of the legislature as directed by the administrative committee;

(b) In accordance with an adopted personnel plan, the coordinator shall employ or engage and fix the compensation for personnel required to carry out the purposes of this chapter;

(c) The coordinator shall enter into contracts for: (i) The sale, exchange, or acquisition of equipment, supplies, services, and facilities required to carry out the purposes of this chapter; and (ii) the distribution of legislative information.

**Sec. 56.** RCW 44.68.050 and 2007 c 18 s 4 are each amended to read as follows:

The administrative committee shall, ~~((subject to the approval of the systems committee and))~~ subject to RCW 44.04.260:

(1) Adopt policies, procedures, and standards regarding the information processing and communications systems of the legislature;

(2) Establish appropriate charges for services, equipment, and publications provided by the legislative information processing and communications systems, applicable to legislative and nonlegislative users as determined by the administrative committee;

(3) Adopt a compensation plan for personnel required to carry out the purposes of this chapter; and

(4) Approve strategic and tactical information technology plans and provide guidance in operational matters required to carry out (a) the purposes of this chapter; and (b) the distribution of legislative information~~((;~~

~~((5) Generally assist the systems committee in carrying out its responsibilities under this chapter, as directed by the systems committee)).~~

**Sec. 57.** RCW 44.68.060 and 2007 c 18 s 5 are each amended to read as follows:

(1) The administrative committee~~((, subject to the approval of the systems committee,))~~ shall establish a legislative service center. The center shall provide automatic data processing services, equipment, training, and support to the legislature and legislative agencies. The center may also, by agreement, provide services to agencies of the judicial and executive branches of state government and other governmental entities, and provide public access to legislative information. All operations of the center shall be subject to the general supervision of the administrative committee in accordance with the policies, procedures, and standards established under RCW 44.68.050.

(2) Except as provided otherwise in subsection (3) of this section, determinations regarding the security, disclosure, and disposition of information placed or maintained in the center shall rest solely with the originator and shall be made in accordance with any law regulating the disclosure of such information. The originator is the person who directly places information in the center.

(3) When utilizing the center to carry out the bill drafting functions required under RCW 1.08.027, the code reviser shall be considered the originator as defined in ~~((RCW 44.68.060))~~ this section. However, determinations regarding the security, disclosure, and disposition of drafts placed or maintained in the center shall be made by the person requesting the code reviser's services and the code reviser, acting as the originator, shall comply with and carry out such determinations as directed by that person. A measure once introduced shall not be considered a draft under this subsection.

**Sec. 58.** RCW 44.68.065 and 2015 3rd sp.s. c 1 s 411 are each amended to read as follows:

The legislative service center, under the direction of ~~((the joint legislative systems committee and))~~ the joint legislative systems administrative committee, shall:

(1) Develop a legislative information technology portfolio consistent with the provisions of RCW 43.105.341;

(2) Participate in the development of an enterprise-based statewide information technology strategy;

(3) Ensure the legislative information technology portfolio is organized and structured to clearly indicate participation in and use of enterprise-wide information technology strategies;

(4) As part of the biennial budget process, submit the legislative information technology portfolio to the chair and ranking member of the ways and means committees of the house of representatives and the senate, the office of financial management, and the consolidated technology services agency.

**Sec. 59.** RCW 44.68.085 and 2007 c 18 s 6 are each amended to read as follows:

Subject to RCW 44.04.260, all expenses incurred, including salaries and expenses of employees, shall be paid upon voucher forms as provided and signed by the coordinator. Vouchers may be drawn on funds appropriated by law for the ~~((systems committee,))~~ administrative committee(=) and center: PROVIDED, That the senate, house of representatives, and code reviser may authorize the ~~((systems committee,))~~ administrative committee(=) and center to draw on funds appropriated by the legislature for related information technology expenses. The senate and house of representatives may transfer moneys appropriated for legislative expenses to the ~~((systems committee,))~~ administrative committee(=) and center, in addition to charges made under RCW 44.68.050(2).

**Sec. 60.** RCW 44.68.090 and 1986 c 61 s 9 are each amended to read as follows:

Members ~~((of the systems committee and))~~ of the administrative committee shall be reimbursed for travel expenses under RCW 44.04.120 or 43.03.050 and 43.03.060, as appropriate, while attending meetings of their respective committees or on other official business authorized by their respective committees.

**Sec. 61.** RCW 44.68.100 and 1996 c 171 s 4 are each amended to read as follows:

The legislature and legislative agencies through the ~~((joint legislative systems))~~ administrative committee, shall:

- (1) Continue to plan for and implement processes for making legislative information available electronically;
- (2) Promote and facilitate electronic access to the public of legislative information and services;
- (3) Establish technical standards for such services;
- (4) Consider electronic public access needs when planning new information systems or major upgrades of information systems;
- (5) Develop processes to determine which legislative information the public most wants and needs;
- (6) Increase capabilities to receive information electronically from the public and transmit forms, applications and other communications and transactions electronically;
- (7) Use technologies that allow continuous access twenty-four hours a day, seven days per week, involve little

or no cost to access, and are capable of being used by persons without extensive technology ability; and

(8) Consider and incorporate wherever possible ease of access to electronic technologies by persons with disabilities.

**Sec. 62.** RCW 44.68.105 and 2007 c 18 s 7 are each amended to read as follows:

The ~~((systems committee,))~~ administrative committee(=) and center are hereby expressly exempted from the provisions of chapter 43.105 RCW.

**Sec. 63.** RCW 43.15.030 and 2018 c 67 s 1 are each amended to read as follows:

(1) The ~~((association of Washington generals))~~ Washington state leadership board is organized as a private, nonprofit, nonpartisan corporation in accordance with chapter 24.03 RCW and this section.

(2) The purpose of the ~~((association of Washington generals))~~ Washington state leadership board is to:

- (a) Provide the state a means of extending formal recognition for an individual's outstanding services to the state;
- (b) Bring together those individuals to serve the state as ambassadors of trade, tourism, and international goodwill; and
- (c) Expand educational, sports, leadership, and/or employment opportunities for youth, veterans, and people with disabilities in Washington state.

(3) The ~~((association of Washington generals))~~ Washington state leadership board may conduct activities in support of their mission~~((, including but not limited to:~~

- ~~(a) Establishing selection criteria for selecting Washington generals;~~
- ~~(b) Training Washington generals as ambassadors of the state of Washington, nationally and internationally; and~~
- ~~(c) Promoting Washington generals as ambassadors of the state of Washington).~~

(4) The ~~((association of Washington generals))~~ Washington state leadership board is governed by a board of directors. The board of directors is composed of the governor, the lieutenant governor, and the secretary of state, who serve as ex officio, nonvoting members, and other officers and members as the ~~((association of Washington generals))~~ Washington state leadership board designates. In addition, four legislators may be appointed to the board of directors as ex officio members in the following manner: One legislator from each of the two largest caucuses of the senate, appointed by the president of the senate, and one legislator from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives.

- (5) The board of directors shall(=)
  - ~~(a) Review nominations for and be responsible for the selection of Washington generals;~~

~~(b) Establish the title of honorary Washington general to honor worthy individuals from outside the state of Washington; and~~

~~(c) Adopt~~ adopt bylaws and establish governance and transparency policies.

(6) The lieutenant governor's office may provide technical and financial assistance for the ~~((association of Washington generals))~~ Washington state leadership board, where the work of the ~~((association))~~ board aligns with the mission of the office. Assistance from the lieutenant governor's office may include, but is not limited to:

(a) Collaboration with the ~~((association of Washington generals))~~ Washington state leadership board on the Washington world fellows program, a college readiness and study abroad fellowship administered by the office of the lieutenant governor;

(b) Beginning January 1, 2019, collaboration with the ~~((association of Washington generals))~~ Washington state leadership board to administer the sports mentoring program as established under RCW 43.15.100, a mentoring program to encourage underserved youth to join sports or otherwise participate in the area of sports. If approved by the board, boundless Washington, an outdoor leadership program for young people with disabilities, shall satisfy the terms of the sports mentoring program; and

(c) The compilation of a yearly financial report, which shall be made available to the legislature no later than January 15th of each year, detailing all revenues and expenditures associated with the Washington world fellows program and the sports mentoring program. Any expenditures made by the ~~((association of Washington generals))~~ Washington state leadership board in support of the Washington world fellows program and the sports mentoring program shall be made available to the office of the lieutenant governor for the purpose of inclusion in the annual financial report.

(7) The legislature may make appropriations in support of the ~~((Washington generals))~~ Washington state leadership board subject to the availability of funds.

(8) The office of the lieutenant governor must post on its web site detailed information on all funds received by the ~~((association of Washington generals))~~ Washington state leadership board and all expenditures by the ~~((association of Washington generals))~~ Washington state leadership board.

**Sec. 64.** RCW 43.15.040 and 2005 c 69 s 2 are each amended to read as follows:

The ~~((association of Washington generals))~~ Washington state leadership board may use the image of the Washington state flag to promote the mission of the organization as set forth under RCW ~~((43.342.010))~~ 43.15.030. The ~~((association))~~ board retains any revenue generated by the use of the image, when the usage is consistent with the purposes under RCW ~~((43.342.010))~~ 43.15.030.

**Sec. 65.** RCW 43.15.060 and 2003 c 347 s 1 are each amended to read as follows:

(1) Economic development and in particular international trade, tourism, and investment have become increasingly important to Washington, affecting the state's employment, revenues, and general economic well-being. Additionally, economic trends are rapidly changing and the international marketplace has become increasingly competitive as states and countries seek to improve and safeguard their own economic well-being. The purpose of the legislative committee on economic development and international relations is to provide responsive and consistent involvement by the legislature in economic development to maintain a healthy state economy and to provide employment opportunities to Washington residents.

(2) There is created a legislative committee on economic development and international relations which shall consist of six senators and six representatives from the legislature and the lieutenant governor who shall serve as chairperson. The senate members of the committee shall be appointed by the president of the senate and the house members of the committee shall be appointed by the speaker of the house. Not more than three members from each house shall be from the same political party. ~~((A list of appointees shall be submitted before the close of each regular legislative session during an odd numbered year or any successive special session convened by the governor or the legislature prior to the close of such regular session or successive special session(s) for confirmation of senate members, by the senate, and house members, by the house.))~~ Vacancies occurring shall be filled by the appointing authority.

**Sec. 66.** RCW 43.15.065 and 1985 c 467 s 18 are each amended to read as follows:

The committee shall by majority vote establish subcommittees, and prescribe rules of procedure for itself and its subcommittees which are consistent with this chapter. ~~((The committee shall at a minimum establish a subcommittee on international trade and a subcommittee on industrial development.))~~

**Sec. 67.** RCW 43.15.070 and 1985 c 467 s 19 are each amended to read as follows:

The committee or its subcommittees are authorized to study and review economic development issues with special emphasis on international trade, tourism, investment, and industrial development, and to assist the legislature in developing a comprehensive and consistent economic development policy. The issues under review by the committee shall include, but not be limited to:

(1) Evaluating existing state policies, laws, and programs which promote or affect economic development with special emphasis on those concerning international trade, tourism, and investment and determine their cost-effectiveness and level of cooperation with other public and private agencies(-);

(2) Monitoring economic trends, and developing for review by the legislature such ~~((appropriate))~~ state responses as may be deemed effective and appropriate(-);

(3) Monitoring economic development policies and programs of other states and nations and evaluating their effectiveness((-);

(4) Determining the economic impact of international trade, tourism, and investment upon the state's economy((-);

(5) Assessing the need for and effect of federal, regional, and state cooperation in economic development policies and programs((-);

(6) Evaluating opportunities to collaborate with public and private agencies in achieving Washington state's international relations objectives;

(7) Studying and adopting any state tourism slogan or tagline recommended by the Washington tourism marketing authority established in RCW 43.384.020;

(8) Designating official legislative trade delegations and nominating legislators for inclusion in official trade delegations organized by the office of international relations and protocol;

(9) Proposing potential sister-state relationships to be submitted to the governor for approval; and

(10) Developing and evaluating legislative proposals concerning the issues specified in this section.

**Sec. 68.** RCW 28A.300.801 and 2009 c 410 s 1 are each amended to read as follows:

(1) The legislative youth advisory council is established to examine issues of importance to youth, including but not limited to education, employment, strategies to increase youth participation in state and municipal government, safe environments for youth, substance abuse, emotional and physical health, foster care, poverty, homelessness, and youth access to services on a statewide and municipal basis.

(2) The council consists of at least twenty-two members as provided in this subsection who, at the time of appointment, are aged fourteen to eighteen. The council shall select a chair from among its members.

(3) (~~Except for initial members, members~~) Members shall serve two-year terms((-) and, if eligible, may be reappointed for subsequent two-year terms. (~~One half of the initial members shall be appointed to one-year terms, and these appointments shall be made in such a way as to preserve overall representation on the committee.~~)

(4)(a) (~~By July 2, 2007, and annually thereafter, students~~) Students may apply annually to be considered for participation in the program by completing an online application form and submitting the application to the legislative youth advisory council. The council may develop selection criteria and an application review process. The council shall recommend candidates whose names will be submitted to the office of the lieutenant governor for final selection. (~~Beginning May 7, 2009, the~~) The office of the lieutenant governor shall notify all applicants of the final selections (~~(using existing staff and resources)~~).

(b) (~~Within existing staff and resources, the~~) The office of the lieutenant governor shall make the application available on the lieutenant governor's web site.

(5) (~~If the council has sufficient funds from any source, then~~) Subject to the supervision of the office of the lieutenant governor, the council shall have the following duties:

(a) Advising the legislature on proposed and pending legislation, including state budget expenditures and policy matters relating to youth;

(b) Advising the standing committees of the legislature and study commissions, committees, and task forces regarding issues relating to youth;

(c) Conducting periodic seminars for its members regarding leadership, government, and the legislature;

(d) Accepting and soliciting for grants and donations from public and private sources to support the activities of the council; and

(e) Reporting annually by December 1st to the legislature on its activities, including proposed legislation that implements recommendations of the council.

(6) (~~If the council has sufficient funds from any source, then in~~) In carrying out its duties under this section, the council (~~(may)~~) must meet at least three times (~~(but not more than six times)~~) per year. (~~The council shall consider conducting at least some of the meetings via the K 20 telecommunications network.~~) The council is encouraged to use technology, such as remote videoconferencing technology, to facilitate members' participation in meetings. The council is encouraged to invite local state legislators to participate in the meetings. The council is encouraged to poll other students in order to get a broad perspective on (~~the~~) various policy issues. The council is encouraged to use technology to conduct (~~the~~) polling (~~(including the council's web site, if the council has a web site)~~).

(7) (~~If the council has sufficient funds from any source, then members shall~~) Members may be reimbursed as provided in RCW 43.03.050 and 43.03.060.

(8) (~~If sufficient funds are available from any source, beginning with May 7, 2009, the~~) The office of (~~superintendent of public instruction~~) the lieutenant governor shall provide administration, (~~coordination~~) supervision, and facilitation (~~assistance~~) support to the council. In facilitating the program, the office of the lieutenant governor may collaborate with the Washington state leadership board established in RCW 43.15.030. The senate and house of representatives may provide policy and fiscal briefings and assistance with drafting proposed legislation. The senate and the house of representatives shall each develop internal policies relating to staff assistance provided to the council. Such policies may include applicable internal personnel and practices guidelines, resource use and expense reimbursement guidelines, and applicable ethics mandates. Provision of funds, resources, and staff, as well as the assignment and direction of staff, remains at all times within the sole discretion of the chamber making the provision.

(9) The office of the lieutenant governor, ~~((the office of the superintendent of public instruction,))~~ the legislature, any agency of the legislature, and any official or employee of such office or agency are immune from liability for any injury that is incurred by or caused by a member of the legislative youth advisory council and that occurs while the member of the council is performing duties of the council or is otherwise engaged in activities or receiving services for which reimbursement is allowed under subsection (7) of this section. The immunity provided by this subsection does not apply to an injury intentionally caused by the act or omission of an employee or official of the ~~((superintendent of public instruction or))~~ office of the lieutenant governor, the legislature, or any agency of the legislature.

### PART III

#### MISCELLANEOUS

NEW SECTION. Sec. 69. RCW 28A.300.801 is recodified as a section in chapter 43.15 RCW.

NEW SECTION. Sec. 70. This act takes effect July 1, 2020."

On page 1, line 2 of the title, after "committees;" strike the remainder of the title and insert "amending RCW 28A.175.075, 28A.657.100, 28B.15.067, 43.15.020, 43.216.572, 43.216.574, 44.04.325, 44.68.010, 44.68.040, 44.68.050, 44.68.060, 44.68.065, 44.68.085, 44.68.090, 44.68.100, 44.68.105, 43.15.030, 43.15.040, 43.15.060, 43.15.065, 43.15.070, and 28A.300.801; adding a new section to chapter 43.15 RCW; recodifying RCW 28A.300.801; repealing RCW 28A.657.130, 28B.95.170, 44.55.010, 44.55.020, 44.55.030, 44.55.040, 44.55.050, 44.55.060, 44.68.020, and 44.68.035; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2402 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Hudgins and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2402, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2402, 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 Barkis, Bergquist, Blake, Boehnke, Calder, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representative Appleton.

HOUSE BILL NO. 2402, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 5, 2020

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2405 with the following amendment:

70.0.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 71. (1) The legislature finds that the efficiency and resiliency of buildings in Washington is essential for ensuring the health and safety of residents, employees, and tenants; for using water and energy more efficiently; and for economic development of our communities. Buildings in Washington have significant needs for resiliency retrofits, including seismic improvements, stormwater management, flood mitigation, wildfire and wind resistance, and for clean energy and energy efficiency improvements, but these improvements often have high up-front capital costs.

(2) This chapter authorizes the establishment of a commercial property assessed clean energy and resiliency ("C-PACER") program that jurisdictions can voluntarily implement to ensure that free and willing owners of agricultural, commercial, and industrial properties and of multifamily residential properties with five or more dwelling units can obtain low-cost, long-term financing for qualifying improvements, including energy efficiency, water conservation, renewable energy, and resiliency projects. These improvements are repaid by a voluntary assessment on the property, secured by a county lien, and assigned to a capital provider for all the administrative aspects of billing, collecting, and enforcing the lien and without the accumulation of cost to the county and without the creation of a personal debt obligation to the property owner. The obligation is instead carried by the property and remains

with the property until repaid, regardless of any potential transfer of property ownership. After the adoption of a C-PACER program, a county's role is limited to the approval of an assessment and recordation of a C-PACER lien, and administration of the C-PACER program which may be contracted out to a private third party.

(3) The legislature declares that the establishment and operation of a C-PACER program under this chapter serves important public health and safety interests. A qualified improvement as defined in section 2 of this act provides benefit to the public, either in the form of energy or water resource conservation, reduced public health risk, or reduced public emergency response risk. Accordingly, the governing body of a county is authorized to determine that it is convenient and advantageous to adopt a program under this chapter.

**NEW SECTION. Sec. 72.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Assessment" means the voluntary agreement of a property owner to allow a county to place an annual assessment on their property to repay C-PACER financing.

(2) "Capital provider" means any private entity, their designee, successor, and assigns that makes or funds C-PACER financing under this chapter.

(3) "C-PACER financing" means an investment from a capital provider to a property owner to finance or refinance a qualified project as described under this chapter.

(4) "C-PACER lien" means the lien recorded at the county on the eligible property to secure the voluntary annual assessment, which remains on the property until paid in full.

(5) "Eligible property" means privately owned commercial, industrial, or agricultural real property or multifamily residential real property with five or more dwelling units. Eligible property may be owned by any type of business, corporation, individual, or nonprofit organization permitted by state law.

(6) "Financing agreement" means the contract under which a property owner agrees to repay a capital provider for the C-PACER financing including, but not limited to, details of any finance charges, fees, debt servicing, accrual of interest and penalties, and any terms relating to treatment of prepayment and partial payment of the C-PACER financing.

(7) "Program" means a C-PACER program established under this chapter.

(8) "Program administrator" means the party designated by a county or the department of commerce to administer a C-PACER program. This may be the department of commerce, the county itself, or a third party, provided that the administration procedures used conform to the requirements of this chapter.

(9) "Program guidebook" means a comprehensive document that illustrates the applicable region for a program and establishes any appropriate guidelines, specifications, underwriting and approval criteria, and any standard

application forms consistent with the administration of a program and not detailed in this chapter.

(10) "Project application" means an application submitted to a program to demonstrate that a proposed project qualifies for C-PACER financing and for a C-PACER lien.

(11) "Qualified improvement" means a permanent improvement affixed to real property and intended to: (a) Decrease energy consumption or demand through the use of efficiency technologies, products, or activities that reduce or support the reduction of energy consumption, allow for the reduction in demand, or support the production of clean, renewable energy, including but not limited to a product, device, or interacting group of products or devices on the customer's side of the meter that generates electricity, provides thermal energy, or regulates temperature; (b) decrease water consumption or demand and address safe drinking water through the use of efficiency technologies, products, or activities that reduce or support the reduction of water consumption, allow for the reduction in demand, or reduce or eliminate lead from water which may be used for drinking or cooking; or (c) increase resilience, including but not limited to seismic retrofits, flood mitigation, stormwater management, wildfire and wind resistance, energy storage, and microgrids.

(12) "Qualified project" means a project approved by the program administrator, involving the installation or modification of a qualified improvement, including new construction or the adaptive reuse of eligible property with a qualified improvement.

(13) "Region" means a geographical area as determined by a county pursuant to section 4 of this act.

**NEW SECTION. Sec. 73.** (1)(a) The department of commerce may establish a voluntary statewide C-PACER program that counties may choose to participate in. A county may establish a separate voluntary countywide C-PACER program, provided that it conforms to the requirements of this chapter.

(b) A C-PACER program shall be managed efficiently and transparently, including by:

(i) Making any services that the program may choose to offer to property owners, such as estimating energy savings, overseeing project development, or evaluating alternative equipment installations, priced separately and open to purchase by the property owner from qualified third-party providers;

(ii) Making any properties participating in the program available to receiving impartial terms from all interested and qualifying third-party capital providers;

(iii) Allowing financial underwriting and evaluation to be performed by capital providers; and

(iv) Working in a collaborative working group process with capital providers and other stakeholders to develop the program guidebook and any other relevant documents or forms.

(2) The program shall establish uniform criteria for which projects qualify due to their public benefit for participation in C-PACER programs including, but not limited to, criteria for measuring or determining if investments in energy will reduce greenhouse gas emissions; be effective for reducing energy demand or replacing nonrenewable energy with renewable energy; will be appropriate to meet seismic risks for each region of the state and type of structure; will reduce stormwater or pollution to be significant public benefit; or will reduce the risk of wildfire, flooding, or other natural or human-caused disaster, including how to determine if the public benefit in reduced public risk and emergency response qualifies for inclusion in C-PACER programs.

(3) The program must prepare a program guidebook that must include at minimum:

(a) A sample form bilateral or triparty agreement or agreements, as appropriate, between a county, the property owner, and the capital provider which details the agreement between the county and the property owner to have an assessment placed on the qualified property as repayment for C-PACER financing; an agreement by the county to place a lien on the property to secure the obligation to repay; the obligation of the property owner to repay the C-PACER financing to the capital provider; and an assignment of the C-PACER lien by the county to the capital provider;

(b) A statement that the period of the financing agreement will not exceed the useful life of the qualified project, or weighted average life if more than one qualified improvement is included in the qualified project, that is the basis for the financing agreement;

(c) A description of the application process and eligibility requirements for participation in the program;

(d) A statement explaining the lender consent requirement provided in section 8 of this act;

(e) A statement explaining the review requirement provided by section 4 of this act;

(f) A description of marketing and participant education services to be provided for the program;

(g) A statement specifying that the county has no liability as a result of the agreement; and

(h) A program guidebook need not be completed and adopted prior to accepting and approving applications by a program, so long as the program complies with the provisions of this chapter.

(4) The program administrator must make the program guidebook available for public inspection on the county's or department of commerce's web site.

(5) A county or the department of commerce may contract out the responsibilities of program administration, including the responsibilities of this section, to a public, quasi-public, or private third-party entity.

(6) Any county program guidebook established prior to a statewide program may subsequently include or incorporate by reference any aspect of a statewide program

guidebook; however, upon development of a statewide program guidebook with a form agreement or agreements developed pursuant to subsection (3)(a) of this section, the form agreement or agreements shall be required to be used by all county programs from the time that the first C-PACER lien is recorded under the statewide program, or the department of commerce may incorporate by reference any portion of any county program guidebooks, including a form agreement or agreements, as its program guidebook.

(7) The department of commerce may provide grants to counties to assist in the design and implementation of C-PACER programs under this chapter.

**NEW SECTION. Sec. 74.** (1) A program must establish a C-PACER application and review process to review and evaluate project applications for C-PACER financing, and prescribe the form and manner of the application. At a minimum, an applicant must demonstrate:

(a) That the project provides a benefit to the public, in the form of energy or water resource conservation, reduced public health risk, or reduced public emergency response risk;

(b) For an existing building: (i) Where energy or water usage improvements are proposed, certification by a licensed professional engineer, or other professional listed in the program guidebook, stating that the proposed qualified improvements will either result in more efficient use or conservation of energy or water, the reduction of greenhouse gas emissions, or the addition of renewable sources of energy or water, or (ii) where resilience improvements are proposed, certification by a licensed professional engineer stating that the qualified improvements will result in improved resilience;

(c) For new construction, certification by a licensed professional engineer stating that the proposed qualified improvements will enable the project to exceed the energy efficiency or water efficiency or renewable energy or renewable water or resilience requirements of the current building code.

(2) The program may charge an application fee to cover the costs of establishing and conducting the application review process.

(3) Upon the denial of an application, the program administrator must provide an opportunity for an adjudicative proceeding subject to the applicable provisions of chapter 34.05 RCW.

(4) After an approved project is completed, an applicant must provide the program written verification, as defined in the program guidebook, stating that the qualified project was properly completed and is operating as intended.

(5) No later than one year after the governing body of a county establishes a program under this chapter, it must begin accepting applications and approving applications.

(6) The department of commerce may adopt rules to implement the voluntary statewide program.

**NEW SECTION. Sec. 75.** (1) To adopt a program under this chapter, the governing body of a county must take the following actions:

- (a) Adopt a resolution or ordinance that includes:
  - (i) A statement that financing qualified projects, repaid by voluntary assessments on property benefited by C-PACER improvements, is in the public interest for safety, health, and other common good reasons;
  - (ii) A description of the region in which the program is offered, which:
    - (A) May include the entire county, which may include both unincorporated and incorporated territory; and
    - (B) Must be located wholly within the county's jurisdiction; and
    - (iii) A statement of the time and place for a public hearing on the proposed program; and
  - (b) Hold a public hearing at which the public may comment on the proposed program.
- (2) A county may designate more than one region. If multiple regions are designated, the regions may be separate, overlapping, or coterminous.
- (3) The resolution or ordinance adopted by a county under this section may incorporate the department of commerce program guidebook or any amended versions of that program guidebook, as appropriate, by reference.
- (4) A county adopting a C-PACER program pursuant to this chapter may narrow the definition of "qualified improvements" to be consistent with the county's climate goals.
- (5) Any combination of counties may agree to jointly implement a program under this chapter. If two or more counties implement a program jointly, a single public hearing held jointly by the cooperating counties is sufficient to satisfy the requirements of this chapter.
- (6) If a county elects to join the statewide program administered by the department of commerce, it may adopt a resolution or ordinance in accordance with the requirements of the department.
- (7) In lieu of establishing a voluntary statewide program, the department of commerce may produce a program guidebook for reference and use by county programs.

**NEW SECTION. Sec. 76.** (1) A county shall record each C-PACER lien in the real property records of the county in which the property is located. The lien and release shall be prepared in conformity with chapter 65.04 RCW.

- (2) The recording under subsection (1) of this section must contain:
  - (a) The legal description of the eligible property;
  - (b) The assessor's parcel number of the property;
  - (c) The grantor's name, which must be the same as the property owner on the assessment agreement;

- (d) The grantee's name, which must be the county in which the property is located;

- (e) The date on which the lien was created;
- (f) The principal amount of the lien;
- (g) The terms and length of the lien; and
- (h) A copy of the voluntary assessment agreement between the county and the property owner.

- (3) The county shall also record the assignment of the C-PACER lien from the county to the appropriate capital provider.

- (4) The lien holder or assignee will record a release upon discharge of the lien. The lien holder may also record a partial release.

**NEW SECTION. Sec. 77.** (1) The C-PACER lien amount plus any interest, penalties, and charges accrued or accruing on the C-PACER lien:

- (a) Takes precedence over all other liens or encumbrances except a lien for taxes imposed by the state, a local government, or a junior taxing district on real property, which liens for taxes shall have priority over such benefit C-PACER lien, provided existing mortgage holders, if any, have provided written consent described in section 8 of this act; and

- (b) Is a first and prior lien, second only to a lien for taxes imposed by the state, a local government, or a junior taxing district against the real property on which the C-PACER lien is imposed, from the date on which the notice of the C-PACER lien is recorded until the C-PACER lien, interest, penalties, and charges accrued or accruing are paid.

- (2) The C-PACER lien runs with the land, and that portion of the C-PACER lien that has not yet become due is not accelerated or eliminated by foreclosure of the C-PACER lien or any lien for taxes imposed by the state, a local government, or junior taxing district against the real property on which the C-PACER lien is imposed.

- (3) Delinquent installments due on a C-PACER lien incur interest and penalties as specified in the financing agreement.

- (4) After the C-PACER lien is recorded as provided in this section, the voluntary assessment and the C-PACER lien may not be contested on the basis that the improvement is not a qualified improvement or that the project is not a qualified project.

- (5) Collection and enforcement of delinquent C-PACER liens or C-PACER financing installment payments, including foreclosure, shall remain the responsibility of the capital provider.

- (6) The C-PACER lien shall be enforced by the capital provider at any time after one year from the date of delinquency in the same manner that the collection of delinquent real property taxes is enforced by the county under chapter 84.64 RCW, including the provisions of RCW 84.64.040, excepting that a sworn declaration by the capital provider or assignee attesting to the assessment delinquency

of at least one year shall be used in lieu of the certificate required under RCW 84.64.050.

(7) The capital provider may sell or assign, for consideration, any and all liens received from the participating county. The capital provider or their assignee shall have and possess the same powers and rights at law or in equity to enforce the C-PACER lien in the same manner as described in subsection (6) of this section.

**NEW SECTION. Sec. 78.** (1) Before a capital provider may enter into a financing agreement to provide C-PACER financing of a qualified project to a record owner of any eligible property, the capital provider must receive written consent from any holder of a lien, mortgage, or security interest in the real property that the property may participate in the program and that the C-PACER lien will take precedence over all other liens except for a lien for taxes as described in section 7 of this act.

(2) Before a capital provider may enter into a financing agreement to provide C-PACER financing of a qualified project to the record owner of any multifamily residential real property with five or more dwelling units, the program administrator must also receive written consent from any and all holders of affordable housing covenants, restrictions, or regulatory agreements in the real property that the property may participate in the program and that the C-PACER lien will take precedence over all other liens except for a lien for taxes as described in section 7 of this act.

**NEW SECTION. Sec. 79.** The C-PACER financing through a program established under this chapter may include:

(1) The cost of materials and labor necessary for installation or modification of a qualified improvement;

(2) Permit fees;

(3) Inspection fees;

(4) Lender's fees;

(5) Program application and administrative fees;

(6) Project development and engineering fees;

(7) Third-party review fees, including verification review fees;

(8) Capitalized interest;

(9) Interest reserves;

(10) Escrow for prepaid property taxes and insurance;  
or

(11) Any other fees or costs that may be incurred by the property owner incident to the installation, modification, or improvement on a specific or pro rata basis.

**NEW SECTION. Sec. 80.** The proposed C-PACER financing for a qualified project may authorize the property owner to:

(1) Purchase directly the related equipment and materials for the installation or modification of a qualified improvement; and

(2) Contract directly, including through lease, power purchase agreement, or other service contract, for the installation or modification of a qualified improvement.

**NEW SECTION. Sec. 81.** A county that adopts a program and designates a program region under this chapter may not:

(1) Make the issuance of a permit, license, or other authorization from the county to a person who owns property in the region contingent on the person entering into a written contract to repay the financing of a qualified project under this chapter; or

(2) Otherwise compel a person who owns property in the region to enter into a written contract to repay the financing of a qualified project under this chapter.

**NEW SECTION. Sec. 82.** The members of the governing body of a county, employees of a county, and board members, executives, and employees under this chapter are not personally liable as a result of exercising any rights or responsibilities granted under this chapter.

**NEW SECTION. Sec. 83.** A county may not enforce any privately financed debt under this chapter. Neither the state nor any county may use public funds to fund or repay any loan between a capital provider and property owner. No section under this chapter shall be interpreted to pledge, offer, or encumber the full faith and credit of a local government, nor shall any local government pledge, offer, or encumber its full faith and credit for any lien amount through a program.

**NEW SECTION. Sec. 84.** Sections 1 through 13 of this act constitute a new chapter in Title 36 RCW."

On page 1, line 2 of the title, after "resilience;" strike the remainder of the title and insert "and adding a new chapter to Title 36 RCW."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2405 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2405, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2405, 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 Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chopp, Dufault, McCaslin and Shea.

Excused: Representative Appleton.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2405, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

March 4, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2449 with the following amendment:

84.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 85.** RCW 35.61.150 and 2019 c 198 s 1 are each amended to read as follows:

(1) Metropolitan park commissioners selected by election according to RCW 35.61.050(2) shall perform their duties and may provide, by resolution passed by the commissioners, for the payment of compensation to each of its commissioners at a rate up to the daily compensation maximum amount provided in subsection (3) of this section for each day or portion of a day spent in actual attendance at official meetings or in performance of other official services or duties on behalf of the district. However, the compensation for each commissioner must not exceed the annual compensation maximum amount provided in subsection (3) of this section per year.

(2) Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the clerk of the board. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

(3)(a) For purposes of the references in subsection (1) of this section, the daily compensation maximum amount is one hundred twenty-eight dollars and the annual compensation maximum amount is twelve thousand two hundred eighty-eight dollars. However, for any metropolitan park district with facilities including an aquarium, a wildlife park, and a zoo, accredited by a nationally recognized accrediting agency, the annual compensation maximum amount is twenty-four thousand five hundred seventy-six dollars.

(b) The dollar thresholds established in this subsection (3) must be adjusted for inflation by the office of financial management every five years, beginning (~~July 1, 2023~~) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

(4) A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 86.** RCW 36.57A.050 and 2018 c 154 s 1 are each amended to read as follows:

Within sixty days of the establishment of the boundaries of the public transportation benefit area the members of the county legislative authority and the elected representative of each city within the area shall provide for the selection of the governing body of such area, the public transportation benefit area authority, which shall consist of elected officials selected by and serving at the pleasure of the governing bodies of component cities within the area and the county legislative authority of each county within the area. The members of the governing body of the public transportation benefit area, if the population of the county in which the public transportation benefit area is located is more than four hundred thousand and the county does not also contain a city with a population of seventy-five thousand or more operating a transit system pursuant to chapter 35.95 RCW, must be selected to assure proportional representation, based on population, of each of the component cities located within the public transportation benefit area and the unincorporated areas of the county located within the public transportation benefit area, to the

extent possible within the restrictions placed on the size of the governing body of a public transportation benefit area. If necessary to assure such proportional representation, multiple cities may be represented by a single elected official from one of the cities. A majority of the governing board may not be selected to represent a single component city. If at the time a public transportation benefit area authority assumes the public transportation functions previously provided under the interlocal cooperation act (chapter 39.34 RCW) there are citizen positions on the governing board of the transit system, those positions may be retained as positions on the governing board of the public transportation benefit area authority.

Within such sixty-day period, any city may by resolution of its legislative body withdraw from participation in the public transportation benefit area. The county legislative authority and each city remaining in the public transportation benefit area may disapprove and prevent the establishment of any governing body of a public transportation benefit area if the composition thereof does not meet its approval.

In no case shall the governing body of a single county public transportation benefit area be greater than nine voting members and in the case of a multicounty area, fifteen voting members. Those cities within the public transportation benefit area and excluded from direct membership on the authority are hereby authorized to designate a member of the authority who shall be entitled to represent the interests of such city which is excluded from direct membership on the authority. The legislative body of such city shall notify the authority as to the determination of its authorized representative on the authority.

There is one nonvoting member of the public transportation benefit area authority. The nonvoting member is recommended by the labor organization representing the public transportation employees within the local public transportation system. If the public transportation employees are represented by more than one labor organization, all such labor organizations shall select the nonvoting member by majority vote. The nonvoting member shall comply with all governing bylaws and policies of the authority. The chair or cochair of the authority shall exclude the nonvoting member from attending any executive session held for the purpose of discussing negotiations with labor organizations. The chair or cochair may exclude the nonvoting member from attending any other executive session. The requirement that a nonvoting member be appointed to the governing body of a public transportation benefit area authority does not apply to an authority that has no employees represented by a labor union.

Each member of the authority is eligible to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 and to receive compensation, as set by the authority, in an amount not to exceed forty-four dollars for each day during which the member attends official meetings of the authority or performs prescribed duties approved by the chair of the authority. Except that the authority may, by resolution, increase the payment of per diem compensation to each member from forty-four dollars up to ninety dollars per day or portion of a day for actual

attendance at board meetings or for performance of other official services or duties on behalf of the authority. In no event may a member be compensated in any year for more than seventy-five days, except the chair who may be paid compensation for not more than one hundred days: PROVIDED, That compensation shall not be paid to an elected official or employee of federal, state, or local government who is receiving regular full-time compensation from such government for attending meetings and performing prescribed duties of the authority.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning (~~July 1, 2008~~) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 87.** RCW 53.12.260 and 2011 c 152 s 1 are each amended to read as follows:

(1) Each commissioner of a port district shall receive ninety dollars, as adjusted for inflation by the office of financial management in subsection (4) of this section, per day or portion thereof spent (a) in actual attendance at official meetings of the port district commission, or (b) in performance of other official services or duties on behalf of the district. The total per diem compensation of a port commissioner shall not exceed eight thousand six hundred forty dollars in a year, as adjusted for inflation by the office of financial management in subsection (4) of this section, or ten thousand eight hundred dollars in any year, as adjusted for inflation by the office of financial management in subsection (4) of this section, for a port district with gross operating income of twenty-five million or more in the preceding calendar year.

(2) Port commissioners shall receive additional compensation as follows: (a) Each commissioner of a port district with gross operating revenues of twenty-five million dollars or more in the preceding calendar year shall receive

a salary of five hundred dollars per month, as adjusted for inflation by the office of financial management in subsection (4) of this section; and (b) each commissioner of a port district with gross operating revenues of from one million dollars to less than twenty-five million dollars in the preceding calendar year shall receive a salary of two hundred dollars per month, as adjusted for inflation by the office of financial management in subsection (4) of this section.

(3) In lieu of the compensation specified in this section, a port commission may set compensation to be paid to commissioners.

(4) For any commissioner who has not elected to become a member of public employees retirement system before May 1, 1975, the compensation provided pursuant to this section shall not be considered salary for purposes of the provisions of any retirement system created pursuant to the general laws of this state nor shall attendance at such meetings or other service on behalf of the district constitute service as defined in RCW 41.40.010(37): PROVIDED, That in the case of a port district when commissioners are receiving compensation and contributing to the public employees retirement system, these benefits shall continue in full force and effect notwithstanding the provisions of ((RCW 53.12.260)) this section and RCW 53.12.265.

The dollar thresholds for salaries and per diem compensation established in this section must be adjusted for inflation by the office of financial management every five years, beginning ((July 1, 2008)) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 88.** RCW 54.12.080 and 2010 c 58 s 1 are each amended to read as follows:

(1) Commissioners of public utility districts shall receive salaries as follows:

(a) Each public utility district commissioner of a district operating utility properties shall receive a salary of

one thousand eight hundred dollars per month, as adjusted for inflation by the office of financial management in subsection (6) of this section, during a calendar year if the district received total gross revenue of over fifteen million dollars during the fiscal year ending June 30th before the calendar year.

(b) Each public utility district commissioner of a district operating utility properties shall receive a salary of one thousand three hundred dollars per month, as adjusted for inflation by the office of financial management in subsection (6) of this section, during a calendar year if the district received total gross revenue of from two million dollars to fifteen million dollars during the fiscal year ending June 30th before the calendar year.

(c) Commissioners of other districts shall receive a salary of six hundred dollars per month, as adjusted for inflation by the office of financial management in subsection (6) of this section, for each commissioner.

(2) In addition to salary, all districts shall provide for the payment of per diem compensation to each commissioner at a rate of ninety dollars, as adjusted for inflation by the office of financial management in subsection (6) of this section, for each day or portion thereof spent in actual attendance at official meetings of the district commission or in performance of other official services or duties on behalf of the district, to include meetings of the commission of his or her district or meetings attended by one or more commissioners of two or more districts called to consider business common to them, but such compensation paid during any one year to a commissioner shall not exceed twelve thousand six hundred dollars, as adjusted for inflation by the office of financial management in subsection (6) of this section. Per diem compensation shall not be paid for services of a ministerial or professional nature.

(3) Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the district as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

(4) Each district commissioner shall be reimbursed for reasonable expenses actually incurred in connection with such business and meetings, including his or her subsistence and lodging and travel while away from his or her place of residence.

(5) Any district providing group insurance for its employees, covering them, their immediate family, and dependents, may provide insurance for its commissioner with the same coverage.

(6) The dollar thresholds for salaries and per diem compensation established in this section must be adjusted for inflation by the office of financial management every five years, beginning ((July 1, 2008)) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for

Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

(7) A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 89.** RCW 57.12.010 and 2008 c 31 s 1 are each amended to read as follows:

The governing body of a district shall be a board of commissioners consisting of three members, or five or seven members as provided in RCW 57.12.015. The board shall annually elect one of its members as president and another as secretary.

The board shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All proceedings shall be by resolution recorded in a book kept for that purpose which shall be a public record.

Each commissioner shall receive ninety dollars for each day or portion thereof spent in actual attendance at official meetings of the district commission, or in performance of other official services or duties on behalf of the district. However, the compensation for each commissioner shall not exceed eight thousand six hundred forty dollars per year. In addition, the secretary may be paid a reasonable sum for clerical services.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during the commissioner's term of office, by a written waiver filed with the district at any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

No commissioner shall be employed full time by the district. A commissioner shall be reimbursed for reasonable expenses actually incurred in connection with district business, including subsistence and lodging while away from the commissioner's place of residence and mileage for use of a privately owned vehicle at the mileage rate authorized in RCW 43.03.060.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning (~~July 1, 2008~~)

January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 90.** RCW 68.52.220 and 2013 c 167 s 9 are each amended to read as follows:

(1) The affairs of the cemetery district must be managed by a board of cemetery district commissioners composed of three members. The board may provide, by resolution passed by the commissioners, for the payment of compensation to each of its commissioners at a rate of up to ninety dollars for each day or portion of a day spent in actual attendance at official meetings of the district commission, or in performance of other official services or duties on behalf of the district. However, the compensation for each commissioner must not exceed eight thousand six hundred forty dollars per year.

(2) Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the clerk of the board. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver must specify the month or period of months for which it is made. The board must fix the compensation to be paid the secretary and other employees of the district. Cemetery district commissioners and candidates for cemetery district commissioner are exempt from the requirements of chapter 42.17A RCW.

(3) The initial cemetery district commissioners must assume office immediately upon their election and qualification. Staggering of terms of office must be accomplished as follows: (a) The person elected receiving the greatest number of votes is elected to a six-year term of office if the election is held in an odd-numbered year or a five-year term of office if the election is held in an even-numbered year; (b) the person who is elected receiving the next greatest number of votes is elected to a four-year term

of office if the election is held in an odd-numbered year or a three-year term of office if the election is held in an even-numbered year; and (c) the other person who is elected is elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year. The initial commissioners must assume office immediately after they are elected and qualified but their terms of office must be calculated from the first day of January after the election.

(4) Thereafter, commissioners are elected to six-year terms of office. Commissioners must serve until their successors are elected and qualified and assume office as provided in RCW (~~29A.20.040~~) 29A.60.280.

(5) The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning (~~July 1, 2008~~) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items must be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

(6) A person holding office as commissioner for two or more special purpose districts may receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 91.** RCW 70.44.050 and 2008 c 31 s 2 are each amended to read as follows:

Each commissioner shall receive ninety dollars for each day or portion thereof spent in actual attendance at official meetings of the district commission, or in performance of other official services or duties on behalf of the district, to include meetings of the commission of his or her own district, or meetings attended by one or more commissioners of two or more districts called to consider business common to them, except that the total compensation paid to such commissioner during any one year shall not exceed eight thousand six hundred forty dollars. The commissioners may not be compensated for services performed of a ministerial or professional nature.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the district as provided in this section. The

waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

Any district providing group insurance for its employees, covering them, their immediate family, and dependents, may provide insurance for its commissioners with the same coverage. Each commissioner shall be reimbursed for reasonable expenses actually incurred in connection with such business and meetings, including his or her subsistence and lodging and travel while away from his or her place of residence. No resolution shall be adopted without a majority vote of the whole commission. The commission shall organize by election of its own members of a president and secretary, shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All proceedings of the commission shall be by motion or resolution recorded in a book or books kept for such purpose, which shall be public records.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning (~~July 1, 2008~~) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 92.** RCW 85.05.410 and 2007 c 469 s 8 are each amended to read as follows:

Members of the board of diking commissioners of any diking district in this state may receive as compensation the sum of up to ninety dollars for actual attendance at official meetings of the district and for each day or part thereof, or in performance of other official services or duties on behalf of the district and shall receive the same compensation as other labor of a like character for all other necessary work or services performed in connection with their duties: PROVIDED, That such compensation shall not exceed eight thousand six hundred forty dollars in one calendar year,

except when the commissioners declare an emergency. Allowance of such compensation shall be established and approved at regular meetings of the board, and when a copy of the extracts of minutes of the board meeting relative thereto showing such approval is certified by the secretary of such board and filed with the county auditor, the allowance made shall be paid as are other claims against the district.

Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the commissioner's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning ~~((July 1, 2008))~~ January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 93.** RCW 85.06.380 and 2007 c 469 s 9 are each amended to read as follows:

In performing their duties under the provisions of this title the board and members of the board of drainage commissioners may receive as compensation up to ninety dollars per day or portion thereof spent in actual attendance at official meetings of the district, or in performance of other official services or duties on behalf of the district: PROVIDED, That such compensation shall not exceed eight

thousand six hundred forty dollars in one calendar year: PROVIDED FURTHER, That such services and compensation are allowed and approved at a regular meeting of the board. Upon the submission of a copy, certified by the secretary, of the extracts of the relevant minutes of the board showing such approval, to the county auditor, the same shall be paid as other claims against the district are paid. Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the commissioner's place of residence and mileage for use of a privately-owned vehicle in accordance with chapter 42.24 RCW.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning ~~((July 1, 2008))~~ January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 94.** RCW 85.08.320 and 2007 c 469 s 10 are each amended to read as follows:

The compensation of the superintendent of construction, the board of appraisers hereinafter provided for, and any special engineer, attorney or agent employed by the district in connection with the improvement, the maximum wages to be paid, and the maximum price of materials to be used, shall be fixed by the district board of supervisors. Members of the board of supervisors may receive compensation up to ninety dollars per day or portion

thereof spent in actual attendance at official meetings of the district, or in performance of other official services or duties on behalf of the district: PROVIDED, That such compensation shall not exceed eight thousand six hundred forty dollars in one calendar year. Each supervisor shall be entitled to reimbursement for reasonable expenses actually incurred in connection with business, including subsistence and lodging while away from the supervisor's place of residence and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW. All costs of construction or maintenance done under the direction of the board of supervisors shall be paid upon vouchers or payrolls verified by two of the said supervisors. All costs of construction and all other expenses, fees and charges on account of such improvement shall be paid by warrants drawn by the county auditor upon the county treasurer upon the proper fund, and shall draw interest at a rate determined by the county legislative authority until paid or called by the county treasurer as warrants of the county are called.

Any supervisor may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the supervisor's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning (~~July 1, 2008~~) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 95.** RCW 85.24.080 and 2007 c 469 s 11 are each amended to read as follows:

The members of the board may receive as compensation up to ninety dollars per day or portion thereof

spent in actual attendance at official meetings of the district, or in performance of other official services or duties on behalf of the district: PROVIDED, That such compensation shall not exceed eight thousand six hundred forty dollars in one calendar year: PROVIDED FURTHER, That the board may fix a different salary for the secretary thereof in lieu of the per diem. Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the commissioner's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW. The salary and expenses shall be paid by the treasurer of the fund, upon orders made by the board. Each member of the board must before being paid for expenses, take vouchers therefore from the person or persons to whom the particular amount was paid, and must also make affidavit that the amounts were necessarily incurred and expended in the performance of his or her duties.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning (~~July 1, 2008~~) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 96.** RCW 85.38.075 and 2007 c 469 s 15 are each amended to read as follows:

The members of the governing body may each receive up to ninety dollars per day or portion thereof spent in actual

attendance at official meetings of the governing body or in performance of other official services or duties on behalf of the district. The governing body shall fix the compensation to be paid to the members, secretary, and all other agents and employees of the district. Compensation for the members shall not exceed eight thousand six hundred forty dollars in one calendar year. A member is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the member's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW.

Any member may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the member's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning (~~July 1, 2008~~) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 97.** RCW 86.09.283 and 2007 c 469 s 12 are each amended to read as follows:

The board of directors may each receive up to ninety dollars per day or portion thereof spent in actual attendance at official meetings of the board, or in performance of other official services or duties on behalf of the board. The board shall fix the compensation to be paid to the directors, secretary, and all other agents and employees of the district. Compensation for the directors shall not exceed eight thousand six hundred forty dollars in one calendar year. A director is entitled to reimbursement for reasonable expenses

actually incurred in connection with such business, including subsistence and lodging, while away from the director's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW.

Any director may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the director's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning (~~July 1, 2008~~) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 98.** RCW 86.15.055 and 2015 c 165 s 1 are each amended to read as follows:

(1) In a zone with supervisors elected pursuant to RCW 86.15.050, the supervisors may, as adjusted in accordance with subsection (4) of this section, each receive up to one hundred fourteen dollars per day or portion of a day spent in actual attendance at official meetings of the governing body or in performance of other official services or duties on behalf of the zone. The compensation for supervisors in office on January 1, 2015, is fixed at one hundred fourteen dollars per day. The board of county commissioners shall fix any such compensation to be paid to the initial supervisors during their initial terms of office. The supervisors shall fix the compensation to be paid to the supervisors thereafter. Compensation for the supervisors shall not exceed ten thousand nine hundred forty-four dollars in one calendar year.

(2) A supervisor is entitled to reimbursement for reasonable expenses actually incurred in connection with performance of the duties of a supervisor, including subsistence and lodging, while away from the supervisor's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW.

(3) Any supervisor may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the supervisors as provided in this section. The waiver, to be effective, must be filed any time after the member's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

(4) The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning (~~July 1, 2018~~) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state and including all items, must be used for the adjustments of inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

**Sec. 99.** RCW 87.03.460 and 2009 c 145 s 2 are each amended to read as follows:

(1) In addition to their reasonable expenses in accordance with chapter 42.24 RCW, the directors shall each receive ninety dollars for each day or portion thereof spent by a director for such actual attendance at official meetings of the district, or in performance of other official services or duties on behalf of the district. The total amount of such additional compensation received by a director may not exceed eight thousand six hundred forty dollars in a calendar year. The board shall fix the compensation of the secretary and all other employees.

(2) Any director may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the director's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

(3) The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning (~~July 1, 2008~~) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average

consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

(4) A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions."

On page 1, line 2 of the title, after "compensation;" strike the remainder of the title and insert "and amending RCW 35.61.150, 36.57A.050, 53.12.260, 54.12.080, 57.12.010, 68.52.220, 70.44.050, 85.05.410, 85.06.380, 85.08.320, 85.24.080, 85.38.075, 86.09.283, 86.15.055, and 87.03.460."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2449 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Griffey and Pollet spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2449, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2449, 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 Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J.

Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Appleton.

HOUSE BILL NO. 2449, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 3, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2497 with the following amendment:

99.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 100.** RCW 39.89.020 and 2001 c 212 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) "Assessed value of real property" means the valuation of real property as placed on the last completed assessment roll.

(2) "Local government" means any city, town, county, port district, or any combination thereof.

(3) "Ordinance" means any appropriate method of taking legislative action by a local government.

(4) "Public improvements" means:

(a) Infrastructure improvements within the increment area that include:

(i) Street and road construction and maintenance;

(ii) Water and sewer system construction and improvements;

(iii) Sidewalks and streetlights;

(iv) Parking, terminal, and dock facilities;

(v) Park and ride facilities of a transit authority;

(vi) Park facilities and recreational areas; and

(vii) Stormwater and drainage management systems; and

(b) Expenditures for any of the following purposes:

(i) Providing environmental analysis, professional management, planning, and promotion within the increment

area, including the management and promotion of retail trade activities in the increment area;

(ii) Providing maintenance and security for common or public areas in the increment area; or

(iii) Historic preservation activities authorized under RCW 35.21.395.

(5) "Public improvement costs" means the costs of: (a) Design, planning, acquisition, site preparation, construction, reconstruction, rehabilitation, improvement, and installation of public improvements; (b) purchasing, rehabilitating, retrofitting for energy efficiency, and constructing housing for the purpose of creating or preserving permanently affordable housing; (c) relocating, maintaining, and operating property pending construction of public improvements; ~~((e))~~ (d) relocating utilities as a result of public improvements; ~~((f))~~ (e) financing public improvements, including interest during construction, legal and other professional services, taxes, insurance, principal and interest costs on general indebtedness issued to finance public improvements, and any necessary reserves for general indebtedness; ~~((g))~~ (f) assessments incurred in revaluing real property for the purpose of determining the tax allocation base value that are in excess of costs incurred by the assessor in accordance with the revaluation plan under chapter 84.41 RCW, and the costs of apportioning the taxes and complying with this chapter and other applicable law; and ~~((h))~~ (g) administrative expenses and feasibility studies reasonably necessary and related to these costs, including related costs that may have been incurred before adoption of the ordinance authorizing the public improvements and the use of community revitalization financing to fund the costs of the public improvements.

(6) "Regular property taxes" means regular property taxes as defined in RCW 84.04.140, except: (a) Regular property taxes levied by port districts or public utility districts specifically for the purpose of making required payments of principal and interest on general indebtedness; and (b) regular property taxes levied by the state for the support of the common schools under RCW 84.52.065. Regular property taxes do not include excess property tax levies that are exempt from the aggregate limits for junior and senior taxing districts as provided in RCW 84.52.043.

(7) "Tax allocation base value" means the true and fair value of real property located within an increment area for taxes imposed in the year in which the increment area is created, plus twenty-five percent of any increase in the true and fair value of real property located within an increment area that is placed on the assessment rolls after the increment area is created.

(8) "Tax allocation revenues" means those tax revenues derived from the imposition of regular property taxes on the increment value and distributed to finance public improvements.

(9) "Increment area" means the geographic area from which taxes are to be appropriated to finance public improvements authorized under this chapter.

(10) "Increment value" means seventy-five percent of any increase in the true and fair value of real property in an increment area that is placed on the tax rolls after the increment area is created.

(11) "Taxing districts" means a governmental entity that levies or has levied for it regular property taxes upon real property located within a proposed or approved increment area.

(12) "Value of taxable property" means the value of the taxable property as defined in RCW 39.36.015.

(13) "Permanently affordable housing" means housing, regardless of ownership, for which there is a legally binding, recorded document in effect that limits the price at which the owner may sell or restricts the occupancy of the unit to a qualified, low-income household, for a period of at least forty years for a property used for shelter or rental housing, or for a period of at least twenty-five years for a property to be owned by a low-income household. These documents include, but are not limited to, affordability covenants, deed restrictions, and community land trust leases. Resale restrictions exercised by providers of permanently affordable housing can include, but are not limited to:

(a) Continuous ownership of land by a public entity or nonprofit housing provider with a lease allowing ownership of the structure by an income-eligible household;

(b) A nonpossessory interest or right in real property, such as a deed restriction, restrictive covenant, resale restriction or other contractual agreement, that ensures affordability.

**Sec. 101.** RCW 39.102.020 and 2018 c 178 s 1 are each amended to read as follows:

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

(1) "Annual state contribution limit" means seven million five hundred thousand dollars statewide per fiscal year.

(2) "Assessed value" means the valuation of taxable real property as placed on the last completed assessment roll.

(3) "Board" means the community economic revitalization board under chapter 43.160 RCW.

(4) "Dedicated" means pledged, set aside, allocated, received, budgeted, or otherwise identified.

(5) "Demonstration project" means one of the following projects:

- (a) Bellingham waterfront redevelopment project;
  - (b) Spokane river district project at Liberty Lake; and
  - (c) Vancouver riverwest project.
- (6) "Department" means the department of revenue.

(7) "Fiscal year" means the twelve-month period beginning July 1st and ending the following June 30th.

(8) "Local excise tax allocation revenue" means an amount of local excise taxes equal to some or all of the sponsoring local government's local excise tax increment, amounts of local excise taxes equal to some or all of any participating local government's excise tax increment as agreed upon in the written agreement under RCW 39.102.080(1), or both, and dedicated to local infrastructure financing.

(9) "Local excise tax increment" means an amount equal to the estimated annual increase in local excise taxes in each calendar year following the approval of the revenue development area by the board from taxable activity within the revenue development area, as set forth in the application provided to the board under RCW 39.102.040, and updated in accordance with RCW 39.102.140(1)(f).

(10) "Local excise taxes" means local revenues derived from the imposition of sales and use taxes authorized in RCW 82.14.030.

(11) "Local government" means any city, town, county, port district, and any federally recognized Indian tribe.

(12) "Local infrastructure financing" means the use of revenues received from local excise tax allocation revenues, local property tax allocation revenues, other revenues from local public sources, and revenues received from the local option sales and use tax authorized in RCW 82.14.475, dedicated to pay either the principal and interest on bonds authorized under RCW 39.102.150 or to pay public improvement costs on a pay-as-you-go basis subject to RCW 39.102.195, or both.

(13) "Local property tax allocation revenue" means those tax revenues derived from the receipt of regular property taxes levied on the property tax allocation revenue value and used for local infrastructure financing.

(14) "Low-income housing" means residential housing for low-income persons or families who lack the means which is necessary to enable them, without financial assistance, to live in decent, safe, and sanitary dwellings, without overcrowding. For the purposes of this subsection, "low income" means income that does not exceed eighty percent of the median family income for the standard metropolitan statistical area in which the revenue development area is located.

(15) "Ordinance" means any appropriate method of taking legislative action by a local government.

(16) "Participating local government" means a local government having a revenue development area within its geographic boundaries that has entered into a written agreement with a sponsoring local government as provided in RCW 39.102.080 to allow the use of all or some of its local excise tax allocation revenues or other revenues from local public sources dedicated for local infrastructure financing.

(17) "Participating taxing district" means a local government having a revenue development area within its geographic boundaries that has entered into a written agreement with a sponsoring local government as provided

in RCW 39.102.080 to allow the use of some or all of its local property tax allocation revenues or other revenues from local public sources dedicated for local infrastructure financing.

(18) "Property tax allocation revenue base value" means the assessed value of real property located within a revenue development area less the property tax allocation revenue value.

(19)(a)(i) "Property tax allocation revenue value" means seventy-five percent of any increase in the assessed value of real property in a revenue development area resulting from:

(A) The placement of new construction, improvements to property, or both, on the assessment roll, where the new construction and improvements are initiated after the revenue development area is approved by the board;

(B) The cost of new housing construction, conversion, and rehabilitation improvements, when such cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.14.020, and the new housing construction, conversion, and rehabilitation improvements are initiated after the revenue development area is approved by the board;

(C) The cost of rehabilitation of historic property, when such cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.26.070, and the rehabilitation is initiated after the revenue development area is approved by the board.

(ii) Increases in the assessed value of real property in a revenue development area resulting from (a)(i)(A) through (C) of this subsection are included in the property tax allocation revenue value in the initial year. These same amounts are also included in the property tax allocation revenue value in subsequent years unless the property becomes exempt from property taxation.

(b) "Property tax allocation revenue value" includes seventy-five percent of any increase in the assessed value of new construction consisting of an entire building in the years following the initial year, unless the building becomes exempt from property taxation.

(c) Except as provided in (b) of this subsection, "property tax allocation revenue value" does not include any increase in the assessed value of real property after the initial year.

(d) There is no property tax allocation revenue value if the assessed value of real property in a revenue development area has not increased as a result of any of the reasons specified in (a)(i)(A) through (C) of this subsection.

(e) For purposes of this subsection, "initial year" means:

(i) For new construction and improvements to property added to the assessment roll, the year during which the new construction and improvements are initially placed on the assessment roll;

(ii) For the cost of new housing construction, conversion, and rehabilitation improvements, when such cost is treated as new construction for purposes of chapter 84.55 RCW, the year when such cost is treated as new construction for purposes of levying taxes for collection in the following year; and

(iii) For the cost of rehabilitation of historic property, when such cost is treated as new construction for purposes of chapter 84.55 RCW, the year when such cost is treated as new construction for purposes of levying taxes for collection in the following year.

(20) "Public improvement costs" means the cost of: (a) Design, planning, acquisition including land acquisition, site preparation including land clearing, construction, reconstruction, rehabilitation, improvement, and installation of public improvements; (b) demolishing, relocating, maintaining, and operating property pending construction of public improvements; (c) the local government's portion of relocating utilities as a result of public improvements; (d) financing public improvements, including interest during construction, legal and other professional services, taxes, insurance, principal and interest costs on general indebtedness issued to finance public improvements, and any necessary reserves for general indebtedness; (e) assessments incurred in revaluing real property for the purpose of determining the property tax allocation revenue base value that are in excess of costs incurred by the assessor in accordance with the revaluation plan under chapter 84.41 RCW, and the costs of apportioning the taxes and complying with this chapter and other applicable law; (f) administrative expenses and feasibility studies reasonably necessary and related to these costs; and (g) any of the above-described costs that may have been incurred before adoption of the ordinance authorizing the public improvements and the use of local infrastructure financing to fund the costs of the public improvements.

(21) "Public improvements" means:

(a) Infrastructure improvements within the revenue development area that include:

(i) Street, bridge, and road construction and maintenance, including highway interchange construction;

(ii) Water and sewer system construction and improvements, including wastewater reuse facilities;

(iii) Sidewalks, traffic controls, and streetlights;

(iv) Parking, terminal, and dock facilities;

(v) Park and ride facilities of a transit authority;

(vi) Park facilities and recreational areas, including trails; and

(vii) Stormwater and drainage management systems;

(b) Expenditures for facilities and improvements that support affordable housing as defined in RCW 43.63A.510; and

(c) Expenditures to purchase, rehabilitate, retrofit for energy efficiency, and construct housing for the purpose of creating or preserving permanently affordable housing.

(22) "Real property" has the same meaning as in RCW 84.04.090 and also includes any privately owned improvements located on publicly owned land that are subject to property taxation.

(23) "Regular property taxes" means regular property taxes as defined in RCW 84.04.140, except: (a) Regular property taxes levied by public utility districts specifically for the purpose of making required payments of principal and interest on general indebtedness; (b) regular property taxes levied by the state for the support of the common schools under RCW 84.52.065; and (c) regular property taxes authorized by RCW 84.55.050 that are limited to a specific purpose. "Regular property taxes" do not include excess property tax levies that are exempt from the aggregate limits for junior and senior taxing districts as provided in RCW 84.52.043.

(24) "Relocating a business" means the closing of a business and the reopening of that business, or the opening of a new business that engages in the same activities as the previous business, in a different location within a one-year period, when an individual or entity has an ownership interest in the business at the time of closure and at the time of opening or reopening. "Relocating a business" does not include the closing and reopening of a business in a new location where the business has been acquired and is under entirely new ownership at the new location, or the closing and reopening of a business in a new location as a result of the exercise of the power of eminent domain.

(25) "Revenue development area" means the geographic area adopted by a sponsoring local government and approved by the board, from which local excise and property tax allocation revenues are derived for local infrastructure financing.

(26)(a) "Revenues from local public sources" means:

(i) Amounts of local excise tax allocation revenues and local property tax allocation revenues, dedicated by sponsoring local governments, participating local governments, and participating taxing districts, for local infrastructure financing; and

(ii) Any other local revenues, except as provided in (b) of this subsection, including revenues derived from federal and private sources.

(b) Revenues from local public sources do not include any local funds derived from state grants, state loans, or any other state moneys including any local sales and use taxes credited against the state sales and use taxes imposed under chapter 82.08 or 82.12 RCW.

(27) "Small business" has the same meaning as provided in RCW 19.85.020.

(28) "Sponsoring local government" means a city, town, or county, and for the purpose of this chapter a federally recognized Indian tribe or any combination thereof, that adopts a revenue development area and applies to the board to use local infrastructure financing.

(29) "State contribution" means the lesser of:

(a) One million dollars;

(b) The total amount of local excise tax allocation revenues, local property tax allocation revenues, and other revenues from local public sources, that are dedicated by a sponsoring local government, any participating local governments, and participating taxing districts, in the preceding calendar year to the payment of principal and interest on bonds issued under RCW 39.102.150 or to pay public improvement costs on a pay-as-you-go basis subject to RCW 39.102.195, or both. Revenues from local public sources dedicated in the preceding calendar year that are in excess of the project award may be carried forward and used in later years for the purpose of this subsection (29)(b);

(c) The amount of project award granted by the board in the notice of approval to use local infrastructure financing under RCW 39.102.040; or

(d) The highest amount of state excise tax allocation revenues and state property tax allocation revenues for any one calendar year as determined by the sponsoring local government and reported to the board and the department as required by RCW 39.102.140.

(30) "State excise tax allocation revenue" means an amount equal to the annual increase in state excise taxes estimated to be received by the state in each calendar year following the approval of the revenue development area by the board, from taxable activity within the revenue development area as set forth in the application provided to the board under RCW 39.102.040 and periodically updated and reported as required in RCW 39.102.140(1)(f).

(31) "State excise taxes" means revenues derived from state retail sales and use taxes under RCW 82.08.020(1) and 82.12.020 at the rate provided in RCW 82.08.020(1), less the amount of tax distributions from all local retail sales and use taxes, other than the local sales and use taxes authorized by RCW 82.14.475 for the applicable revenue development area, imposed on the same taxable events that are credited against the state retail sales and use taxes under chapters 82.08 and 82.12 RCW.

(32) "State property tax allocation revenue" means an amount equal to the estimated tax revenues derived from the imposition of property taxes levied by the state for the support of common schools under RCW 84.52.065 on the property tax allocation revenue value, as set forth in the application submitted to the board under RCW 39.102.040 and updated annually in the report required under RCW 39.102.140(1)(f).

(33) "Taxing district" means a government entity that levies or has levied for it regular property taxes upon real property located within a proposed or approved revenue development area.

(34) "Permanently affordable housing" means housing, regardless of ownership, for which there is a legally binding, recorded document in effect that limits the price at which the owner may sell or restricts the occupancy of the unit to a qualified, low-income household, for a period of at least forty years for a property used for shelter or rental housing, or for a period of at least twenty-five years for a property to be owned by a low-income household. These documents include, but are not limited to, affordability

covenants, deed restrictions, and community land trust leases. Resale restrictions exercised by providers of permanently affordable housing can include, but are not limited to:

(a) Continuous ownership of land by a public entity or nonprofit housing provider with a lease allowing ownership of the structure by an income-eligible household;

(b) A nonpossessory interest or right in real property, such as a deed restriction, restrictive covenant, resale restriction or other contractual agreement, that ensures affordability.

**Sec. 102.** RCW 39.104.020 and 2016 c 207 s 1 are each amended to read as follows:

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

(1) "Annual state contribution limit" means two million five hundred thousand dollars statewide per fiscal year, plus the additional amounts approved for demonstration projects in RCW 82.14.505.

(2) "Approving agency" means the department of revenue for project awards approved before June 9, 2016, and the department of commerce for project awards approved after June 9, 2016.

(3) "Assessed value" means the valuation of taxable real property as placed on the last completed assessment roll.

(4) "Bond" means a bond, a note or other evidence of indebtedness, including but not limited to a lease-purchase agreement or an executory conditional sales contract.

(5) "Department" means the department of revenue.

(6) "Fiscal year" means the twelve-month period beginning July 1st and ending the following June 30th.

(7) "Local government" means any city, town, county, and port district.

(8) "Local property tax allocation revenue" means those tax revenues derived from the receipt of regular property taxes levied on the property tax allocation revenue value and used for local revitalization financing.

(9) "Local revitalization financing" means the use of revenues from local public sources, dedicated to pay the principal and interest on bonds authorized under RCW 39.104.110 and public improvement costs within the revitalization area on a pay-as-you-go basis, and revenues received from the local option sales and use tax authorized in RCW 82.14.510, dedicated to pay the principal and interest on bonds authorized under RCW 39.104.110.

(10) "Local sales and use tax increment" means the estimated annual increase in local sales and use taxes as determined by the local government in the calendar years following the approval of the revitalization area by the department from taxable activity within the revitalization area.

(11) "Local sales and use taxes" means local revenues derived from the imposition of sales and use taxes authorized in RCW 82.14.030.

(12) "Ordinance" means any appropriate method of taking legislative action by a local government.

(13) "Participating local government" means a local government having a revitalization area within its geographic boundaries that has taken action as provided in RCW 39.104.070(1) to allow the use of all or some of its local sales and use tax increment or other revenues from local public sources dedicated for local revitalization financing.

(14) "Participating taxing district" means a taxing district that:

(a) Has a revitalization area wholly or partially within its geographic boundaries;

(b) Levies or has levied for it regular property taxes as defined in this section; and

(c) Has not taken action as provided in RCW 39.104.060(2).

(15) "Property tax allocation revenue base value" means the assessed value of real property located within a revitalization area, less the property tax allocation revenue value.

(16)(a)(i) "Property tax allocation revenue value" means seventy-five percent of any increase in the assessed value of real property in a revitalization area resulting from:

(A) The placement of new construction, improvements to property, or both, on the assessment roll, where the new construction and improvements are initiated after the revitalization area is approved;

(B) The cost of new housing construction, conversion, and rehabilitation improvements, when the cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.14.020, and the new housing construction, conversion, and rehabilitation improvements are initiated after the revitalization area is approved;

(C) The cost of rehabilitation of historic property, when the cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.26.070, and the rehabilitation is initiated after the revitalization area is approved.

(ii) Increases in the assessed value of real property in a revitalization area resulting from (a)(i)(A) through (C) of this subsection are included in the property tax allocation revenue value in the initial year. These same amounts are also included in the property tax allocation revenue value in subsequent years unless the property becomes exempt from property taxation.

(b) "Property tax allocation revenue value" includes seventy-five percent of any increase in the assessed value of new construction consisting of an entire building in the years following the initial year, unless the building becomes exempt from property taxation.

(c) Except as provided in (b) of this subsection, "property tax allocation revenue value" does not include any increase in the assessed value of real property after the initial year.

(d) There is no property tax allocation revenue value if the assessed value of real property in a revitalization area has not increased as a result of any of the reasons specified in (a)(i)(A) through (C) of this subsection.

(e) For purposes of this subsection, "initial year" means:

(i) For new construction and improvements to property added to the assessment roll, the year during which the new construction and improvements are initially placed on the assessment roll;

(ii) For the cost of new housing construction, conversion, and rehabilitation improvements, when the cost is treated as new construction for purposes of chapter 84.55 RCW, the year when the cost is treated as new construction for purposes of levying taxes for collection in the following year; and

(iii) For the cost of rehabilitation of historic property, when the cost is treated as new construction for purposes of chapter 84.55 RCW, the year when such cost is treated as new construction for purposes of levying taxes for collection in the following year.

(17) "Public improvement costs" means the costs of:

(a) Design, planning, acquisition, including land acquisition, site preparation including land clearing, construction, reconstruction, rehabilitation, improvement, and installation of public improvements;

(b) Demolishing, relocating, maintaining, and operating property pending construction of public improvements;

(c) Relocating utilities as a result of public improvements;

(d) Financing public improvements, including interest during construction, legal and other professional services, taxes, insurance, principal and interest costs on general indebtedness issued to finance public improvements, and any necessary reserves for general indebtedness; and

(e) Administrative expenses and feasibility studies reasonably necessary and related to these costs, including related costs that may have been incurred before adoption of the ordinance authorizing the public improvements and the use of local revitalization financing to fund the costs of the public improvements.

(18) "Public improvements" means:

(a) Infrastructure improvements within the revitalization area that include:

(i) Street, road, bridge, and rail construction and maintenance;

(ii) Water and sewer system construction and improvements;

(iii) Sidewalks, streetlights, landscaping, and streetscaping;

(iv) Parking, terminal, and dock facilities;

(v) Park and ride facilities of a transit authority;

(vi) Park facilities, recreational areas, and environmental remediation;

(vii) Stormwater and drainage management systems;

(viii) Electric, gas, fiber, and other utility infrastructures; ~~(and)~~

(b) Expenditures for any of the following purposes:

(i) Providing environmental analysis, professional management, planning, and promotion within the revitalization area, including the management and promotion of retail trade activities in the revitalization area;

(ii) Providing maintenance and security for common or public areas in the revitalization area; or

(iii) Historic preservation activities authorized under RCW 35.21.395; and

(c) Expenditures to purchase, rehabilitate, retrofit for energy efficiency, and construct housing for the purpose of creating or preserving permanently affordable housing.

(19) "Real property" has the same meaning as in RCW 84.04.090 and also includes any privately owned improvements located on publicly owned land that are subject to property taxation.

(20)(a) "Regular property taxes" means regular property taxes as defined in RCW 84.04.140, except: (i) Regular property taxes levied by public utility districts specifically for the purpose of making required payments of principal and interest on general indebtedness; (ii) regular property taxes levied by the state for the support of common schools under RCW 84.52.065; and (iii) regular property taxes authorized by RCW 84.55.050 that are limited to a specific purpose.

(b) "Regular property taxes" do not include:

(i) Excess property tax levies that are exempt from the aggregate limits for junior and senior taxing districts as provided in RCW 84.52.043; and

(ii) Property taxes that are specifically excluded through an interlocal agreement between the sponsoring local government and a participating taxing district as set forth in RCW 39.104.060(3).

(21)(a) "Revenues from local public sources" means:

(i) The local sales and use tax amounts received as a result of interlocal agreement, local sales and use tax amounts from sponsoring local governments based on its local sales and use tax increment, and local property tax allocation revenues, which are dedicated by a sponsoring local government, participating local governments, and participating taxing districts, for payment of bonds under RCW 39.104.110 or public improvement costs within the revitalization area on a pay-as-you-go basis; and

(ii) Any other local revenues, except as provided in (b) of this subsection, including revenues derived from federal and private sources and amounts received by taxing districts as set forth by an interlocal agreement as described in RCW 39.104.060(4), which are dedicated for the payment of bonds under RCW 39.104.110 or public improvement costs within the revitalization area on a pay-as-you-go basis.

(b) Revenues from local public sources do not include any local funds derived from state grants, state loans, or any other state moneys including any local sales and use taxes credited against the state sales and use taxes imposed under chapter 82.08 or 82.12 RCW.

(22) "Revitalization area" means the geographic area adopted by a sponsoring local government and approved by the approving agency, from which local sales and use tax increments are estimated and property tax allocation revenues are derived for local revitalization financing.

(23) "Sponsoring local government" means a city, town, county, or any combination thereof, that adopts a revitalization area.

(24) "State contribution" means the lesser of:

(a) Five hundred thousand dollars;

(b) The project award amount approved by the approving agency as provided in RCW 39.104.100 or 82.14.505; or

(c) The total amount of revenues from local public sources dedicated in the preceding calendar year to the payment of principal and interest on bonds issued under RCW 39.104.110 and public improvement costs within the revitalization area on a pay-as-you-go basis. Revenues from local public sources dedicated in the preceding calendar year that are in excess of the project award may be carried forward and used in later years for the purpose of this subsection (24)(c).

(25) "State property tax increment" means the estimated amount of annual tax revenues estimated to be received by the state from the imposition of property taxes levied by the state for the support of common schools under RCW 84.52.065 on the property tax allocation revenue value, as determined by the sponsoring local government in an application under RCW 39.104.100 and updated periodically as required in RCW 82.32.765.

(26) "State sales and use tax increment" means the estimated amount of annual increase in state sales and use taxes to be received by the state from taxable activity within the revitalization area in the years following the approval of the revitalization area as determined by the sponsoring local government in an application under RCW 39.104.100 and updated periodically as required in RCW 82.32.765.

(27) "State sales and use taxes" means state retail sales and use taxes under RCW 82.08.020(1) and 82.12.020 at the rate provided in RCW 82.08.020(1), less the amount of tax distributions from all local retail sales and use taxes, other than the local sales and use taxes authorized by RCW 82.14.510 for the applicable revitalization area, imposed on the same taxable events that are credited against the state

retail sales and use taxes under RCW 82.08.020(1) and 82.12.020.

(28) "Taxing district" means a government entity that levies or has levied for it regular property taxes upon real property located within a proposed or approved revitalization area.

(29) "Permanently affordable housing" means housing, regardless of ownership, for which there is a legally binding, recorded document in effect that limits the price at which the owner may sell or restricts the occupancy of the unit to a qualified, low-income household, for a period of at least forty years for a property used for shelter or rental housing, or for a period of at least twenty-five years for a property to be owned by a low-income household. These documents include, but are not limited to, affordability covenants, deed restrictions, and community land trust leases. Resale restrictions exercised by providers of permanently affordable housing can include, but are not limited to:

(a) Continuous ownership of land by a public entity or nonprofit housing provider with a lease allowing ownership of the structure by an income-eligible household;

(b) A nonpossessory interest or right in real property, such as a deed restriction, restrictive covenant, resale restriction or other contractual agreement, that ensures affordability."

On page 1, line 4 of the title, after "financing;" strike the remainder of the title and insert "and amending RCW 39.89.020, 39.102.020, and 39.104.020."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2497 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

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

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2497, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2497, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 55; Nays, 42; Absent, 0; Excused, 1.

Voting yea: Representatives Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Appleton.

HOUSE BILL NO. 2497, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 4, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2524 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 15.83.010 and 1989 c 355 s 2 are each amended to read as follows:

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

(1) "Accredited association of producers" means an association of producers which is accredited by the director to be the exclusive negotiation agent for all producer members of the association within a negotiating unit.

(2) "Advance contract" means a contract for purchase and sale of a crop entered into before the crop becomes a growing crop and providing for delivery at or after the harvest of that crop.

(3) "Agricultural products" as used in this chapter means pears, sweet corn, and potatoes produced for sale from farms in this state.

(4) "Association of producers" means any association of producers of agricultural products engaged in marketing, negotiating for its members, shipping, or processing as defined in section 15(a) of the federal agriculture marketing act of 1929 or in section 1 of 42 Stat. 388.

(5) "Director" means the director of the department of agriculture.

(6) "Handler" means a processor or a person engaged in the business or practice of:

(a) Acquiring agricultural products from producers or associations of producers for use by a processor;

(b) Processing agricultural products received from producers or associations of producers, provided that a cooperative association owned by producers shall not be a handler except when contracting for crops from producers who are not members of the cooperative association;

(c) Contracting or negotiating contracts or other arrangements, written or oral, with or on behalf of producers or associations of producers with respect to the production or marketing of any agricultural product for use by a processor; or

(d) Acting as an agent or broker for a handler in the performance of any function or act specified in (a), (b), or (c) of this subsection.

(7) "Negotiate" means meeting at reasonable times and for reasonable periods of time commencing at least sixty days before the normal planting date for sweet corn and potatoes, or at least sixty days before the normal harvest date for pears, and concluding within thirty days of the normal planting date for sweet corn and potatoes, or within thirty days of the normal harvest date for pears, to make a serious, fair, and reasonable attempt to reach agreement by acknowledging or refuting with reason points brought up by either party with respect to the price, terms of sale, compensation for products produced under contract, or other terms relating to the production or sale of these products: PROVIDED, That neither party shall be required to disclose proprietary business or financial records or information.

(8) "Negotiating unit" means a negotiating unit approved by the director under RCW 15.83.020.

(9) "Person" means an individual, partnership, corporation, association, or any other entity.

(10) "Processor" means any person that purchases agricultural crops from a producer and cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes those crops in any manner for eventual resale. A person who solely cleans, sorts, grades, and packages a farm product for sale without altering the natural condition of the product is not a processor. A person processing any portion of a crop is a processor.

(11) "Producer" means a person engaged in the production of agricultural products as a farmer or planter, including a grower or farmer furnishing inputs, production management, or facilities for growing or raising agricultural products. A producer who is also a handler shall be considered a handler under this chapter.

(12) "Qualified commodity" means agricultural products as defined in subsection (3) of this section.

**Sec. 2.** RCW 15.83.020 and 1989 c 355 s 3 are each amended to read as follows:

(1) An association of producers may file an application with the director:

(a) Requesting accreditation to serve as the exclusive negotiating agent on behalf of its producer members who are

within a proposed negotiating unit with respect to any qualified commodity;

(b) Describing geographical boundaries of the proposed negotiating unit;

(c) Specifying the number of producers and the quantity of products included within the proposed negotiating unit;

(d) Specifying the number and location of the producers and the quantity of products represented by the association; ~~((and))~~

(e) Agreeing to reimburse the department for all anticipated and uncovered costs incurred by the department for actions necessary to carry out the provisions of this chapter; and

(f) Supplying any other information required by the director.

(2) Within a reasonable time after receiving an application under subsection (1) of this section, the director shall approve or disapprove the application in accordance with this section.

(a) The director shall approve the initial application or renewal if the director determines that:

(i) The association is owned and controlled by producers under the charter documents or bylaws of the association;

(ii) The association has valid and binding contracts with its members empowering the association to sell or negotiate terms of sale of its members' products or to negotiate for compensation for products produced under contract by its members;

(iii) The association represents a sufficient percentage of producers or that its members produce a sufficient percentage of agricultural products to enable it to function as an effective agent for producers in negotiating with a given handler as defined in rules promulgated by the department. In making this finding, the director shall exclude any quantity of the agricultural products contracted by producers with producer-owned and controlled processing cooperatives with its members and any quantity of these products produced by handlers;

(iv) One of the association's functions is to act as principal or agent for its members in negotiations with handlers for prices and other terms of trade with respect to the production, sale, and marketing of the products of its members, or for compensation for products produced by its members under contract; ~~((and))~~

(v) Sufficient resources, including public funds and any funds to be provided by the applicant under reimbursement agreements, will be available to cover department costs for services provided by the department in carrying out the provisions of this chapter, including department costs to defend a decision made by the department under this chapter if such a decision is appealed; and

(vi) Accreditation would not be contrary to the policies established in RCW 15.83.005.

(b) If the director does not approve the application under (a) of this subsection, then the association of producers may file an amended application with the director. The director, within a reasonable time, shall approve the amended application if it meets the requirements set out in (a) of this subsection.

(3) The department shall provide the association an estimate of expenses that may be incurred prior to the department's provision of services.

(4) At the discretion of the director, or upon submission of a timely filed petition by an affected handler or an affected association of producers, the association of producers accredited under this section may be required by the director to renew the application for accreditation by providing the information required under subsection (1) of this section.

**Sec. 3.** RCW 15.83.030 and 1989 c 355 s 4 are each amended to read as follows:

It shall be unlawful for any handler to engage, or permit any employee or agent to engage, in the following practices:

(1) To refuse to negotiate with an association of producers accredited under RCW 15.83.020 with respect to any qualified commodity: PROVIDED, That the obligation to negotiate does not require either party to agree to a proposal, to make a concession, or to enter into a contract;

(2) To coerce any producer in the exercise of his or her right to contract with, join, refrain from contracting with or joining, belong to an association of producers, or refuse to deal with any producer because of the exercise of that producer's right to contract with, join, or belong to an association or because of that producer's promotion of legislation on behalf of an association of producers;

(3) To discriminate against any producer with respect to price, quantity, quality, or other terms of purchase, acquisition, or other handling of agricultural products because of that producer's membership in or contract with an association of producers or because of that producer's promotion of legislation on behalf of an association of producers;

(4) To coerce or intimidate any producer to enter into, maintain, breach, cancel, or terminate a membership agreement or marketing contract with an association of producers or a contract with a handler;

(5) To pay or loan money, give anything of value, or offer any other inducement or reward to a producer for refusing or ceasing to belong to an association of producers;

(6) To make knowingly false reports about the finances, management, or activities of associations of producers or handlers; ~~((or))~~

(7) To conspire, agree, or arrange with any other person to do, aid, or abet any act made unlawful by this chapter; or

(8) To refuse, in the event that an acceptable price cannot be agreed to between a producer and a processor, to meet with a mutually agreed upon third-party mediator to resolve the price dispute. Any fees associated with the third-party mediation must be borne by the producer."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2524 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Chandler and Shewmake spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2524, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2524, 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 Barkis, Bergquist, Blake, Boehnke, Calder, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Appleton.

HOUSE BILL NO. 2524, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 3, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2527 with the following amendment:

3.0.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 4. A new section is added to chapter 43.62 RCW to read as follows:

(1) It is the intent of the legislature to affirm that every Washingtonian has the right and obligation to participate in the federal decennial census freely and without fear of fraud, intimidation, or harm, and to inform the public of these rights.

(2) The legislature affirms the rights of Washingtonians to all of the following, to be known as the Washington census bill of rights and responsibilities:

(a) To participate in the federal decennial census free of threat or intimidation;

(b) To the confidentiality of the information provided in the census form, as provided by federal law;

(c) To respond to the census by means made available to the respondent, either by phone, by mail, online, or in person;

(d) To request language assistance in accordance with federal law; and

(e) To verify the identity of a census worker.

(3) The secretary of state shall translate the Washington census bill of rights and responsibilities into languages other than English, consistent with the federal voting rights act of 1965, 52 U.S.C. Sec. 10503.

(4) The office of financial management shall make the Washington census bill of rights and responsibilities available on its internet web site and available for inclusion on city and county census internet web sites and census questionnaire assistance center internet web sites.

NEW SECTION. Sec. 5. A new section is added to chapter 9A.60 RCW to read as follows:

(1) A person is guilty of impersonating a census taker if the person falsely represents that he or she is a census taker with the intent to:

(a) Interfere with the operation of the census;

(b) Obtain information; or

(c) Obtain consent to enter a private dwelling.

(2) Impersonating a census taker is a gross misdemeanor.

NEW SECTION. Sec. 6. A new section is added to chapter 19.86 RCW to read as follows:

Mailing materials with the intent to deceive a person into believing that the material is an official census communication, interfere with the operation of the census, or discourage a person from participating in the census constitutes an unfair or deceptive practice under this chapter.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety,

or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "census;" strike the remainder of the title and insert "adding a new section to chapter 43.62 RCW; adding a new section to chapter 9A.60 RCW; adding a new section to chapter 19.86 RCW; prescribing penalties; and declaring an emergency."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2527 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2527, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2527, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 68; Nays, 29; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Entenman, Fey, Fitzgibbon, Frame, Gildon, Goodman, Gregerson, Griffey, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Walen, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Boehnke, Caldier, Chambers, Chandler, DeBolt, Dye, Eslick, Goehner, Graham, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Orcutt, Schmick, Shea, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox and Young.

Excused: Representative Appleton.

SUBSTITUTE HOUSE BILL NO. 2527, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 3, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2535 with the following amendment:

7.0.

Strike everything after the enacting clause and insert the following:

**"Sec. 8.** RCW 59.18.170 and 1973 1st ex.s. c 207 s 17 are each amended to read as follows:

(1) If at any time during the tenancy the tenant fails to carry out the duties required by RCW 59.18.130 or 59.18.140, the landlord may, in addition to pursuit of remedies otherwise provided by law, give written notice to the tenant of said failure, which notice shall specify the nature of the failure.

(2) The landlord may not charge a late fee for rent that is paid within five days following its due date. If rent is more than five days past due, the landlord may charge late fees commencing from the first day after the due date until paid. Nothing in this subsection prohibits a landlord from serving a notice to pay or vacate at any time after the rent becomes due.

(3) When late fees may be assessed after rent becomes due, the tenant may propose that the date rent is due in the rental agreement be altered to a different due date of the month. The landlord shall agree to such a proposal if it is submitted in writing and the tenant can demonstrate that his or her primary source of income is a regular, monthly source of governmental assistance that is not received until after the date rent is due in the rental agreement. The proposed rent due date may not be more than five days after the date the rent is due in the rental agreement. Nothing in this subsection shall be construed to prevent a tenant from making a request for reasonable accommodation under federal, state, or local law.

**Sec. 9.** RCW 59.18.230 and 2011 c 132 s 11 are each amended to read as follows:

(1) Any provision of a lease or other agreement, whether oral or written, whereby any section or subsection of this chapter is waived except as provided in RCW 59.18.360 and shall be deemed against public policy and shall be unenforceable. Such unenforceability shall not affect other provisions of the agreement which can be given effect without them.

(2) No rental agreement may provide that the tenant:

(a) Agrees to waive or to forgo rights or remedies under this chapter; or

(b) Authorizes any person to confess judgment on a claim arising out of the rental agreement; or

(c) Agrees to pay the landlord's attorneys' fees, except as authorized in this chapter; or

(d) Agrees to the exculpation or limitation of any liability of the landlord arising under law or to indemnify the landlord for that liability or the costs connected therewith; or

(e) And landlord have agreed to a particular arbitrator at the time the rental agreement is entered into; or

(f) Agrees to pay late fees for rent that is paid within five days following its due date. If rent is more than five days past due, the landlord may charge late fees commencing from the first day after the due date until paid. Nothing in this subsection prohibits a landlord from serving a notice to pay or vacate at any time after the rent becomes due.

(3) A provision prohibited by subsection (2) of this section included in a rental agreement is unenforceable. If a landlord deliberately uses a rental agreement containing provisions known by him or her to be prohibited, the tenant may recover actual damages sustained by him or her, statutory damages not to exceed five hundred dollars, costs of suit, and reasonable attorneys' fees.

(4) The common law right of the landlord of distress for rent is hereby abolished for property covered by this chapter. Any provision in a rental agreement creating a lien upon the personal property of the tenant or authorizing a distress for rent is null and void and of no force and effect. Any landlord who takes or detains the personal property of a tenant without the specific written consent of the tenant to such incident of taking or detention, and who, after written demand by the tenant for the return of his or her personal property, refuses to return the same promptly shall be liable to the tenant for the value of the property retained, actual damages, and if the refusal is intentional, may also be liable for damages of up to five hundred dollars per day but not to exceed five thousand dollars, for each day or part of a day that the tenant is deprived of his or her property. The prevailing party may recover his or her costs of suit and a reasonable attorneys' fee.

In any action, including actions pursuant to chapters 7.64 or 12.28 RCW, brought by a tenant or other person to recover possession of his or her personal property taken or detained by a landlord in violation of this section, the court, upon motion and after notice to the opposing parties, may waive or reduce any bond requirements where it appears to be to the satisfaction of the court that the moving party is proceeding in good faith and has, prima facie, a meritorious claim for immediate delivery or redelivery of said property."

On page 1, line 2 of the title, after "rent;" strike the remainder of the title and insert "and amending RCW 59.18.170 and 59.18.230."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2535 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

Representative Dufault spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2535, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2535, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 73; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Davis, DeBolt, Dent, Doglio, Dolan, Kuerr, Entenman, Fey, Fitzgibbon, Frame, Gildon, Goodman, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Mead, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Walen, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Corry, Dufault, Dye, Eslick, Goehner, Graham, Jenkin, Klippert, Kraft, Kretz, Maycumber, McCaslin, Mosbrucker, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Vick, Volz and Walsh.

Excused: Representative Appleton.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2535, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 5, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2565 with the following amendment:

9.0.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 10. The legislature finds that creating labeling standards for disposable wipes products will protect public health, the environment, water quality, and public infrastructure used for the collection, transport, and treatment of wastewater. It is not the intent of the legislature to address standards for flushability with this chapter.

NEW SECTION. Sec. 11. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Covered entity" means a manufacturer of a covered product and a wholesaler, supplier, or retailer that has contractually undertaken responsibility to the manufacturer for the "do not flush" labeling of a covered product.

(2) "Covered product" means a nonflushable nonwoven disposable wipe that is a premoistened wipe constructed from nonwoven sheets and designed and marketed for diapering, personal hygiene, or household hard surface cleaning purposes. A nonflushable nonwoven disposable wipe excludes any wipe product designed or marketed for cleaning or medicating the anorectal or vaginal areas on the human body and labeled "flushable," "sewer safe," "septic safe," or otherwise indicating that the product is appropriate for disposal in a toilet including, but not limited to, premoistened toilet tissue.

(3) "Label" means to represent by statement, word, picture, design, or emblem on a covered product package.

(4) "Principal display panel" means the side of a product package that is most likely to be displayed, presented, or shown under customary conditions of display for retail sale. The term is further defined as follows:

(a) In the case of a cylindrical or nearly cylindrical package, the surface area of the principal display panel constitutes forty percent of the product package, as measured by multiplying the height of the container times the circumference.

(b) In the case of a flexible film package, in which a rectangular prism or nearly rectangular prism stack of wipes is housed within the film, the surface area of the principal display panel constitutes the length times the width of the side of the package when the flexible packaging film is pressed flat against the stack of wipes on all sides of the stack.

**NEW SECTION. Sec. 12.** A covered entity must clearly and conspicuously label a covered product as "do not flush" as follows:

(1) Use the "do not flush" symbol, or a gender equivalent thereof, described in the INDA/EDANA code of practice 2 (COP2, as published in "Guidelines for Assessing the Flushability of Disposable Nonwoven Products," Edition 4, May 2018, by INDA/EDANA);

(2) Place the symbol on the principal display panel in a prominent and reasonably visible location on the package which, in the case of packaging intended to dispense individual wipes, is permanently affixed in a location that is visible to a person each time a wipe is dispensed from the package;

(3) Size the symbol to cover at least two percent of the surface area of the principal display panel on which the symbol is presented;

(4) Ensure the symbol is not obscured by packaging seams, folds, or other package design elements;

(5) Ensure the symbol has sufficiently high contrast with the immediate background of the packaging to render it likely to be read by the ordinary individual under customary

conditions of purchase and use. In the case of a printed symbol, "high contrast" is defined as follows:

(a) Provided with either a light symbol on a dark background or a dark symbol on a light background; and

(b) A minimum level or percentage of contrast between the symbol artwork and the background of at least seventy percent. Contrast in percent is determined by:

(i) Contrast =  $(B1 - B2) \times 100 / B1$ ; and

(ii) Where B1 = light reflectance value of the lighter area and B2 = light reflectance value of the darker area; and

(6) Beginning January 1, 2023, no package or box containing a covered product manufactured on or before the effective date of this section may be offered for distribution or sale in the state.

**NEW SECTION. Sec. 13.** Upon a request by a city or a county, a covered entity must submit to the requesting entity, within ninety days of the request, nonconfidential business information and documentation demonstrating compliance with this chapter, in a format that is easy to understand.

**NEW SECTION. Sec. 14.** (1) Cities and counties have concurrent and exclusive authority to enforce this chapter and to collect civil penalties for a violation of this chapter, subject to the conditions in this section. An enforcing government entity may impose a civil penalty in the amount of up to two thousand dollars for the first violation of this chapter, up to five thousand dollars for the second violation of this chapter, and up to ten thousand dollars for the third and any subsequent violation of this chapter. If a covered entity 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.

(2) Any civil penalties collected pursuant to this section must be paid to the enforcing governmental entity that brought the action.

(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 may recover reasonable enforcement costs and attorneys' fees from the liable covered entity.

**NEW SECTION. Sec. 15.** Covered entities that violate the requirements of this chapter are subject to civil penalties described in section 5 of this act. A specific violation is deemed to have occurred upon the sale of a noncompliant product package. The repeated sale of the same noncompliant product package is considered part of the same, single violation. A city or county must send a written notice of an alleged violation and a copy of the requirements of this chapter to a noncompliant covered entity, which will have ninety days to become compliant. A city or county may assess a first penalty if the covered entity has not met the

requirements of this chapter ninety days following the date the notification was sent. A city or county may impose a second, third, and subsequent penalties on a covered entity that remains noncompliant with the requirements of this chapter for every month of noncompliance.

**NEW SECTION. Sec. 16.** Sections 1 through 6, 8, and 10 of this act constitute a new chapter in Title 70 RCW.

**NEW SECTION. Sec. 17.** This act takes effect July 1, 2022.

**NEW SECTION. Sec. 18.** For a covered product required to be registered by the United States environmental protection agency under the federal insecticide, fungicide, and rodenticide act (7 U.S.C. Sec. 136 et seq. (1996)), this act applies beginning July 1, 2023.

**NEW SECTION. Sec. 19.** This chapter preempts all existing or future laws enacted by a county, city, town, or other political subdivision of the state regarding the labeling of a covered product. Nothing in this section is intended to preempt the enforcement authority of a city or county as provided under sections 5 and 6 of this act.

**NEW SECTION. Sec. 20.** 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 "products;" strike the remainder of the title and insert "adding a new chapter to Title 70 RCW; creating a new section; prescribing penalties; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2565 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2565, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2565, 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 Barkis, Bergquist, Blake, Boehnke, Calder, Callan, Chambers, Chapman, Chopp,

Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, McCaslin, Shea and Sutherland.

Excused: Representative Appleton.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2565, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 5, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2588 with the following amendment:

20.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.09.230 and 1995 c 301 s 12 are each amended to read as follows:

(1) As used in this section:

(a) "Special purpose district" means every municipal and quasi-municipal corporation other than counties, cities, and towns. Such special purpose districts include, but are not limited to, water-sewer districts, fire protection districts, port districts, public utility districts, special districts as defined in RCW 85.38.010, lake and beach management districts, conservation districts, and irrigation districts.

(b) "Unauditable" means a special purpose district that the state auditor has determined to be incapable of being audited because the special purpose district has improperly maintained, failed to maintain, or failed to submit adequate accounts, records, files, or reports for an audit to be completed.

(2) The state auditor shall require from every local government financial reports covering the full period of each fiscal year, in accordance with the forms and methods prescribed by the state auditor, which shall be uniform for all accounts of the same class.

Such reports shall be prepared, certified, and filed with the state auditor within one hundred fifty days after the close of each fiscal year.

The reports shall contain accurate statements, in summarized form, of all collections made, or receipts received, by the officers from all sources; all accounts due

the public treasury, but not collected; and all expenditures for every purpose, and by what authority authorized; and also: ~~((4))~~ (a) A statement of all costs of ownership and operation, and of all income, of each and every public service industry owned and operated by a local government; ~~((2))~~ (b) a statement of the entire public debt of every local government, to which power has been delegated by the state to create a public debt, showing the purpose for which each item of the debt was created, and the provisions made for the payment thereof; ~~((3))~~ (c) a classified statement of all receipts and expenditures by any public institution; and ~~((4))~~ (d) a statement of all expenditures for labor relations consultants, with the identification of each consultant, compensation, and the terms and conditions of each agreement or arrangement; together with such other information as may be required by the state auditor.

The reports shall be certified as to their correctness by the state auditor, the state auditor's deputies, or other person legally authorized to make such certification.

Their substance shall be published in an annual volume of comparative statistics at the expense of the state as a public document.

(3)(a)(i) On or before December 31, 2020, and on or before December 31st of each year thereafter, the state auditor must search available records and notify the legislative authority of a county if any special purpose districts, located wholly or partially within the county, have been determined to be unauditable. If the boundaries of the special purpose district are located within more than one county, the state auditor must notify all legislative authorities of the counties within which the boundaries of the special purpose district lie.

(ii) If a county has been notified as provided in (a)(i) of this subsection (3), the special purpose district and the county auditor, acting on behalf of the special purpose district, are prohibited from issuing any warrants against the funds of the special purpose district until the district has had its report certified by the state auditor.

(iii) Notwithstanding (a)(ii) of this subsection (3), a county may authorize the special purpose district and the county auditor to issue warrants against the funds of the special purpose district:

(A) In order to prevent the discontinuation or interruption of any district services;

(B) For emergency or public health purposes; or

(C) To allow the district to carry out any district duties or responsibilities.

(b)(i) On or before December 31, 2020, and on or before December 31st of each year thereafter, the state auditor must search available records and notify the state treasurer if any special purpose districts have been determined to be unauditable.

(ii) If the state treasurer has been notified as provided in (b)(i) of this subsection (3), the state treasurer may not distribute any local sales and use taxes imposed by a special

purpose district to the district until the district has had its report certified by the state auditor.

**Sec. 2.** RCW 36.96.010 and 1999 c 153 s 50 are each amended to read as follows:

~~((As used in this chapter,))~~ The definitions in this section apply throughout this chapter unless the context requires otherwise:

(1) "Special purpose district" means every municipal and quasi-municipal corporation other than counties, cities, and towns. Such special purpose districts shall include, but are not limited to, water-sewer districts, fire protection districts, port districts, public utility districts, county park and recreation service areas, flood control zone districts, diking districts, drainage improvement districts, and solid waste collection districts, but shall not include industrial development districts created by port districts, and shall not include local improvement districts, utility local improvement districts, and road improvement districts;

(2) "Governing authority" means the commission, council, or other body which directs the affairs of a special purpose district;

(3) "Inactive" means that a special purpose district (~~or other than a public utility district,~~) is characterized by ~~((either))~~ any of the following criteria:

(a) Has not carried out any of the special purposes or functions for which it was formed within the preceding consecutive five-year period; ~~((or))~~

(b) No election has been held for the purpose of electing a member of the governing body within the preceding consecutive seven-year period or, in those instances where members of the governing body are appointed and not elected, where no member of the governing body has been appointed within the preceding seven-year period; or

(c) The special purpose district has been determined to be unauditable by the state auditor;

(4) "Unauditable" means a special purpose district that the state auditor has determined to be incapable of being audited because the special purpose district has improperly maintained, failed to maintain, or failed to submit adequate accounts, records, files, or reports for an audit to be completed.

~~((A public utility district is inactive when it is characterized by both criteria (a) and (b) of this subsection.))~~

**Sec. 3.** RCW 36.96.030 and 1979 ex.s. c 5 s 3 are each amended to read as follows:

(1) Upon receipt of notice from the county auditor as provided in RCW 36.96.020, the county legislative authority within whose boundaries all or the greatest portion of such special purpose district lies shall hold one or more public hearings on or before September 1st of the same year to determine whether or not such special purpose district or districts meet ~~((either))~~ any of the criteria for being "inactive" as provided in RCW 36.96.010 ~~((: PROVIDED, That if such a special purpose district is a public utility~~

~~district, the county legislative authority shall determine whether or not the public utility district meets both criteria of being "inactive" as provided in RCW 36.96.010)).~~ In addition, at any time a county legislative authority may hold hearings on the dissolution of any special purpose district that appears to meet the criteria of being "inactive" and dissolve such a district pursuant to the proceedings provided for in RCW 36.96.030 through 36.96.080.

(2) Notice of such public hearings shall be given by publication at least once each week for not less than three successive weeks in a newspaper that is in general circulation within the boundaries of the special purpose district or districts. Notice of such hearings shall also be mailed to each member of the governing authority of such special purpose districts, if such members are known, and to all persons known to have claims against any of the special purpose districts. Notice of such public hearings shall be posted in at least three conspicuous places within the boundaries of each special purpose district that is a subject of such hearings. Whenever a county legislative authority that is conducting such a public hearing on the dissolution of one or more of a particular kind of special purpose district is aware of the existence of an association of such special purpose districts, it shall also mail notice of the hearing to the association. In addition, whenever a special purpose district that lies in more than one county is a subject of such a public hearing, notice shall also be mailed to the legislative authorities of all other counties within whose boundaries the special purpose district lies. All notices shall state the purpose, time, and place of such hearings, and that all interested persons may appear and be heard.

**Sec. 4.** RCW 36.96.070 and 2001 c 299 s 13 are each amended to read as follows:

Any moneys or funds of the dissolved special purpose district and any moneys or funds received by the board of trustees from the sale or other disposition of any property of the dissolved special purpose district shall be used, to the extent necessary, for the payment or settlement of any outstanding obligations of the dissolved special purpose district. Any remaining moneys or funds shall be used to pay the county legislative authority for all costs and expenses incurred in the dissolution and liquidation of the dissolved special purpose district. Thereafter, any remaining moneys, funds, or property shall become that of the county in which the dissolved special purpose district was located. However, if the territory of the dissolved special purpose district was located within more than one county, the remaining moneys, funds, and personal property shall be apportioned and distributed to each county in the proportion that the geographical area of the dissolved special purpose district within the county bears to the total geographical area of the dissolved special purpose district, and any remaining real property or improvements to real property shall be transferred to the county within whose boundaries it lies. A county to which real property or improvements to real property are transferred under this section may, but does not have an obligation to, use the property or improvements for the purposes for which the dissolved special purpose district used the property or improvements and the county does not assume the obligations or liabilities of the dissolved special

purpose district as a result of the transfer unless the county expressly assumes such obligations or liabilities through the adoption of a resolution.

**NEW SECTION. Sec. 5.** A new section is added to chapter 36.96 RCW to read as follows:

A county that dissolves a special purpose district under this chapter may impose a separate regular property tax levy or a special assessment as provided in section 6 of this act if that county assumes responsibility of the services previously provided by the special purpose district.

**NEW SECTION. Sec. 6.** A new section is added to chapter 84.55 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, if a county dissolves a special purpose district under chapter 36.96 RCW, the county may impose a separate property tax levy or special assessment on the property lying within the former boundaries of the dissolved special purpose district beginning in the first calendar year following dissolution if:

(a) The county assumes responsibility of the services previously provided by the special purpose district; and

(b) The property tax levy or special assessment does not exceed any legally authorized property tax levy rate or special assessment for the dissolved special purpose district.

(2) If a county discontinues providing the services of a dissolved special purpose district for which the county imposed a separate property tax levy or special assessment as provided in subsection (1) of this section, the county must cease imposing that property tax levy or special assessment beginning in the first calendar year after the discontinuation of the provision of services by the county.

(3) For purposes of RCW 84.52.010 and 84.52.043, a property tax levy authorized by a county under this section is subject to the same provisions as the county's general property tax levy.

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

(5) For purposes of this section, "special assessment" means any special assessment, benefit assessment, or rates and charges imposed by a special purpose district."

On page 1, line 2 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 43.09.230, 36.96.010, 36.96.030, and 36.96.070; adding a new section to chapter 36.96 RCW; and adding a new section to chapter 84.55 RCW."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2588 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representatives Pollet and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2588, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2588, 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 Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Davis, DeBolt, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Corry, Dent, Dufault, Mosbrucker, Walsh and Ybarra.

Excused: Representative Appleton.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2588, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

March 5, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2638 with the following amendment:

6.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 7.** It has long been the policy of this state to prohibit all forms and means of gambling except where carefully and specifically authorized and regulated. The legislature intends to further this policy by authorizing sports wagering on a very limited basis by restricting it to tribal casinos in the state of Washington. Tribes have more than twenty years' experience with, and a proven track record of, successfully operating and regulating gaming facilities in accordance with tribal gaming compacts. Tribal casinos can operate sports wagering pursuant to these

tribal gaming compacts, offering the benefits of the same highly regulated environment to sports wagering.

**NEW SECTION. Sec. 8.** A new section is added to chapter 9.46 RCW to read as follows:

(1) Upon the request of a federally recognized Indian tribe or tribes in the state of Washington, the tribe's class III gaming compact may be amended pursuant to the Indian gaming regulatory act, 25 U.S.C. Sec. 2701 et seq., and RCW 9.46.360 to authorize the tribe to conduct and operate sports wagering on its Indian lands, provided the amendment addresses: Licensing; fees associated with the gambling commission's regulation of sports wagering; how sports wagering will be conducted, operated, and regulated; issues related to criminal enforcement, including money laundering, sport integrity, and information sharing between the commission and the tribe related to such enforcement; and responsible and problem gambling. Sports wagering conducted pursuant to the gaming compact is a gambling activity authorized by this chapter.

(2) Sports wagering conducted pursuant to the provisions of a class III gaming compact entered into by a tribe and the state pursuant to RCW 9.46.360 is authorized bookmaking and is not subject to civil or criminal penalties pursuant to RCW 9.46.225.

**Sec. 9.** RCW 9.46.070 and 2012 c 116 s 1 are each amended to read as follows:

The commission shall have the following powers and duties:

(1) To authorize and issue licenses for a period not to exceed one year to bona fide charitable or nonprofit organizations approved by the commission meeting the requirements of this chapter and any rules and regulations adopted pursuant thereto permitting said organizations to conduct bingo games, raffles, amusement games, and social card games, to utilize punchboards and pull-tabs in accordance with the provisions of this chapter and any rules and regulations adopted pursuant thereto and to revoke or suspend said licenses for violation of any provisions of this chapter or any rules and regulations adopted pursuant thereto: **PROVIDED**, That the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued: **PROVIDED FURTHER**, That the commission or director shall not issue, deny, suspend, or revoke any license because of considerations of race, sex, creed, color, or national origin: **AND PROVIDED FURTHER**, That the commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(2) To authorize and issue licenses for a period not to exceed one year to any person, association, or organization operating a business primarily engaged in the selling of items of food or drink for consumption on the premises, approved by the commission meeting the requirements of this chapter and any rules and regulations adopted pursuant thereto permitting said person, association, or organization to utilize punchboards and pull-tabs and to conduct social card games as a commercial stimulant in accordance with the provisions of this chapter and any rules and regulations

adopted pursuant thereto and to revoke or suspend said licenses for violation of any provisions of this chapter and any rules and regulations adopted pursuant thereto: PROVIDED, That the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued: PROVIDED FURTHER, That the commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(3) To authorize and issue licenses for a period not to exceed one year to any person, association, or organization approved by the commission meeting the requirements of this chapter and meeting the requirements of any rules and regulations adopted by the commission pursuant to this chapter as now or hereafter amended, permitting said person, association, or organization to conduct or operate amusement games in such manner and at such locations as the commission may determine. The commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(4) To authorize, require, and issue, for a period not to exceed one year, such licenses as the commission may by rule provide, to any person, association, or organization to engage in the manufacturing, selling, distributing, or otherwise supplying (~~(or in the manufacturing)~~) of devices, equipment, software, hardware, or any gambling-related services for use within this state for those activities authorized by this chapter. The commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(5) To establish a schedule of annual license fees for carrying on specific gambling activities upon the premises, and for such other activities as may be licensed by the commission, which fees shall provide to the commission not less than an amount of money adequate to cover all costs incurred by the commission relative to licensing under this chapter and the enforcement by the commission of the provisions of this chapter and rules and regulations adopted pursuant thereto: PROVIDED, That all licensing fees shall be submitted with an application therefor and such portion of said fee as the commission may determine, based upon its cost of processing and investigation, shall be retained by the commission upon the withdrawal or denial of any such license application as its reasonable expense for processing the application and investigation into the granting thereof: PROVIDED FURTHER, That if in a particular case the basic license fee established by the commission for a particular class of license is less than the commission's actual expenses to investigate that particular application, the commission may at any time charge to that applicant such additional fees as are necessary to pay the commission for those costs. The commission may decline to proceed with its investigation and no license shall be issued until the commission has been fully paid therefor by the applicant: AND PROVIDED FURTHER, That the commission may establish fees for the furnishing by it to licensees of identification stamps to be affixed to such devices and equipment as required by the commission and for such other special services or programs required or offered by the commission, the amount of each of these fees to be not less

than is adequate to offset the cost to the commission of the stamps and of administering their dispersal to licensees or the cost of administering such other special services, requirements or programs;

(6) To prescribe the manner and method of payment of taxes, fees and penalties to be paid to or collected by the commission;

(7) To require that applications for all licenses contain such information as may be required by the commission: PROVIDED, That all persons (a) having a managerial or ownership interest in any gambling activity, or the building in which any gambling activity occurs, or the equipment to be used for any gambling activity, (~~(b)~~) participating as an employee in the operation of any gambling activity, or (c) participating as an employee in the operation, management, or providing of gambling-related services for sports wagering, shall be listed on the application for the license and the applicant shall certify on the application, under oath, that the persons named on the application are all of the persons known to have an interest in any gambling activity, building, or equipment by the person making such application: PROVIDED FURTHER, That the commission shall require fingerprinting and national criminal history background checks on any persons seeking licenses, certifications, or permits under this chapter or of any person holding an interest in any gambling activity, building, or equipment to be used therefor, or of any person participating as an employee in the operation of any gambling activity. All national criminal history background checks shall be conducted using fingerprints submitted to the United States department of justice-federal bureau of investigation. The commission must establish rules to delineate which persons named on the application are subject to national criminal history background checks. In identifying these persons, the commission must take into consideration the nature, character, size, and scope of the gambling activities requested by the persons making such applications;

(8) To require that any license holder maintain records as directed by the commission and submit such reports as the commission may deem necessary;

(9) To require that all income from bingo games, raffles, and amusement games be recorded and reported as established by rule or regulation of the commission to the extent deemed necessary by considering the scope and character of the gambling activity in such a manner that will disclose gross income from any gambling activity, amounts received from each player, the nature and value of prizes, and the fact of distributions of such prizes to the winners thereof;

(10) To regulate and establish maximum limitations on income derived from bingo. In establishing limitations pursuant to this subsection the commission shall take into account (a) the nature, character, and scope of the activities of the licensee; (b) the source of all other income of the licensee; and (c) the percentage or extent to which income derived from bingo is used for charitable, as distinguished from nonprofit, purposes. However, the commission's powers and duties granted by this subsection are discretionary and not mandatory;

(11) To regulate and establish the type and scope of and manner of conducting the gambling activities authorized by this chapter, including but not limited to, the extent of wager, money, or other thing of value which may be wagered or contributed or won by a player in any such activities;

(12) To regulate the collection of and the accounting for the fee which may be imposed by an organization, corporation, or person licensed to conduct a social card game on a person desiring to become a player in a social card game in accordance with RCW 9.46.0282;

(13) To cooperate with and secure the cooperation of county, city, and other local or state agencies in investigating any matter within the scope of its duties and responsibilities;

(14) In accordance with RCW 9.46.080, to adopt such rules and regulations as are deemed necessary to carry out the purposes and provisions of this chapter. All rules and regulations shall be adopted pursuant to the administrative procedure act, chapter 34.05 RCW;

(15) To set forth for the perusal of counties, city-counties, cities and towns, model ordinances by which any legislative authority thereof may enter into the taxing of any gambling activity authorized by this chapter;

(16)(a) To establish and regulate a maximum limit on salaries or wages which may be paid to persons employed in connection with activities conducted by bona fide charitable or nonprofit organizations and authorized by this chapter, where payment of such persons is allowed, and to regulate and establish maximum limits for other expenses in connection with such authorized activities, including but not limited to rent or lease payments. However, the commissioner's powers and duties granted by this subsection are discretionary and not mandatory.

(b) In establishing these maximum limits the commission shall take into account the amount of income received, or expected to be received, from the class of activities to which the limits will apply and the amount of money the games could generate for authorized charitable or nonprofit purposes absent such expenses. The commission may also take into account, in its discretion, other factors, including but not limited to, the local prevailing wage scale and whether charitable purposes are benefited by the activities;

(17) To authorize, require, and issue for a period not to exceed one year such licenses or permits, for which the commission may by rule provide, to any person to work for any operator of any gambling activity authorized by this chapter in connection with that activity, or any manufacturer, supplier, or distributor of devices for those activities in connection with such business. The commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission. The commission shall not require that persons working solely as volunteers in an authorized activity conducted by a bona fide charitable or bona fide nonprofit organization, who receive no compensation of any kind for any purpose from that organization, and who have no managerial or supervisory responsibility in connection with that activity, be licensed to do such work. The commission may require that licensees

employing such unlicensed volunteers submit to the commission periodically a list of the names, addresses, and dates of birth of the volunteers. If any volunteer is not approved by the commission, the commission may require that the licensee not allow that person to work in connection with the licensed activity;

(18) To publish and make available at the office of the commission or elsewhere to anyone requesting it a list of the commission licensees, including the name, address, type of license, and license number of each licensee;

(19) To establish guidelines for determining what constitutes active membership in bona fide nonprofit or charitable organizations for the purposes of this chapter;

(20) To renew the license of every person who applies for renewal within six months after being honorably discharged, removed, or released from active military service in the armed forces of the United States upon payment of the renewal fee applicable to the license period, if there is no cause for denial, suspension, or revocation of the license;

(21) To authorize, require, and issue, for a period not to exceed one year, such licenses as the commission may by rule provide, to any person, association, or organization that engages in any sports wagering-related services for use within this state for sports wagering activities authorized by this chapter. The commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(22) To issue licenses under subsections (1) through (4) of this section that are valid for a period of up to eighteen months, if it chooses to do so, in order to transition to the use of the business licensing services program through the department of revenue; and

~~((22))~~ (23) To perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

**Sec. 10.** RCW 9.46.130 and 2011 c 336 s 303 are each amended to read as follows:

(1) The premises and paraphernalia, and all the books and records, databases, hardware, software, or any other electronic data storage device of any person, association, or organization conducting gambling activities authorized under this chapter and any person, association, or organization receiving profits therefrom or having any interest therein shall be subject to inspection and audit at any reasonable time, with or without notice, upon demand, by the commission or its designee, the attorney general or his or her designee, the chief of the Washington state patrol or his or her designee or the prosecuting attorney, sheriff, or director of public safety or their designees of the county wherein located, or the chief of police or his or her designee of any city or town in which said organization is located, for the purpose of determining compliance or noncompliance with the provisions of this chapter and any rules or regulations or local ordinances adopted pursuant thereto or any federal or state law. A reasonable time for the purpose of this section shall be: ~~((4))~~ (a) If the items or records to

be inspected or audited are located anywhere upon a premises any portion of which is regularly open to the public or members and guests, then at any time when the premises are so open, or at which they are usually open; or ~~((2))~~ (b) if the items or records to be inspected or audited are not located upon a premises set out in ~~((subsection (1)))~~ (a) of this ~~((section))~~ subsection, then any time between the hours of 8:00 a.m. and 9:00 p.m., Monday through Friday.

(2) The commission shall be provided at such reasonable intervals as the commission shall determine with a report, under oath, detailing all receipts and disbursements in connection with such gambling activities together with such other reasonable information as required in order to determine whether such activities comply with the purposes of this chapter or any local ordinances relating thereto.

(3) The commission may require the submission of reports on suspicious activities or irregular betting activities to effectively identify players, wagering information, and suspicious and illegal transactions, including the laundering of illicit funds.

**NEW SECTION. Sec. 11.** A new section is added to chapter 9.46 RCW to read as follows:

(1) No person shall offer, promise, give, or attempt to give any thing of value to any person for the purpose of influencing the outcome of a sporting event, athletic event, or competition upon which a wager may be made.

(2) No person shall place, increase, or decrease a wager after acquiring knowledge, not available to the general public, that anyone has been offered, promised, or given any thing of value for the purpose of influencing the outcome of a sporting event, athletic event, or competition upon which the wager is placed, increased, or decreased.

(3) No person shall offer, promise, give, or attempt to give any thing of value to obtain confidential or insider information not available to the public with intent to use the information to gain a wagering advantage on a sporting event, athletic event, or competition.

(4) No person shall accept or agree to accept, any thing of value for the purpose of wrongfully influencing his or her play, action, decision making, or conduct in any sporting event, athletic event, or competition upon which a wager may be made.

(5) Any person who violates this section shall be guilty of a class C felony subject to the penalty set forth in RCW 9A.20.021.

**Sec. 12.** RCW 9.46.190 and 1991 c 261 s 7 are each amended to read as follows:

Any person ~~((or))~~ association, or organization operating any gambling activity ~~((who or which))~~ may not, directly or indirectly, ~~((shall))~~ in the course of such operation:

(1) Employ any device, scheme, or artifice to defraud; ~~((or))~~

(2) Make any untrue statement of a material fact, or omit to state a material fact necessary in order to make the

statement made not misleading, in the light of the circumstances under which said statement is made; ~~((or))~~

(3) Engage in any act, practice, or course of operation as would operate as a fraud or deceit upon any person;

~~((Shall))~~ (4) Alter or misrepresent the outcome of a game or other event on which wagers have been made after the outcome is made sure but before it is revealed to the players;

(5) Place, increase, or decrease a bet or to determine the course of play after acquiring knowledge, not available to all players, of the outcome of the game or any event that affects the outcome of the game or which is the subject of the bet or to aid anyone in acquiring such knowledge for the purpose of placing, increasing, or decreasing a bet or determining the course of play contingent upon that event or outcome;

(6) Knowingly entice or induce another person to go to any place where a gambling activity is being conducted or operated in violation of the provisions of this chapter, with the intent that the other person play or participate in that gambling activity;

(7) Place or increase a bet after acquiring knowledge of the outcome of the game or other event that is the subject of the bet, including past posting and pressing bets; or

(8) Reduce the amount wagered or cancel the bet after acquiring knowledge of the outcome of the game or other event that is the subject of the bet, including pinching bets. Any person, association, or organization that violates this section shall be guilty of a ~~((gross misdemeanor))~~ class C felony subject to the penalty set forth in RCW 9A.20.021.

**Sec. 13.** RCW 9.46.210 and 2000 c 46 s 1 are each amended to read as follows:

(1) It shall be the duty of all peace officers, law enforcement officers, and law enforcement agencies within this state to investigate, enforce, and prosecute all violations of this chapter.

(2) In addition to the authority granted by subsection (1) of this section law enforcement agencies of cities and counties shall investigate and report to the commission all violations of the provisions of this chapter and of the rules of the commission found by them and shall assist the commission in any of its investigations and proceedings respecting any such violations. Such law enforcement agencies shall not be deemed agents of the commission.

(3) In addition to its other powers and duties, the commission shall have the power to enforce the penal provisions of this chapter ~~((218, Laws of 1973 1st ex. sess.))~~ and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities, including chapter 9A.83 RCW, and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. The director, the deputy director, both assistant directors, and each of the commission's investigators, enforcement officers, and inspectors shall have the power, under the supervision of the

commission, to enforce the penal provisions of this chapter (~~((218, Laws of 1973 1st ex. sess.))~~) and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities, including chapter 9A.83 RCW, and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. They shall have the power and authority to apply for and execute all warrants and serve process of law issued by the courts in enforcing the penal provisions of this chapter (~~((218, Laws of 1973 1st ex. sess.))~~) and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. They shall have the power to arrest without a warrant, any person or persons found in the act of violating any of the penal provisions of this chapter (~~((218, Laws of 1973 1st ex. sess.))~~) and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. To the extent set forth above, the commission shall be a law enforcement agency of this state with the power to investigate for violations of and to enforce the provisions of this chapter, as now law or hereafter amended, and to obtain information from and provide information to all other law enforcement agencies.

(4) Criminal history record information that includes nonconviction data, as defined in RCW 10.97.030, may be disseminated by a criminal justice agency to the Washington state gambling commission for any purpose associated with the investigation for suitability for involvement in gambling activities authorized under this chapter. The Washington state gambling commission shall only disseminate nonconviction data obtained under this section to criminal justice agencies.

(5) In addition to its other powers and duties, the commission may ensure sport integrity and prevent and detect competition manipulation through education and enforcement of the penal provisions of this chapter or chapter 67.04 or 67.24 RCW, or any other state penal laws related to the integrity of sporting events, athletic events, or competitions within the state.

(6) In addition to its other powers and duties, the commission may track and monitor gambling-related transactions occurring within the state to aid in its enforcement of the penal provisions of this chapter or chapter 9A.83 RCW, or any other state penal laws related to suspicious or illegal wagering activities, including the use of funds derived from illegal activity, wagers to conceal or launder funds derived from illegal activity, use of agents to place wagers, or use of false identification by a player.

**Sec. 14.** RCW 9.46.220 and 1997 c 78 s 2 are each amended to read as follows:

(1) A person is guilty of professional gambling in the first degree if he or she engages in, or knowingly causes,

aids, abets, or conspires with another to engage in professional gambling as defined in this chapter, and:

(a) Acts in concert with or conspires with five or more people; (~~((¶))~~)

(b) Personally accepts wagers exceeding five thousand dollars during any thirty-day period on future contingent events; (~~((¶))~~)

(c) The operation for whom the person works, or with which the person is involved, accepts wagers exceeding five thousand dollars during any thirty-day period on future contingent events; (~~((¶))~~)

(d) Operates, manages, or profits from the operation of a premises or location where persons are charged a fee to participate in card games, lotteries, or other gambling activities that are not authorized by this chapter or licensed by the commission; or

(e) Engages in bookmaking as defined in RCW 9.46.0213.

(2) However, this section shall not apply to those activities enumerated in RCW 9.46.0305 through 9.46.0361 or to any act or acts in furtherance of such activities when conducted in compliance with the provisions of this chapter and in accordance with the rules adopted pursuant to this chapter.

(3) Professional gambling in the first degree is a class B felony subject to the penalty set forth in RCW 9A.20.021.

**NEW SECTION. Sec. 15.** A new section is added to chapter 9.46 RCW to read as follows:

The transmission of gambling information over the internet for any sports wagering conducted and operated under this section and section 2 of this act is authorized, provided that the wager may be placed and accepted at a tribe's gaming facility only while the customer placing the wager is physically present on the premises of that tribe's gaming facility.

**Sec. 16.** RCW 9.46.240 and 2006 c 290 s 2 are each amended to read as follows:

(1) Whoever knowingly transmits or receives gambling information by telephone, telegraph, radio, semaphore, the internet, a telecommunications transmission system, or similar means, or knowingly installs or maintains equipment for the transmission or receipt of gambling information shall be guilty of a class C felony subject to the penalty set forth in RCW 9A.20.021. (~~However, this~~)

(2) This section shall not apply to such information transmitted or received or equipment or devices installed or maintained relating to activities authorized by this chapter including, but not limited to, sports wagering authorized under sections 2 and 9 of this act, or to any act or acts in furtherance thereof when conducted in compliance with the provisions of this chapter and in accordance with the rules adopted under this chapter and conducted in accordance with tribal-state compacts.

**NEW SECTION. Sec. 17.** A new section is added to chapter 9.46 RCW to read as follows:

(1)(a) For purposes of this chapter, "sports wagering" means the business of accepting wagers on any of the following sporting events, athletic events, or competitions by any system or method of wagering:

- (i) A professional sport or athletic event;
- (ii) A collegiate sport or athletic event;
- (iii) An Olympic or international sports competition or event;
- (iv) An electronic sports or esports competition or event;
- (v) A combination of sporting events, athletic events, or competitions listed in (a)(i) through (iv) of this subsection (1); or
- (vi) A portion of any sporting event, athletic event, or competition listed in (a)(i) through (iv) of this subsection (1).

(b) Sports wagering does not include the business of accepting wagers on horse racing authorized pursuant to chapter 67.16 RCW.

(2) For purposes of this section:

(a) "Collegiate sport or athletic event" means a sport or athletic event offered or sponsored by, or played in connection with, a public or private institution that offers education services beyond the secondary level, other than such an institution that is located within the state of Washington.

(b) "Electronic or esports event" means a live event or tournament attended or watched by members of the public where games or matches are contested in real time by players and teams and players or teams can win a prize based on their performance in the live event or tournament.

(c) "Professional sport or athletic event" means an event that is not a collegiate sport or athletic event at which two or more persons participate in sports or athletic events and receive compensation in excess of actual expenses for their participation in the event. "Professional sport or athletic event" does not include any minor league sport. Sports wagering may not be conducted on any minor league sport.

**Sec. 18.** RCW 9.46.090 and 1987 c 505 s 3 are each amended to read as follows:

Subject to RCW 40.07.040, the commission shall, from time to time, make reports to the governor and the legislature covering such matters in connection with this chapter as the governor and the legislature may require. These reports shall be public documents and contain such general information and remarks as the commission deems pertinent thereto and any information requested by either the governor or members of the legislature: PROVIDED, That the commission appointed pursuant to RCW 9.46.040 may conduct a thorough study of the types of gambling activity permitted and the types of gambling activity prohibited by this chapter and may make recommendations to the legislature as to: (1) Gambling activity that ought to be permitted; (2) gambling activity that ought to be prohibited; (3) the types of licenses and permits that ought to be required; (4) the type and amount of tax that ought to be

applied to each type of permitted gambling activity; (5) any changes which may be made to the law of this state which further the purposes and policies set forth in RCW 9.46.010 as now law or hereafter amended; and (6) any other matter that the commission may deem appropriate. However, no later than December 1st of the year following any authorization by the legislature of a new gambling activity, any report by the commission to the governor and the appropriate committees of the legislature must include information on the state of the gambling industry both within the state and nationwide. Members of the commission and its staff may contact the legislature, or any of its members, at any time, to advise it of recommendations of the commission.

**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.

**NEW SECTION. Sec. 20.** The sum of six million dollars is appropriated from the general fund—state for the fiscal year ending June 30, 2020, and is provided solely for expenditure into the gambling revolving account. The gambling commission may expend from the gambling revolving account from moneys attributable to the appropriation in this section solely for enforcement actions in the illicit market for sports wagering and for implementation of this act. The appropriation in this section constitutes a loan from the general fund to the gambling revolving account that must be repaid with net interest by June 30, 2021.

**NEW SECTION. Sec. 21.** 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 "compacts;" strike the remainder of the title and insert "amending RCW 9.46.070, 9.46.130, 9.46.190, 9.46.210, 9.46.220, 9.46.240, and 9.46.090; adding new sections to chapter 9.46 RCW; creating a new section; prescribing penalties; making an appropriation; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2638 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of

Engrossed Substitute House Bill No. 2638, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2638, 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 Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chandler, Chapman, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chopp, Cody, Corry, Goehner, Hoff, Jenkin, Klippert, Kraft, McCaslin, Mosbrucker, Orcutt, Shea and Vick.

Excused: Representative Appleton.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2638, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 5, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2701 with the following amendment:

21.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 22.** The definitions in this section apply throughout sections 2 through 5 of this act.

(1) "Combination fire and smoke damper" has the same meaning as provided in the International Fire Code as of January 1, 2020.

(2) "Fire damper" means a device installed in ducts and air transfer openings designed to close automatically upon detection of heat and resist the passage of flame.

(3) "Hospital" has the same meaning as provided in RCW 70.41.020.

(4) "Local authority" means a fire department or code official with the authority to conduct inspections and issue infractions in a jurisdiction.

(5) "Smoke control system" means an engineered system that includes all methods that can be used singly or in combination to modify smoke movement, including engineered systems that use mechanical fans to produce

pressure differences across smoke barriers to inhibit smoke movement.

(6) "Smoke damper" means a device installed in ducts and air transfer openings designed to resist the passage of smoke.

**NEW SECTION. Sec. 23.** (1) At a minimum, owners of buildings equipped with fire dampers, smoke dampers, combination fire and smoke dampers, or smoke control systems must:

(a) Have all newly installed fire dampers, smoke dampers, combination fire and smoke dampers, and smoke control systems tested and inspected within twelve months of installation;

(b) Have all fire dampers, smoke dampers, and combination fire and smoke dampers tested and inspected at least once every four years, or every six years for hospitals, regardless of the date of initial installation; and

(c) Have all smoke control systems tested and inspected at least once every six to twelve months, as required by the applicable national fire protection association standard.

(2) All owners of buildings subject to this act must maintain full inspection and testing reports on the property and make such reports available for inspection upon request by the local authority.

(3) Fire dampers, smoke dampers, combination fire and smoke dampers, and smoke control systems must be installed, inspected, tested, and maintained in accordance with this act, manufacturers' guidelines, and the applicable industry standards.

(4) A building owner who fails to comply with the requirements of this section may be issued a civil infraction by the local authority in accordance with section 5 of this act.

**NEW SECTION. Sec. 24.** (1) Inspections and tests under this section must be performed by a contractor or engineer with the following qualifications:

(a) For inspection and testing of fire dampers, smoke dampers, and combination fire and smoke dampers, such inspector must have a current and valid certification to inspect and test fire dampers, smoke dampers, and combination fire and smoke dampers and hold certification from the international certification board as a fire life safety 1 or fire and smoke damper technician through a program accredited by the American national standards institute under the ISO/IEC 17024 standard.

(b) For inspection and testing of smoke control systems, such inspector must have a current and valid certification from the international certification board as a fire life safety 2 or smoke control system technician through a program accredited by the American national standards institute under the ISO/IEC 17024 standard.

(2) A building engineer or other person knowledgeable with the building system must be available in person or by phone to the inspector during the inspection and testing in

order to provide building and systems access and information.

(3) If an inspection reveals compliance with the requirements of this section, the inspector shall issue a certificate of compliance, which includes the name of the inspector and the inspector's employer; the name of the building owner and address of the property; the location of all smoke dampers, fire dampers, combination fire and smoke dampers, and smoke control systems inspected or tested; and the date of the inspection or test.

(4) In the event an inspection or test reveals deficiencies in smoke dampers, fire dampers, combination fire and smoke dampers, or smoke control systems, the inspector shall prepare a deficiency report for the building owner identifying the nature of the deficiency and the reasons for noncompliance. The building owner shall, within one hundred twenty days of the date of the inspection, take necessary steps to ensure the defective equipment is replaced or repaired and reinspected to ensure that the deficiency is corrected and is in compliance with the requirements of all applicable standards pursuant to this act. The authority having jurisdiction shall have the authorization to extend the compliance period. The building owner shall provide documentation of when and how the deficiencies were corrected. If the building owner does not correct the deficiency within one hundred twenty days of the date of the inspection, the local authority may issue a citation as described in section 5 of this act.

(5) In addition to identifying the location and nature of a deficiency, the report shall contain the name of the inspector and the inspector's employer; the name of the building owner; address of the property; the location of all fire dampers, smoke dampers, combination fire and smoke dampers, and smoke control systems inspected or tested; and the date of the inspection or test.

(6) Tests and inspections of fire dampers, smoke dampers, combination fire and smoke dampers, and smoke control systems shall be conducted in accordance with the technical specifications and required time periods specified by national fire protection association standards 80, 90a, 90b, 92, and 105, as applicable.

**NEW SECTION. Sec. 25.** The state building code council shall work in conjunction with the director of fire protection to coordinate the implementation and enforcement of sections 2 and 3 of this act.

**NEW SECTION. Sec. 26.** (1) If a building owner has not complied with the testing schedule under section 2 of this act, or has not received a certificate of compliance within one hundred twenty days of an inspection under section 4 of this act that revealed a deficiency, then the building owner has committed a violation and may be issued a citation by the local authority. A violation of this section is a civil infraction, subject to all applicable local fees and other remedies for noncompliance. The monetary penalties in subsection (3) of this section apply when other penalties are not required by the local authority having jurisdiction.

(2) The authority having jurisdiction may require the building owner to conspicuously post the citation at all

pedestrian entrances and exits until a certificate of compliance has been issued pursuant to section 3 of this act or the citation has been dismissed.

(3) After the issuance of an initial citation, additional citations may be issued if the violations are not corrected:

(a) If the violations are not corrected within one hundred twenty days of the initial citation, a second citation may be issued with a monetary penalty of five cents per square foot of occupied space;

(b) If the violations are not corrected within two hundred forty days of the initial citation, a third citation may be issued with an additional monetary penalty of ten cents per square foot of occupied space and shall require mandatory in-person attendance by the building's head facilities manager at a four-hour fire life safety course given by the international certification board or equivalent provider of fire life safety programs accredited by the American national standards institute; and

(c) After the issuance of a citation pursuant to (b) of this subsection, additional citations may be issued every sixty days until any and all prior violations are resolved and all penalties imposed are satisfied. Each citation issued under this subsection (3)(c) shall assess a penalty of ten cents per square foot of occupied space.

(4) Revenue from the penalties in subsection (2) of this section shall be forwarded to the state treasurer for deposit in the fire service training account under RCW 43.43.944.

**Sec. 27.** RCW 43.43.944 and 2012 c 173 s 1 are each amended to read as follows:

(1) The fire service training account is hereby established in the state treasury. The primary purpose of the account is firefighter training for both volunteer and career firefighters. The fund shall consist of:

(a) All fees received by the Washington state patrol for fire service training;

(b) All grants and bequests accepted by the Washington state patrol under RCW 43.43.940;

(c) Twenty percent of all moneys received by the state on fire insurance premiums; ~~(and)~~

(d) Revenue from penalties established under section 5 of this act; and

(e) General fund—state moneys appropriated into the account by the legislature.

(2) Moneys in the account may be appropriated for: (a) Fire service training; (b) school fire prevention activities within the Washington state patrol; and (c) the maintenance, operations, and capital projects of the state fire training academy. However, expenditures for purposes of (b) and (c) of this subsection may only be made to the extent that these expenditures do not adversely affect expenditures for the purpose of (a) of this subsection. The state patrol may use amounts appropriated from the fire service training account under this section to contract with the Washington state firefighters apprenticeship trust for the operation of the

firefighter joint apprenticeship training program. The contract may call for payments on a monthly basis.

(3) Any general fund—state moneys appropriated into the account shall be allocated solely to the firefighter joint apprenticeship training program. The Washington state patrol may contract with outside entities for the administration and delivery of the firefighter joint apprenticeship training program.

**NEW SECTION. Sec. 28.** Sections 1 through 5 of this act are each added to chapter 19.27 RCW and codified with the subchapter heading of "fire and smoke control systems testing."

**NEW SECTION. Sec. 29.** This act takes effect July 1, 2021."

On page 1, line 2 of the title, after "dampers;" strike the remainder of the title and insert "amending RCW 43.43.944; adding new sections to chapter 19.27 RCW; prescribing penalties; and providing an effective date."

**EFFECT:** Amends reference to "fire control systems" to "smoke control systems" as applied to minimum testing and inspection requirements.

Requires that a building engineer or other person knowledgeable with the building system be available in person or by phone to the inspector during the inspection and testing in order to provide building and systems access and information.

Authorizes the authority having jurisdiction to extend the one hundred twenty day compliance period for smoke damper, fire damper, combination fire and smoke damper, or smoke control system deficiencies revealed through inspections.

Specifies that the monetary penalties for noncompliance apply when other penalties are not required by the local authority having jurisdiction.

Provides that the authority having jurisdiction may require the building owner to conspicuously post the citation at all pedestrian entrances and exits until a certificate of compliance has been issued or the citation has been dismissed.

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2701 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Pollet and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2701, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2701, 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 Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Appleton.

HOUSE BILL NO. 2701, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 6, 2020

Mme. SPEAKER:

The Senate has passed ENGROSSED HOUSE BILL NO. 1390, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 41.40.1987 and 2018 c 151 s 2 are each amended to read as follows:

(1) Beneficiaries who are receiving a monthly benefit from the public employees' retirement system plan 1 on July 1, 2017, shall receive, effective July 1, 2018, an increase to their monthly benefit of one and one-half percent multiplied by the beneficiaries' monthly benefit, not to exceed sixty-two dollars and fifty cents.

(2) Beneficiaries who are receiving a monthly benefit from the public employees' retirement system plan 1 on July 1, 2019, shall receive, effective July 1, 2020, an increase to their monthly benefit of three percent multiplied by the beneficiaries' monthly benefit, not to exceed sixty-two dollars and fifty cents.

(3) This section does not apply to those receiving benefits pursuant to RCW 41.40.1984.

**Sec. 2.** RCW 41.32.4992 and 2018 c 151 s 1 are each amended to read as follows:

(1) Beneficiaries who are receiving a monthly benefit from the teachers' retirement system plan 1 on July 1, 2017, shall receive, effective July 1, 2018, an increase to their monthly benefit of one and one-half percent multiplied by the beneficiaries' monthly benefit, not to exceed sixty-two dollars and fifty cents.

(2) Beneficiaries who are receiving a monthly benefit from the teachers' retirement system plan 1 on July 1, 2019, shall receive, effective July 1, 2020, an increase to their monthly benefit of three percent multiplied by the beneficiaries' monthly benefit, not to exceed sixty-two dollars and fifty cents.

(3) This section does not apply to those receiving benefits pursuant to RCW 41.32.489 or 41.32.540.

NEW SECTION. **Sec. 3.** This act takes effect July 1, 2020."

On page 1, line 3 of the title, after "plan 1;" strike the remainder of the title and insert "amending RCW 41.40.1987 and 41.32.4992; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Deputy 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.

There being no objection, the House adjourned until 10:00 a.m., March 9, 2020, the 57th Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

**SIXTY SIXTH LEGISLATURE - REGULAR SESSION**

**FIFTY SEVENTH DAY**

House Chamber, Olympia, Monday, March 9, 2020

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 flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Aedan Claflin and Jonathan Cooper. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Rabbi Seth Goldstein, Temple Beth Hatfiloh, Olympia, Washington.

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 third order of business.

**MESSAGES FROM THE SENATE**

March 7, 2020

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
5147,  
SENATE BILL NO. 6312,  
ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 6331,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 7, 2020

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1293,  
SUBSTITUTE HOUSE BILL NO. 2787,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 7, 2020

Mme. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
5395,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6141,  
SUBSTITUTE SENATE BILL NO. 6191,  
ENGROSSED SENATE BILL NO. 6313,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6440,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6473,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 7, 2020

Mme. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO.  
1261,  
HOUSE BILL NO. 1347,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
1608,  
SECOND SUBSTITUTE HOUSE BILL NO. 1651,  
THIRD SUBSTITUTE HOUSE BILL NO. 1660,  
HOUSE BILL NO. 1755,  
SUBSTITUTE HOUSE BILL NO. 2017,  
SECOND SUBSTITUTE HOUSE BILL NO. 2066,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2265,  
SUBSTITUTE HOUSE BILL NO. 2295,  
SUBSTITUTE HOUSE BILL NO. 2417,  
SUBSTITUTE HOUSE BILL NO. 2448,  
SUBSTITUTE HOUSE BILL NO. 2483,  
SUBSTITUTE HOUSE BILL NO. 2525,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2551,  
SUBSTITUTE HOUSE BILL NO. 2567,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2576,  
HOUSE BILL NO. 2602,  
SUBSTITUTE HOUSE BILL NO. 2613,  
SUBSTITUTE HOUSE BILL NO. 2614,  
HOUSE BILL NO. 2617,  
HOUSE BILL NO. 2619,  
SUBSTITUTE HOUSE BILL NO. 2673,

ENGROSSED HOUSE BILL NO. 2755,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2783,  
HOUSE BILL NO. 2837,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

**THIRD READING  
MESSAGE FROM THE SENATE**

March 3, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2322 with the following amendment:

3.0.

Strike everything after the enacting clause and insert the following:

**"2019-2021 FISCAL BIENNIUM**

**GENERAL GOVERNMENT AGENCIES—  
OPERATING**

**Sec. 101.** 2019 c 416 s 103 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL  
MANAGEMENT**

Motor Vehicle Account—State Appropriation  
.....((~~\$1,403,000~~))

\$1,419,000

Multimodal Transportation Account—State  
Appropriation..... \$300,000

Puget Sound Ferry Operations Account—State  
Appropriation .....((~~\$116,000~~))

\$121,000

TOTAL APPROPRIATION ..... \$1,819,000

\$1,840,000

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

(1) \$300,000 of the multimodal transportation account—state appropriation is provided solely for the office of financial management, in direct coordination with the office of state treasurer, to evaluate, coordinate, and assist in efforts by state agencies in developing cost recovery mechanisms for credit card and other financial transaction fees currently paid from state funds. This may include disbursing interagency reimbursements for the implementation costs incurred by the affected agencies. As part of the first phase of this effort, the office of financial management, with the assistance of relevant agencies, must develop implementation plans and take all necessary steps to ensure that the actual cost-recovery mechanisms will be in

place by January 1, 2020, for the vehicles and drivers programs of the department of licensing. By November 1, 2019, the office of financial management must provide a report to the joint transportation committee on the phase 1 implementation plan and options to expand similar cost recovery mechanisms to other state agencies and programs, including the ferries division.

(2) Within existing resources, the office of financial management shall issue a request for information for an account-based system capable of processing state tolling, state ferry ticketing and reservations, and state parks discover pass transactions.

**Sec. 102.** 2019 c 416 s 105 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

Motor Vehicle Account—State Appropriation  
.....((~~\$1,357,000~~))

\$1,358,000

**Sec. 103.** 2019 c 416 s 108 (uncodified) is amended to read as follows:

**FOR THE BOARD OF PILOTAGE  
COMMISSIONERS**

Pilotage Account—State Appropriation  
.....((~~\$5,228,000~~))

\$6,037,000

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

(1) \$3,125,000 of the pilotage account—state appropriation is provided solely for self-insurance liability premium expenditures; however, this appropriation is contingent upon the board:

(a) Annually depositing the first one hundred fifty thousand dollars collected through Puget Sound pilotage district pilotage tariffs into the pilotage account; and

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

(2) The board of pilotage commissioners shall file the annual report to the governor and chairs of the transportation committees required under RCW 88.16.035(1)(f) by September 1, 2019, and annually thereafter. The report must include the continuation of policies and procedures necessary to increase the diversity of pilots, trainees, and applicants, including a diversity action plan. The diversity action plan must articulate a comprehensive vision of the board's diversity goals and the steps it will take to reach those goals.

**Sec. 104.** 2019 c 416 s 109 (uncodified) is amended to read as follows:

**FOR THE HOUSE OF REPRESENTATIVES**

Motor Vehicle Account—State Appropriation  
.....((~~\$2,861,000~~))

\$3,081,000

**TRANSPORTATION AGENCIES—  
OPERATING**

**Sec. 201.** 2019 c 416 s 201 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

Highway Safety Account—State Appropriation .....	<del>(\$4,588,000)</del>
	<u>\$4,672,000</u>
Highway Safety Account—Federal Appropriation .....	<del>(\$27,035,000)</del>
	<u>\$27,047,000</u>
Highway Safety Account—Private/Local Appropriation .....	\$118,000
School Zone Safety Account—State Appropriation .....	\$850,000
<b>TOTAL APPROPRIATION .....</b>	<del><b>\$32,591,000</b></del> <u><b>\$32,687,000</b></u>

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

(1) \$150,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 54 (~~Substitute Senate Bill No. 5710~~), Laws of 2019 (Cooper Jones Active Transportation Safety Council). If chapter 54 (~~Substitute Senate Bill No. 5710~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

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

(a) Any programs authorized by the commission must be authorized by December 31, (~~2019~~) 2020.

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

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

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

(ii) The law enforcement agency of the city or county government shall (~~plainly mark the locations~~) install two

signs facing opposite directions within two hundred feet, or otherwise consistent with the uniform manual on traffic control devices, where the automated vehicle noise enforcement camera is used ((by placing signs on street locations that clearly indicate to a driver that he or she is entering a zone where traffic laws violations are being detected by automated vehicle noise enforcement cameras that record both audio and video)) that state "Street Racing Noise Pilot Program in Progress";

(iii) Cities testing the use of automated vehicle noise enforcement cameras must (~~provide periodic notice by mail to its residents~~) post information on the city web site and notify local media outlets indicating the zones in which the automated vehicle noise enforcement cameras will be used;

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

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

(vi) Notwithstanding any other provision of law, all photographs, videos, microphotographs, audio recordings, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding. No photograph, microphotograph, audio recording, or electronic image may be used for any purpose other than the issuance of warnings for violations under this section or retained longer than necessary to issue a warning notice as required under this subsection (2); and

(vii) By June 30, 2021, the participating cities shall provide a report to the commission and appropriate committees of the legislature regarding the use, public acceptance, outcomes, warnings issued, data retention and use, and other relevant issues regarding automated vehicle noise enforcement cameras demonstrated by the pilot projects.

(3) The Washington traffic safety commission may oversee a demonstration project in one county, coordinating with a public transportation benefit area (PTBA) and the department of transportation, to test the feasibility and accuracy of the use of automated enforcement technology for high occupancy vehicle (HOV) lane passenger compliance. All costs associated with the demonstration project must be borne by the participating public transportation benefit area. Any photograph, microphotograph, or electronic images of a driver or passengers are for the exclusive use of the PTBA in the determination of whether a HOV passenger violation has occurred to test the feasibility accuracy of automated enforcement under this subsection and are not open to the public and may not be used in a court in a pending action or proceeding. All photographs, microphotographs, and electronic images must be destroyed after determining a passenger count and no later than the completion of the

demonstration project. No warnings or notices of infraction may be issued under the demonstration project.

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

The PTBA, in consultation with the Washington traffic safety commission, must provide a report to the transportation committees of the legislature with the number of violations detected during the demonstration project, whether the technology used was accurate and any recommendations for future use of automated enforcement technology for HOV lane enforcement by June 30, 2021.

**Sec. 202.** 2019 c 416 s 202 (uncodified) is amended to read as follows:

**FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account—State Appropriation .....	(\$1,137,000)	
		<u>\$1,127,000</u>
Motor Vehicle Account—State Appropriation .....	(\$2,803,000)	
		<u>\$2,780,000</u>
County Arterial Preservation Account—State Appropriation .....	(\$1,677,000)	
		<u>\$1,662,000</u>
TOTAL APPROPRIATION .....	\$5,617,000	<u>\$5,569,000</u>

**Sec. 203.** 2019 c 416 s 203 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Transportation Improvement Account—State Appropriation .....	(\$4,526,000)	
		<u>\$3,825,000</u>

**Sec. 204.** 2019 c 416 s 204 (uncodified) is amended to read as follows:

**FOR THE JOINT TRANSPORTATION COMMITTEE**

Motor Vehicle Account—State Appropriation .....	(\$1,938,000)	
		<u>\$1,936,000</u>
Multimodal Transportation Account—State Appropriation.....	(\$750,000)	
		<u>\$682,000</u>

Highway Safety Account—State Appropriation .....	\$275,000
TOTAL APPROPRIATION.....	<u>\$2,963,000</u>
	<u>\$2,893,000</u>

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

(1) \$400,000 of the motor vehicle account—state appropriation and \$50,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to conduct a comprehensive assessment of statewide transportation needs and priorities, and existing and potential transportation funding mechanisms to address those needs and priorities. The assessment must include: (a) Recommendations on the critical state and local transportation projects, programs, and services needed to achieve an efficient, effective, statewide transportation system over the next ten years; (b) a comprehensive menu of funding options for the legislature to consider to address the identified transportation system investments; ~~((and))~~ (c) recommendations on whether a revision to the statewide transportation policy goals in RCW 47.04.280 is warranted in light of the recommendations and options identified in (a) and (b) of this subsection; and (d) an analysis of the economic impacts of a range of future transportation investments. The assessment must be submitted to the transportation committees of the legislature by June 30, 2020. Starting July 1, 2020, and concluding by December 31, 2020, a committee-appointed commission or panel shall review the assessment and make final recommendations to the legislature for consideration during the 2021 legislative session on a realistic, achievable plan for funding transportation programs, projects, and services over the next ten years including a timeline for legislative action on funding the identified transportation system needs shortfall.

(2)(a) ~~(\$450,000)~~ \$382,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to conduct an analysis of the electrification of public fleets in Washington state. The study must include the following:

(i) An inventory of existing public fleets for the state of Washington, counties, a sampling of cities, and public transit agencies. The inventory must differentiate among battery and fuel cell electric vehicles, hybrid vehicles, gasoline powered vehicles, and any other functional categories. Three cities from each of the following population ranges must be selected for the analysis:

- (A) Population up to and including twenty-five thousand;
- (B) Population greater than twenty-five thousand and up to and including fifty thousand;
- (C) Population greater than fifty thousand and up to and including one hundred thousand;
- (D) Population greater than one hundred thousand;

(ii) A review of currently available battery and fuel cell electric vehicle alternatives to the vehicle types most

commonly used by the state, counties, cities, and public transit agencies. The review must include:

(A) The average vehicle cost differential among the commercially available fuel options;

(B) A cost benefit analysis of the conversion of different vehicle classes; and

(C) Recommendations for the types of vehicles that should be excluded from consideration due to insufficient alternatives, unreliable technology, or excessive cost;

(iii) The projected costs of achieving substantial conversion to battery and/or fuel cell electric fleets by 2025, 2030, and 2035 for the state, counties, cities, and public transit agencies. This cost estimate must include:

(A) Vehicle acquisition costs, charging and refueling infrastructure costs, and other associated costs;

(B) Financial constraints of each type of entity to transition to an electric vehicle fleet; and

(C) Any other identified barriers to transitioning to a battery and/or fuel cell electric vehicle fleet;

(iv) Identification and analysis of financing mechanisms that could be used to finance the transition of publicly owned vehicles to battery and fuel cell electric vehicles. These mechanisms include, but are not limited to: Energy or carbon savings performance contracting, utility grants and rebates, revolving loan funds, state grant programs, private third-party financing, fleet management services, leasing, vehicle use optimization, and vehicle to grid technology; and

(v) The predicted number and location profile of electric vehicle fueling stations needed statewide to provide fueling for the fleets of the state, counties, cities, and public transit agencies.

(b) In developing and implementing the study, the joint transportation committee must solicit input from representatives of the department of enterprise services, the department of transportation, the department of licensing, the department of commerce, the Washington state association of counties, the association of Washington cities, the Washington state transit association, transit agencies, and others as deemed appropriate.

(c) The joint transportation committee must issue a report of its findings and recommendations to the transportation committees of the legislature by September 30, 2020.

(3)(a) \$250,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to conduct a study of the feasibility of an east-west intercity passenger rail system. The study must include the following elements:

(i) Projections of potential ridership;

(ii) Review of relevant planning studies;

(iii) Establishment of an advisory group and associated meetings;

(iv) Development of a Stampede Pass corridor alignment to maximize ridership, revenue, and rationale, considering service to population centers: Auburn, Cle Elum, Yakima, Tri-Cities, Ellensburg, Toppenish, and Spokane;

(v) Assessment of current infrastructure conditions, including station stop locations;

(vi) Identification of equipment needs; and

(vii) Identification of operator options.

(b) A report of the study findings and recommendations is due to the transportation committees of the legislature by June 30, 2020.

(4)(a) \$275,000 of the highway safety fund—state appropriation is for a study of vehicle subagents in Washington state. The study must consider and include recommendations, as necessary, on the following:

(i) The relevant statutes, rules, and/or regulations authorizing vehicle subagents and any changes made to the relevant statutes, rules, and/or regulations;

(ii) The current process of selecting and authorizing a vehicle subagent, including the change of ownership process and the identification of any barriers to entry into the vehicle subagent market;

(iii) The annual business expenditures borne by each of the vehicle subagent businesses since fiscal year 2010 and identification of any materials, including office equipment and supplies, provided by the department of licensing to each vehicle subagent since fiscal year 2010. To accomplish this task, each vehicle subagent must provide expenditure data to the joint transportation committee for the purposes of this study;

(iv) The oversight provided by the county auditors and/or the department of licensing over the vehicle subagent businesses;

(v) The history of service fees, how increases to the service fee rate are made, and how the requested fee increase is determined;

(vi) The online vehicle registration renewal process and any potential improvements to the online process;

(vii) The department of licensing's ability to provide more vehicle licensing services directly, particularly taking into account the increase in online vehicle renewal transactions;

(viii) The potential expansion of services that can be performed by vehicle subagents; and

(ix) The process by which the geographic locations of vehicle subagents are determined.

(b) In conducting the study, the joint transportation committee must consult with the department of licensing, a representative of county auditors, and a representative of vehicle subagents.

(c) The joint transportation committee may collect any data from the department of licensing, county auditors, and vehicle subagents that is necessary to conduct the study.

(d) The joint transportation committee must issue a report of its findings and recommendations to the transportation committees of the legislature by September 30, 2020.

**Sec. 205.** 2019 c 416 s 205 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION COMMISSION**

Motor Vehicle Account—State Appropriation .....	(\$2,893,000)
	<u>\$2,171,000</u>
<del>(Multimodal Transportation Account State Appropriation .....</del>	<del>\$112,000)</del>
Interstate 405 and state Route Number 167 Express Toll Lanes ( <del>Operations</del> )	
Account—State Appropriation .....	(\$250,000)
	<u>\$410,000</u>
State Route Number 520 Corridor Account—State Appropriation .....	\$271,000
Tacoma Narrows Toll Bridge Account—State Appropriation .....	\$158,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation .....	\$136,000
TOTAL APPROPRIATION .....	\$3,255,000
	<u>\$3,146,000</u>

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

(1)(a) The commission shall reconvene the road usage charge steering committee, with the same membership described in chapter 297, Laws of 2018, and shall report at least once every three months to the steering committee with updates on report development for the completed road usage charge pilot project until the final report is submitted. The final report on the road usage charge pilot project is due to the transportation committees of the legislature by January 1, 2020, and should include recommendations for necessary next steps to consider impacts to communities of color, low-income households, vulnerable populations, and displaced communities. Any legislative vacancies on the steering committee must be appointed by the speaker of the house of representatives for a house of representatives member vacancy, and by the president of the senate for a senate member vacancy.

(b) The commission shall coordinate with the department of transportation to jointly seek federal funds available through the federal surface transportation system funding alternatives grant program, applying toll credits for meeting match requirements. One or more grant applications may be developed that, at a minimum, propose to:

(i)(A) Update the recommended road usage charge operational concepts and business case presented to the road usage charge steering committee to reflect a range of scenarios regarding fleet electrification and use of shared vehicles. The operational concepts must include technological or system features necessary to ensure collection of the road usage charge from electric vehicles and fleets of shared and/or autonomous vehicles, if applicable. The business case must assess a range of gross revenue impacts to a road usage charge and fuel taxes resulting from changes to total vehicle miles traveled under scenarios with varying degrees of shared, autonomous, and/or electric vehicle adoption rates;

(B) Develop a detailed plan for phasing in the implementation of road usage charges for vehicles operated in Washington, incorporating any updates to road usage charge policy recommendations made in (a) and (b)(i)(A) of this subsection and including consideration of methods for reducing the cost of collections for a road usage charge system in Washington state; and

(C) Examine the allocation of current gas tax revenues and possible frameworks for the allocation of road usage charge revenues that could be used to evaluate policy choices once road usage charge revenues comprise a significant share of state revenues for transportation purposes.

(ii) A year-end report on the status of any federally-funded project for which federal funding is secured must be provided to the governor's office and the transportation committees of the legislature by January 1, 2020.

(c) If additional federal funding becomes available after January 1, 2020, the transportation commission, jointly with the department of licensing, must develop an implementation plan for imposing a per mile fee on electric, hybrid, and state fleet vehicles that builds off the ongoing work of the transportation commission in evaluating a road usage charge. The plan must include, but is not limited to:

(i) Different mileage reporting options;

(ii) Recommended fee methods and rates for achieving cost efficiency, fairness, minimal administrative cost, payment compliance, consumer choice, and preserving individual privacy;

(iii) Options for variable rates based on the factors listed in (c)(ii) of this subsection and vehicle classifications of vehicles, ensuring vehicles are paying for their proportional impact on road preservation and maintenance costs, climate emission impacts, fuel efficiency, or other policy levers that the legislature may want to consider;

(iv) Alternatives in the payment method to allow for monthly or quarterly payment rather than payment on an annual basis;

(v) Any recommended statutory changes, including suggested offsets or rebates to the per mile fee to recognize other taxes and fees paid by electric and hybrid vehicle owners;

(vi) Specific recommendations to better align the system with other vehicle-related charges and potentially establish the framework for broader implementation of a per mile funding system, including analysis of the preferred method for addressing eighteenth amendment restriction considerations and options to incorporate existing gas tax distributions and allocations into a per mile funding system at the time these revenues comprise a significant share of state revenues for transportation purposes; and

(vii) A recommended implementation and governance structure, and transition plan with the department as the designated lead agency to operate and administer the per mile funding system.

(2)(a) \$250,000 of the Interstate 405 and state route number 167 express toll lanes (~~(operations)~~) account—state appropriation is provided solely for the transportation commission to conduct a study, applicable to the Interstate 405 express toll lanes, of discounted tolls and other similar programs for low-income drivers that are provided by other states, countries, or other entities and how such a program could be implemented in the state of Washington. The transportation commission may contract with a consultant to conduct all or a portion of this study.

(b) In conducting this study, the transportation commission shall consult with both the department of transportation and the department of social and health services.

(c) The transportation commission shall, at a minimum, consider the following issues when conducting the study of discounted tolls and other similar programs for low-income drivers:

(i) The benefits, requirements, and any potential detriments to the users of a program;

(ii) The most cost-effective way to implement a program given existing financial commitments, shared cost requirements across facilities, and technical requirements to execute and maintain a program;

(iii) The implications of a program for tolling policies, revenues, costs, operations, and enforcement; and

(iv) Any implications to tolled facilities based on the type of tolling implemented on a particular facility.

(d) The transportation commission shall provide a report detailing the findings of this study and recommendations for implementing a discounted toll or other appropriate program in the state of Washington to the transportation committees of the legislature by June 30, 2021.

(3) \$160,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$271,000 of the state route number 520 corridor account—state appropriation, \$158,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$136,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the transportation commission's proportional share of time spent supporting tolling operations for the respective tolling facilities.

(4) Beginning July 1, 2020, the commission shall convene a ferry capital construction oversight committee. The committee shall meet at least two times every year to review the Washington state ferries capital construction plan and make recommendations to control costs and ensure that ferry capital investments meet projected future needs. The commission shall support the committee within existing resources. Members of the committee must include at least four citizen representatives from communities served by Washington state ferries.

(5) The legislature requests that the commission commence proceedings to name state route number 165 as The Glacier Highway to commemorate the significance of glaciers to the state of Washington.

**Sec. 206.** 2019 c 416 s 206 (uncodified) is amended to read as follows:

**FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Freight Mobility Investment Account—State  
Appropriation ..... ((~~\$13,000~~))  
\$772,000

**Sec. 207.** 2019 c 416 s 207 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**

State Patrol Highway Account—State Appropriation  
..... ((~~\$508,503,000~~))  
\$498,832,000  
State Patrol Highway Account—Federal  
Appropriation ..... ((~~\$16,069,000~~))  
\$16,078,000

State Patrol Highway Account—Private/Local  
Appropriation .....\$4,257,000  
Highway Safety Account—State Appropriation  
.....\$1,188,000  
Ignition Interlock Device Revolving Account—State  
Appropriation .....\$7,010,000  
Multimodal Transportation Account—State  
Appropriation ..... ((~~\$286,000~~))  
\$4,286,000

Interstate 405 and State Route Number 167 Express  
Toll Lanes Account—State Appropriation \$1,182,000  
State Route Number 520 Corridor Account—State  
Appropriation.....\$1,988,000  
Tacoma Narrows Toll Bridge Account—State  
Appropriation.....\$1,158,000  
Alaskan Way Viaduct Replacement Project

<u>Account—State Appropriation</u> .....	<u>\$996,000</u>
TOTAL APPROPRIATION .....	<u>\$537,313,000</u>
	<u>\$536,975,000</u>

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

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

(2) \$510,000 of the ignition interlock device revolving account—state appropriation is provided solely for the ignition interlock program at the Washington state patrol to provide funding for two staff to work and provide support for the program in working with manufacturers, service centers, technicians, and participants in the program.

(3) \$1,424,000 of the state patrol highway account—state appropriation is provided solely to enter into an agreement for upgraded land mobile software, hardware, and equipment.

(4) \$2,582,000 of the state patrol highway account—state appropriation is provided solely for the replacement of radios and other related equipment.

(5) \$343,000 of the state patrol highway account—state appropriation is provided solely for aerial criminal investigation tools, including software licensing and maintenance, and annual certification.

(6) \$514,000 of the state patrol highway account—state appropriation is provided solely for additional staff to address the increase in the number of toxicology cases from impaired driving and death investigations.

(7) \$580,000 of the state patrol highway account—state appropriation is provided solely for the operation of and administrative support to the license investigation unit to enforce vehicle registration laws in southwestern Washington. The Washington state patrol, in consultation with the department of revenue, shall maintain a running estimate of the additional vehicle registration fees, sales and use taxes, and local vehicle fees remitted to the state pursuant to activity conducted by the license investigation unit. Beginning October 1, 2019, and quarterly thereafter, the Washington state patrol shall submit a report detailing the additional revenue amounts generated since July 1, 2017, to the director of the office of financial management and the transportation committees of the legislature. At the end of the calendar quarter in which it is estimated that more than \$625,000 in state sales and use taxes have been remitted to the state since July 1, 2017, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section 406 (~~of this act~~), chapter 416, Laws of 2019.

(8) \$18,000 of the state patrol highway account—state appropriation is provided solely for the license investigation unit to procure an additional license plate reader and related costs.

(9) The Washington state patrol and the office of financial management must be consulted by the department of transportation during the design phase of any improvement or preservation project that could impact Washington state patrol weigh station operations. During the design phase of any such project, the department of transportation must estimate the cost of designing around the affected weigh station's current operations, as well as the cost of moving the affected weigh station.

(10) \$4,210,000 of the state patrol highway account—state appropriation is provided solely for a third arming and a third trooper basic training class. The cadet class is expected to graduate in June 2021.

(11) \$65,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter 440 (~~((Engrossed Second Substitute Senate Bill No. 5497))),~~ Laws of 2019 (immigrants in the workplace). If chapter 440 (~~((Engrossed Second Substitute Senate Bill No. 5497))),~~ Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(12)(a) The Washington state patrol must report quarterly to the house and senate transportation committees on the status of recruitment and retention activities as follows:

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

(b) By January 1, 2020, the Washington state patrol must submit to the transportation committees of the legislature and the governor a workforce diversity plan. The plan must identify ongoing, and both short-term and long-term, specific comprehensive outreach and recruitment strategies to increase populations underrepresented within both commissioned and noncommissioned employee groups.

(13) \$1,182,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$1,988,000 of the state route number 520 corridor account—state appropriation, \$1,158,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$996,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the Washington state patrol's proportional share of time spent supporting tolling operations and enforcement for the respective tolling facilities.

(14) \$100,000 of the state patrol highway account—state appropriation is provided solely for the implementation of Senate Bill No. 6218, Laws of 2020 (Washington state patrol retirement definition of salary), which reflects an increase in the Washington state patrol retirement system pension contribution rate of 0.15 percent for changes to the definition of salary. If Senate Bill No. 6218, Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

(15) \$4,000,000 of the multimodal transportation account—state appropriation is provided solely as restitutive expenditure authority for the state patrol and may be spent only if a court of final jurisdiction holds that chapter 1 (Initiative Measure No. 976), Laws of 2020 is unconstitutional in its entirety.

(16) The Washington state patrol is directed to terminate its "Agreement for Utility Connection and Reimbursement of Water Extension Expenses" with the city of Shelton, belatedly recorded on June 12, 2017, subject to the city of Shelton's consent to terminate the agreement. The legislature finds that the water connection extension constructed by the Washington state patrol from the city of Shelton's water facilities to the Washington state patrol academy was necessary to meet the water supply needs of the academy. The legislature also finds that the water connection provides an ongoing water supply that is necessary to the operation of the training facility, that the state is making use of the water connection for these public activities, and that any future incidental use of the municipal infrastructure put in place to support these activities will not impede the Washington state patrol's ongoing use of the water connection extension. Therefore, the legislature determines that under the public policy of this state, reimbursement by any other entity is not required, notwithstanding any prior condition regarding contributions of other entities that Washington state patrol was required to satisfy prior to expenditure of the funds for construction of the extension, and that the Washington state patrol shall terminate the agreement.

**Sec. 208.** 2019 c 416 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING**

Marine Fuel Tax Refund Account—State Appropriation .....	\$34,000
Motorcycle Safety Education Account—State Appropriation .....	<del>(\$5,044,000)</del> \$5,048,000
State Wildlife Account—State Appropriation .....	<del>(\$536,000)</del> \$561,000
Highway Safety Account—State Appropriation .....	<del>(\$243,189,000)</del> \$241,859,000
Highway Safety Account—Federal Appropriation .....	\$1,294,000

Motor Vehicle Account—State Appropriation .....	<del>(\$77,219,000)</del> \$72,812,000
Motor Vehicle Account—Federal Appropriation .....	\$186,000
Motor Vehicle Account—Private/Local Appropriation .....	<del>(\$2,858,000)</del> \$10,008,000
Ignition Interlock Device Revolving Account—State Appropriation .....	<del>(\$6,143,000)</del> \$5,777,000
Department of Licensing Services Account—State Appropriation .....	<del>(\$8,012,000)</del> \$7,654,000
License Plate Technology Account—State Appropriation .....	\$4,250,000
Abandoned Recreational Vehicle Account—State Appropriation.....	\$2,925,000
Limousine Carriers Account—State Appropriation .....	\$113,000
Electric Vehicle Account—State Appropriation .....	\$264,000
DOL Technology Improvement & Data Management Account—State Appropriation .....	\$2,250,000
Agency Financial Transaction Account—State Appropriation.....	\$11,903,000
TOTAL APPROPRIATION.....	\$365,770,000
	\$366,939,000

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

(1) \$139,000 of the motorcycle safety education account—state appropriation is provided solely for the implementation of chapter 65 (~~Substitute House Bill No. 1116~~), Laws of 2019 (motorcycle safety). If chapter 65 (~~Substitute House Bill No. 1116~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(2) \$404,000 of the highway safety account—state appropriation is provided solely for a new driver testing system at the department. Pursuant to RCW 43.135.055 and 46.82.310, the department is authorized to increase driver training school license application and renewal fees in fiscal years 2020 and 2021, as necessary to fully support the cost of activities related to administration of the driver training school program, including the cost of the new driver testing system described in this subsection.

(3) \$25,000 of the motorcycle safety education account—state appropriation, \$4,000 of the state wildlife account—state appropriation, \$1,708,000 of the highway safety account—state appropriation, \$576,000 of the motor vehicle account—state appropriation, \$22,000 of the ignition interlock device revolving account—state appropriation, and \$28,000 of the department of licensing services account—state appropriation are provided solely for the department to fund the appropriate staff (~~(, other than data stewards,)~~) and necessary equipment and software for data management, data analytics, and data compliance activities. The department must, in consultation with the office of the chief information officer, construct a framework with goals for providing better data stewardship and a plan to achieve those goals. The department must provide the framework and plan to the transportation committees of the legislature by December 31, 2019, and an update by May 1, 2020. Appropriations provided for the data stewardship and privacy project described in this subsection are subject to the conditions, limitations, and review provided in section 701 of this act.

(4) Appropriations provided for the cloud continuity of operations project in this section are subject to the conditions, limitations, and review provided in section 701 of this act.

~~((6))~~ (5) \$24,028,000 of the highway safety account—state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The department shall report on a quarterly basis on the use of these funds, associated workload, and information with comparative information with recent comparable months in prior years. The report must include detailed statewide and by licensing service office information on staffing levels, average monthly wait times, the number of enhanced drivers' licenses and enhanced identicards issued/renewed, and the number of primary drivers' licenses and identicards issued/renewed. Within the amounts provided in this subsection, the department shall implement efficiency measures to reduce the time for licensing transactions and wait times including, but not limited to, the installation of additional cameras at licensing service offices that reduce bottlenecks and align with the "keep your customer" initiative.

~~((8))~~ (6) \$507,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5419), Laws of 2019 (vehicle service fees) or chapter 417 (~~((Engrossed House Bill No. 1789))~~), Laws of 2019 (vehicle service fees). If neither chapter . . . (Substitute Senate Bill No. 5419), Laws of 2019 or chapter 417 (~~((Engrossed House Bill No. 1789))~~), Laws of 2019 are enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((10))~~ (7) \$25,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 177 (~~((Engrossed House Bill No. 1996))~~), Laws of 2019 (San Juan Islands license plate). If chapter 177 (~~((Engrossed House Bill No. 1996))~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((14))~~ (8) \$24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 384 (~~((House Bill No. 2062))~~), Laws of 2019 (Seattle Storm license plate). If chapter 384 (~~((House Bill No. 2062))~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((13))~~ (9) \$65,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 440 (~~((Engrossed Second Substitute Senate Bill No. 5497))~~), Laws of 2019 (immigrants in the workplace). If chapter 440 (~~((Engrossed Second Substitute Senate Bill No. 5497))~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((14))~~ (10) The appropriations in this section assume implementation of additional cost recovery mechanisms to recoup at least \$11,903,000 in credit card and other financial transaction costs as part of charges imposed for driver and vehicle fee transactions beginning January 1, 2020. At the direction of the office of financial management, the department must develop a method of tracking the additional amount of credit card and other financial cost-recovery revenues. In consultation with the office of financial management, the department must notify the state treasurer of these amounts and the state treasurer must deposit these revenues in the agency financial transaction account created in section 717 (~~(of this act)~~), chapter 416, Laws of 2019 on a quarterly basis.

~~((18))~~ (11) \$1,281,000 of the department of licensing service account—state appropriation is provided solely for savings from the implementation of chapter 417 (~~((Engrossed House Bill No. 1789))~~), Laws of 2019 (vehicle service fees). If chapter 417 (~~((Engrossed House Bill No. 1789))~~), Laws of 2019 is enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((19))~~ (12) \$2,650,000 of the abandoned recreational vehicle disposal account—state appropriation is provided solely for providing reimbursements in accordance with the department's abandoned recreational vehicle disposal reimbursement program. It is the intent of the legislature that the department prioritize this funding for allowable and approved reimbursements and not to build a reserve of funds within the account.

~~((20))~~ (13) \$20,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 210 (~~((Substitute House Bill No. 1197))~~), Laws of 2019 (Gold Star license plate). If chapter 210 (~~((Substitute House Bill No. 1197))~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((21))~~ (14) \$31,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 262 (~~((Substitute House Bill No. 1436))~~), Laws of 2019 (snow bikes). If chapter 262 (~~((Substitute House Bill No. 1436))~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((22))~~ (15) \$24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 139 (~~((House Bill No. 2058))~~), Laws of 2019 (Purple Heart license plate). If chapter 139 (~~((House Bill No. 2058))~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

2058))), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((23))~~ (16) \$24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 278 (~~Engrossed House Bill No. 2067~~), Laws of 2019 (vehicle and vessel owner information). If chapter 278 (~~Engrossed House Bill No. 2067~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((25))~~ (17) \$600,000 of the highway safety account—state appropriation is provided solely for the department to provide an interagency transfer to the department of social and health services, children's administration division for the purpose of providing driver's license support to a larger population of foster youth than is already served within existing resources. Support services include reimbursement of driver's license issuance costs, fees for driver training education, and motor vehicle liability insurance costs.

~~((26))~~ (18) The department must place personal and company data elements in separate data fields to allow the department to select discrete data elements when providing information or data to persons or entities outside the department. Pursuant to the restrictions in federal and state law, a person's photo, social security number, or medical information must not be made available through public disclosure or data being provided under RCW 46.12.630 or 46.12.635.

~~((30))~~ (19) \$91,000 of the highway safety account—state appropriation is provided solely for the department's costs related to the one Washington project.

~~((34))~~ (20) \$974,000 of the highway safety account—state appropriation is provided solely for communication and outreach activities necessary to inform the public of federally acceptable identification options including, but not limited to, enhanced drivers' licenses and enhanced identicards. The department shall continue the outreach plan that includes informational material that can be effectively communicated to all communities and populations in Washington. To accomplish this work, the department shall contract with an external vendor with demonstrated experience and expertise in outreach and marketing to underrepresented communities in a culturally-responsive fashion.

(21) Due to the passage of chapter 1 (Initiative Measure No. 976), Laws of 2020, the department, working with the office of financial management, shall provide a monthly report on the number of registrations involved and differences between actual collections and collections if the initiative was not subject to a temporary injunction as of December 5, 2019.

(22) \$35,000 of the motor vehicle account—state appropriation and \$50,000 of the state wildlife account—state appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 6156, Laws of 2020 (collector vehicle license plates). If Engrossed Substitute Senate Bill No. 6156, Laws of 2020 is

not enacted by June 30, 2020, the amounts provided in this subsection lapse.

(23) \$19,000 of the motor vehicle account—state appropriation is provided solely for the implementation of Engrossed Senate Bill No. 6032, Laws of 2020 (apples special license plate). If Engrossed Senate Bill No. 6032, Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

(24) \$14,000 of the motor vehicle account—state appropriation is provided solely for the implementation of Senate Bill No. 6115, Laws of 2020 (off road vehicle registrations). If Senate Bill No. 6115, Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

(25) \$105,000 of the motor vehicle account—state appropriation is provided solely for the implementation of Senate Bill No. 6251, Laws of 2020 (tribal vehicles compact). If Senate Bill No. 6251, Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

(26) \$107,000 of the highway safety account—state appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 5544, Laws of 2020 (veteran commercial driver's license waivers). If Second Substitute Senate Bill No. 5544, Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

(27) \$57,000 of the state wildlife account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6072, Laws of 2020 (state wildlife account). If Substitute Senate Bill No. 6072, Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

(28) The appropriations in this section assume full cost recovery for the administration and collection of a motor vehicle excise tax on behalf of any regional transit authority pursuant to section 706 of this act.

(29) \$1,624,000 of the motor vehicle account—state appropriation is provided solely for the department to implement a pilot program allowing the registered owner, or the registered owner's authorized representative, of a vehicle that is subject to a motor vehicle excise tax to enter into either a quarterly or monthly payment plan with the department for the amount of motor vehicle excise tax due. To defray the cost of administering the pilot, the department may charge a fee of not more than one percent of each vehicle registration transaction when paid with a quarterly or monthly payment plan and this fee must be deposited in the motor vehicle fund created in RCW 46.68.070. It is the intent of the legislature that under the pilot, payments made after the application for a renewal vehicle registration are not subject to additional fees under RCW 46.17.040(1)(b), 46.17.005, 46.17.025, or 46.17.015.

**Sec. 209.** 2019 c 416 s 209 (uncodified) is amended to read as follows:

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

<del>((High Occupancy Toll Lanes Operations Account—State</del>	
Appropriation .....	<del>\$3,774,000</del>
<del>Motor Vehicle Account State Appropriation .....</del>	
<del>(\$513,000))</del>	
State Route Number 520 Corridor Account—State	
Appropriation .....	<del>(\$43,773,000))</del>
	<u>\$59,056,000</u>
State Route Number 520 Civil Penalties Account—State	
Appropriation .....	\$4,145,000
Tacoma Narrows Toll Bridge Account—State	
Appropriation .....	<del>(\$27,807,000))</del>
	<u>\$33,805,000</u>
Alaskan Way Viaduct Replacement Project Account—State	
Appropriation .....	<del>(\$20,061,000))</del>
	<u>\$21,616,000</u>
Interstate 405 <u>and State Route Number 167</u> Express Toll Lanes ( <del>Operations</del> ) Account—State	
Appropriation .....	<del>(\$18,329,000))</del>
	<u>\$27,456,000</u>
TOTAL APPROPRIATION .....	<del>\$118,402,000</del>
	<u>\$146,078,000</u>

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

- (1) \$1,300,000 of the Tacoma Narrows toll bridge account—state appropriation and ~~(\$11,034,000))~~ \$11,925,000 of the state route number 520 corridor account—state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this subsection, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.
- (2) As long as the facility is tolled, the department must provide quarterly reports to the transportation committees of the legislature on the Interstate 405 express toll lane project performance measures listed in RCW 47.56.880(4). These reports must include:

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

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

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

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

(3)(a) ~~(\$71,000))~~ \$2,114,000 of the ~~((high occupancy))~~ Interstate 405 and state route number 167 express toll lanes ((operations)) account—state appropriation, ~~(\$1,238,000))~~ \$4,920,000 of the state route number 520 corridor account—state appropriation, ~~(\$532,000))~~ \$2,116,000 of the Tacoma Narrows toll bridge account—state appropriation, ~~(\$460,000 of the Interstate 405 express toll lanes operations account state appropriation,))~~ and ~~(\$699,000))~~ \$2,776,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the department to finish implementing a new tolling customer service toll collection system, and are subject to the conditions, limitations, and review provided in section 701 of this act.

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

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

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

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

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

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

- (i) The number of notices of civil penalty issued;
- (ii) The number of recipients who pay before the notice becomes a penalty;
- (iii) The number of recipients who request a hearing and the number who do not respond;
- (iv) Workload costs related to hearings;
- (v) The cost and effectiveness of debt collection activities; and
- (vi) Revenues generated from notices of civil penalty; and

(e) A summary of toll revenue by facility on all operating toll facilities and ~~((high occupancy))~~ express toll lane systems, and an itemized depiction of the use of that revenue.

(5) ~~(( $\$17,517,000$ ))~~  $\$24,734,000$  of the Interstate 405 and state route number 167 express toll lanes ~~((operations))~~ account—state appropriation is provided solely for operational costs related to the express toll lane facility.

(6) In calendar year 2021, toll equipment on the Tacoma Narrows Bridge will have reached the end of its operational life. During the 2019-2021 fiscal biennium, the department plans to issue a request for proposals as the first stage of a competitive procurement process that will replace the toll equipment and select a new tolling operator for the Tacoma Narrows Bridge. The request for proposals and subsequent competitive procurement must incorporate elements that prioritize the overall goal of lowering costs per transaction for the facility, such as incentives for innovative approaches which result in lower transactional costs, requests for efficiencies on the part of the bidder that lower operational costs, and incorporation of technologies such as self-serve credit card machines or other point-of-payment technologies that lower costs or improve operational efficiencies.

(7) ~~(( $\$19,362,000$ ))~~  $\$18,840,000$  of the Alaskan Way viaduct replacement project account—state appropriation is provided solely for the new state route number 99 tunnel toll

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

(8) ~~(( $\$256,000$ ))~~  $\$608,000$  of the ~~((high occupancy toll lanes operations account—state appropriation and  $\$352,000$  of the))~~ Interstate 405 and state route number 167 express toll lanes ~~((operations))~~ account—state appropriation are provided solely for increased levels of service from the Washington state patrol for enforcement of toll lane violations on the state route number 167 high occupancy toll lanes and the Interstate 405 express toll lanes. The department shall compile monthly data on the number of Washington state patrol enforcement hours on each facility and the percentage of time during peak hours that speeds are at or above forty-five miles per hour on each facility. The department shall provide this data in a report to the transportation committees of the legislature on at least a calendar quarterly basis.

(9) The department shall develop an ongoing cost allocation method to assign appropriate costs to each of the toll funds for services provided by each Washington state department of transportation program and all relevant transportation agencies, including the Washington state patrol and the transportation commission. This method should update the toll cost allocation method used in the 2020 supplemental transportation appropriations act. By December 1, 2020, a report with the recommended method and any changes shall be submitted to the transportation committees of the legislature and the office of financial management.

(10) The legislature intends to allow owners of vehicles subject to a motor vehicle excise tax to pay renewal vehicle registration fees with a "Good to Go!" account beginning no later than 2024. Within existing resources, the department and the department of licensing must jointly report to the governor and chairs of the transportation committees of the legislature by June 30, 2021, with a detailed recommended approach to allow payment of renewal vehicle registration fees with a "Good to Go!" account for owners of vehicles subject to a motor vehicle excise tax.

**Sec. 210.** 2019 c 416 s 210 (uncodified) is amended to read as follows:

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

Transportation Partnership Account—State Appropriation .....	\$1,460,000
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Motor Vehicle Account—State Appropriation	(( <del>\$94,993,000</del> ))
	<u>\$95,810,000</u>
Puget Sound Ferry Operations Account—State	
Appropriation	\$263,000
Multimodal Transportation Account—State	
Appropriation	\$2,878,000
Transportation 2003 Account (Nickel Account)—State	
Appropriation	\$1,460,000
TOTAL APPROPRIATION	<u>\$101,054,000</u>
	<u>\$101,871,000</u>

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

(1) \$8,114,000 of the motor vehicle account—state appropriation is provided solely for the development of the labor system replacement project and is subject to the conditions, limitations, and review provided in section 701 of this act. It is the intent of the legislature that if any portion of the labor system replacement project is leveraged in the future for the time, leave, and labor distribution of any other agencies, the motor vehicle account will be reimbursed proportionally for the development of the system since amounts expended from the motor vehicle account must be used exclusively for highway purposes in conformance with Article II, section 40 of the state Constitution. This must be accomplished through a loan arrangement with the current interest rate under the terms set by the office of the state treasurer at the time the system is deployed to additional agencies. If the motor vehicle account is not reimbursed for future use of the system, it is further the intent of the legislature that reductions will be made to central service agency charges accordingly. The department shall provide a report to the transportation committees of the legislature by December 31, 2019, detailing the project timeline as of July 1, 2019, an updated project timeline if necessary, expenditures made to date for the purposes of this project, and expenditures projected through the remainder of the project timeline.

(2) ((~~\$198,000~~)) \$1,375,000 of the motor vehicle account—state appropriation is provided solely for the department's cost related to the one Washington project.

(3) \$21,500,000 of the motor vehicle account—state appropriation is provided solely for the activities of the information technology program in developing and maintaining information systems that support the operations and program delivery of the department, ensuring compliance with section 701 of this act, and the requirements of the office of the chief information officer under RCW 43.88.092 to evaluate and prioritize any new financial and capital systems replacement or modernization project and any other information technology project. During the 2019-2021 biennium, the department ((is prohibited from using)) may use the distributed direct program support or ((any)) other cost allocation method to fund ((any)) a new ((financial

~~and~~)) capital systems replacement or modernization project ((without having the project evaluated and prioritized by the office of the chief information officer and submitting)). The department shall submit a decision package for implementation of a new capital systems replacement project to the governor and the transportation committees of the legislature as part of the normal budget process for the 2021-2023 biennium.

**Sec. 211.** 2019 c 416 s 211 (uncodified) is amended to read as follows:

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

Motor Vehicle Account—State Appropriation	(( <del>\$33,149,000</del> ))
	<u>\$34,512,000</u>
State Route Number 520 Corridor Account—State	
Appropriation	\$34,000
TOTAL APPROPRIATION	<u>\$33,183,000</u>
	<u>\$34,546,000</u>

**Sec. 212.** 2019 c 416 s 212 (uncodified) is amended to read as follows:

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

Aeronautics Account—State Appropriation	(( <del>\$7,635,000</del> ))
	<u>\$7,542,000</u>
Aeronautics Account—Federal Appropriation	(( <del>\$2,542,000</del> ))
	<u>\$3,043,000</u>
Aeronautics Account—Private/Local Appropriation	\$60,000
TOTAL APPROPRIATION	<u>\$10,237,000</u>
	<u>\$10,645,000</u>

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

(1) ((~~\$2,751,000~~)) \$2,862,000 of the aeronautics account—state appropriation is provided solely for the airport aid grant program, which provides competitive grants to public use airports for pavement, safety, maintenance, planning, and security.

(2) ((~~\$468,000~~)) \$268,000 of the aeronautics account—state appropriation is provided solely for one FTE dedicated to planning aviation emergency services and addressing emerging aeronautics requirements ((, and for the implementation of chapter . . . (House Bill No. 1397), Laws of 2019 (electric aircraft work group), which extends the electric aircraft work group past its current expiration and allows WSDOT to employ a consultant to assist with the work group. If chapter . . . (House Bill No. 1397), Laws of

~~2019 is not enacted by June 30, 2019, \$200,000 of the amount in this subsection lapses).~~

(3) \$200,000 of the aeronautics account—state appropriation is provided solely for the department to convene an electric aircraft work group to study the state of the electrically powered aircraft industry and assess infrastructure needs related to the deployment of electric or hybrid-electric aircraft for commercial air travel in Washington state.

(a) The chair of the work group may be a consultant specializing in aeronautics. The work group must include, but is not limited to, representation from the electric aircraft industry, the aircraft manufacturing industry, electric utility districts, the battery industry, the department of commerce, the department of transportation aviation division, the airline pilots association, a primary airport representing an airport association, and the airline industry.

(b) The study must include, but is not limited to:

(i) Infrastructure requirements necessary to facilitate electric aircraft operations at airports;

(ii) Potential economic and public benefits including, but not limited to, the direct and indirect impact on the number of manufacturing and service jobs and the wages from those jobs in Washington state;

(iii) Potential incentives for industry in the manufacturing and operation of electric aircraft for regional air travel;

(iv) Educational and workforce requirements for manufacturing and maintaining electric aircraft;

(v) Demand and forecast for electric aircraft use to include expected timeline of the aircraft entering the market given federal aviation administration certification requirements;

(vi) Identification of up to six airports in Washington state that may benefit from a pilot program once an electrically propelled aircraft for commercial use becomes available; and

(vii) Recommendations to further the advancement of the electrification of aircraft for regional commercial use within Washington state, including specific, measurable goals for the years 2030, 2040, and 2050 that reflect progressive and substantial increases in the utilization of electric and hybrid-electric commercial aircraft.

(c) The work group must submit a report and accompanying recommendations to the transportation committees of the legislature by November 15, 2020.

~~((d) If chapter . . . (House Bill No. 1397), Laws of 2019 is enacted by June 30, 2019, the amount provided in this subsection (3) lapses.))~~

(4) \$150,000 of the aeronautics account—state appropriation is provided solely for the implementation of chapter 396 ~~((Substitute Senate Bill No. 5370))~~, Laws of 2019 (aviation coordinating commission). ~~((If chapter 396 (Substitute Senate Bill No. 5370), Laws of 2019 is not~~

~~enacted by June 30, 2019, the amount provided in this subsection lapses.))~~

**Sec. 213.** 2019 c 416 s 213 (uncodified) is amended to read as follows:

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

Motor Vehicle Account—State Appropriation .....	(( <del>\$59,801,000</del> ))
	<u>\$59,093,000</u>
Motor Vehicle Account—Federal Appropriation .....	\$500,000
Multimodal Transportation Account—State Appropriation .....	\$258,000
<b>TOTAL APPROPRIATION .....</b>	<b><u>\$60,559,000</u></b>
	<u>\$59,851,000</u>

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

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

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

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

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

(2) With respect to Parcel 12 of the real property conveyed by the state of Washington to the city of Mercer Island under that certain quitclaim deed, dated April 19, 2000, recorded in King county under recording no. 20000425001234, the requirement in the deed that the property be used for road/street purposes only will be deemed satisfied by the department of transportation so long as commuter parking, as part of the vertical development of the property, is one of the significant uses of the property.

(3) \$1,600,000 of the motor vehicle account—state appropriation is provided solely for real estate services activities. Consistent with RCW 47.12.120 and during the 2019-2021 fiscal biennium, when initiating, extending, or renewing any rent or lease agreements with a regional transit authority, consideration of value must be equivalent to one hundred percent of economic or market rent.

(4)(a) \$100,000 of the motor vehicle account—state appropriation is provided solely for the department to:

(i) Determine the real property owned by the state of Washington and under the jurisdiction of the department in King county that is surplus property located in an area encompassing south of Dearborn Street in Seattle, south of Newcastle, west of SR 515, and north of South 216th to SR 515; and

(ii) Use any remaining funds after (a)(i) of this subsection is completed to identify additional real property across the state owned by the state of Washington and under the jurisdiction of the department that is surplus property.

(b) The department shall provide a report to the transportation committees of the legislature describing the properties it has identified as surplus property under (a) of this subsection by October 1, 2020.

**Sec. 214.** 2019 c 416 s 214 (uncodified) is amended to read as follows:

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

Motor Vehicle Account—State Appropriation .....	\$670,000
<del>(Electric Vehicle Account—State Appropriation .....</del>	<del>\$2,000,000)</del>
Multimodal Transportation Account—State Appropriation.....	<del>(\$1,634,000)</del>
	<u>\$434,000</u>
TOTAL APPROPRIATION .....	<u>\$4,304,000</u>
	<u>\$1,104,000</u>

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

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

(2) \$350,000 of the multimodal transportation account—state appropriation is provided solely for the

department to execute a transit oriented development pilot project at Kingsgate park and ride in Kirkland intended to be completed by December 31, 2023. The purpose of the pilot project is to demonstrate how appropriate department properties may be used to provide multiple public benefits such as affordable and market rate housing, commercial development, and institutional facilities in addition to transportation purposes. To accomplish the pilot project, the department is authorized to exercise all legal and administrative powers authorized in statute that may include, but is not limited to, the transfer, lease, or sale of some or all of the property to another governmental agency, public development authority, or nonprofit developer approved by the department and partner agencies. The department may also partner with sound transit, King county, the city of Kirkland, and any other federal, regional, or local jurisdiction on any policy changes necessary from those jurisdictions to facilitate the pilot project. By December 1, 2019, the department must report to the legislature on any legislative actions necessary to facilitate the pilot project and future transit oriented development projects.

~~(3) (\$2,000,000 of the electric vehicle account—state appropriation is provided solely) It is the intent of the legislature that funding for the clean alternative fuel vehicle charging and refueling infrastructure program in chapter 287 ((Engrossed Second Substitute House Bill No. 2042)), Laws of 2019 (advancing green transportation adoption) will be provided in the 2021-2023 fiscal biennium and the department must be ready to issue a call for projects at the beginning of the 2021-2023 fiscal biennium. ((If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.))~~

~~(4) (\$1,200,000 of the multimodal transportation account—state appropriation is provided solely) It is the intent of the legislature that funding will be provided in the 2021-2023 fiscal biennium for the pilot program established under chapter 287 ((Engrossed Second Substitute House Bill No. 2042)), Laws of 2019 (advancing green transportation adoption) to provide clean alternative fuel vehicle use opportunities to underserved communities and low to moderate income members of the workforce not readily served by transit or located in transportation corridors with emissions that exceed federal or state emissions standards. ((If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses)) The department must be ready to issue a call for projects at the beginning of the 2021-2023 fiscal biennium.~~

(5) \$84,000 of the multimodal transportation account—state appropriation is provided solely for an interagency transfer to the department of commerce for the purpose of conducting a study as described in chapter 287 ((Engrossed Second Substitute House Bill No. 2042)), Laws of 2019 (advancing green transportation adoption) to identify opportunities to reduce barriers to electric vehicle adoption by lower income residents of the state through the use of vehicle and infrastructure financing assistance. If chapter 287 ((Engrossed Second Substitute House Bill No.

2042)), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(6) Building on the information and experience gained from the transit oriented development project at the Kingsgate park and ride, the department must identify a pilot park and ride with future public-private partnership development potential in Pierce county and report back to the transportation committees of the legislature by June 30, 2021, with a proposal for moving forward in the 2021-2023 biennium with a pilot project.

**Sec. 215.** 2019 c 416 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M**

Motor Vehicle Account—State Appropriation .....	<del>(\$495,228,000)</del>
	<u>\$486,417,000</u>
Motor Vehicle Account—Federal Appropriation .....	\$7,000,000
State Route Number 520 Corridor Account—State Appropriation .....	\$4,447,000
Tacoma Narrows Toll Bridge Account—State Appropriation .....	\$1,549,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation .....	<del>(\$9,533,000)</del>
	<u>\$9,535,000</u>
Interstate 405 and State Route Number 167 Express Toll Lanes ( <del>Operations</del> ) Account—State Appropriation .....	<del>(\$1,370,000)</del>
	<u>\$4,528,000</u>
TOTAL APPROPRIATION .....	<del>\$519,127,000</del>
	<u>\$513,476,000</u>

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

(1)(a) \$6,170,000 of the motor vehicle account—state appropriation is provided solely for utility fees assessed by local governments as authorized under RCW 90.03.525 for the mitigation of stormwater runoff from state highways. Plan and reporting requirements as required in chapter 435 (~~Senate Bill No. 5505~~), Laws of 2019 (Local Stormwater Charges) shall be consistent with the January 2012 findings of the Joint Transportation Committee Report for Effective Cost Recovery Structure for WSDOT, Jurisdictions, and Efficiencies in Stormwater Management.

(b) Pursuant to RCW 90.03.525(3), the department and the utilities imposing charges to the department shall negotiate with the goal of agreeing to rates such that the total charges to the department for the 2019-2021 fiscal biennium

do not exceed the amount provided in this subsection. The department shall report to the transportation committees of the legislature on the amount of funds requested, the funds granted, and the strategies used to keep costs down, by January 17, 2021. If chapter 435 (~~Senate Bill No. 5505~~), Laws of 2019 (local stormwater charges) is enacted by June 30, 2019, this subsection (1)(b) does not take effect.

(2) \$4,447,000 of the state route number 520 corridor account—state appropriation is provided solely to maintain the state route number 520 floating bridge. These funds must be used in accordance with RCW 47.56.830(3).

(3) \$1,549,000 of the Tacoma Narrows toll bridge account—state appropriation is provided solely to maintain the new Tacoma Narrows bridge. These funds must be used in accordance with RCW 47.56.830(3).

(4) (~~(\$1,370,000)~~) \$2,050,000 of the Interstate 405 and state route number 167 express toll lanes (~~operations~~) account—state appropriation is provided solely to maintain the Interstate 405 and state route number 167 express toll lanes between Lynnwood and Bellevue, and Renton and the southernmost point of the express toll lanes. These funds must be used in accordance with RCW 47.56.830(3).

(5) \$2,478,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for maintenance for the 2019-2021 biennium only on the Interstate 405 roadway between Renton and Bellevue.

(6) (~~(\$5,000,000)~~) (a) \$3,000,000 of the motor vehicle account—state appropriation is provided solely for a contingency pool for snow and ice removal. The department must notify the office of financial management and the transportation committees of the legislature when they have spent the base budget for snow and ice removal and will begin using the contingency pool funding.

(b) \$2,000,000 of the motor vehicle account—state appropriation is provided solely as restitutive expenditure authority for the contingency pool for snow and ice removal, and may be spent only if a court of final jurisdiction holds that chapter 1 (Initiative Measure No. 976), Laws of 2020 is unconstitutional in its entirety.

(~~(6)~~) (7) \$1,025,000 of the motor vehicle account—state appropriation is provided solely for the department to implement safety improvements and debris clean up on department-owned rights-of-way in the city of Seattle at levels above that being implemented as of January 1, 2019. The department must contract out or hire a crew dedicated solely to collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public, department employees, or people encamped upon department-owned rights-of-way. The department may request assistance from the Washington state patrol as necessary in order for both agencies to provide enhanced safety-related activities regarding the emergency hazards along state highway rights-of-way in the Seattle area.

(~~(7)~~) (8) \$1,015,000 of the motor vehicle account—state appropriation is provided solely for a partnership

program between the department and the city of Tacoma. The program shall address the safety and public health problems created by homeless encampments on the department's property along state highways within the city limits. \$570,000 is for dedicated department maintenance staff and associated clean-up costs. The department and the city of Tacoma shall enter into a reimbursable agreement to cover up to \$445,000 of the city's expenses for clean-up crews and landfill costs.

~~((8))~~ (9) The department must commence a pilot program for the 2019-2021 fiscal biennium at the four highest demand safety rest areas to create and maintain an online calendar for volunteer groups to check availability of weekends for the free coffee program. The calendar must be updated at least weekly and show dates and times that are, or are not, available to participate in the free coffee program. The department must submit a report to the legislature on the ongoing pilot by December 1, 2020, outlining the costs and benefits of the online calendar pilot, and including surveys from the volunteer groups and agency staff to determine its effectiveness.

**Sec. 216.** 2019 c 416 s 216 (uncodified) is amended to read as follows:

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

Motor Vehicle Account—State Appropriation .....	<del>(\$70,681,000)</del>
	<u>\$76,112,000</u>
Motor Vehicle Account—Federal Appropriation .....	\$2,050,000
Motor Vehicle Account—Private/Local Appropriation .....	\$250,000
<u>State Route Number 520 Corridor Account—State Appropriation .....</u>	<u>\$53,000</u>
<u>Tacoma Narrows Toll Bridge Account—State Appropriation .....</u>	<u>\$31,000</u>
<u>Alaskan Way Viaduct Replacement Project Account—</u>	
<u>State Appropriation .....</u>	<u>\$26,000</u>
<u>Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation .....</u>	<u>\$32,000</u>
TOTAL APPROPRIATION .....	<del>\$72,981,000</del>
	<u>\$78,554,000</u>

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

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

enhancement projects completed in the prior fiscal biennium.

(2)(a) During the 2019-2021 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

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

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

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

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

(3) When regional transit authority construction activities are visible from a state highway, the department shall allow the regional transit authority to place safe and appropriate signage informing the public of the purpose of the construction activity.

(4) The department must make signage for low-height bridges a high priority.

(5) \$32,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$53,000 of the state route number 520 corridor account—state appropriation, \$31,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$26,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the traffic operations program's proportional share of time spent supporting tolling operations for the respective tolling facilities.

**Sec. 217.** 2019 c 416 s 217 (uncodified) is amended to read as follows:

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

Motor Vehicle Account—State Appropriation .....	<del>(\$38,782,000)</del>
	<u>\$37,487,000</u>
Motor Vehicle Account—Federal Appropriation .....	\$1,380,000
Motor Vehicle Account—Private/Local Appropriation .....	\$500,000
Multimodal Transportation Account—State Appropriation .....	\$1,129,000
<u>State Route Number 520 Corridor Account—State Appropriation .....</u>	<u>\$199,000</u>
<u>Tacoma Narrows Toll Bridge Account—State Appropriation.....</u>	<u>\$116,000</u>
<u>Alaskan Way Viaduct Replacement Project Account—</u>	
<u>State Appropriation .....</u>	<u>\$100,000</u>
<u>Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation...</u>	<u>\$119,000</u>
TOTAL APPROPRIATION .....	\$41,791,000
	<u>\$41,030,000</u>

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

(1) \$2,000,000 of the motor vehicle account—state appropriation is provided solely for a grant program that

makes awards for the following: (a) Support for nonprofit agencies, churches, and other entities to help provide outreach to populations underrepresented in the current apprenticeship programs; (b) preapprenticeship training; and (c) child care, transportation, and other supports that are needed to help women, veterans, and minorities enter and succeed in apprenticeship. The department must report on grants that have been awarded and the amount of funds disbursed by December 1st each year. If moneys are provided in the omnibus operating appropriations act for a career connected learning grant program, defined in chapter . . . (Substitute House Bill No. 1336), Laws of 2019, or otherwise, the amount provided in this subsection lapses.

(2) \$150,000 of the motor vehicle account—state appropriation is provided solely for a user-centered and mobile-compatible web site redesign using estimated web site ad revenues.

(3) From the revenues generated by the five dollar per studded tire fee under RCW 46.37.427, \$250,000 of the motor vehicle account—state appropriation is provided solely for the department, in consultation with the appropriate local jurisdictions and relevant stakeholder groups, to establish a pilot media-based public information campaign regarding the damage of studded tire use on state and local roadways in Whatcom county, and to continue the existing pilot information campaign in Spokane county. The reason for the geographic selection of Spokane and Whatcom counties is based on the high utilization of studded tires in these jurisdictions. The public information campaigns must primarily focus on making the consumer aware of the safety implications for other drivers, road deterioration, financial impact for taxpayers, and, secondarily, the alternatives to studded tires. The Whatcom county pilot media-based public information campaign must begin by September 1, 2020. By January 14, 2021, the department must provide the transportation committees of the legislature an update on the Spokane and Whatcom county pilot media-based public information campaigns.

~~(4) (\$138,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Second Substitute Senate Bill No. 5489), Laws of 2019 (concerning environmental health disparities). If chapter . . . (Second Substitute Senate Bill No. 5489), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses))~~ \$119,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$199,000 of the state route number 520 corridor account—state appropriation, \$116,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$100,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the transportation management and support program's proportional share of time spent supporting tolling operations for the respective tolling facilities.

**Sec. 218.** 2019 c 416 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION**

**PLANNING, DATA, AND RESEARCH—PROGRAM T**

<del>((High Occupancy)) Interstate 405 and State Route</del>	
<del>Number 167 Express Toll Lanes ((Operations))</del>	
Account—State Appropriation.....	<del>(\$3,000,000)</del>
	\$3,123,000
Motor Vehicle Account—State Appropriation	
.....	<del>(\$29,403,000)</del>
	\$25,638,000
Motor Vehicle Account—Federal Appropriation	
.....	<del>(\$29,485,000)</del>
	\$35,385,000
Motor Vehicle Account—Private/Local	
Appropriation.....	<del>(\$800,000)</del>
	\$1,200,000
Multimodal Transportation Account—State	
Appropriation .....	\$710,000
Multimodal Transportation Account—Federal	
Appropriation .....	\$2,809,000
Multimodal Transportation Account—Private/Local	
Appropriation .....	\$100,000
<u>State Route Number 520 Corridor Account—State</u>	
<u>Appropriation</u> .....	\$207,000
<u>Tacoma Narrows Toll Bridge Account—State</u>	
<u>Appropriation</u> .....	\$121,000
<u>Alaskan Way Viaduct Replacement Project</u>	
<u>Account—</u>	
<u>State Appropriation</u> .....	\$104,000
TOTAL APPROPRIATION .....	\$66,307,000
	\$69,397,000

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

(1) \$130,000 of the motor vehicle account—state appropriation is provided solely for completion of a corridor study to identify potential improvements between exit 116 and exit 99 of Interstate 5. The study should further develop mid- and long-term strategies from the corridor sketch, and identify potential US 101/I-5 interchange improvements, a strategic plan for the Nisqually River bridges, regional congestion relief options, and ecosystem benefits to the Nisqually River estuary for salmon productivity and flood control.

(2) The study on state route number 518 referenced in section 218(5), chapter 297, Laws of 2018 must be submitted to the transportation committees of the legislature by November 30, 2019.

(3) \$100,000 of the motor vehicle account—state appropriation is provided solely to complete the Tacoma mall direct access feasibility study.

(4) \$4,600,000 of the motor vehicle account—federal appropriation is provided solely to complete the road usage charge pilot project overseen by the transportation commission using the remaining unspent amount of the federal grant award. The purpose of the road usage charge pilot project is to explore the viability of a road usage charge as a possible replacement for the gas tax.

(5) \$3,000,000 of the ~~((high occupancy)) Interstate 405 and state route number 167 express toll lanes ((operations))~~ account—state appropriation is provided solely for updating the state route number 167 master plan. If neither chapter 421 ~~((Engrossed Substitute Senate Bill No. 5825))~~, Laws of 2019 (addressing tolling) nor chapter . . . (House Bill No. 2132), Laws of 2019 (addressing tolling) is enacted by June 30, 2019, the amount provided in this subsection lapses.

(6) \$123,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$207,000 of the state route number 520 corridor account—state appropriation, \$121,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$104,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the transportation planning, data, and research program's proportional share of time spent supporting tolling operations for the respective tolling facilities.

(7)(a) By December 31, 2020, the department shall provide to the governor and the transportation committees of the legislature a report with a sample performance-based evaluation applied to an existing highway capacity project and an existing multimodal transportation project funded in the 2015 Connecting Washington package. The sample performance-based evaluation must consider: (i) The transportation policy goals listed in RCW 47.04.280; and (ii) the themes of health, accessibility, environmental justice, equity, and climate change, and how those themes should be defined in a transportation context.

(b) The department must incorporate feedback from interested stakeholders, including traditionally underserved and historically disadvantaged populations, and the report shall include the project evaluation procedures used for the performance-based evaluation. This report will help provide a better path to determining that the most beneficial projects are selected and funded in future transportation budgets.

(8) Within existing resources, the department shall conduct a study of options to establish road connections between state route number 704 in Spanaway and Interstate 5. The department shall examine potential benefits to traffic congestion, emergency management, and other benefits or issues of a new road connection. A report of the study must be provided to the transportation committees of the legislature by June 30, 2021.

**Sec. 219.** 2019 c 416 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—CHARGES FROM OTHER AGENCIES—PROGRAM U**

Motor Vehicle Account—State Appropriation .....	(\$71,996,000)	
		<u>\$78,427,000</u>
Multimodal Transportation Account—State Appropriation .....	(\$2,491,000)	
		<u>\$2,690,000</u>
<u>Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation ...</u>		
		<u>\$122,000</u>
<u>State Route Number 520 Corridor Account—State Appropriation .....</u>		
		<u>\$205,000</u>
<u>Tacoma Narrows Toll Bridge Account—State Appropriation .....</u>		
		<u>\$120,000</u>
<u>Alaskan Way Viaduct Replacement Project Account—State Appropriation .....</u>		
		<u>\$102,000</u>
TOTAL APPROPRIATION .....	\$74,487,000	<u>\$81,666,000</u>

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

(1) ~~((Prior to))~~ After entering into any negotiated settlement of a claim against the state for the department that exceeds five million dollars, the department, in conjunction with the attorney general and the department of enterprise services, shall notify the director of the office of financial management and the transportation committees of the legislature.

(2) Beginning October 1, 2019, and quarterly thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the Washington state ferry system to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; (c) defense costs associated with those claims and settlements; and (d) information on the impacts of moving legal costs associated with the Washington state ferry system into the statewide self-insurance pool.

(3) Beginning October 1, 2019, and quarterly thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the nonferry operations of the department to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by

type; (b) the average claim and settlement by type; and (c) defense costs associated with those claims and settlements.

(4) \$122,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$205,000 of the state route number 520 corridor account—state appropriation, \$120,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$102,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the charges from other agencies' program's proportional share of supporting tolling operations for the respective tolling facilities.

**Sec. 220.** 2019 c 416 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION—PROGRAM V**

State Vehicle Parking Account—State Appropriation .....	\$784,000
Regional Mobility Grant Program Account—State Appropriation .....	(\$96,630,000)
	<u>\$90,798,000</u>
Rural Mobility Grant Program Account—State Appropriation .....	\$32,223,000
Multimodal Transportation Account—State Appropriation .....	(\$128,554,000)
	<u>\$146,151,000</u>
Multimodal Transportation Account—Federal Appropriation .....	\$3,574,000
Multimodal Transportation Account—Local Appropriation .....	\$100,000
TOTAL APPROPRIATION .....	<u>\$261,865,000</u>
	<u>\$273,630,000</u>

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

(1) ~~((\$62,679,000))~~ \$62,698,000 of the multimodal transportation account—state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. ~~((If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 (advancing green transportation adoption) is not enacted by June 30, 2019, \$10,000,000 of the amount in this subsection lapses.))~~ Of this amount:

(a) ~~((\$14,278,000))~~ \$14,297,000 of the multimodal transportation account—state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips

provided. (~~If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 (advancing green transportation adoption) is not enacted by June 30, 2019, \$2,278,000 of the amount in this subsection lapses.~~)

(b) \$48,401,000 of the multimodal transportation account—state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2017 as reported in the "Summary of Public Transportation - 2017" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions. (~~If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 (advancing green transportation adoption) is not enacted by June 30, 2019, \$7,722,000 of the amount in this subsection lapses.~~)

(2) \$32,223,000 of the rural mobility grant program account—state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100.

(3)(a) (~~(\$10,290,000)~~) \$10,539,000 of the multimodal transportation account—state appropriation is provided solely for a vanpool grant program for: (i) Public transit agencies to add vanpools or replace vans; and (ii) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds.

(b) At least \$1,600,000 of the amount provided in this subsection must be used for vanpool grants in congested corridors.

(4) (~~(\$18,951,000)~~) \$27,483,000 of the regional mobility grant program account—state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document (~~(2019-2)~~) 2020-2 ALL PROJECTS as developed (~~(April 27, 2019)~~) February 25, 2020, Program - Public Transportation Program (V).

(5)(a) (~~(\$77,679,000)~~) \$63,315,000 of the regional mobility grant program account—state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document (~~(2019-2)~~) 2020-2 ALL PROJECTS as developed (~~(April 27, 2019)~~) February 25, 2020, Program - Public Transportation Program (V). The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one

year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2019, and December 15, 2020, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than twenty-five percent of the amount appropriated in this subsection. Additionally, when allocating funding for the 2021-2023 biennium, no more than thirty percent of the total grant program may directly benefit or support one grantee. The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2019-2021 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

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

(7) \$7,670,000 of the multimodal transportation account—state appropriation and \$784,000 of the state vehicle parking account—state appropriation are provided solely for CTR grants and activities. Of this amount:

(a) \$1,000,000 of the multimodal transportation account—state appropriation is provided solely for the department to continue a pilot transit pass incentive program. Businesses and nonprofit organizations located in a county adjacent to Puget Sound with a population of more than seven hundred thousand that have never offered transit subsidies to employees are eligible to apply to the program for a fifty percent rebate on the cost of employee transit subsidies provided through the regional ORCA fare collection system. No single business or nonprofit organization may receive more than ten thousand dollars from the program.

(i) Businesses and nonprofit organizations may apply and be awarded funds prior to purchasing a transit subsidy, but the department may not provide reimbursement until

proof of purchase or a contract has been provided to the department.

(ii) The department shall update the transportation committees of the legislature on the impact of the program by January 31, 2020, and may adopt rules to administer the program.

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

(c) \$1,000,000 of the multimodal transportation account—state appropriation is provided solely for a first mile/last mile connections grant program. Eligible grant recipients include cities, businesses, nonprofits, and transportation network companies with first mile/last mile solution proposals. Transit agencies are not eligible. The commute trip reduction board shall develop grant parameters, evaluation criteria, and evaluate grant proposals. The commute trip reduction board shall provide the transportation committees of the legislature a report on the effectiveness of this grant program and best practices for continuing the program.

(8) Except as provided otherwise in this subsection, (~~(\$28,048,000)~~) \$32,377,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington transit projects identified in LEAP Transportation Document (~~(2019-2)~~) 2020-2 ALL PROJECTS as developed (~~(April 27, 2019)~~) February 25, 2020. It is the intent of the legislature that entities identified to receive funding in the LEAP document referenced in this subsection receive the amounts specified in the time frame specified in that LEAP document. If an entity has already completed a project in the LEAP document referenced in this subsection before the time frame identified, the entity may substitute another transit project or projects that cost a similar or lesser amount.

(9) \$2,000,000 of the multimodal transportation account—state appropriation is provided solely for transit coordination grants.

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

(11)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (4) of this section, if the department expects to have substantial reappropriations for the 2021-2023 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

(i) King County Metro - RapidRide Expansion, Burien-Delridge (G2000031);

(ii) King County Metro - Route 40 Northgate to Downtown (G2000032);

(iii) Mason Transit Park & Ride Development (G2000042); or

(iv) Pierce Transit - SR 7 Express Service (~~(G2000046)~~) (G2000045).

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.

(c) To the extent practicable, the department shall use the flexibility and authority granted in this section to minimize the amount of reappropriations needed each biennium.

(12) \$750,000 of the multimodal transportation account—state appropriation is provided solely for Intercity Transit for the Dash shuttle program.

(13)(a) \$485,000 of the multimodal transportation account—state appropriation is provided solely for King county for:

(i) An expanded pilot program to provide certain students in the Highline, Tukwila, and Lake Washington school districts with an ORCA card during these school districts' summer vacations. In order to be eligible for an ORCA card under this program, a student must also be in high school, be eligible for free and reduced-price lunches, and have a job or other responsibility during the summer; and

(ii) Providing administrative support to other interested school districts in King county to prepare for implementing similar programs for their students.

(b) King county must provide a report to the department and the transportation committees of the legislature by December 15, 2021, regarding:

(i) The annual student usage of the pilot program;

(ii) Available ridership data;

(iii) A cost estimate, including a detailed description of the various expenses leading to the cost estimate, and any other factors relevant to expanding the program to other King county school districts;

(iv) A cost estimate, including a detailed description of the various expenses leading to the cost estimate, and any other factors relevant to expanding the program to student populations other than high school or eligible for free and reduced-price lunches;

(v) Opportunities for subsidized ORCA cards or local grant or matching funds; and

(vi) Any additional information that would help determine if the pilot program should be extended or expanded.

(14) ~~(\$12,000,000 of the multimodal transportation account—state appropriation is provided solely)~~ It is the intent of the legislature that funding for the green transportation capital grant program established in chapter 287 ((Engrossed Second Substitute House Bill No. 2042)), Laws of 2019 (advancing green transportation adoption) will be provided in the 2021-2023 biennium and that projects submitted by the department for the 2020 legislative session will retain their place on the prioritized list, ahead of any newly submitted projects. ((If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.))

(15) \$555,000 of the multimodal transportation account—state appropriation is provided solely for an interagency transfer to the Washington State University extension energy program to establish and administer a technical assistance and education program for public agencies on the use of alternative fuel vehicles. If chapter 287 ((Engrossed Second Substitute House Bill No. 2042)), Laws of 2019 (advancing green transportation adoption) is not enacted by June 30, 2019, \$375,000 of the amount provided in this subsection lapses.

(16) As a short-term solution, appropriation authority for the public transportation program in this section is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels. It is the intent of the legislature that no public transportation grants or projects be delayed as a result of revenue reductions, except that funding for the green transportation capital program created by chapter 287, Laws of 2019 be delayed until 2021-2023.

(17) \$25,000,000 of the multimodal transportation account—state appropriation is provided solely as restitutive expenditure authority for the public transportation program's capital project grants as listed by amount on the LEAP list referenced in subsections (4), (5), and (8) of this section, and may be spent only if a court of final jurisdiction holds that chapter 1 (Initiative Measure No. 976), Laws of 2020 is unconstitutional in its entirety.

**Sec. 221.** 2019 c 416 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X**

Motor Vehicle Account—State Appropriation .....	\$250,000
Puget Sound Ferry Operations Account—State Appropriation .....	<del>(\$540,746,000)</del>
	<u>\$547,056,000</u>
Puget Sound Ferry Operations Account—Federal Appropriation .....	\$7,932,000
Puget Sound Ferry Operations Account—Private/Local	

Appropriation .....	\$121,000
TOTAL APPROPRIATION.....	<del>\$549,049,000</del>
	<u>\$555,359,000</u>

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

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2019-2021 supplemental and 2021-2023 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs.

(2) For the 2019-2021 fiscal biennium, the department may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee, which must include a representative of the department of enterprise services.

(3) ~~(\$76,261,000)~~ \$73,161,000 of the Puget Sound ferry operations account—state appropriation is provided solely for auto ferry vessel operating fuel in the 2019-2021 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 703 ~~((of this act)), chapter 416, Laws of 2019.~~ The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge. The department shall review future use of alternative fuels and dual fuel configurations, including hydrogen.

(4) \$650,000 of the Puget sound ferry operations account—state appropriation is provided solely for increased staffing at Washington ferry terminals to meet increased workload and customer expectations. Within the amount provided in this subsection, the department shall contract with uniformed officers for additional traffic control assistance at the Kingston ferry terminal during peak ferry travel times, with a particular focus on Sundays and holiday weekends. Traffic control methods should include, but not be limited to, holding traffic on the shoulder at Lindvog Road until space opens for cars at the tollbooths and dock, and management of traffic on Highway 104 in order to ensure Kingston residents and business owners have access to businesses, roads, and driveways.

(5) \$254,000 of the Puget Sound ferry operations account—state appropriation is provided solely for a dedicated inventory logistics manager on a one-time basis.

(6) \$500,000 of the Puget Sound ferry operations account—state appropriation is provided solely for operating costs related to moving vessels for emergency capital repairs. Funds may only be spent after approval by the office of financial management.

(7) By January 1, 2020, the ferries division must submit a workforce plan for reducing overtime due to shortages of staff available to fill vacant crew positions. The

plan must include numbers of crew positions being filled by staff working overtime, strategies for filling these positions with straight time employees, progress toward implementing those strategies, and a forecast for when overtime expenditures will return to historical averages.

(8) \$160,000 of the Puget Sound ferry operations account—state appropriation is provided solely for a ferry fleet baseline noise study, conducted by a consultant, for the purpose of establishing plans and data-driven goals to reduce ferry noise when Southern resident orca whales are present. In addition, the study must establish prioritized strategies to address vessels serving routes with the greatest exposure to orca whale movements.

~~(9)((a)) \$250,000 of the motor vehicle account—state appropriation is provided solely for the department(, in consultation with the Washington state transportation center, to develop a plan for service on the triangle route with a goal of providing maximum sailings moving the most passengers to all stops in the least travel time, including waits between sailings, within budget and resource constraints) to contract with uniformed officers for additional traffic control assistance at the Fauntleroy ferry terminal.~~

~~((b) The Washington state transportation center must use new traffic management models and scheduling tools to examine proposed improvements for the triangle route. The department shall report to the standing transportation committees of the legislature by January 15, 2021. The report must include:~~

~~(i) Implementation and status of data collection, modeling, scheduling, capital investments, and procedural improvements to allow Washington state ferries to schedule more sailings to and from all stops on the triangle route with minimum time between sailings;~~

~~(ii) Recommendations for emergency boat allocations, regular schedule policies, and emergency schedule policies based on all customers alternative travel options to ensure that any dock with no road access is prioritized in scheduling and scheduled service is provided based on population size, demographics, and local medical services;~~

~~(iii) Triangle route pilot economic analysis of Washington state ferries fare revenue and fuel cost impact of offering additional, better spaced sailings;~~

~~(iv) Results of an economic analysis of the return on investment of potentially acquiring and using traffic control infrastructure, technology, walk on loading bridges, and Good to Go and ORCA replacement of current fare sales, validation, collections, accounting, and all associated labor and benefits costs that can be saved via those capital investments; and~~

~~(v) Recommendation on policies, procedures, or agency interpretations of statute that may be adopted to mitigate any delays or disruptions to scheduled sailings.~~

~~(c) If at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422~~

~~(Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection (9) lapses.)~~

(10) \$15,139,000 of the Puget Sound ferry operations account—state appropriation is provided solely for training. Of the amount provided in this subsection:

(a) \$2,500,000 is for training for new employees.

(b) \$160,000 is for electronic chart display and information system training.

(c) \$379,000 is for marine evacuation slide training.

**Sec. 222.** 2019 c 416 s 222 (uncodified) is amended to read as follows:

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

Multimodal Transportation Account—State	
Appropriation .....	<del>(\$75,576,000)</del>
	<u>\$70,243,000</u>
Multimodal Transportation Account—Private/Local	
Appropriation .....	\$717,000
Multimodal Transportation Account—Federal	
Appropriation .....	\$500,000
TOTAL APPROPRIATION .....	<u>\$76,793,000</u>
	<u>\$71,460,000</u>

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

(1)(a)(i) \$224,000 of the multimodal transportation account—state appropriation and \$671,000 of the multimodal transportation account—private/local appropriation are provided solely for continued analysis of the ultra high-speed ground transportation corridor in a new study, with participation from Washington, Oregon, and British Columbia. No funds may be expended until the department is in receipt of \$671,000 in private/local funding provided solely for this purpose.

(ii) The ultra high-speed ground transportation corridor advisory group must include legislative membership.

(iii) "Ultra high-speed" means a maximum testing speed of at least two hundred fifty miles per hour.

(b) The study must consist of the following:

(i) Development of proposed corridor governance, general powers, operating structure, legal instruments, and contracting requirements, in the context of the roles of relevant jurisdictions, including federal, state, provincial, and local governments;

(ii) ~~(An assessment of current laws in state and provincial jurisdictions and identification of any proposed changes to laws, regulations, and/or agreements that are~~

~~needed to proceed with development))~~ Development of a long-term funding and financing strategy for project initiation, development, construction, and program administration of the high-speed corridor, building on the funding and financing chapter of the 2019 business case analysis and aligned with the recommendations of (b)(i) of this subsection; and

(iii) Development of ~~((general recommendations for the authorization needed to advance the development of the corridor))~~ recommendations for a department-led ultra-high speed corridor engagement plan for policy leadership from elected officials.

(c) This study must build on the results of the 2018 Washington state ultra high-speed ground transportation business case analysis and the 2019 Washington state ultra high-speed ground transportation study findings report. The department shall consult with the transportation committees of the legislature regarding all issues related to proposed corridor governance.

~~((e))~~ (d) The development work referenced in (b) of this subsection is intended to identify and make recommendations related to specific entities, including interjurisdictional entities, policies, and processes required for the purposes of furthering preliminary analysis efforts for the ultra high-speed ground transportation corridor. This development work is not intended to authorize one or more entities to assume decision making authority for the design, construction, or operation of an ultra high-speed rail corridor.

~~((f))~~ (e) By January 1, 2021, the department shall provide to the governor and the transportation committees of the legislature an interim update on the study required under this subsection (1). By ~~((December))~~ June 1, ((2020)) 2021, the department shall provide to the governor and the transportation committees of the legislature a report of the study's findings regarding the three elements noted in this subsection. As applicable, the report should also be sent to the executive and legislative branches of government in the state of Oregon and appropriate government bodies in the province of British Columbia.

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

**Sec. 223.** 2019 c 416 s 223 (uncodified) is amended to read as follows:

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

Motor Vehicle Account—State Appropriation .....	<del>(\$12,190,000)</del>
	<u>\$12,183,000</u>
Motor Vehicle Account—Federal Appropriation .....	\$2,567,000
Multiuse Roadway Safety Account—State Appropriation .....	\$132,000
Multimodal Transportation Account—State Appropriation .....	\$350,000
TOTAL APPROPRIATION .....	<u>\$15,239,000</u>
	<u>\$15,232,000</u>

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

(1) \$350,000 of the multimodal transportation account—state appropriation is provided solely for a study by the Puget Sound regional council of new passenger ferry service to better connect communities throughout the twelve county Puget Sound region. The study must assess potential new routes, identify future terminal locations, and provide recommendations to accelerate the electrification of the ferry fleet. The study must identify future passenger only demand throughout Western Washington, analyze potential routes and terminal locations on Puget Sound, Lake Washington, and Lake Union with an emphasis on preserving waterfront opportunities in public ownership and opportunities for partnership. The study must determine whether and when the passenger ferry service achieves a net reduction in carbon emissions including an analysis of the emissions of modes that passengers would otherwise have used. The study must estimate capital and operating costs for routes and terminals. The study must include early and continuous outreach with all interested stakeholders and a report to the legislature and all interested parties by January 31, 2021.

(2) \$1,142,000 of the motor vehicle account—state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to:

(a) In coordination with stakeholders, identify county-owned fish passage barriers, with priority given to barriers that share the same stream system as state-owned fish passage barriers. The study must identify, map, and provide a preliminary assessment of county-owned barriers that need correction, and provide, where possible, preliminary costs estimates for each barrier correction. The study must provide recommendations on:

(i) How to prioritize county-owned barriers within the same stream system of state-owned barriers in the current six-year construction plan to maximize state investment; and

(ii) How future state six-year construction plans should incorporate county-owned barriers;

(b) Update the local agency guidelines manual, including exploring alternatives within the local agency guidelines manual on county priorities;

(c) Study the current state of county transportation funding, identify emerging issues, and identify potential future alternative transportation fuel funding sources to meet current and future needs.

**TRANSPORTATION AGENCIES—CAPITAL**

**Sec. 301.** 2019 c 416 s 301 (uncodified) is amended to read as follows:

**FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Freight Mobility Investment Account—State	
Appropriation .....	(\$18,094,000))
	<u>\$16,215,000</u>
<u>Highway Safety Account—State Appropriation</u>	
.....	<u>\$81,000</u>
<u>Motor Vehicle Account—State Appropriation</u>	
.....	<u>\$5,000,000</u>
Freight Mobility Multimodal Account—State	
Appropriation .....	(\$21,220,000))
	<u>\$16,599,000</u>
Motor Vehicle Account—Federal Appropriation	
.....	(\$2,250,000))
	<u>\$1,899,000</u>
Freight Mobility Multimodal Account—Private/Local	
Appropriation .....	(\$1,320,000))
	<u>\$1,250,000</u>
<u>Multimodal Transportation Account—State</u>	
<u>Appropriation.....</u>	<u>\$5,000,000</u>
TOTAL APPROPRIATION .....	<u>\$42,884,000</u>
	<u>\$46,044,000</u>

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

(1) Except as otherwise provided in this section, the entire appropriations in this section are provided solely for the projects by amount, as listed in the LEAP Transportation Document ((2019-3 as developed April 27, 2019;)) 2020-3 as developed February 25, 2020, Senate Chair FMSIB Project List.

(2) ~~((Until directed by the legislature, the board may not initiate a new call for projects. By January 1, 2020, the board must report to the legislature on alternative proposals to revise its project award and obligation process, which result in lower reappropriations.))~~ It is the intent of the legislature that no capital projects be delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for the freight mobility strategic investment board's capital grant programs is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

(3) \$5,000,000 of the motor vehicle account—state appropriation and \$5,000,000 of the multimodal transportation account—state appropriation are provided solely as restitutive expenditure authority for the freight mobility strategic investment board's capital grant programs, and may be spent only if a court of final jurisdiction holds that chapter 1 (Initiative Measure No. 976), Laws of 2020 is unconstitutional in its entirety.

**Sec. 302.** 2019 c 416 s 303 (uncodified) is amended to read as follows:

**FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account—State Appropriation	
.....	(\$65,996,000))
	<u>\$59,773,000</u>
Motor Vehicle Account—State Appropriation	
.....	(\$1,456,000))
	<u>\$4,456,000</u>
County Arterial Preservation Account—State	
Appropriation .....	\$39,590,000
TOTAL APPROPRIATION.....	<u>\$107,042,000</u>
	<u>\$103,819,000</u>

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

(1) It is the intent of the legislature that no capital projects be delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for the county road administration board's capital grant programs is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

(2) \$3,000,000 of the motor vehicle account—state appropriation is provided solely as restitutive expenditure authority for the county road administration board's capital grant programs, and may be spent only if a court of final jurisdiction holds that chapter 1 (Initiative Measure No. 976), Laws of 2020 is unconstitutional in its entirety.

**Sec. 303.** 2019 c 416 s 304 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Small City Pavement and Sidewalk Account—State	
Appropriation .....	\$5,890,000
<u>Motor Vehicle Account—State Appropriation</u>	
.....	<u>\$5,000,000</u>
Transportation Improvement Account—State	
Appropriation .....	(\$228,510,000))
	<u>\$220,627,000</u>
Complete Streets Grant Program Account—State	
Appropriation .....	(\$14,670,000))

\$10,200,000

TOTAL APPROPRIATION ..... ~~\$249,070,000~~  
\$241,717,000

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

(1) \$9,315,000 of the transportation improvement account—state appropriation is provided solely for the Relight Washington Program.

(2) It is the intent of the legislature that no capital projects be delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for the transportation improvement board's capital grant programs is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

(3) \$5,000,000 of the motor vehicle account—state appropriation is provided solely as restitutive expenditure authority for the transportation improvement board's capital grant programs, and may be spent only if a court of final jurisdiction holds that chapter 1 (Initiative Measure No. 976), Laws of 2020 is unconstitutional in its entirety.

**Sec. 304.** 2019 c 416 s 305 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—FACILITIES—PROGRAM D—(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)—CAPITAL**

Motor Vehicle Account—State Appropriation .....~~(\$50,990,000)~~  
\$51,187,000

Connecting Washington Account—State Appropriation .....~~(\$42,497,000)~~  
\$51,523,000

TOTAL APPROPRIATION ..... ~~\$93,487,000~~  
\$102,710,000

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

(1) ~~(\$42,497,000)~~ \$51,523,000 of the connecting Washington account—state appropriation is provided solely for a new Olympic region maintenance and administration facility to be located on the department-owned site at the intersection of Marvin Road and 32nd Avenue in Lacey, Washington.

(2)(a) ~~(\$43,100,000)~~ \$43,297,000 of the motor vehicle account—state appropriation is provided solely for the department facility located at 15700 Dayton Ave N in Shoreline. This appropriation is contingent upon the department of ecology signing a not less than twenty-year agreement to pay a share of any financing contract issued pursuant to chapter 39.94 RCW.

(b) Payments from the department of ecology as described in this subsection shall be deposited into the motor vehicle account.

(c) Total project costs are not to exceed \$46,500,000.

(3) \$1,565,000 from the motor vehicle account—state appropriation is provided solely for furniture for the renovated Northwest Region Headquarters at Dayton Avenue. The department must efficiently furnish the renovated building. ~~((The amount provided in this subsection is the maximum the department may spend on furniture for this facility.))~~

**Sec. 305.** 2019 c 416 s 306 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I**

~~((High Occupancy Toll Lanes Operations Account—State Appropriation ..... \$7,000,000))~~

Transportation Partnership Account—State Appropriation ..... ~~(\$325,275,000)~~  
\$408,660,000

Motor Vehicle Account—State Appropriation ..... ~~(\$92,504,000)~~  
\$141,611,000

Motor Vehicle Account—Federal Appropriation ..... ~~(\$154,337,000)~~  
\$167,313,000

Motor Vehicle Account—Private/Local Appropriation ..... ~~(\$26,839,000)~~  
\$70,404,000

Connecting Washington Account—State Appropriation ..... ~~(\$2,137,381,000)~~  
\$2,413,452,000

Special Category C Account—State Appropriation ..... ~~(\$81,000,000)~~  
\$72,134,000

Multimodal Transportation Account—State Appropriation ..... ~~(\$5,408,000)~~  
\$4,853,000

Alaskan Way Viaduct Replacement Project Account—State Appropriation ..... \$77,956,000

Transportation 2003 Account (Nickel Account)—State Appropriation ..... ~~(\$21,819,000)~~  
\$10,429,000

Interstate 405 and State Route Number 167 Express Toll Lanes ~~((Operations))~~ Account—State

Appropriation .....	<del>(\$48,036,000)</del>
	<u>\$90,027,000</u>
TOTAL APPROPRIATION .....	<u>\$2,977,555,000</u>
	<u>\$3,456,839,000</u>

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

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ~~((2019-4))~~ 2020-1 as developed ~~((April 27, 2019))~~ February 25, 2020, Program - Highway Improvements Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ~~((2019-2))~~ 2020-2 ALL PROJECTS as developed ~~((April 27, 2019))~~ February 25, 2020, Program - Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (OBI4001).

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

(4) The connecting Washington account—state appropriation includes up to ~~(((\$1,519,899,000))~~ \$1,809,342,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.

(5) The special category C account—state appropriation includes up to ~~(((\$75,274,000))~~ \$60,534,000 in proceeds from the sale of bonds authorized in RCW ~~((47.10.861))~~ 47.10.812.

(6) The transportation partnership account—state appropriation includes up to ~~(((\$150,232,000))~~ \$178,407,000 in proceeds from the sale of bonds authorized in RCW ~~((47.10.812))~~ 47.10.873.

(7) The Alaskan Way viaduct replacement project account—state appropriation includes up to \$77,956,000 in

proceeds from the sale of bonds authorized in RCW 47.10.873.

~~(8) ((The multimodal transportation account—state appropriation includes up to \$5,408,000 in proceeds from the sale of bonds authorized in RCW 47.10.867.~~

~~(9) \$90,464,000))~~ \$165,798,000 of the transportation partnership account—state appropriation, ~~(((\$7,006,000))~~ \$19,790,000 of the motor vehicle account—private/local appropriation, ~~(((\$3,383,000))~~ \$3,384,000 of the transportation 2003 account (nickel account)—state appropriation, \$77,956,000 of the Alaskan Way viaduct replacement project account—state appropriation, and \$1,838,000 of the multimodal transportation account—state appropriation are provided solely for the SR 99/Alaskan Way Viaduct Replacement project (809936Z). It is the intent of the legislature that the \$25,000,000 increase in funding provided in the 2021-2023 fiscal biennium be covered by any legal damages paid to the state as a result of a lawsuit related to contractual provisions for construction and delivery of the Alaskan Way viaduct replacement project. The legislature intends that the \$25,000,000 of the transportation partnership account—state funds be repaid when those damages are recovered.

~~((40))~~ (9) \$3,000,000 of the multimodal transportation account—state appropriation is provided solely for transit mitigation for the SR 99/Viaduct Project - Construction Mitigation project (809940B).

~~((41) \$164,000,000))~~ (10) \$168,655,000 of the connecting Washington account—state appropriation ~~(((\$~~), \$1,052,000 of the special category C account—state appropriation, and \$738,000 of the motor vehicle account—private/local appropriation are provided solely for the US 395 North Spokane Corridor project (M00800R).

~~((12)a) \$22,195,000 of the transportation partnership account—state appropriation, \$12,805,000 of the transportation 2003 account (nickel account)—state appropriation, and \$48,000,000))~~ (11) \$82,991,000 of the Interstate 405 and state route number 167 express toll lanes ~~((operations))~~ account—state appropriation ~~((are))~~ is provided solely for the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) for activities related to adding capacity on Interstate 405 between state route number 522 and Interstate 5, with the goals of increasing vehicle throughput and aligning project completion with the implementation of bus rapid transit in the vicinity of the project. ~~((The transportation partnership account—state appropriation and transportation 2003 account (nickel account)—state appropriation are a transfer or a reappropriation of a transfer from the I 405/Kirkland Vicinity Stage 2 Widening project (8B11002) due to savings and will fund right of way and construction for an additional phase of this I 405 project.~~

~~(b) If sufficient bonding authority to complete this project is not provided within chapter 421 (Engrossed Substitute Senate Bill No. 5825), Laws of 2019 (addressing tolling) or chapter 421 (House Bill No. 2132), Laws of 2019 (addressing tolling), or within a bond authorization act referencing chapter . . . (Engrossed Substitute Senate Bill No. 5825), Laws of 2019 or chapter . . . (House Bill No.~~

2132), Laws of 2019, by June 30, 2019, \$21,000,000 of the Interstate 405 express toll lanes operations account—state appropriation provided in this subsection lapses, and it is the intent of the legislature to reduce the Interstate 405 express toll lanes operations account—state appropriation in the 2021-2023 biennium to \$5,000,000, and in the 2023-2025 biennium to \$0 on the list referenced in subsection (2) of this section.)

((13)) (12)(a) ((\$395,822,000)) \$422,099,000 of the connecting Washington account—state appropriation(;\$60,000 of the motor vehicle account—state appropriation,) and ((\$342,000)) \$456,000 of the motor vehicle account—private/local appropriation are provided solely for the SR 520 Seattle Corridor Improvements - West End project (M00400R).

(b) Recognizing that the department of transportation requires full possession of parcel number 1-23190 to complete the Montlake Phase of the West End project, the department is directed to:

(i) Work with the operator of the Montlake boulevard market located on parcel number 1-23190 to negotiate a lease allowing continued operations up to January 1, 2020. After that time, the department shall identify an area in the vicinity of the Montlake property for a temporary market or other food service to be provided during the period of project construction. Should the current operator elect not to participate in providing that temporary service, the department shall then develop an outreach plan with the city to solicit community input on the food services provided, and then advertise the opportunity to other potential vendors. Further, the department shall work with the city of Seattle and existing permit processes to facilitate vendor access to and use of the area in the vicinity of the Montlake property.

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

(c) \$60,000 of the motor vehicle account—state appropriation is provided solely for grants to nonprofit organizations located in a city with a population exceeding six hundred thousand persons and that empower artists through equitable access to vital expertise, opportunities, and business services. Funds may be used only for the purpose of preserving, commemorating, and sharing the history of the city of Seattle's freeway protests and making the history of activism around the promotion of more integrated transportation and land use planning accessible to current and future generations through the preservation of Bent 2 of the R. H. Thompson freeway ramp.

((14)) (13) It is the intent of the legislature that for the I-5 JBLM Corridor Improvements project (M00100R), the department shall actively pursue \$50,000,000 in federal funds to pay for this project to supplant state funds in the future. \$50,000,000 in connecting Washington account funding must be held in unallotted status during the 2021-2023 fiscal biennium. These funds may only be used after the department has provided notice to the office of financial

management that it has exhausted all efforts to secure federal funds from the federal highway administration and the department of defense.

((15) \$265,100,000)) (14) \$310,469,000 of the connecting Washington account—state appropriation is provided solely for the SR 167/SR 509 Puget Sound Gateway project (M00600R).

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

(b) Proceeds from the sale of any surplus real property acquired for the purpose of building the SR 167/SR 509 Puget Sound Gateway (M00600R) project must be deposited into the motor vehicle account for the purpose of constructing the project.

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

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

(e) In designing the state route number 509/state route number 516 interchange component of the SR 167/SR 509 Puget Sound Gateway project (M00600R), the department shall make every effort to utilize the preferred "4B" design.

(f) The department shall explore the development of a multiuse trail for bicyclists, pedestrians, skateboarders, and similar users along the SR 167 right-of-way acquired for the project to connect a network of new and existing trails from Mount Rainier to Point Defiance Park.

(g) If sufficient bonding authority to complete this project is not provided within chapter 421 ((Engrossed Substitute Senate Bill No. 5825)), Laws of 2019 (addressing tolling) or chapter . . . (House Bill No. 2132), Laws of 2019 (addressing tolling), or within a bond authorization act referencing chapter 421 ((Engrossed Substitute Senate Bill No. 5825)), Laws of 2019 or chapter . . . (House Bill No. 2132), Laws of 2019, by June 30, 2019, it is the intent of the legislature to return the Puget Sound Gateway project (M00600R) to its previously identified construction schedule by moving \$128,900,000 in connecting Washington account—state appropriation back to the 2027-2029 biennium from the 2023-2025 biennium on the list

referenced in subsection (2) of this section. If sufficient bonding authority is provided, it is the intent of the legislature to advance the project to allow for earlier completion and inflationary savings.

~~((16))~~ (15) It is the intent of the legislature that, for the I-5/North Lewis County Interchange project (L2000204), the department develop and design the project with the objective of significantly improving access to the industrially zoned properties in north Lewis county. The design must consider the county's process of investigating alternatives to improve such access from Interstate 5 that began in March 2015.

~~((18) — \$950,000))~~ (16) \$1,029,000 of the transportation partnership account—state appropriation is provided solely for the U.S. 2 Trestle IJR project (L1000158).

~~((19))~~ (17) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's annual budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

~~((20))~~ (18) Any advisory group that the department convenes during the 2019-2021 fiscal biennium must consider the interests of the entire state of Washington.

~~((21))~~ (19) The legislature finds that there are sixteen companies involved in wood preserving in the state that employ four hundred workers and have an annual payroll of fifteen million dollars. Before the department's switch to steel guardrails, ninety percent of the twenty-five hundred mile guardrail system was constructed of preserved wood and one hundred ten thousand wood guardrail posts were produced annually for state use. Moreover, the policy of using steel posts requires the state to use imported steel. Given these findings, where practicable, and until June 30, 2021, the department shall include the design option to use wood guardrail posts, in addition to steel posts, in new guardrail installations. The selection of posts must be consistent with the agency design manual policy that existed before December 2009.

~~((22))~~ (20)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2021-2023 fiscal biennium, the department may, on a pilot basis, apply funding from a project in this section with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

(i) I-82 Yakima - Union Gap Economic Development Improvements (T21100R);

(ii) I-5 Federal Way - Triangle Vicinity Improvements (T20400R); or

(iii) SR 522/Paradise Lk Rd Interchange & Widening on SR 522 (Design/Engineering) (NPARADI).

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.

(c) For connecting Washington projects that have already begun and are eligible for the authority granted in section 601 of this act, the department shall prioritize advancing the following projects if expected reappropriations become available:

(i) SR 14/I-205 to SE 164th Ave - Auxiliary Lanes (L2000102);

(ii) SR 305 Construction - Safety Improvements (N30500R);

(iii) SR 14/Bingen Underpass (L2220062);

(iv) I-405/NE 132nd Interchange - Totem Lake (L1000110);

(v) US Hwy 2 Safety (N00200R);

(vi) US-12/Walla Walla Corridor Improvements (T20900R);

(vii) I-5 JBLM Corridor Improvements (M00100R);

(viii) I-5/Slater Road Interchange - Improvements (L1000099);

(ix) SR 510/Yelm Loop Phase 2 (T32700R); or

(x) SR 520/124th St Interchange (Design and Right of Way) (L1000098).

(d) To the extent practicable, the department shall use the flexibility and authority granted in this section and in section 601 of this act to minimize the amount of reappropriations needed each biennium.

~~((23))~~ (21) The legislature continues to prioritize the replacement of the state's aging infrastructure and recognizes the importance of reusing and recycling construction aggregate and recycled concrete materials in our transportation system. To accomplish Washington state's sustainability goals in transportation and in accordance with RCW 70.95.805, the legislature reaffirms its determination that recycled concrete aggregate and other transportation building materials are natural resource construction materials that are too valuable to be wasted and landfilled, and are a commodity as defined in WAC 173-350-100.

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

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

~~((24))~~ (22)(a) \$17,500,000 of the motor vehicle account—state appropriation is provided solely for staffing of a project office to replace the Interstate 5 bridge across the Columbia river (G2000088). If at least a \$9,000,000 transfer is not authorized in section 406(29) ~~((of this act))~~, chapter 416, Laws of 2019, then \$9,000,000 of the motor vehicle account—state appropriation lapses.

(b) Of the amount provided in this subsection, \$7,780,000 of the motor vehicle account—state appropriation must be placed in unallotted status by the office of financial management until the department develops a detailed plan for the work of this project office in consultation with the chairs and ranking members of the transportation committees of the legislature. The director of the office of financial management shall consult with the chairs and ranking members of the transportation committees of the legislature prior to making a decision to allot these funds.

(c) The work of this project office includes, but is not limited to, the reevaluation of the purpose and need identified for the project previously known as the Columbia river crossing, the reevaluation of permits and development of a finance plan, the reengagement of key stakeholders and the public, and the reevaluation of scope, schedule, and budget for a reinvigorated bistate effort for replacement of the Interstate 5 Columbia river bridge. When reevaluating the finance plan for the project, the department shall assume that some costs of the new facility may be covered by tolls. The project office must also study the possible different governance structures for a bridge authority that would provide for the joint administration of the bridges over the Columbia river between Oregon and Washington. As part of this study, the project office must examine the feasibility and necessity of an interstate compact in conjunction with the national center for interstate compacts.

(d) Within the amount provided in this subsection, the department must implement chapter 137 ~~((Engrossed Substitute House Bill No. 1994))~~, Laws of 2019 (projects of statewide significance).

(e) The department shall have as a goal to:

(i) Reengage project stakeholders and reevaluate the purpose and need and environmental permits by July 1, 2020;

(ii) Develop a finance plan by December 1, 2020; and

(iii) Have made significant progress toward beginning the supplemental environmental impact statement process by June 30, 2021. The department shall aim to provide a progress report on these activities to the governor and the transportation committees of the legislature by December 1, 2019, and a final report to the governor and the

transportation committees of the legislature by December 1, 2020.

~~((25))~~ (23) \$17,500,000 of the motor vehicle account—state appropriation is provided solely to begin the pre-design phase on the I-5/Columbia River Bridge project (G2000088); however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 ~~((Engrossed Substitute Senate Bill No. 5993))~~, Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses.

~~((26))~~ (24)(a) ~~((36,500,000))~~ \$191,360,000 of the connecting Washington account—state appropriation, ~~((44,961,000))~~ \$47,655,000 of the motor vehicle account—federal appropriation, \$11,179,000 of the motor vehicle account—private/local appropriation, \$6,100,000 of the motor vehicle account—state appropriation, and ~~((18,539,000))~~ \$18,706,000 of the transportation partnership account—state appropriation are provided solely for the Fish Passage Barrier project (OB14001) with the intent of fully complying with the court injunction by 2030.

(b) Of the amounts provided in this subsection, \$320,000 of the connecting Washington account—state appropriation is provided solely to remove the fish passage barrier on state route number 6 that interfaces with Boistfort Valley water utilities near milepost 46.6.

(c) The department shall coordinate with the Brian Abbott fish passage barrier removal board to use a watershed approach to maximize habitat gain by replacing both state and local culverts. The department shall deliver high habitat value fish passage barrier corrections that it has identified, guided by the following factors: Opportunity to bundle projects, ability to leverage investments by others, presence of other barriers, project readiness, other transportation projects in the area, and transportation impacts.

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

(e) It is the intent of the legislature that for the amount listed for the 2021-2023 biennium for the Fish Barriers project (G2000091) on the LEAP list referenced in subsection (1) of this section, that accrued practical design savings deposited in the transportation future funding program account be used to help fund the cost of fully complying with the court injunction by 2030.

~~((27) \$14,750,000))~~ (25) \$16,649,000 of the connecting Washington account—state appropriation, \$373,000 of the motor vehicle account—state appropriation, and \$6,000,000 of the motor vehicle account—private/local appropriation are provided solely for the I-90/Barker to Harvard – Improve Interchanges & Local Roads project (L2000122). The connecting Washington account appropriation for the improvements that fall within the city of Liberty Lake may only be expended if the city of Liberty Lake agrees to cover any project costs within the city of Liberty Lake above the \$20,900,000 of state appropriation

provided for the total project in LEAP Transportation Document ~~((2019-1))~~ 2020-1 as developed ~~((April 27, 2019))~~ February 25, 2020, Program – Highway Improvements (I).

~~((28))~~ (26)(a) ~~(((\$7,060,000))~~ \$6,799,000 of the motor vehicle account—federal appropriation, ~~(((\$72,000))~~ \$31,000 of the motor vehicle account—state appropriation, ~~(((\$3,580,000))~~ \$3,812,000 of the transportation partnership account—state appropriation, and \$7,000,000 of the ~~((high occupancy))~~ Interstate 405 and state route number 167 express toll lanes ~~((operations))~~ account—state appropriation are provided solely for the SR 167/SR 410 to SR 18 - Congestion Management project (316706C).

(b) If sufficient bonding authority to complete this project is not provided within chapter 421 ~~((Engrossed Substitute Senate Bill No. 5825))~~, Laws of 2019 (addressing tolling) or chapter . . . (House Bill No. 2132), Laws of 2019 (addressing tolling), or within a bond authorization act referencing chapter 421 ~~((Engrossed Substitute Senate Bill No. 5825))~~, Laws of 2019 or chapter . . . (House Bill No. 2132), Laws of 2019, by June 30, 2019, it is the intent of the legislature to remove the \$100,000,000 in toll funding from this project on the list referenced in subsection (2) of this section.

~~((29))~~ (27) For the I-405/North 8th Street Direct Access Ramp in Renton project (L1000280), if sufficient bonding authority to begin this project is not provided within chapter 421 ~~((Engrossed Substitute Senate Bill No. 5825))~~, Laws of 2019 (addressing tolling) or chapter . . . (House Bill No. 2132), Laws of 2019 (addressing tolling), or within a bond authorization act referencing chapter 421 ~~((Engrossed Substitute Senate Bill No. 5825))~~, Laws of 2019 or chapter . . . (House Bill No. 2132), Laws of 2019, by June 30, 2019, it is the intent of the legislature to remove the project from the list referenced in subsection (2) of this section.

~~((30))~~ (28) \$7,985,000 of the Special Category C account—state appropriation and \$1,000,000 of the motor vehicle account—private/local appropriation are provided solely for the SR 18 Widening - Issaquah/Hobart Rd to Raging River project (L1000199) for improving and widening state route number 18 to four lanes from Issaquah-Hobart Road to Raging River.

~~((34))~~ (29) \$2,250,000 of the motor vehicle account—state appropriation is provided solely for the I-5 Corridor from Mounts Road to Tumwater project (L1000231) for completing a National and State Environmental Policy Act (NEPA/SEPA) analysis to identify mid- and long-term environmental impacts associated with future improvements along the I-5 corridor from Tumwater to DuPont.

~~((32))~~ (30) \$622,000 of the motor vehicle account—state appropriation is provided solely for the US 101/East Sequim Corridor Improvements project (L2000343); however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 ~~((Engrossed Substitute Senate Bill No. 5993))~~,

Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses.

~~((33))~~ (31) \$12,916,000 of the motor vehicle account—state appropriation is provided solely for the SR 522/Paradise Lk Rd Interchange & Widening on SR 522 (Design/Engineering) project (NPARADI); however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 ~~((Engrossed Substitute Senate Bill No. 5993))~~, Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses.

~~((34))~~ (32) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for the US 101/Morse Creek Safety Barrier project (L1000247); however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 ~~((Engrossed Substitute Senate Bill No. 5993))~~, Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses.

~~((35))~~ (33) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for the SR 162/410 Interchange Design and Right of Way project (L1000276); however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 ~~((Engrossed Substitute Senate Bill No. 5993))~~, Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses.

~~((36))~~ (34) \$679,000 of the motor vehicle account—state appropriation is provided solely for the I-5/Rush Road Interchange Improvements project (L1000223); however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 ~~((Engrossed Substitute Senate Bill No. 5993))~~, Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses.

(35) It is the intent of the legislature that no capital projects be delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for this program is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

(36) \$45,000,000 of the motor vehicle account—state appropriation is provided solely as restitutive expenditure authority for projects as listed by amount on the LEAP list referenced in subsection (2) of this section, and may be spent only if a court of final jurisdiction holds that chapter 1 (Initiative Measure No. 976), Laws of 2020 is unconstitutional in its entirety.

**Sec. 306.** 2019 c 416 s 307 (uncodified) is amended to read as follows:

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

Recreational Vehicle Account—State Appropriation	(( <u>\$1,744,000</u> ))
	<u>\$2,971,000</u>
Transportation Partnership Account—State	
Appropriation .....	(( <u>\$23,706,000</u> ))
	<u>\$20,248,000</u>
Motor Vehicle Account—State Appropriation	(( <u>\$74,885,000</u> ))
	<u>\$82,447,000</u>
Motor Vehicle Account—Federal Appropriation	(( <u>\$454,758,000</u> ))
	<u>\$490,744,000</u>
Motor Vehicle Account—Private/Local	
Appropriation .....	(( <u>\$5,159,000</u> ))
	<u>\$7,408,000</u>
State Route Number 520 Corridor Account—State	
Appropriation .....	(( <u>\$544,000</u> ))
	<u>\$326,000</u>
Connecting Washington Account—State	
Appropriation .....	(( <u>\$189,771,000</u> ))
	<u>\$204,630,000</u>
Tacoma Narrows Toll Bridge Account—State	
Appropriation .....	(( <u>\$7,906,000</u> ))
	<u>\$8,350,000</u>
Alaskan Way Viaduct Replacement Project	
Account—State	
Appropriation .....	\$10,000
<u>Interstate 405 and State Route Number 167 Express</u>	
<u>Toll Lanes Account—State Appropriation</u>	<u>\$3,018,000</u>
Transportation 2003 Account (Nickel Account)—	
State	
Appropriation .....	(( <u>\$9,617,000</u> ))
	<u>\$17,892,000</u>
TOTAL APPROPRIATION .....	<u>\$768,100,000</u>
	<u>\$838,044,000</u>

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

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and

activities as listed by fund, project, and amount in LEAP Transportation Document ((~~2019-4~~)) 2020-1 as developed ((~~April 27, 2019~~)) February 25, 2020, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((~~2019-2~~)) 2020-2 ALL PROJECTS as developed ((~~April 27, 2019~~)) February 25, 2020, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (OBI4001).

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

(4) ((~~\$25,036,000~~)) \$26,683,000 of the connecting Washington account—state appropriation is provided solely for the land mobile radio upgrade (G2000055) and is subject to the conditions, limitations, and review provided in section 701 of this act. The land mobile radio project is subject to technical oversight by the office of the chief information officer. The department, in collaboration with the office of the chief information officer, shall identify where existing or proposed mobile radio technology investments should be consolidated, identify when existing or proposed mobile radio technology investments can be reused or leveraged to meet multiagency needs, increase mobile radio interoperability between agencies, and identify how redundant investments can be reduced over time. The department shall also provide quarterly reports to the technology services board on project progress.

(5) ((~~\$2,500,000~~)) \$4,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary costs incurred from litigation awards, settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund. The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted. No funds provided in this subsection may be

expended on any legal fees related to the SR 99/Alaskan Way viaduct replacement project (809936Z).

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

(7) ~~(\$22,729,000)~~ \$21,289,000 of the motor vehicle account—federal appropriation and ~~(\$553,000)~~ \$840,000 of the motor vehicle account—state appropriation are provided solely for the preservation of structurally deficient bridges or bridges that are at risk of becoming structurally deficient (L1000068). These funds must be used widely around the state of Washington. When practicable, the department shall pursue design-build contracts for these bridge projects to expedite delivery. The department shall provide a report that identifies the progress of each project funded in this subsection as part of its annual agency budget request.

(8) The department must consult with the Washington state patrol and the office of financial management during the design phase of any improvement or preservation project that could impact Washington state patrol weigh station operations. During the design phase of any such project, the department must estimate the cost of designing around the affected weigh station's current operations, as well as the cost of moving the affected weigh station.

(9) During the course of any planned resurfacing or other preservation activity on state route number 26 between Colfax and Othello in the 2019-2021 fiscal biennium, the department must add dug-in reflectors.

(10)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2021-2023 fiscal biennium, the department may, on a pilot basis, apply funding from a project in this section with an appropriation that cannot be used for the current fiscal biennium to advance the SR 4/Abernathy Creek Br - Replace Bridge project (400411A).

(b) At least ten business days before advancing the project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of the project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.

(c) To the extent practicable, the department shall use the flexibility and authority granted in this section and in section 601 of this act to minimize the amount of reappropriations needed each biennium.

(11) Within the connecting Washington account—state appropriation, the department may transfer funds from Highway System Preservation (L1100071) to other preservation projects listed in the LEAP transportation document identified in subsection (1) of this section, if it is determined necessary for completion of these high priority

preservation projects. The department's next budget submittal after using this subsection must appropriately reflect the transfer.

**Sec. 307.** 2019 c 416 s 308 (uncodified) is amended to read as follows:

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

Motor Vehicle Account—State Appropriation .....	<del>(\$7,311,000)</del>
	<u>\$8,433,000</u>
Motor Vehicle Account—Federal Appropriation .....	<del>(\$5,331,000)</del>
	<u>\$6,137,000</u>
Motor Vehicle Account—Private/Local Appropriation .....	<del>(\$500,000)</del>
	<u>\$579,000</u>
<u>Interstate 405 and State Route Number 167 Express</u>	
<u>Toll Lanes Account—State Appropriation ...</u>	<u>\$100,000</u>
TOTAL APPROPRIATION .....	<u>\$13,142,000</u>
	<u>\$15,249,000</u>

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

(1) \$700,000 of the motor vehicle account—state appropriation is provided solely for the SR 99 Aurora Bridge ITS project (L2000338); however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (~~Engrossed Substitute Senate Bill No. 5993~~), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses.

(2) It is the intent of the legislature that no capital projects be delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for this program is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

(3) \$700,000 of the motor vehicle account—state appropriation is provided solely as restitutive expenditure authority for projects as listed by amount in LEAP Transportation Document 2020-2 ALL PROJECTS as developed February 25, 2020, Program – Traffic Operations (Q), and may be spent only if a court of final jurisdiction holds that chapter 1 (Initiative Measure No. 976), Laws of 2020 is unconstitutional in its entirety.

**Sec. 308.** 2019 c 416 s 309 (uncodified) is amended to read as follows:

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

Puget Sound Capital Construction Account—State	
Appropriation .....	<del>(\$111,076,000)</del>
	<u>\$114,953,000</u>
Puget Sound Capital Construction Account—Federal	
Appropriation .....	<del>(\$141,750,000)</del>
	<u>\$198,688,000</u>
Puget Sound Capital Construction Account—Private/Local	
Appropriation .....	<del>(\$350,000)</del>
	<u>\$4,779,000</u>
Transportation Partnership Account—State	
Appropriation .....	<del>(\$4,936,000)</del>
	<u>\$6,582,000</u>
Connecting Washington Account—State	
Appropriation .....	<del>(\$92,766,000)</del>
	<u>\$96,617,000</u>
Capital Vessel Replacement Account—State	
Appropriation .....	<del>(\$99,000,000)</del>
	<u>\$96,030,000</u>
<u>Motor Vehicle Account—State Appropriation</u>	<u>\$5,000,000</u>
<u>Transportation 2003 Account (Nickel Account)—State</u>	
Appropriation .....	<u>\$986,000</u>
TOTAL APPROPRIATION .....	<u>\$449,878,000</u>
	<u>\$523,635,000</u>

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

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document (~~(2019-2)~~) 2020-2 ALL PROJECTS as developed (~~(April 27, 2019)~~) February 25, 2020, Program - Washington State Ferries Capital Program (W).

(2) (~~(\$1,461,000)~~) \$2,857,000 of the Puget Sound capital construction account—state appropriation, (~~(\$59,650,000)~~) \$17,832,000 of the Puget Sound capital construction account—federal appropriation, and \$63,789,000 of the connecting Washington account—state appropriation, are provided solely for the Mukilteo ferry terminal (952515P). To the extent practicable, the department shall avoid the closure of, or disruption to, any existing public access walkways in the vicinity of the terminal project during construction.

(3) (~~(\$73,089,000)~~) \$102,641,000 of the Puget Sound capital construction account—federal appropriation(~~(\$33,089,000)~~) and \$34,998,000 of the connecting Washington account—state appropriation(~~(and \$8,778,000~~

~~of the Puget Sound capital construction account—state appropriation))~~ are provided solely for the Seattle Terminal Replacement project (900010L).

(4) (~~(\$5,000,000)~~) \$5,357,000 of the Puget Sound capital construction account—state appropriation is provided solely for emergency capital repair costs (999910K). Funds may only be spent after approval by the office of financial management.

(5) \$2,300,000 of the Puget Sound capital construction account—state appropriation is provided solely for the ORCA acceptance project (L2000300). The ferry system shall work with Washington technology solutions and the tolling division on the development of a new, interoperable ticketing system.

(6) \$495,000 of the Puget Sound capital construction account—state appropriation is provided solely for an electric ferry planning team (G2000087) to develop ten-year and twenty-year implementation plans to efficiently deploy hybrid-electric vessels, including a cost-benefit analysis of construction and operation of hybrid-electric vessels with and without charging infrastructure. The plan includes, but is not limited to, vessel technology and feasibility, vessel and terminal deployment schedules, project financing, and workforce requirements. The plan shall be submitted to the office of financial management and the transportation committees of the legislature by June 30, 2020.

(7) \$35,000,000 of the Puget Sound capital construction account—state appropriation and (~~(\$6,500,000)~~) \$8,000,000 of the Puget Sound capital construction account—federal appropriation are provided solely for the conversion of up to two Jumbo Mark II vessels to electric hybrid propulsion (G2000084). The department shall seek additional funds for the purposes of this subsection. The department may spend from the Puget Sound capital construction account—state appropriation in this section only as much as the department receives in Volkswagen settlement funds for the purposes of this subsection.

(8) \$400,000 of the Puget Sound capital construction account—state appropriation is provided solely for a request for proposals for a new maintenance management system (project L2000301) and is subject to the conditions, limitations, and review provided in section 701 of this act.

(9) (~~(\$99,000,000)~~) \$96,030,000 of the capital vessel replacement account—state appropriation is provided solely for the acquisition of a 144-car hybrid-electric vessel. The vendor must present to the joint transportation committee and the office of financial management, by September 15, 2019, a list of options that will result in significant cost savings changes in terms of construction or the long-term maintenance and operations of the vessel. The vendor must allow for exercising the options without a penalty. It is the intent of the legislature to provide an additional \$88,000,000 in funding in the 2021-23 biennium. (~~Unless (a) chapter 431 (Engrossed Substitute House Bill No. 2161), Laws of 2019 (capital surcharge) or chapter ... (Substitute Senate Bill No. 5992), Laws of 2019 (capital surcharge) is enacted by June 30, 2019, and (b) chapter 417 (Engrossed House Bill No. 1789), Laws of 2019 (service fees) or chapter ... (Substitute~~

Senate Bill No. 5419), Laws of 2019 (service fees) is enacted by June 30, 2019, the amount provided in this subsection lapses.) The reduction provided in this subsection is an assumed underrun pursuant to subsection (11) of this section. The commencement of construction of new vessels for the ferry system is important not only for safety reasons, but also to keep skilled marine construction jobs in the Puget Sound region and to sustain the capacity of the region to meet the ongoing construction and preservation needs of the ferry system fleet of vessels. The legislature has determined that the current vessel procurement process must move forward with all due speed, balancing the interests of both the taxpayers and shipyards. To accomplish construction of vessels in accordance with RCW 47.60.810, the prevailing shipbuilder, for vessels initially funded after July 1, 2020, is encouraged to follow the historical practice of subcontracting the construction of ferry superstructures to a separate nonaffiliated contractor located within the Puget Sound region, that is qualified in accordance with RCW 47.60.690. When subcontracting, the prevailing shipbuilder shall negotiate a fair value contract with the superstructure subcontractor or subcontractors. The negotiation of the scope of work for the superstructure subcontract shall include, at a minimum, the scope of work of superstructure construction historically performed by subcontractors on ferry superstructures. All negotiations must be completed within forty-five days of the department's approval of the final technical proposal. The prevailing shipbuilder must submit to the department evidence of good faith efforts, as judged by the department, to meet the superstructure subcontracting requirement set forth herein before proceeding with construction of the vessel.

(10) The capital vessel replacement account—state appropriation includes up to (~~(\$99,000,000)~~) \$96,030,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(11) It is the intent of the legislature that no capital projects be delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for this program is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

(12) \$5,000,000 of the motor vehicle account—state appropriation is provided solely as restitutive expenditure authority for projects as listed by amount in LEAP Transportation Document 2020-2 ALL PROJECTS as developed February 25, 2020, Program – Washington State Ferries Capital Program (W), and may be spent only if a court of final jurisdiction holds that chapter 1 (Initiative Measure No. 976), Laws of 2020 is unconstitutional in its entirety.

**Sec. 309.** 2019 c 416 s 310 (uncodified) is amended to read as follows:

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

Motor Vehicle Account—State Appropriation  
..... \$1,750,000

Essential Rail Assistance Account—State Appropriation .....	(\$500,000)
	<u>\$716,000</u>
Transportation Infrastructure Account—State Appropriation .....	(\$7,554,000)
	<u>\$7,503,000</u>
Multimodal Transportation Account—State Appropriation .....	(\$85,441,000)
	<u>\$95,125,000</u>
Multimodal Transportation Account—Federal Appropriation .....	(\$8,302,000)
	<u>\$8,601,000</u>
Multimodal Transportation Account—Local Appropriation .....	\$336,000
TOTAL APPROPRIATION .....	\$103,883,000
	<u>\$114,031,000</u>

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

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document (~~(2019-2)~~) 2020-2 ALL PROJECTS as developed (~~(April 27, 2019)~~) February 25, 2020, Program - Rail Program (Y).

(2) \$7,136,000 of the transportation infrastructure account—state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than ten years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. The department shall report annually to the transportation committees of the legislature and the office of financial management on all FRIB loans issued.

(3) (~~(\$8,112,000)~~) \$7,968,000 of the multimodal transportation account—state appropriation (~~(, \$51,000 of the transportation infrastructure account state appropriation, and \$135,000 of the essential rail assistance account state appropriation are)~~) is provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

(4) \$367,000 of the transportation infrastructure account—state appropriation and \$1,100,000 of the multimodal transportation account—state appropriation are provided solely to reimburse Highline Grain, LLC for approved work completed on Palouse River and Coulee City (PCC) railroad track in Spokane county between the BNSF Railway Interchange at Cheney and Geiger Junction and must be administered in a manner consistent with freight rail assistance program projects. The value of the public benefit

of this project is expected to meet or exceed the cost of this project in: Shipper savings on transportation costs; jobs saved in rail-dependent industries; and/or reduced future costs to repair wear and tear on state and local highways due to fewer annual truck trips (reduced vehicle miles traveled). The amounts provided in this subsection are not a commitment for future legislatures, but it is the legislature's intent that future legislatures will work to approve biennial appropriations until the full \$7,337,000 cost of this project is reimbursed.

(5)(a) ~~(\$365,000)~~ \$716,000 of the essential rail assistance account—state appropriation ~~(is)~~ and \$82,000 of the multimodal transportation account—state appropriation are provided solely for the purpose of the rehabilitation and maintenance of the Palouse river and Coulee City railroad line (F01111B).

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

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

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

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

(6) The department shall issue a call for projects for the freight rail assistance program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 15, 2020, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(7) \$10,000,000 of the multimodal transportation account—state appropriation is provided solely as expenditure authority for any insurance proceeds received by the state for Passenger Rail Equipment Replacement (project 700010C.) The department must use this expenditure authority only to purchase ~~(new train sets)~~ replacement equipment that ~~(have)~~ has been competitively procured and for service recovery needs and corrective actions related to the December 2017 derailment.

(8) ~~(\$600,000)~~ \$898,000 of the multimodal transportation account—federal appropriation and ~~(\$6,000)~~ \$8,000 of the multimodal transportation account—state appropriation are provided solely for the Ridgefield Rail Overpass (project 725910A). Total costs for this project may not exceed \$909,000 across fiscal biennia.

(9)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2021-2023 fiscal biennium, the

department may, on a pilot basis, apply funding from a project in this section with an appropriation that cannot be used for the current fiscal biennium to advance the South Kelso Railroad Crossing project (L1000147).

(b) At least ten business days before advancing the project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of the project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.

(c) To the extent practicable, the department shall use the flexibility and authority granted in this section to minimize the amount of reappropriations needed each biennium.

(10) The multimodal transportation account—state appropriation includes up to ~~(\$19,592,000)~~ \$25,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.867.

(11) The department must report to the joint transportation committee on the progress made on freight rail investment bank projects and freight rail assistance projects funded during this biennium by January 1, 2020.

(12) \$1,500,000 of the multimodal transportation account—state appropriation is provided solely for the Chelatchie Prairie railroad roadbed rehabilitation project (L1000233).

(13) \$250,000 of the multimodal transportation account—state appropriation is provided solely for the Port of Moses Lake Northern Columbia Basin railroad feasibility study (L1000235).

(14) \$500,000 of the multimodal transportation account—state appropriation is provided solely for the Spokane airport transload facility project (L1000242).

(15) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for the grade separation at Bell road project (L1000239) ~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).~~

(16) \$750,000 of the motor vehicle account—state appropriation ~~((is))~~ and \$399,000 of the multimodal transportation account—state appropriation are provided solely for the rail crossing improvements at 6th Ave. and South 19th St. project (L2000289) ~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).~~

(17) It is the intent of the legislature that no capital projects be delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for this program is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

(18) \$5,000,000 of the multimodal transportation account—state appropriation is provided solely as restitutive expenditure authority for projects as listed by amount in LEAP Transportation Document 2020-2 ALL PROJECTS as developed February 25, 2020, Program – Rail Program (Y), and may be spent only if a court of final jurisdiction holds that chapter 1 (Initiative Measure No. 976), Laws of 2020 is unconstitutional in its entirety.

**Sec. 310.** 2019 c 416 s 311 (uncodified) is amended to read as follows:

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

Highway	Infrastructure	Account—State	Appropriation .....	<del>(\$793,000)</del>	<u>\$1,276,000</u>
Highway	Infrastructure	Account—Federal	Appropriation .....	<del>(\$981,000)</del>	<u>\$1,337,000</u>
Transportation Partnership Account—State				Appropriation .....	<del>(\$750,000)</del>
					<u>\$1,380,000</u>
Highway	Safety	Account—State	Appropriation .....	<del>(\$800,000)</del>	<u>\$1,314,000</u>
Motor	Vehicle	Account—State	Appropriation .....	<del>(\$30,878,000)</del>	<u>\$38,707,000</u>
Motor	Vehicle	Account—Federal	Appropriation .....	<del>(\$33,813,000)</del>	<u>\$67,690,000</u>
Motor	Vehicle	Account—Private/Local	Appropriation .....	<del>(\$21,500,000)</del>	<u>\$29,000,000</u>
Connecting	Washington	Account—State	Appropriation .....	<del>(\$172,454,000)</del>	<u>\$155,550,000</u>
Multimodal Transportation Account—State				Appropriation .....	<del>(\$72,269,000)</del>
					<u>\$87,469,000</u>
TOTAL APPROPRIATION .....				<u>\$334,238,000</u>	<u>\$383,723,000</u>

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

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document (~~2019-2~~) 2020-2 ALL PROJECTS as developed (~~April 27, 2019~~) February 25, 2020, Program - Local Programs Program (Z).

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

(a) \$18,380,000 of the multimodal transportation account—state appropriation is provided solely for newly selected pedestrian and bicycle safety program projects. (~~\$5,940,000~~) \$18,577,000 of the multimodal transportation account—state appropriation and (~~\$750,000~~) \$1,380,000 of the transportation partnership account—state appropriation are reappropriated for pedestrian and bicycle safety program projects selected in the previous biennia (L2000188).

(b) \$11,400,000 of the motor vehicle account—federal appropriation and \$7,750,000 of the multimodal transportation account—state appropriation are provided solely for newly selected safe routes to school projects. (~~\$6,690,000~~) \$11,354,000 of the motor vehicle account—federal appropriation, (~~\$2,320,000~~) \$4,640,000 of the multimodal transportation account—state appropriation, and (~~\$800,000~~) \$1,314,000 of the highway safety account—state appropriation are reappropriated for safe routes to school projects selected in the previous biennia (L2000189). The department may consider the special situations facing high-need areas, as defined by schools or project areas in which the percentage of the children eligible to receive free and reduced-price meals under the national school lunch program is equal to, or greater than, the state average as determined by the department, when evaluating project proposals against established funding criteria while ensuring continued compliance with federal eligibility requirements.

(3) The department shall submit a report to the transportation committees of the legislature by December 1, 2019, and December 1, 2020, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program. The report must include, but is not limited to, a list of projects selected and a brief description of each project's status.

(4) (~~\$28,319,000~~) \$37,537,000 of the multimodal transportation account—state appropriation is provided solely for bicycle and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(5) (~~\$19,160,000~~) \$23,926,000 of the connecting Washington account—state appropriation is provided solely for the Covington Connector (L2000104). The amounts described in the LEAP transportation document referenced in subsection (1) of this section are not a commitment by future legislatures, but it is the legislature's intent that future legislatures will work to approve appropriations in the 2019-2021 fiscal biennium to reimburse the city of Covington for

approved work completed on the project up to the full \$24,000,000 cost of this project.

(6)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2021-2023 fiscal biennium, the department may, on a pilot basis, apply funding from a project in this section with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

(i) East-West Corridor Overpass and Bridge (L2000067);

(ii) 41st Street Rucker Avenue Freight Corridor Phase 2 (L2000134);

(iii) Mottman Rd Pedestrian & Street Improvements (L1000089);

(iv) I-5/Port of Tacoma Road Interchange (L1000087);

(v) Complete SR 522 Improvements-Kenmore (T10600R);

(vi) SR 99 Revitalization in Edmonds (NEDMOND);  
or

(vii) SR 523 145th Street (L1000148);

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.

(c) To the extent practicable, the department shall use the flexibility and authority granted in this section to minimize the amount of reappropriations needed each biennium.

(7) It is the expectation of the legislature that the department will be administering a local railroad crossing safety grant program for \$7,000,000 in federal funds during the 2019-2021 fiscal biennium.

(8)(a) (~~(\$15,213,000)~~) \$41,483,000 of the motor vehicle account—federal appropriation is provided solely for national highway freight network projects identified on the project list submitted in accordance with section 218(4)(b), chapter 14, Laws of 2016 on October 31, 2016.

(b) In advance of the expiration of the fixing America's surface transportation (FAST) act in 2020, the department must work with the Washington state freight advisory committee to agree on a framework for allocation of any new national highway freight funding that may be approved in a new federal surface transportation reauthorization act. The department and representatives of the advisory committee must report to the joint transportation committee by October 1, 2020, on the status of planning for allocating new funds for this program.

(9) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for the Beech Street Extension project (L1000222)(~~(; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~).

(10) \$3,900,000 of the motor vehicle account—state appropriation is provided solely for the Dupont-Steilacoom road improvements project (L1000224)(~~(; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~).

(11) \$650,000 of the motor vehicle account—state appropriation is provided solely for the SR 104/40th place northeast roundabout project (L1000244)(~~(; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~).

(12) \$860,000 of the multimodal transportation account—state appropriation is provided solely for the Clinton to Ken's corner trail project (L1000249).

(13) \$210,000 of the motor vehicle account—state appropriation is provided solely for the I-405/44th gateway signage and green-scaping improvements project (L1000250)(~~(; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~).

(14) (~~(\$750,000 of the multimodal transportation account—state appropriation is provided solely for the Edmonds waterfront connector project (L1000252).~~

~~(15))~~ \$650,000 of the motor vehicle account—state appropriation is provided solely for the Wallace Kneeland and Shelton springs road intersection improvements project (L1000260)(~~(; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~).

~~((46))~~ (15) \$1,000,000 of the motor vehicle account—state appropriation and \$500,000 of the multimodal transportation account—state appropriation are provided solely for the complete 224th Phase two project (L1000270)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount in this subsection provided from the motor vehicle account—state appropriation lapses))~~.

~~((47))~~ (16) \$60,000 of the multimodal transportation account—state appropriation is provided solely for the installation of an updated meteorological station at the Colville airport (L1000279).

~~((48))~~ (17)(a) \$700,000 of the motor vehicle account—state appropriation is provided solely for the Ballard-Interbay Regional Transportation system plan project (L1000281)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~.

(b) Funding in this subsection is provided solely for the city of Seattle to develop a plan and report for the Ballard-Interbay Regional Transportation System project to improve mobility for people and freight. The plan must be developed in coordination and partnership with entities including but not limited to the city of Seattle, King county, the Port of Seattle, Sound Transit, the Washington state military department for the Seattle armory, and the Washington state department of transportation. The plan must examine replacement of the Ballard bridge and the Magnolia bridge, which was damaged in the 2001 Nisqually earthquake. The city must provide a report on the plan that includes recommendations to the Seattle city council, King county council, and the transportation committees of the legislature by November 1, 2020. The report must include recommendations on how to maintain the current and future capacities of the Magnolia and Ballard bridges, an overview and analysis of all plans between 2010 and 2020 that examine how to replace the Magnolia bridge, and recommendations on a timeline for constructing new Magnolia and Ballard bridges.

~~((49))~~ (18) \$750,000 of the motor vehicle account—state appropriation is provided solely for the Mickelson Parkway project (L1000282)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~.

~~((20))~~ (19) \$300,000 of the motor vehicle account—state appropriation is provided solely for the South 314th Street Improvements project (L1000283)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~.

~~((24))~~ (20) \$250,000 of the motor vehicle account—state appropriation is provided solely for the Ridgefield South I-5 Access Planning project (L1000284)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~.

~~((22))~~ (21) \$300,000 of the motor vehicle account—state appropriation is provided solely for the Washougal 32nd Street Underpass Design and Permitting project (L1000285)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~.

~~((23))~~ (22) \$600,000 of the Connecting Washington account—state appropriation, \$150,000 of the motor vehicle account—state appropriation, and ~~(((\$50,000))~~ \$267,000 of the multimodal transportation account—state appropriation are provided solely for the Bingen Walnut Creek and Maple Railroad Crossing (L2000328)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount in this subsection provided from the motor vehicle account—state appropriation lapses))~~.

~~((24))~~ (23) \$1,500,000 of the motor vehicle account—state appropriation is provided solely for the SR 303 Warren Avenue Bridge Pedestrian Improvements project (L2000339)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~.

~~((25))~~ (24) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for the 72nd/Washington Improvements in Yakima project

(L2000341)((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).

((26)) (25) \$650,000 of the motor vehicle account—state appropriation is provided solely for the 48th/Washington Improvements in Yakima project (L2000342)((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).

(26) It is the intent of the legislature that no capital projects be delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for this program is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

(27) \$7,000,000 of the motor vehicle account—state appropriation and \$10,000,000 of the multimodal transportation account—state appropriation are provided solely as restitutive expenditure authority for projects as listed by amount in LEAP Transportation Document 2020-2 ALL PROJECTS as developed February 25, 2020, Program – Local Programs Program (Z), and may be spent only if a court of final jurisdiction holds that chapter 1 (Initiative Measure No. 976), Laws of 2020 is unconstitutional in its entirety.

Sec. 311. 2019 c 416 s 313 (uncodified) is amended to read as follows:

**QUARTERLY REPORTING REQUIREMENTS FOR CAPITAL PROGRAM**

On a quarterly basis, the department of transportation shall provide to the office of financial management and the legislative transportation committees the following reports for all capital programs:

- (1) For active projects, the report must include:
  - (a) A TEIS version containing actual capital expenditures for all projects consistent with the structure of the most recently enacted budget;
  - (b) Anticipated cost savings, cost increases, reappropriations, and schedule adjustments for all projects consistent with the structure of the most recently enacted budget;
  - (c) The award amount, the engineer's estimate, and the number of bidders for all active projects consistent with the structure of the most recently enacted budget;
  - (d) Projected costs and schedule for individual projects that are funded at a programmatic level for projects relating to bridge rail, guard rail, fish passage barrier removal,

roadside safety projects, and seismic bridges. Projects within this programmatic level funding must be completed on a priority basis and scoped to be completed within the current programmatic budget;

- (e) Highway projects that may be reduced in scope and still achieve a functional benefit;
  - (f) Highway projects that have experienced scope increases and that can be reduced in scope;
  - (g) Highway projects that have lost significant local or regional contributions that were essential to completing the project; and
  - (h) Contingency amounts for all projects consistent with the structure of the most recently enacted budget.
- (2) For completed projects, the report must:
- (a) Compare the costs and operationally complete date for projects with budgets of twenty million dollars or more that are funded with preexisting funds to the original project cost estimates and schedule; and

(b) Provide a list of nickel ~~(and)~~ TPA, and connecting Washington projects charging to the nickel/TPA/CWA environmental mitigation reserve (OBI4ENV) and the amount each project is charging.

- (3) For prospective projects, the report must:
- (a) Identify the estimated advertisement date for all projects consistent with the structure of the most recently enacted transportation budget that are going to advertisement during the current fiscal biennium;
  - (b) Identify the anticipated operationally complete date for all projects consistent with the structure of the most recently enacted transportation budget that are going to advertisement during the current fiscal biennium; and
  - (c) Identify the estimated cost of completion for all projects consistent with the structure of the most recently enacted transportation budget that are going to advertisement during the current fiscal biennium.

**TRANSFERS AND DISTRIBUTIONS**

Sec. 401. 2019 c 416 s 401 (uncodified) is amended to read as follows:

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

Special Category C Account—State Appropriation .....	(\$376,000)	
		<u>\$278,000</u>
Multimodal Transportation Account—State Appropriation .....	\$125,000	
Transportation Partnership Account—State Appropriation .....	(\$1,636,000)	

	<u>\$1,412,000</u>
Connecting Washington Account—State Appropriation.....	(((\$7,599,000))
	<u>\$7,433,000</u>
Highway Bond Retirement Account—State Appropriation .....	(((\$1,327,766,000))
	<u>\$1,268,249,000</u>
Ferry Bond Retirement Account—State Appropriation .....	\$25,077,000
Transportation Improvement Board Bond Retirement Account—State Appropriation.....	\$12,684,000
Nondebt-Limit Reimbursable Bond Retirement Account—State Appropriation.....	(((\$29,594,000))
	<u>\$29,584,000</u>
Toll Facility Bond Retirement Account—State Appropriation .....	(((\$86,493,000))
	<u>\$86,483,000</u>
TOTAL APPROPRIATION .....	<u>\$1,491,340,000</u>
	<u>\$1,431,325,000</u>

**Sec. 402.** 2019 c 416 s 402 (uncodified) is amended to read as follows:

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

Multimodal Transportation Account—State Appropriation.....	\$25,000
Transportation Partnership Account—State Appropriation .....	(((\$327,000))
	<u>\$282,000</u>
Connecting Washington Account—State Appropriation.....	(((\$1,520,000))
	<u>\$1,541,000</u>
Special Category C Account—State Appropriation .....	(((\$75,000))
	<u>\$56,000</u>
TOTAL APPROPRIATION .....	<u>\$1,947,000</u>
	<u>\$1,904,000</u>

**Sec. 403.** 2019 c 416 s 403 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Account—State Appropriation:

For motor vehicle fuel tax distributions to cities and counties..... (((\$518,198,000))

\$508,276,000

**Sec. 404.** 2019 c 416 s 404 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—TRANSFERS**

Motor Vehicle Account—State Appropriation:  
For motor vehicle fuel tax refunds and statutory transfers..... (((\$2,188,945,000))

\$2,146,790,000

**Sec. 405.** 2019 c 416 s 405 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING—TRANSFERS**

Motor Vehicle Account—State Appropriation:  
For motor vehicle fuel tax refunds and transfers .....

(((\$220,426,000))

\$235,788,000

**Sec. 406.** 2019 c 416 s 406 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS**

- (1) Highway Safety Account—State Appropriation:  
For transfer to the Multimodal Transportation Account—State..... (((\$10,000,000))

\$54,000,000

- (2) Transportation Partnership Account—State  
Appropriation: For transfer to the Motor Vehicle Account—State..... \$50,000,000
- (3) Motor Vehicle Account—State Appropriation:  
For transfer to the State Patrol Highway Account—State..... (((\$7,000,000))

\$57,000,000

- (4) Motor Vehicle Account—State Appropriation:  
For transfer to the Freight Mobility Investment Account—State..... (((\$8,511,000))

\$970,000

- (5) ~~(Motor Vehicle Account—State Appropriation: For transfer to the Rural Arterial Trust Account—State..... \$4,844,000~~
- ~~(6))~~ Motor Vehicle Account—State Appropriation:

For transfer to the Transportation Improvement Account—State .....((~~\$9,688,000~~))  
\$1,101,000

~~((7)) Highway Safety Account—State Appropriation: For transfer to the State Patrol Highway Account—State ..... \$44,000,000~~

~~((8)) (6) Motor Vehicle Account—State Appropriation: For transfer to the Puget Sound Capital Construction Account—State ..... \$52,000,000~~

(7) Motor Vehicle Account—State Appropriation: For transfer to the Puget Sound Ferry Operations Account—State ..... \$55,000,000

(8) Rural Mobility Grant Program Account—State Appropriation: For transfer to the Multimodal Transportation Account—State ..... \$3,000,000

(9) State Route Number 520 Civil Penalties Account—State Appropriation: For transfer to the State Route Number 520 Corridor Account—State ..... \$1,434,000

(10) Capital Vessel Replacement Account—State Appropriation: For transfer to the Connecting Washington Account—State .....((~~\$50,000,000~~))  
\$60,000,000

(11) Multimodal Transportation Account—State Appropriation: For transfer to the Freight Mobility Multimodal Account—State..((~~\$8,511,000~~))  
\$1,011,000

(12) ~~((Multimodal Transportation Account—State Appropriation: For transfer to the Puget Sound Capital Construction Account—State..... \$15,000,000~~

~~(13) Multimodal Transportation Account—State Appropriation: For transfer to the Puget Sound Ferry Operations Account—State ..... \$45,000,000~~

~~((14)) Multimodal Transportation Account—State Appropriation: For transfer to the Regional Mobility Grant Program Account—State .....((~~\$27,679,000~~))  
\$11,215,000~~

~~((15)) (13) Multimodal Transportation Account—State Appropriation: For transfer to the Rural Mobility Grant Program Account—State \$15,223,000~~

~~((16)) (14) Transportation 2003 Account (Nickel Account)—  
State Appropriation: For transfer to the Puget Sound Capital Construction Account—State .....((~~\$20,000,000~~))  
\$15,000,000~~

~~((17)) (15)(a) Alaskan Way Viaduct Replacement Project  
Account—State Appropriation: For transfer to the Motor Vehicle Account—State.....\$9,992,000~~

(b) The transfer identified in this subsection is provided solely to repay in full the motor vehicle account—state appropriation loan from section 1005(21) ~~((of this act)), chapter 416, Laws of 2019.~~

~~((18)) (16)(a) Transportation Partnership Account—State  
Appropriation: For transfer to the Alaskan Way Viaduct Replacement Project Account—State ((~~\$77,951,000~~))  
\$77,956,000~~

(b) The amount transferred in this subsection represents that portion of the up to \$200,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.873, intended to be sold through the 2021-2023 fiscal biennium, used only for construction of the SR 99/Alaskan Way Viaduct Replacement project (809936Z), and that must be repaid from the Alaskan Way viaduct replacement project account consistent with RCW 47.56.864.

~~((19)) (17) Motor Vehicle Account—State Appropriation:  
For transfer to the County Arterial Preservation Account—State..... ((~~\$4,844,000~~))  
\$4,829,000~~

~~((20)) (18)(a) General Fund Account—State Appropriation:  
For transfer to the State Patrol Highway Account—State.....\$625,000~~

(b) The state treasurer shall transfer the funds only after receiving notification from the Washington state patrol under section 207(7) ~~((of this act)), chapter 416, Laws of 2019.~~

~~((21)) (19) Capital Vessel Replacement Account—State  
Appropriation: For transfer to the Transportation Partnership Account—State..... ((~~\$3,293,000~~))  
\$2,312,000~~

~~((22)) (20)(a) Alaskan Way Viaduct Replacement Project~~

Account—State Appropriation: For transfer to the  
 Transportation Partnership Account—State  
 .....(~~(\$19,262,000)~~)  
\$15,858,000

(b) The amount transferred in this subsection represents repayment of debt service incurred for the construction of the SR 99/Alaskan Way Viaduct Replacement project (809936Z).

~~((23))~~ (21) Tacoma Narrows Toll Bridge Account—  
 State

Appropriation: For transfer to the Motor  
 Vehicle Account—State ..... \$950,000

~~((24))~~ (22)(a) Tacoma Narrows Toll Bridge  
 Account—State Appropriation:

For transfer to the Motor Vehicle  
 Account—State ..... \$5,000,000

(b) A transfer in the amount of \$5,000,000 was made from the Motor Vehicle Account to the Tacoma Narrows Toll Bridge Account in April 2019. It is the intent of the legislature that this transfer was to be temporary, for the purpose of minimizing the impact of toll increases, and this is an equivalent reimbursing transfer to occur in November 2019.

~~((25))~~ (23)(a) Transportation 2003 Account (Nickel  
 Account)

—State Appropriation: For transfer to the Tacoma  
 Narrows Toll Bridge Account—State ..... \$12,543,000

(b) It is the intent of the legislature that this transfer is temporary, for the purpose of minimizing the impact of toll increases, and an equivalent reimbursing transfer is to occur after the debt service and deferred sales tax on the Tacoma Narrows bridge construction costs are fully repaid in accordance with chapter 195, Laws of 2018.

~~((26))~~ (24) Transportation Infrastructure Account—  
 State

Appropriation: For transfer to the multimodal  
 Transportation Account—State ..... \$9,000,000

~~((27))~~ (25) Multimodal Transportation Account—  
 State

Appropriation: For transfer to the Pilotage  
 Account—State ..... \$2,500,000

~~((28))~~ (26)(a) Motor Vehicle Account—State  
 Appropriation: For transfer to the County Road

Administration Board Emergency Loan Account—  
 State ..... \$1,000,000

(b) If chapter 157 (~~Senate Bill No. 5923~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((29))~~ (27)(a) Advanced Environmental Mitigation  
 Revolving Account—State Appropriation: For  
 transfer

to the Motor Vehicle Account—State.....\$9,000,000

(b) The amount transferred in this subsection is contingent on at least a \$9,000,000 transfer to the advanced environmental mitigation revolving account authorized by June 30, 2019, in the omnibus capital appropriations act.

~~((30) Motor Vehicle account—State Appropriation:  
 For transfer to the Electric Vehicle Charging  
 Infrastructure Account—State ..... \$12,255,000~~

~~(31) Multimodal Transportation Account—State  
 Appropriation: For transfer to the Electric Vehicle  
 Charging Infrastructure Account—State.... \$8,000,000~~

~~(32))~~ (28) Multimodal Transportation Account—  
 State

Appropriation: For transfer to the Complete Streets  
 Grant Program Account—State ..... (~~(\$14,670,000)~~)  
\$10,200,000

~~((33))~~ (29)(a) Transportation Partnership

Account—State Appropriation: For transfer to the  
 Capital Vessel Replacement Account—State  
 ..... (~~(\$99,000,000)~~)  
\$96,030,000

(b)The amount transferred in this subsection represents proceeds from the sale of bonds authorized in RCW 47.10.873.

(30) Electric Vehicle Account—State Appropriation:  
 For transfer to the Multimodal Transportation Account—  
 State.....\$1,000,000

(31) Rural Arterial Trust Account—State  
 Appropriation: For transfer to the Motor Vehicle Account—  
 State.....\$1,389,000

(32) Connecting Washington Account—State  
 Appropriation: For transfer to the Motor Vehicle Account—  
 State.....\$95,000,000

**Sec. 407.** 2019 c 416 s 407 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

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

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

TOTAL APPROPRIATION.....\$50,224,000

Sec. 408. 2019 c 416 s 408 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE**

Toll Facility Bond Retirement Account—Federal	
Appropriation .....	\$199,522,000
Toll Facility Bond Retirement Account—State	
Appropriation .....	\$25,372,000
TOTAL APPROPRIATION .....	<u>\$225,273,000</u>
	<u>\$224,894,000</u>

**COMPENSATION**

NEW SECTION. Sec. 501. A new section is added to 2019 c 416 (uncodified) to read as follows:**COLLECTIVE BARGAINING AGREEMENTS**

Sections 502 and 503 of this act represent the results of the negotiations for fiscal year 2021 collective bargaining agreement changes, permitted under chapter 47.64 RCW. Provisions of the collective bargaining agreements contained in sections 502 and 503 of this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements contained in sections 502 and 503 of this act may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

NEW SECTION. Sec. 502. A new section is added to 2019 c 416 (uncodified) to read as follows:**DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MEBA-UL**

An agreement has been reached between the governor and the marine engineers' beneficial association unlicensed engine room employees pursuant to chapter 47.64 RCW for the 2021 fiscal year. Funding is provided to ensure training opportunities are available to all bargaining unit employees.

NEW SECTION. Sec. 503. A new section is added to 2019 c 416 (uncodified) to read as follows:**DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MEBA-L**

An agreement has been reached between the governor and the marine engineers' beneficial association licensed engineer officers pursuant to chapter 47.64 RCW for the 2021 fiscal year. Funding is provided to ensure training opportunities are available to all bargaining unit employees.

NEW SECTION. Sec. 504. A new section is added to 2019 c 416 (uncodified) to read as follows:**GENERAL STATE EMPLOYEE COMPENSATION ADJUSTMENTS**

Except as otherwise provided in sections 501 through 503 of this act, state employee compensation adjustments will be provided in accordance with funding adjustments provided in the 2020 supplemental omnibus appropriations act.

**IMPLEMENTING PROVISIONS**

Sec. 601. 2019 c 416 s 601 (uncodified) is amended to read as follows:

**FUND TRANSFERS**

(1) The 2005 transportation partnership projects or improvements and 2015 connecting Washington projects or improvements are listed in the LEAP Transportation Document ((~~2019-1~~) 2020-1 as developed ((~~April 27, 2019~~) February 25, 2020, which consists of a list of specific projects by fund source and amount over a sixteen-year period. Current fiscal biennium funding for each project is a line-item appropriation, while the outer year funding allocations represent a sixteen-year plan. The department of transportation is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and connecting Washington account projects on the LEAP transportation document referenced in this subsection. For the 2019-2021 project appropriations, unless otherwise provided in this act, the director of the office of financial management may provide written authorization for a transfer of appropriation authority between projects funded with transportation partnership account appropriations or connecting Washington account appropriations to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

- (a) Transfers may only be made within each specific fund source referenced on the respective project list;
- (b) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;
- (c) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed in the current fiscal biennium;
- (d) Transfers may not occur for projects not identified on the applicable project list;
- (e) Transfers may not be made while the legislature is in session;
- (f) Transfers to a project may not be made with funds designated as attributable to practical design savings as described in RCW 47.01.480;
- (g) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature. Until the legislature reconvenes to consider the 2020 supplemental omnibus

transportation appropriations act, any unexpended 2017-2019 appropriation balance as approved by the office of financial management, in consultation with the chairs and ranking members of the house of representatives and senate transportation committees, may be considered when transferring funds between projects; and

(h) Transfers between projects may be made by the department of transportation without the formal written approval provided under this subsection (1), provided that the transfer amount does not exceed two hundred fifty thousand dollars or ten percent of the total project, whichever is less. These transfers must be reported quarterly to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees.

(2) The department of transportation must submit quarterly all transfers authorized under this section in the transportation executive information system. The office of financial management must maintain a legislative baseline project list identified in the LEAP transportation documents referenced in this act, and update that project list with all authorized transfers under this section.

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

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

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

(6) The department must submit annually as part of its budget submittal a report detailing all transfers made pursuant to this section.

**Sec. 602.** 2019 c 416 s 606 (uncodified) is amended to read as follows:

#### **TRANSIT, BICYCLE, AND PEDESTRIAN ELEMENTS REPORTING**

(1) By November 15th of each year, the department of transportation must report on amounts expended to benefit transit, bicycle, or pedestrian elements within all connecting Washington projects in programs I, P, and Z identified in LEAP Transportation Document ((2019-2)) 2020-2 ALL PROJECTS as developed ((April 27, 2019)) February 25, 2020. The report must address each modal category separately and identify if eighteenth amendment protected funds have been used and, if not, the source of funding.

(2) To facilitate the report in subsection (1) of this section, the department of transportation must require that

all bids on connecting Washington projects include an estimate on the cost to implement any transit, bicycle, or pedestrian project elements.

#### **MISCELLANEOUS 2019-2021 FISCAL BIENNIUM**

**Sec. 701.** 2019 c 416 s 701 (uncodified) is amended to read as follows:

#### **INFORMATION TECHNOLOGY OVERSIGHT**

(1) Agencies must apply to the office of financial management and the office of the state chief information officer for approval before beginning a project or proceeding with each discreet stage of a project subject to this section. At each stage, the office of the state chief information officer must certify that the project has an approved technology budget and investment plan, complies with state information technology and security requirements, and other policies defined by the office of the state chief information officer. The office of financial management must notify the fiscal committees of the legislature of the receipt of each application and may not approve a funding request for ten business days from the date of notification.

(2)(a) Each project must have a technology budget. The technology budget must use a method similar to the state capital budget, identifying project costs, each fund source, and anticipated deliverables through each stage of the entire project investment and across fiscal periods and biennia from project onset through implementation and close out.

(b) As part of the development of a technology budget and at each request for funding, the agency shall submit detailed financial information to the office of financial management and the office of the state chief information officer. The technology budget must describe the total cost of the project by fiscal month to include and identify:

(i) Fund sources;

(ii) Full-time equivalent staffing level to include job classification assumptions;

(iii) A discreet appropriation index and program index;

(iv) Object and subobject codes of expenditures; and

(v) Anticipated deliverables.

(c) If a project technology budget changes and a revised technology budget is completed, a comparison of the revised technology budget to the last approved technology budget must be posted to the dashboard, to include a narrative rationale on what changed, why, and how that impacts the project in scope, budget, and schedule.

(3)(a) Each project must have an investment plan that includes:

(i) An organizational chart of the project management team that identifies team members and their roles and responsibilities;

(ii) The office of the state chief information officer staff assigned to the project;

(iii) An implementation schedule covering activities, critical milestones, and deliverables at each stage of the project for the life of the project at each agency affected by the project;

(iv) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product;

(v) Ongoing maintenance and operations cost of the project post implementation and close out delineated by agency staffing, contracted staffing, and service level agreements; and

(vi) Financial budget coding to include at least discrete program index and subject codes.

(4) Projects with estimated costs greater than one hundred million dollars from initiation to completion and implementation may be divided into discrete subprojects as determined by the office of the state chief information officer. Each subproject must have a technology budget and investment plan as provided in this section.

(5)(a) The office of the state chief information officer shall maintain an information technology project dashboard that provides updated information each fiscal month on projects subject to this section. This includes, at least:

(i) Project changes each fiscal month;

(ii) Noting if the project has a completed market requirements document;

(iii) Financial status of information technology projects under oversight; ~~((and))~~

(iv) Coordination with agencies;

(v) Monthly quality assurance reports, if applicable;

(vi) Monthly office of the state chief information officer status reports;

(vii) Historical project budget and expenditures through fiscal year 2019;

(viii) Budget and expenditures each fiscal month; and

(ix) Estimated annual maintenance and operations costs by fiscal year.

(b) The dashboard must retain a roll up of the entire project cost, including all subprojects, that can be displayed the subproject detail.

(6) If the project affects more than one agency:

(a) A separate technology budget and investment plan must be prepared for each agency; and

(b) The dashboard must contain a statewide project technology budget roll up that includes each affected agency at the subproject level.

(7) For any project that exceeds two million dollars in total funds to complete, requires more than one biennium to complete, or is financed through financial contracts, bonds, or other indebtedness:

(a) Quality assurance for the project must report independently the office of the chief information officer;

(b) The office of the chief information officer must review, and, if necessary, revise the proposed project to ensure it is flexible and adaptable to advances in technology;

(c) The technology budget must specifically identify the uses of any financing proceeds. No more than thirty percent of the financing proceeds may be used for payroll-related costs for state employees assigned to project management, installation, testing, or training;

(d) The agency must consult with the office of the state treasurer during the competitive procurement process to evaluate early in the process whether products and services to be solicited and the responsive bids from a solicitation may be financed; and

(e) The agency must consult with the contracting division of the department of enterprise services for a review of all contracts and agreements related to the project's information technology procurements.

(8) The office of the state chief information officer must evaluate the project at each stage and certify whether the project is planned, managed, and meeting deliverable targets as defined in the project's approved technology budget and investment plan.

(9) The office of the state chief information officer may suspend or terminate a project at any time if it determines that the project is not meeting or not expected to meet anticipated performance and technology outcomes. Once suspension or termination occurs, the agency shall unallot any unused funding and shall not make any expenditure for the project without the approval of the office of financial management. The office of the state chief information officer must report on July 1st and December 1st each calendar year, beginning July 1, 2020, any suspension or termination of a project in the previous six month period to legislative fiscal committees.

(10) The office of the state chief information officer, in consultation with the office of financial management, may identify additional projects to be subject to this section, including projects that are not separately identified within an agency budget. The office of the state chief information officer must report on July 1st and December 1st each calendar year, beginning July 1, 2020, any additional projects to be subjected to this section that were identified in the previous six month period to legislative fiscal committees.

(11) The following department of transportation projects are subject to the conditions, limitations, and review provided in this section: Labor System Replacement, New Ferry Division Dispatch System, Maintenance Management System, Land Mobile Radio System Replacement, and New CSC System and Operator.

**Sec. 702.** RCW 36.79.020 and 1997 c 81 s 2 are each amended to read as follows:

There is created in the motor vehicle fund the rural arterial trust account. All moneys deposited in the motor

vehicle fund to be credited to the rural arterial trust account shall be expended for (1) the construction and improvement of county rural arterials and collectors, (2) the construction of replacement bridges funded by the federal bridge replacement program on access roads in rural areas, and (3) those expenses of the board associated with the administration of the rural arterial program. However, during the 2019-2021 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the rural arterial trust account to the motor vehicle fund.

**Sec. 703.** RCW 82.32.385 and 2015 3rd sp.s. c 44 s 420 are each amended to read as follows:

(1) Beginning September 2019 and ending ~~((June 2021))~~ December 2019, by the last day of September~~(<sup>7</sup>)~~ and December~~((, March, and June of each year))~~, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 thirteen million six hundred eighty thousand dollars.

(2) Beginning March 2020 and ending June 2021, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the multimodal transportation account created in RCW 47.66.070 thirteen million six hundred eighty thousand dollars.

(3) Beginning September 2021 and ending June 2023, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 thirteen million eight hundred five thousand dollars.

~~((3))~~ (4) Beginning September 2023 and ending June 2025, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 thirteen million nine hundred eighty-seven thousand dollars.

~~((4))~~ (5) Beginning September 2025 and ending June 2027, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 eleven million six hundred fifty-eight thousand dollars.

~~((5))~~ (6) Beginning September 2027 and ending June 2029, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 seven million five hundred sixty-four thousand dollars.

~~((6))~~ (7) Beginning September 2029 and ending June 2031, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 four million fifty-six thousand dollars.

**Sec. 704.** RCW 47.66.110 and 2015 3rd sp.s. c 11 s 4 are each amended to read as follows:

(1) The transit coordination grant program is created in the department. The purpose of the transit coordination grant program is to encourage joint planning and coordination on the part of central Puget Sound transit systems in order to improve the user experience, increase ridership, and make the most effective use of tax dollars. The department shall oversee, manage, score, select, and evaluate transit coordination grant program project applications, and shall select transit coordination grant recipients annually. A transit agency located in a county or counties with a population of seven hundred thousand or more that border Puget Sound is eligible to apply to the department for transit coordination grants.

(2) Projects eligible for transit coordination grants include, but are not limited to, projects that:

(a) Integrate marketing efforts;

(b) Align fare structures;

(c) Integrate service planning;

(d) Coordinate long-range planning, including capital projects planning and implementation;

(e) Integrate other administrative functions and internal business processes as appropriate; and

(f) Integrate certain customer-focused tools and initiatives.

(3) Transit coordination grants must, at a minimum, be proposed jointly by two or more eligible transit agencies and must include a description of the:

(a) Issue or problem to be addressed;

(b) Specific solution and measurable outcomes;

(c) Benefits such as cost savings, travel time improvements, improved coordination, and improved customer experience; and

(d) Performance measurements and an evaluation plan that includes the identification of milestones towards successful completion of the project.

(4) Transit coordination grant applications must include measurable outcomes for the project including, but not limited to, the following:

(a) Impacts on service, such as increased service, improved service delivery, and improved transfers and coordination across transit service;

(b) Impacts on customer service, such as: Improved reliability; improved outreach and coordination with customers, employers, and communities; improvements in customer service functions, such as customer response time and web-based and other communications; and

(c) Impacts on administration, such as improved marketing and outreach efforts, integrated customer-focused tools, and improved cross-agency communications.

(5) Transit coordination grant applications must also include:

(a) Project budget and cost details; and

(b) A commitment and description of local matching funding of at least ten percent of the project cost.

(6) Upon completion of the project, transit coordination grant recipients must provide a report to the department that includes an overview of the project, how the grant funds were spent, and the extent to which the identified project outcomes were met. In addition, such reports must include a description of best practices that could be transferred to other transit agencies faced with similar issues to those addressed by the transit coordination grant recipient. The department must report annually to the transportation committees of the legislature on the transit coordination grants that were awarded, and the report must include data to determine if completed transit coordination grant projects produced the anticipated outcomes included in the grant applications.

(7) This section expires July 1, (~~2020~~) 2021.

**Sec. 705.** RCW 82.44.200 and 2019 c 287 s 15 are each amended to read as follows:

The electric vehicle account is created in the transportation infrastructure account. Proceeds from the principal and interest payments made on loans from the account must be deposited into the account. Expenditures from the account may be used only for the purposes specified in RCW 47.04.350, 82.08.9999, and 82.12.9999, and the support of other transportation electrification and alternative fuel related purposes. Moneys in the account may be spent only after appropriation. During the 2019-2021 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the electric vehicle account to the multimodal transportation account.

**Sec. 706.** RCW 82.44.135 and 2006 c 318 s 9 are each amended to read as follows:

(1) Before a local government subject to this chapter may impose a motor vehicle excise tax, the local government must contract with the department for the collection of the tax. The department may charge a reasonable amount, not to exceed one percent of tax collections, or two and one-half percent during the 2019-2021 biennium, for the administration and collection of the tax.

(2) For fiscal year 2021, the department shall charge a minimum of seven million eight hundred two thousand dollars, which is the reasonable amount aimed at achieving full cost recovery for the administration and collection of a motor vehicle excise tax. The amount of the full reimbursement for the administration and collection of the motor vehicle excise tax must be deducted before distributing any revenues to a regional transit authority. Any reimbursement to ensure full cost recovery beyond the amount specified in this subsection may be negotiated between the department and the regional transit authority if full cost recovery has not been achieved, or if based on emergent issues.

**Sec. 707.** RCW 46.68.395 and 2015 3rd sp.s. c 44 s 106 are each amended to read as follows:

(1) The connecting Washington account is created in the motor vehicle fund. Moneys in the account may be spent

only after appropriation. Expenditures from the account must be used only for projects or improvements identified as connecting Washington projects or improvements in a transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

(2) Moneys in the connecting Washington account may not be expended on the state route number 99 Alaskan Way viaduct replacement project.

(3) During the 2019-2021 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the connecting Washington account to the motor vehicle fund.

#### MISCELLANEOUS

**NEW SECTION. Sec. 801.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 802.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 36.79.020, 82.32.385, 47.66.110, 82.44.200, 82.44.135, and 46.68.395; amending 2019 c 416 ss 103, 105, 108, 109, 201-223, 301, 303-311, 313, 401-408, 601, 606, and 701 (uncodified); adding new sections to 2019 c 416 (uncodified); making appropriations and authorizing expenditures for capital improvements; and declaring an emergency."

and the same is herewith transmitted.

Brad Hendrickson, 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. 2322 and asked the Senate for a conference thereon. The Speaker (Representative Orwall presiding) appointed Representatives Barkis, Fey and Wylie as conferees.

#### THIRD READING MESSAGE FROM THE SENATE

March 4, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1023 with the following amendment:

802.0.

On page 3, line 31, after "capacity" insert ", and allow the local jurisdiction to provide any recommendations to the department as to whether or not the department should

approve the applicant's request to increase its bed capacity to seven or eight beds"

and the same is herewith transmitted.

Brad Hendrickson, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1023 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.

#### MOTION

On motion of Representative Jenkin, Representatives Griffey and Volz were excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1023, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1023, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Volz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1023, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 4, 2020

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1191 with the following amendment:

802.0.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 803. A new section is added to chapter 28A.320 RCW to read as follows:

(1) A school district superintendent, a designee of the superintendent, or a principal of a school who receives information pursuant to RCW 28A.225.330, 9A.44.138, 13.04.155, 13.40.215, or 72.09.730 shall comply with the notification provisions described in this section.

(2) Upon receipt of information described in subsection (1) of this section, a school district superintendent or a designee of the superintendent must provide the received information to the principal of the school where the student is enrolled or will enroll, or if not known, where the student was most recently enrolled.

(3)(a) Upon receipt of information about a sex offense as defined in RCW 9.94A.030, the principal must comply with the notification requirements in RCW 9A.44.138.

(b) Upon receipt of information about a violent offense as defined in RCW 9.94A.030, any crime under chapter 9.41 RCW, unlawful possession or delivery, or both, of a controlled substance in violation of chapter 69.50 RCW, or a school disciplinary action, the principal, subject to requirements of subsection (4) of this section, has discretion to share the information with a school district staff member if, in the principal's judgment, the information is necessary for:

(i) The staff member to supervise the student;

(ii) The staff member to provide or refer the student to therapeutic or behavioral health services; or

(iii) Security purposes.

(4)(a) Upon receipt of information about an adjudication in juvenile court for an unlawful possession of a controlled substance in violation of chapter 69.50 RCW, the principal must notify the student and the parent or legal guardian at least five days before sharing the information with a school district staff member.

(b) If either the student or the student's parent or legal guardian objects to the proposed sharing of the information, the student, the student's parent or legal guardian, or both, may, within five business days of receiving notice from the principal, appeal the decision to share the information with staff to the superintendent of the school district in accordance with procedures adopted by the district.

(c) The superintendent shall have five business days after receiving an appeal under (b) of this subsection to make a written determination on the matter. Determinations by superintendents under this subsection are final and not subject to further appeal.

(d) A principal may not share adjudication information under this subsection with a school district staff member while an appeal is pending.

(5) Any information received by school district staff under this section is exempt from disclosure under chapter 42.56 RCW and may not be further disseminated except as provided in RCW 28A.225.330, other statutes or case law, and the family and educational and privacy rights act of 1994 (20 U.S.C. Sec. 1232g et seq.).

**NEW SECTION. Sec. 804.** A new section is added to chapter 28A.195 RCW to read as follows:

The administrator of a private school approved under this chapter must comply with the notification provisions of section 1 of this act that apply to superintendents, designees of superintendents, and principals.

**NEW SECTION. Sec. 805.** A new section is added to chapter 28A.710 RCW to read as follows:

The administrator of a charter public school governed by this chapter must comply with the notification provisions of section 1 of this act that apply to superintendents, designees of superintendents, and principals.

**Sec. 806.** RCW 28A.320.128 and 2002 c 206 s 1 are each amended to read as follows:

(1) By September 1, ~~((2003))~~ 2020, each school district board of directors shall adopt a policy that addresses the following issues:

(a) Procedures for providing notice of threats of violence or harm to the student or school employee who is the subject of the threat. The policy shall define "threats of violence or harm"; and

(b) Procedures for ~~((disclosing information that is provided to the school administrators about a student's conduct, including but not limited to the student's prior disciplinary records, official juvenile court records, and history of violence, to classroom teachers, school staff, and school security who, in the judgment of the principal, should be notified; and~~

~~((c) Procedures for determining whether or not any threats or conduct established in the policy may be grounds for suspension or expulsion of the student))~~ complying with the notification provisions in section 1 of this act.

(2) The ~~((superintendent of public instruction))~~ Washington state school directors' association, in consultation with educators and representatives of law enforcement, classified staff, ~~((and))~~ organizations with expertise in violence prevention and intervention, and organizations that provide free legal services for youth, shall adopt, and revise as necessary, a model policy that includes the issues listed in subsection (1) of this section ~~((by January 1, 2003))~~. The model policy shall be ~~((posted on the superintendent of public instruction's))~~ disseminated by the Washington state school directors' association and made available to the public on its web site. ((The)) Each school district((s, in drafting their own policies,)) shall ((review)) adopt the model policy required by this subsection unless it has a compelling reason to develop and adopt a different policy that also addresses the issues identified in subsection (1) of this section.

(3) School districts, school district boards of directors, school officials, and school employees providing notice in good faith as required and consistent with the board's policies adopted under this section are immune from any liability arising out of such notification.

(4) A person who intentionally and in bad faith or maliciously, knowingly makes a false notification of a threat under this section is guilty of a misdemeanor punishable under RCW 9A.20.021.

**Sec. 807.** RCW 9A.44.138 and 2011 c 337 s 4 are each amended to read as follows:

(1) Upon receiving notice from a registered person pursuant to RCW 9A.44.130 that the person will be attending a school enrolling students in grades kindergarten through twelve or an institution of higher education, or will be employed with an institution of higher education, the sheriff must promptly notify the designated recipient of the school ~~((district and the school principal))~~ or institution ~~((s department))~~ of ~~((public safety and shall provide that school or department with))~~ the person's: (a) Name and any aliases used; (b) complete residential address; (c) date and place of birth; (d) place of employment; (e) crime for which convicted; (f) date and place of conviction; (g) ~~((social security number; (h)))~~ photograph; and ~~((h))~~ (h) risk level classification.

(2) ~~((A principal or department))~~ Except as provided in subsection (3) of this section, a designated recipient receiving notice under this ((subsection)) section must disclose the information received from the sheriff as follows:

(a) If the student is classified as a risk level II or III, the ~~((principal))~~ designated recipient shall provide the information received to every teacher of the student and to any other personnel who, in the judgment of the ~~((principal))~~ designated recipient, supervises the student or for security purposes should be aware of the student's record;

(b) If the student is classified as a risk level I, the ~~((principal or department))~~ designated recipient shall provide the information received only to personnel who, in the judgment of the ~~((principal or department))~~ designated recipient, for security purposes should be aware of the student's record.

(3) When the designated recipient is the administrator of a school district, the designated recipient must disclose the information to the principal of the school that the registered person will be attending, whether the school is a common school as defined in RCW 28A.150.020 or a school that is the subject of a state-tribal education compact under chapter 28A.715 RCW. The principal must then disclose the information as provided in subsection (2) of this section.

(4) The sheriff shall notify the applicable ~~((school district and school principal or institution's department of public safety))~~ designated recipient whenever a student's risk level classification is changed or the sheriff is notified of a change in the student's address.

~~((4))~~ (5) Any information received by school or institution personnel under this ~~((subsection))~~ section is ~~((confidential))~~ exempt from disclosure under chapter 42.56

RCW and may not be further disseminated except as provided in RCW 28A.225.330, other statutes or case law, and the family and educational and privacy rights act of 1994, 20 U.S.C. Sec. 1232g et seq.

(6) For the purposes of this section, "designated recipient" means: (a) The superintendent of the school district, or his or her designee, of a common school as defined in RCW 28A.150.020 or a school that is the subject of a state-tribal education compact under chapter 28A.715 RCW; (b) the administrator of a charter public school governed by chapter 28A.710 RCW; (c) the administrator of a private school approved under chapter 28A.195 RCW; or (d) the director of the department of public safety at an institution of higher education.

**Sec. 808.** RCW 13.04.155 and 2000 c 27 s 1 are each amended to read as follows:

~~(1) (Whenever a minor enrolled in any common school is))~~ The provisions of this section apply only to persons who:

~~(a) Were adjudicated in juvenile court or convicted in adult criminal court(, or adjudicated or entered into a diversion agreement with the juvenile court on any))~~ of ((the following offenses, the court must notify the principal of the student's school of the disposition of the case, after first notifying the parent or legal guardian that such notification will be made)):

~~((a))~~ (i) A violent offense as defined in RCW 9.94A.030;

~~((b))~~ (ii) A sex offense as defined in RCW 9.94A.030;

~~((c))~~ Inhaling toxic fumes under chapter 9.47A RCW;

~~(d) A controlled substances violation under chapter 69.50 RCW;~~

~~(e) A liquor violation under RCW 66.44.270; and~~

~~(f) Any crime under chapters 9.41, 9A.36, 9A.40, 9A.46, and 9A.48 RCW.~~

~~(2) The principal must provide the information received under subsection (1) of this section to every teacher of any student who qualifies under subsection (1) of this section and any other personnel who, in the judgment of the principal, supervises the student or for security purposes should be aware of the student's record. The principal must provide the information to teachers and other personnel based on any written records that the principal maintains or receives from a juvenile court administrator or a law enforcement agency regarding the student.)~~

(iii) Any crime under chapter 9.41 RCW; or

(iv) Unlawful possession or delivery, or both, of a controlled substance in violation of chapter 69.50 RCW;

(b) Are twenty-one years of age or younger; and

(c) Have not received a high school diploma or its equivalent.

(2)(a) The court must provide written notification of the juvenile court adjudication or adult criminal court conviction of a person described in subsection (1) of this section to the designated recipient of the school where the person:

(i) Was enrolled prior to adjudication or conviction; or

(ii) Has expressed an intention to enroll following adjudication or conviction.

(b) No notification is required if the person described in subsection (1) of this section is between eighteen and twenty-one years of age and:

(i) The person's prior or intended enrollment information cannot be obtained; or

(ii) The person asserts no intention of enrolling in an educational program.

~~(3) Any information received by a ((principal or school personnel))~~ designated recipient under this section is ~~((confidential))~~ exempt from disclosure under chapter 42.56 RCW and may not be further disseminated except as provided in RCW 28A.225.330, other statutes or case law, and the family and educational and privacy rights act of 1994, 20 U.S.C. Sec. 1232g et seq.

(4) For the purposes of this section, "designated recipient" means: (a) The superintendent of the school district, or his or her designee, of a common school as defined in RCW 28A.150.020 or a school that is the subject of a state-tribal education compact under chapter 28A.715 RCW; (b) the administrator of a charter public school governed by chapter 28A.710 RCW; or (c) the administrator of a private school approved under chapter 28A.195 RCW.

**Sec. 809.** RCW 13.40.215 and 1999 c 198 s 1 are each amended to read as follows:

~~(1)(a) Except as provided in subsection (2) of this section, at the earliest ((possible))~~ practicable date, and in no event later than thirty days before discharge, parole, or any other authorized leave or release, or before transfer to a community residential facility, the secretary shall send written notice of the discharge, parole, authorized leave or release, or transfer of a juvenile found to have committed a violent offense, a sex offense, or stalking, to the following:

~~(i) The chief of police of the city, if any, in which the juvenile will reside; and~~

~~(ii) The sheriff of the county in which the juvenile will reside(, and~~

~~(iii) The approved private schools and the common school district board of directors of the district in which the juvenile intends to reside or the approved private school or public school district in which the juvenile last attended school, whichever is appropriate, except when it has been determined by the department that the juvenile is twenty-one years old or will be in the community for less than seven consecutive days on approved leave and will not be attending school during that time)).~~

~~(b) ((After July 25, 1999, the department shall send a written notice to approved private and public schools under~~

~~the same conditions identified in subsection (1)(a)(iii) of this section when a juvenile adjudicated of any offense is transferred to a community residential facility, discharged, paroled, released, or granted a leave.)~~ (i) Except as provided in subsection (2) of this section, at the earliest practicable date, and in no event later than thirty days before discharge, parole, or any other authorized leave or release, or before transfer to a community residential facility, the secretary shall send written notice of the discharge, parole, authorized leave or release, or transfer of an individual who is found to have committed a violent offense or a sex offense, is twenty-one years of age or younger, and has not received a high school diploma or its equivalent, to the designated recipient of the school where the juvenile either: (A) Was enrolled prior to incarceration or detention; or (B) has expressed an intention to enroll following his or her release. This notice must also include the restrictions described in subsection (5) of this section.

(ii) The community residential facility shall provide written notice of the offender's criminal history to the designated recipient of any school that the offender attends while residing at the community residential facility and to any employer that employs the offender while residing at the community residential facility.

(iii) As used in this subsection, "designated recipient" means: (A) The superintendent of the school district, or his or her designee, of a common school as defined in RCW 28A.150.020 or a school that is the subject of a state-tribal education compact under chapter 28A.715 RCW; (B) the administrator of a charter public school governed by chapter 28A.710 RCW; or (C) the administrator of a private school approved under chapter 28A.195 RCW.

(c) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific juvenile:

(i) The victim of the offense for which the juvenile was found to have committed or the victim's next of kin if the crime was a homicide;

(ii) Any witnesses who testified against the juvenile in any court proceedings involving the offense; and

(iii) Any person specified in writing by the prosecuting attorney.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the juvenile. The notice to the chief of police or the sheriff shall include the identity of the juvenile, the residence where the juvenile will reside, the identity of the person, if any, responsible for supervising the juvenile, and the time period of any authorized leave.

(d) The thirty-day notice requirements contained in this subsection shall not apply to emergency medical furloughs.

(e) The existence of the notice requirements in this subsection will not require any extension of the release date in the event the release plan changes after notification.

(2)(a) If a juvenile found to have committed a violent offense, a sex offense, or stalking escapes from a facility of the department, the secretary shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the juvenile resided immediately before the juvenile's arrest. If previously requested, the secretary shall also notify the witnesses and the victim of the offense which the juvenile was found to have committed or the victim's next of kin if the crime was a homicide. If the juvenile is recaptured, the secretary shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(b) The secretary may authorize a leave, for a juvenile found to have committed a violent offense, a sex offense, or stalking, which shall not exceed forty-eight hours plus travel time, to meet an emergency situation such as a death or critical illness of a member of the juvenile's family. The secretary may authorize a leave, which shall not exceed the time medically necessary, to obtain medical care not available in a juvenile facility maintained by the department. Prior to the commencement of an emergency or medical leave, the secretary shall give notice of the leave to the appropriate law enforcement agency in the jurisdiction in which the juvenile will be during the leave period. The notice shall include the identity of the juvenile, the time period of the leave, the residence of the juvenile during the leave, and the identity of the person responsible for supervising the juvenile during the leave. If previously requested, the department shall also notify the witnesses and victim of the offense which the juvenile was found to have committed or the victim's next of kin if the offense was a homicide.

In case of an emergency or medical leave the secretary may waive all or any portion of the requirements for leaves pursuant to RCW 13.40.205 (2)(a), (3), (4), and (5).

(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(4) The secretary shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) Upon discharge, parole, transfer to a community residential facility, or other authorized leave or release, a convicted juvenile sex offender shall not attend a public or approved private elementary, middle, or high school that is attended by a victim or a sibling of a victim of the sex offender. The parents or legal guardians of the convicted juvenile sex offender shall be responsible for transportation or other costs associated with or required by the sex offender's change in school that otherwise would be paid by a school district. ~~((Upon discharge, parole, transfer to a community residential facility, or other authorized leave or release of a convicted juvenile sex offender, the secretary shall send written notice of the discharge, parole, or other authorized leave or release and the requirements of this subsection to the common school district board of directors~~

~~of the district in which the sex offender intends to reside or the district in which the sex offender last attended school, whichever is appropriate. The secretary shall send a similar notice to any approved private school the juvenile will attend, if known, or if unknown, to the approved private schools within the district the juvenile resides or intends to reside.))~~

(6) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Sex offense" means a sex offense under RCW 9.94A.030;

(c) "Stalking" means the crime of stalking as defined in RCW 9A.46.110;

(d) "Next of kin" means a person's spouse, parents, siblings, and children.

**Sec. 810.** RCW 28A.225.330 and 2013 c 182 s 10 are each amended to read as follows:

(1) When enrolling a student who has attended school in another school district, the school enrolling the student may request the parent and the student to briefly indicate in writing whether or not the student has:

(a) Any history of placement in special educational programs;

(b) Any past, current, or pending disciplinary action;

(c) Any history of violent behavior, or behavior listed in RCW 13.04.155;

(d) Any unpaid fines or fees imposed by other schools; and

(e) Any health conditions affecting the student's educational needs.

(2) The school enrolling the student shall request ~~((the school the student previously attended to send))~~ the student's permanent record including records of disciplinary action, history of violent behavior or behavior listed in RCW 13.04.155, attendance, immunization records, and academic performance from the school the student previously attended. If the student has not paid a fine or fee under RCW 28A.635.060, or tuition, fees, or fines at approved private schools the school may withhold the student's official transcript, but shall transmit information about the student's academic performance, special placement, immunization records, records of disciplinary action, and history of violent behavior or behavior listed in RCW 13.04.155. If the official transcript is not sent due to unpaid tuition, fees, or fines, the enrolling school shall notify both the student and parent or guardian that the official transcript will not be sent until the obligation is met, and failure to have an official transcript may result in exclusion from extracurricular activities or failure to graduate.

(3) Upon request, school districts shall furnish a set of unofficial educational records to a parent or guardian of a student who is transferring out of state and who meets the

definition of a child of a military family in transition under Article II of RCW 28A.705.010. School districts may charge the parent or guardian the actual cost of providing the copies of the records.

(4) If information is requested under subsection (2) of this section, the information shall be transmitted within two school days after receiving the request and the records shall be sent as soon as possible. The records of a student who meets the definition of a child of a military family in transition under Article II of RCW 28A.705.010 shall be sent within ten days after receiving the request. Any school district or district employee who releases the information in compliance with this section is immune from civil liability for damages unless it is shown that the school district employee acted with gross negligence or in bad faith. The professional educator standards board shall provide by rule for the discipline under chapter 28A.410 RCW of a school principal or other chief administrator of a public school building who fails to make a good faith effort to assure compliance with this subsection.

(5) Any school district or district employee who releases the information in compliance with federal and state law is immune from civil liability for damages unless it is shown that the school district or district employee acted with gross negligence or in bad faith.

~~(6) ((When a school receives information under this section or RCW 13.40.215 that a student has a history of disciplinary actions, criminal or violent behavior, or other behavior that indicates the student could be a threat to the safety of educational staff or other students, the school shall provide this information to the student's teachers and security personnel.~~

~~(7))~~ A school may not prevent a student who is dependent pursuant to chapter 13.34 RCW from enrolling if there is incomplete information as enumerated in subsection (1) of this section during the ten business days that the department of social and health services has to obtain that information under RCW 74.13.631. In addition, upon enrollment of a student who is dependent pursuant to chapter 13.34 RCW, the school district must make reasonable efforts to obtain and assess that child's educational history in order to meet the child's unique needs within two business days.

**Sec. 811.** RCW 72.09.730 and 2011 c 107 s 1 are each amended to read as follows:

~~(1) ((At the earliest possible date and in no event later than thirty days before)) The provisions of this section apply only to an offender ((is)) released from confinement((, the department shall provide notice to the school district board of directors of the district in which the offender last attended school if the offender)) who:~~

~~(a) Was convicted of a violent offense or sex offense as those terms are defined in RCW 9.94A.030;~~

~~(b) Is twenty-one years of age or younger at the time of release((;~~

~~(b) Has been convicted of a violent offense, a sex offense, or stalking)); and~~

(c) ~~(Last attended)~~ Has not received a high school diploma or its equivalent.

(2) At the earliest practicable date, and in no event later than thirty days before release from confinement, the department must provide written notification of the release of an offender described in subsection (1) of this section to the designated recipient of the school where the offender.

(a) Was enrolled prior to incarceration or detention; or

(b) Has expressed an intention to enroll following his or her release.

(3) If after providing notification as required under subsection (2) of this section, the release of an offender described in subsection (1) of this section is delayed, the department must inform the designated recipient of the modified release date.

(4) This section applies whenever an offender is being released from total confinement, regardless if the release is to parole, community custody, work release placement, or furlough.

(5) For the purposes of this section, "designated recipient" means: (a) The superintendent of the school district, or his or her designee, of a common school as defined in RCW 28A.150.020 or a school that is the subject of a state-tribal education compact under chapter 28A.715 RCW; (b) the administrator of a charter public school governed by chapter 28A.710 RCW; or (c) the administrator of a private school approved under chapter 28A.195 RCW.

**NEW SECTION. Sec. 812.** A new section is added to chapter 42.56 RCW to read as follows:

Information received by a school district superintendent, a designee of the superintendent, or a principal pursuant to RCW 28A.225.330, 9A.44.138, 13.04.155, 13.40.215, or 72.09.730 is exempt from disclosure under this chapter."

On page 1, line 1 of the title, after "notifications;" strike the remainder of the title and insert "amending RCW 28A.320.128, 9A.44.138, 13.04.155, 13.40.215, 28A.225.330, and 72.09.730; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.195 RCW; adding a new section to chapter 28A.710 RCW; and adding a new section to chapter 42.56 RCW."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1191 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

Representative Steele 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. 1191, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1191, 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 Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Graham, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Griffey and Volz.

SECOND SUBSTITUTE HOUSE BILL NO. 1191, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 5, 2020

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1521 with the following amendment:

812.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 813.** It is the intent of the legislature to increase transparency and accountability of public contracts by requiring better evaluation of contract performance. Such evaluation should include an assessment of whether decisions to "contract out" government services to the private sector are achieving their stated objectives. In addition, it is the intent of the legislature to ensure that public contractors given access to state resources are held to ethical standards consistent with public values.

The legislature finds that prior to July 1, 2005, state agencies and institutions of higher education were prohibited from contracting out for services regularly and historically provided by classified state employees. Effective July 1, 2005, the personnel system reform act of 2002 lifted the prohibition, authorizing state agencies and institutions of higher education to contract out for services customarily and historically provided by classified state employees. It is therefore the intent of the legislature that this act be applied only to government services that, on or after July 1, 2005, have been customarily and historically performed by state employees in the classified service under chapter 41.06 RCW.

**Sec. 814.** RCW 41.06.142 and 2011 1st sp.s. c 43 s 408 are each amended to read as follows:

(1) If any department, agency, or institution of higher education (~~may purchase~~) intends to contract for services (including services) that, on or after July 1, 2005, have been customarily and historically provided by employees in the classified service under this chapter, a department, agency, or institution of higher education may do so by contracting with individuals, nonprofit organizations, businesses, employee business units, or other entities if the following criteria are met:

(a) A comprehensive impact assessment is completed by the agency, department, or institution of higher education to assist it in determining whether the decision to contract out is beneficial.

(i) The comprehensive impact assessment must include at a minimum the following analysis:

(A) An estimate of the cost of performance of the service by employees, including the fully allocated costs of the service, the cost of the employees' salaries and benefits, space, equipment, materials, and other costs necessary to perform the function. The estimate must not include the state's indirect overhead costs unless those costs can be attributed directly to the function in question and would not exist if that function were not performed in state service;

(B) An estimate of the cost of performance of the services if contracted out, including the cost of administration of the program and allocating sufficient employee staff time and resources to monitor the contract and ensure its proper performance by the contractor;

(C) The reason for proposing to contract out, including the objective the agency would like to achieve; and

(D) The reasons for the determination made under (e) of this subsection.

(ii) When the contract will result in termination of state employees or elimination of state positions, the comprehensive impact assessment may also include an assessment of the potential adverse impacts on the public from outsourcing the contract, such as loss of employment, effect on social services and public assistance programs, economic impacts on local businesses and local tax revenues, and environmental impacts;

(b) The invitation for bid or request for proposal contains measurable standards for the performance of the contract;

~~((b))~~ (c) Employees (~~in the classified service~~) whose positions or work would be displaced by the contract are provided an opportunity to offer alternatives to purchasing services by contract and, if these alternatives are not accepted, compete for the contract under competitive contracting procedures in subsection ~~((4))~~ (7) of this section;

~~((c) The contract with an entity other than an employee business unit includes a provision requiring the entity to consider employment of state employees who may be displaced by the contract;))~~

(d) The department, agency, or institution of higher education has established a contract monitoring process to measure contract performance, costs, service delivery quality, and other contract standards, and to cancel contracts that do not meet those standards; and

(e) The department, agency, or institution of higher education has determined that the contract results in savings or efficiency improvements. The contracting agency, department, or institution of higher education must consider the consequences and potential mitigation of improper or failed performance by the contractor.

(2)(a) The agency, department, or institution of higher education must post on its web site the request for proposal, the contract or a statement that the agency, department, or institution of higher education did not move forward with contracting out, and the comprehensive impact assessment pursuant to subsection (1) of this section.

(b) The agency, department, or institution of higher education must maintain the information in (a) of this subsection in its files in accordance with the record retention schedule under RCW 40.14.060.

(3) Every five years or upon completion of the contract, whichever comes first, the agency, department, or institution of higher education must prepare and maintain in the contract file a report, which must include at a minimum the following information:

(a) Documentation of the contractor's performance as measured by the itemized performance standards;

(b) Itemization of any contract extensions or change orders that resulted in a change in the dollar value or cost of the contract; and

(c) A report of any remedial actions that were taken to enforce compliance with the contract, together with an estimate of the cost incurred by the agency, department, or institution of higher education in enforcing such compliance.

(4) In addition to any other terms required by law, the terms of any agreement to contract out a service pursuant to this section must include terms that address the following:

(a) The contract's contract management provision must allow review of the contractor's performance;

(b) The contract's termination clauses must allow termination of the contract if the contractor fails to meet the terms of the contract, including failure to meet performance standards or failure to provide the services at the contracted price;

(c) The contract's damages provision must allow recovery of direct damages and, when applicable, indirect damages that the agency, department, or institution of higher education incurs due to the contractor's breach of the agreement;

(d) If the contractor will be using a subcontractor for performance of services under the contract, the contract must allow the agency, department, or institution of higher education to obtain information about the subcontractor, as applicable to the performance of services under the agreement; and

(e) A provision requiring the contractor to consider employment of employees who may be displaced by the contract, if the contract is with an entity other than an employee business unit.

(5) Any provision contrary to or in conflict with this section in any collective bargaining agreement in effect on July 1, 2005, is not effective beyond the expiration date of the agreement.

~~((3) Contracting for services that is expressly mandated by the legislature or was authorized by law prior to July 1, 2005, including contracts and agreements between public entities, shall not be subject to the processes set forth in subsections (1), (4), and (5) of this section))~~ (6) When contracting out for services as authorized in this section the agency, department, or institution of higher education must ensure firms adhere to the values of the state of Washington under RCW 49.60.030, which provide its citizens freedom from discrimination. Any relationship with a potential or current industry partner that is found to have violated RCW 49.60.030 by the attorney general shall not be considered and must be immediately terminated unless:

(a) The industry partner has fulfilled the conditions or obligations associated with any court order or settlement resulting from that violation; or

(b) The industry partner has taken significant and meaningful steps to correct the violation, as determined by the Washington state human rights commission.

~~((4))~~ (7) Competitive contracting shall be implemented as follows:

(a) At least ninety days prior to the date the contracting agency, department, or institution of higher education requests bids from private entities for a contract for services provided by ~~(classified)~~ employees, the contracting agency, department, or institution of higher education shall notify the ~~(classified)~~ employees whose positions or work would be displaced by the contract. The employees shall have sixty days from the date of notification to offer alternatives to purchasing services by contract, and the agency, department, or institution of higher education shall consider the alternatives before requesting bids.

(b) If the employees decide to compete for the contract, they shall notify the contracting agency, department, or institution of higher education of their decision. Employees must form one or more employee business units for the purpose of submitting a bid or bids to perform the services.

(c) The department of enterprise services, with the advice and assistance of the office of financial management, shall develop and make available to employee business units training in the bidding process and general bid preparation.

(d) The director of enterprise services, with the advice and assistance of the office of financial management, shall, by rule, establish procedures to ensure that bids are submitted and evaluated in a fair and objective manner and that there exists a competitive market for the service. Such rules shall include, but not be limited to: (i) Prohibitions against participation in the bid evaluation process by employees who prepared the business unit's bid or who perform any of the services to be contracted; (ii) provisions to ensure no bidder receives an advantage over other bidders and that bid requirements are applied equitably to all parties; and (iii) procedures that require the contracting agency, department, or institution of higher education to receive complaints regarding the bidding process and to consider them before awarding the contract. Appeal of an agency's, department's, or institution of higher education's actions under this subsection is an adjudicative proceeding and subject to the applicable provisions of chapter 34.05 RCW, the administrative procedure act, with the final decision to be rendered by an administrative law judge assigned under chapter 34.12 RCW.

(e) An employee business unit's bid must include the fully allocated costs of the service, including the cost of the employees' salaries and benefits, space, equipment, materials, and other costs necessary to perform the function. An employee business unit's cost shall not include the state's indirect overhead costs unless those costs can be attributed directly to the function in question and would not exist if that function were not performed in state service.

(f) A department, agency, or institution of higher education may contract with the department of enterprise services to conduct the bidding process.

~~((5))~~ (8)(a) As used in this section:

~~((a))~~ (i) "Employee business unit" means a group of employees who perform services to be contracted under this section and who submit a bid for the performance of those services under subsection ~~((4))~~ (7) of this section.

~~((b))~~ (ii) "Indirect overhead costs" means the pro rata share of existing agency administrative salaries and benefits, and rent, equipment costs, utilities, and materials associated with those administrative functions.

~~((c))~~ (iii) "Competitive contracting" means the process by which ~~(classified)~~ employees of a department, agency, or institution of higher education compete with businesses, individuals, nonprofit organizations, or other entities for contracts authorized by subsection (1) of this section.

~~((6))~~ (b) Unless otherwise specified, for the purpose of this act, "employee" means state employees in the classified service under this chapter except employees in the Washington management service as defined under RCW 41.06.022 and 41.06.500.

(9) The processes set forth in subsections (1)(a), (2), (3), and (4)(a) through (d) of this section do not apply to contracts:

(a) Awarded for the purposes of or by the department of transportation;

(b) With an estimated cost of contract performance of twenty thousand dollars or less;

(c) With an estimated cost of contract performance that exceeds five hundred thousand dollars for public work as defined by RCW 39.04.010; or

(d) Relating to mechanical, plumbing as described in chapter 18.106 RCW, and electrical as described in chapter 19.28 RCW, procured to install systems for new construction or life-cycle replacement with an estimated cost of contract performance of seventy-five thousand dollars or more.

(10) The processes set forth in subsections (1)(~~5~~) through (4), (7), and ~~((5))~~ (8) of this section do not apply to:

(a) RCW 74.13.031(~~(5))~~ (6);

(b) The acquisition of printing services by a state agency; and

~~((Contracting for services or activities by the department of enterprise services under RCW 43.19.008 and the department may continue to contract for such services and activities after June 30, 2018))~~ Contracts for services expressly mandated by the legislature, including contracts for fire suppression awarded by the department of natural resources under RCW 76.04.181, or authorized by law prior to July 1, 2005, including contracts and agreements between public entities.

~~((7))~~ (11) The processes set forth in subsections (1)(~~5~~) through (4), (7), and ~~((5))~~ (8) of this section do not apply to the consolidated technology services agency when contracting for services or activities as follows:

(a) Contracting for services and activities that are necessary to establish, operate, or manage the state data center, including architecture, design, engineering, installation, and operation of the facility that are approved by the technology services board created in RCW ~~((43.41A.070))~~ 43.105.285.

(b) Contracting for services and activities recommended by the chief information officer through a business plan and approved by the technology services board created in RCW ~~((43.41A.070))~~ 43.105.285.

**Sec. 815.** RCW 39.26.200 and 2017 3rd sp.s. c 1 s 996 are each amended to read as follows:

(1)(a) The director shall provide notice to the contractor of the director's intent to either fine or debar with the specific reason for either the fine or debarment. The

department must establish the debarment and fining processes by rule.

(b) After reasonable notice to the contractor and reasonable opportunity for that contractor to be heard, the director has the authority to debar a contractor for cause from consideration for award of contracts. The debarment must be for a period of not more than three years.

(2) The director may either fine or debar a contractor based on a finding of one or more of the following causes:

(a) Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;

(b) Conviction or a final determination in a civil action under state or federal statutes of fraud, embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, violation of the federal false claims act, 31 U.S.C. Sec. 3729 et seq., or the state medicaid fraud false claims act, chapter 74.66 RCW, or any other offense indicating a lack of business integrity or business honesty that currently, seriously, and directly affects responsibility as a state contractor;

(c) Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals;

(d) Two or more violations within the previous five years of the ~~((federal))~~ national labor relations act as determined by the national labor relations board or court of competent jurisdiction;

(e) Violation of contract provisions, as set forth in this subsection, of a character that is regarded by the director to be so serious as to justify debarment action:

(i) Deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; or

(ii) A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts, however the failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor may not be considered to be a basis for debarment;

(f) Violation of ethical standards set forth in RCW 39.26.020;

(g) Any other cause the director determines to be so serious and compelling as to affect responsibility as a state contractor, including debarment by another governmental entity for any cause listed in regulations; and

(h) During the 2017-2019 fiscal biennium, the failure to comply with a provision in a state master contract or other agreement with a state agency that requires equality among its workers by ensuring similarly employed individuals are compensated as equals.

(3) The director must issue a written decision to debar. The decision must:

(a) State the reasons for the action taken; and

(b) Inform the debarred contractor of the contractor's rights to judicial or administrative review.

**Sec. 816.** RCW 39.26.180 and 2012 c 224 s 20 are each amended to read as follows:

(1) The department must adopt uniform policies and procedures for the effective and efficient management of contracts by all state agencies. The policies and procedures must, at a minimum, include:

(a) Precontract procedures for selecting potential contractors based on their qualifications and ability to perform, including procedures to ensure compliance with chapter 39.19 RCW, and providing for participation of minority and women-owned businesses;

(b) Model complaint and protest procedures;

(c) Alternative dispute resolution processes;

(d) Incorporation of performance measures and measurable benchmarks in contracts;

(e) Model contract terms to ensure contract performance and compliance with state and federal standards, including terms to facilitate recovery of the costs of employee staff time that must be expended to bring a contract into substantial compliance, and terms required under RCW 41.06.142;

(f) Executing contracts using electronic signatures;

(g) Criteria for contract amendments;

(h) Postcontract procedures;

(i) Procedures and criteria for terminating contracts for cause or otherwise, including procedures and criteria for terminating performance-based contracts that are not achieving performance standards; ~~((and))~~

(j) A requirement that agencies, departments, and institutions of higher education monitor performance-based contracts, including contracts awarded pursuant to RCW 41.06.142, to ensure that all aspects of the contract are being properly performed and that performance standards are being achieved; and

(k) Any other subject related to effective and efficient contract management.

(2) An agency may not enter into a contract under which the contractor could charge additional costs to the agency, the department, the joint legislative audit and review committee, or the state auditor for access to data generated under the contract. A contractor under such a contract must provide access to data generated under the contract to the contracting agency, the joint legislative audit and review committee, and the state auditor.

(3) To the extent practicable, agencies should enter into performance-based contracts. Performance-based contracts identify expected deliverables and performance measures or outcomes. Performance-based contracts also use appropriate techniques, which may include but are not limited to, either consequences or incentives or both to ensure that agreed upon value to the state is received.

Payment for goods and services under performance-based contracts should be contingent on the contractor achieving performance outcomes.

(4) An agency and contractor may execute a contract using electronic signatures.

(5) As used in subsection (2) of this section, "data" includes all information that supports the findings, conclusions, and recommendations of the contractor's reports, including computer models and the methodology for those models.

**NEW SECTION. Sec. 817.** A new section is added to chapter 39.26 RCW to read as follows:

An agency, department, or institution of higher education that intends to contract out, or does contract out, for services that, on or after July 1, 2005, have been customarily and historically performed by employees in the classified service defined in RCW 41.06.020 must follow procedures and meet criteria established under RCW 41.06.142.

**NEW SECTION. Sec. 818.** This act is prospective and applies only to contracts commenced on or after the effective date of this section. Contracts in effect prior to the effective date of this section remain unaffected by this act through their expiration date."

On page 1, line 2 of the title, after "contracting;" strike the remainder of the title and insert "amending RCW 41.06.142, 39.26.200, and 39.26.180; adding a new section to chapter 39.26 RCW; and creating new sections."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1521 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Dolan 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 Engrossed Second Substitute House Bill No. 1521, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1521, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 67; Nays, 29; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Callan, Chambers, Chapman, Chopp, Cody,

Davis, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Walsh, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Maycumber, McCaslin, Mosbrucker, Orcutt, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Wilcox, Ybarra and Young.

Excused: Representatives Griffey and Volz.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1521, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 5, 2020

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1783 with the following amendment:

818.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the population of Washington state has become increasingly diverse over the last several decades. The legislature also finds that as the demographics of our state change, historically and currently marginalized communities still do not have the same opportunities to meet parity as their nonmarginalized counterparts across nearly every measure including education, poverty, employment, health, and more. Inequities based on race, ethnicity, gender, and other characteristics continue to be deep, pervasive, and persistent, and they come at a great economic and social cost. When individuals face barriers to achieving their full potential, the impact is felt by the individual, their communities, businesses, governments, and the economy as a whole in the form of lost wages, avoidable public expenditures, and more. This includes social ramifications that emerging technology, such as artificial intelligence and facial recognition technology, may have on historically and currently marginalized communities. It is the intent of the legislature to review these emerging technologies either already in use by agencies or before their launch by agencies if not already in use and make recommendations regarding agency use to ensure that the technology is used in a manner that benefits society and does not have disparate negative impacts on historically and currently marginalized communities or violate their civil rights. It is further intended that the office should collaborate with other state efforts in this regard.

The legislature finds that a more inclusive Washington is possible if agencies identify and implement effective

strategies to eliminate systemic inequities. The legislature recognizes that different forms of discrimination and oppression are related to each other, and these relationships need to be taken into account.

The legislature finds that over the years, significant strides have been made within agencies to address the disparate outcomes faced by historically and currently marginalized communities. While these efforts have yielded positive work, the legislature finds that the work happening in agencies is fragmented across state government. Additionally, smaller agencies may not have the resources necessary to identify and implement policies to address systemic inequities. Furthermore, the legislature finds that the commission on African American affairs, the commission on Asian Pacific American affairs, the commission on Hispanic affairs, the governor's office of Indian affairs, the LGBTQ commission, the women's commission, and the human rights commission each play an important and integral role by serving as a voice for their respective communities and linking state government to these communities. The office is distinct from the commissions because it will serve as the state's subject matter expert on diversity, equity, and inclusion to state agencies and will provide technical assistance and support to agencies while each agency implements its individual equity plan. The office is not duplicative of the commissions, rather it is the intent of the legislature that the office will work in collaboration with the commissions. It is not the legislature's intent to eliminate the commissions or to reduce funding to the commissions by creating the office. Instead, it is the intent of the legislature that the office and the commissions shall work in a complementary manner with each other, support each other's work, jurisdictions, and missions, and adequately fund the commissions and the office as they take on their new complementary roles.

The legislature finds that state government must identify and coordinate effective strategies that focus on eliminating systemic barriers for historically and currently marginalized groups. To support this objective, an office of equity will provide a unified vision around equity for all state agencies. The office will assist government agencies to promote diversity, equity, and inclusion in all aspects of their decision making, including but not limited to services, programming, policy development, budgeting, and staffing. Doing so will foster a culture of accountability within state government that promotes opportunity for marginalized communities and will help normalize language and concepts around diversity, equity, and inclusion.

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

(1) "Agency" means every state executive office, agency, department, or commission.

(2) "Director" means the director of the Washington state office of equity.

(3) "Disaggregated data" means data that has been broken down by appropriate subcategories.

(4) "Equity lens" means providing consideration to the characteristics listed in RCW 49.60.030, as well as immigration status and language access, to evaluate the equitable impacts of an agency's policy or program.

(5) "Office" means the Washington state office of equity.

**NEW SECTION. Sec. 3.** (1) The Washington state office of equity is established within the office of the governor for the purpose of promoting access to equitable opportunities and resources that reduce disparities, and improve outcomes statewide across state government.

(2) The office envisions everyone in Washington having full access to the opportunities and resources they need to flourish and achieve their full potential.

(3) The work of the office must:

(a) Be guided by the following principles of equity:

(i) Equity requires developing, strengthening, and supporting policies and procedures that distribute and prioritize resources to those who have been historically and currently marginalized, including tribes;

(ii) Equity requires the elimination of systemic barriers that have been deeply entrenched in systems of inequality and oppression; and

(iii) Equity achieves procedural and outcome fairness, promoting dignity, honor, and respect for all people;

(b) Complement and not supplant the work of the statutory commissions.

**NEW SECTION. Sec. 4.** (1) The office is administered by a director, who is appointed by the governor with advice and consent of the senate. The director shall report to the governor. The director must receive a salary as fixed by the governor in accordance with RCW 43.03.040.

(2) The director shall:

(a) Employ and supervise staff as necessary to carry out the purpose of this chapter and the duties of the office; and

(b) Oversee the administration, programs, and policies of the office in accordance with the principles in section 3 of this act.

**NEW SECTION. Sec. 5.** (1) The office shall work to facilitate policy and systems change to promote equitable policies, practices, and outcomes through:

(a) **Agency decision making.** The office shall assist agencies in applying an equity lens in all aspects of agency decision making, including service delivery, program development, policy development, and budgeting. The office shall provide assistance by:

(i) Facilitating information sharing between agencies around diversity, equity, and inclusion issues;

(ii) Convening work groups as needed;

(iii) Developing and providing assessment tools for agencies to use in the development and evaluation of agency programs, services, policies, and budgets;

(iv) Training agency staff on how to effectively use the assessment tools developed under (a)(iii) of this subsection, including developing guidance for agencies on how to apply an equity lens to the agency's work when carrying out the agency's duties under this chapter;

(v) Developing a form that will serve as each agency's diversity, equity, and inclusion plan, required to be submitted by all agencies under section 7 of this act, for each agency to report on its work in the area of diversity, equity, and inclusion. The office must develop the format and content of the plan and determine the frequency of reporting. The office must post each agency plan on the dashboard referenced in (d) of this subsection;

(vi) Maintaining an inventory of agency work in the area of diversity, equity, and inclusion; and

(vii) Compiling and creating resources for agencies to use as guidance when carrying out the requirements under section 7 of this act.

(b) **Community outreach and engagement.** The office shall staff the community advisory board created under section 6 of this act and may contract with commissions or other entities with expertise in order to identify policy and system barriers, including language access, to meaningful engagement with communities in all aspects of agency decision making.

(c) **Training on maintaining a diverse, inclusive, and culturally sensitive workforce.** The office shall collaborate with the office of financial management and the department of enterprise services to develop policies and provide technical assistance and training to agencies on maintaining a diverse, inclusive, and culturally sensitive workforce that delivers culturally sensitive services.

(d) **Data maintenance and establishing performance metrics.** The office shall:

(i) Collaborate with the office of financial management and agencies to:

(A) Establish standards for the collection, analysis, and reporting of disaggregated data as it pertains to tracking population level outcomes of communities, except as provided under (d)(i)(D) of this subsection;

(B) Create statewide and agency-specific process and outcome measures to show performance:

(I) Using outcome-based methodology to determine the effectiveness of agency programs and services on reducing disparities; and

(II) Taking into consideration community feedback from the community advisory board on whether the performance measures established accurately measure the effectiveness of agency programs and services in the communities served;

(C) Create an online performance dashboard to publish state and agency performance measures and outcomes; and

(D) Identify additional subcategories in workforce data for disaggregation in order to track disparities in public employment; and

(ii) Coordinate with the office of privacy and data protection to address cybersecurity and data protection for all data collected by the office.

(e) **Accountability.** The office shall:

(i) Publish a report for each agency detailing whether the agency has met the performance measures established pursuant to (d)(i) of this subsection and the effectiveness of agency programs and services on reducing disparities. The report must include the agency's strengths and accomplishments, areas for continued improvement, and areas for corrective action. The office must post each report on the dashboard referenced in (d) of this subsection;

(ii) Establish a process for the office to report on agency performance in accordance with (e)(i) of this subsection and a process for agencies to respond to the report. The agency's response must include the agency's progress on performance, the agency's action plan to address areas for improvement and corrective action, and a timeline for the action plan; and

(iii) Establish procedures to hold agencies accountable, which may include conducting performance reviews related to agency compliance with office performance measures.

(2) By October 31, 2022, and every year thereafter, the office shall report to the governor and the legislature. The report must include a summary of the office's work, including strengths and accomplishments, an overview of agency compliance with office standards and performance measures, and an equity analysis of the makeup of the community advisory board established in section 6 of this act to ensure that it accurately reflects historically and currently marginalized groups.

(3) The director and the office shall review the final recommendations submitted pursuant to section 221, chapter 415, Laws of 2019, by the task force established under section 221, chapter 415, Laws of 2019, and report back to the governor and the legislature with any additional recommendations necessary for the office to carry out the duties prescribed under this chapter.

**NEW SECTION. Sec. 6.** (1) A community advisory board is created within the office to advise the office on its priorities and timelines.

(2) The director must appoint members to the community advisory board to support diverse representation by geography and identity. The director may collaborate with the commission on African American affairs, the commission on Asian Pacific American affairs, the commission on Hispanic affairs, the governor's office of Indian affairs, the human rights commission, the LGBTQ commission, the women's commission, and any other agency the office deems necessary, to find individuals with diverse representation by geography and identity for the community advisory board.

(3) The community advisory board shall, among other duties determined by the director, provide guidance to the office on standards and performance measures.

(4) The community advisory board is staffed by the office.

(5) Board members shall be entitled to compensation of fifty dollars per day for each day spent conducting official business and to reimbursement for travel expenses as provided by RCW 43.03.050 and 43.03.060.

(6) The community advisory board may adopt bylaws for the operation of its business for the purposes of this chapter.

**NEW SECTION. Sec. 7.** Each agency shall:

(1) Designate an agency diversity, equity, and inclusion liaison within existing resources to serve as the liaison between the agency and the office;

(2) Apply an equity lens, as developed by the office in accordance with section 5 of this act, to assess existing and proposed agency policies, services and service delivery, practices, programs, and budget decisions using the assessment tools developed by the office pursuant to section 5 of this act;

(3) Develop and submit a diversity, equity, and inclusion plan to the office, in accordance with section 5 of this act;

(4) Develop and maintain written language access policies and plans;

(5) Collaborate with the office to establish performance measures in accordance with section 5 of this act;

(6) Provide data and information requested by the office in accordance with standards established under section 5 of this act; and

(7) Submit a response to the office's report on agency performance under section 5 of this act.

**NEW SECTION. Sec. 8.** The office may:

(1) Provide technical assistance to agencies;

(2) Conduct research projects, as needed, provided that no research project is proposed or authorizes funding without consideration of the business case for the project including a review of the total cost of the project, similar projects conducted in the state, and alternatives analyzed;

(3) Conduct policy analyses and provide a forum where ideas and issues related to diversity, equity, and inclusion plans, policies, and standards can be reviewed;

(4) Develop policy positions and legislative proposals;

(5) Consider, on an ongoing basis, ways to promote investments in enterprise-level diversity, equity, and inclusion projects that will result in service improvements and cost efficiency;

(6) Fulfill external data requests, as resources allow; and

(7) Receive and solicit gifts, grants, and endowments from public or private sources that are made for the use or benefit of the office and to expend the same or any income therefrom according to their terms and this chapter. The director must report funds received from private sources to the office of financial management on a regular basis. Funds received from private sources may not be applied to reduce or substitute the office's budget as appropriated by the legislature, but must be applied and expended toward projects and functions authorized by this chapter that were not funded by the legislature.

**NEW SECTION. Sec. 9.** Nothing in this act creates any right or cause of action, nor may it be relied upon to compel the establishment of any program or special entitlement.

**NEW SECTION. Sec. 10.** Sections 1 through 9 of this act constitute a new chapter in Title 43 RCW.

**NEW SECTION. Sec. 11.** Section 3 of this act takes effect July 1, 2020."

On page 1, line 2 of the title, after "equity;" strike the remainder of the title and insert "adding a new chapter to Title 43 RCW; and providing an effective date."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1783 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

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

Representatives Walsh and Dufault 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. 1783, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1783, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 39; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti,

Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Griffey and Volz.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1783, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### **MESSAGE FROM THE SENATE**

March 4, 2020

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1888 with the following amendment:

11.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 12.** RCW 42.56.250 and 2019 c 349 s 2 and 2019 c 229 s 1 are each reenacted and amended to read as follows:

The following employment and licensing information is exempt from public inspection and copying under this chapter:

(1) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination;

(2) All applications for public employment other than for vacancies in elective office, including the names of applicants, resumes, and other related materials submitted with respect to an applicant;

(3) Professional growth plans (PGPs) in educator license renewals submitted through the eCert system in the office of the superintendent of public instruction;

(4) The following information held by any public agency in personnel records, public employment related records, volunteer rosters, or included in any mailing list of employees or volunteers of any public agency: Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal email addresses, social security numbers, driver's license numbers, identicator numbers, payroll deductions including the amount and identification of the deduction, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal email addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency. For purposes of this

subsection, "employees" includes independent provider home care workers as defined in RCW 74.39A.240;

(5) Information that identifies a person who, while an agency employee: (a) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (b) requests his or her identity or any identifying information not be disclosed;

(6) Investigative records compiled by an employing agency in connection with an investigation of a possible violation of other federal, state, or local laws or an employing agency's internal policies prohibiting discrimination or harassment in employment. Records are exempt in their entirety while the investigation is active and ongoing. After the agency has notified the complaining employee of the outcome of the investigation, the records may be disclosed only if the names of complainants, other accusers, and witnesses are redacted, unless a complainant, other accuser, or witness has consented to the disclosure of his or her name. The employing agency must inform a complainant, other accuser, or witness that his or her name will be redacted from the investigation records unless he or she consents to disclosure;

(7) Criminal history records checks for board staff finalist candidates conducted pursuant to RCW 43.33A.025;

(8) Photographs and month and year of birth in the personnel files of employees or volunteers of a public agency, including employees and workers of criminal justice agencies as defined in RCW 10.97.030. The news media, as defined in RCW 5.68.010(5), shall have access to the photographs and full date of birth. For the purposes of this subsection, news media does not include any person or organization of persons in the custody of a criminal justice agency as defined in RCW 10.97.030;

(9) The global positioning system data that would indicate the location of the residence of a public employee or volunteer using the global positioning system recording device; ~~(and)~~

(10) Until the person reaches eighteen years of age, information, otherwise disclosable under chapter 29A.08 RCW, that relates to a future voter, except for the purpose of processing and delivering ballots; and

(11) Voluntarily submitted information collected and maintained by a state agency or higher education institution that identifies an individual state employee's personal demographic details. "Personal demographic details" means race or ethnicity, sexual orientation as defined by RCW 49.60.040(26), immigration status, national origin, or status as a person with a disability. This exemption does not prevent the release of state employee demographic information in a deidentified or aggregate format.

(12) Upon receipt of a request for information located exclusively in an employee's personnel, payroll, supervisor, or training file, the agency must provide notice to the

employee, to any union representing the employee, and to the requestor. The notice must state:

(a) The date of the request;

(b) The nature of the requested record relating to the employee;

(c) That the agency will release any information in the record which is not exempt from the disclosure requirements of this chapter at least ten days from the date the notice is made; and

(d) That the employee may seek to enjoin release of the records under RCW 42.56.540."

On page 1, line 2 of the title, after "disclosure;" strike the remainder of the title and insert "and reenacting and amending RCW 42.56.250."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1888 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Hudgins 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 Second Substitute House Bill No. 1888, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1888, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Davis, DeBolt, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Corry, Dent, Dufault and Stokesbary.

Excused: Representatives Griffey and Volz.

SECOND SUBSTITUTE HOUSE BILL NO. 1888, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

March 5, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2230 with the following amendment:

2.0.

On page 2, after line 26, insert the following:

"**Sec. 2.** RCW 82.29A.055 and 2014 c 207 s 8 are each amended to read as follows:

(1) Property owned exclusively by a federally recognized Indian tribe that is exempt from property tax under RCW 84.36.010 is subject to payment in lieu of leasehold excise taxes, if:

(a) The tax exempt property is used exclusively for economic development, as defined in RCW 84.36.010;

(b) There is no taxable leasehold interest in the tax exempt property;

(c) The property is located outside of the tribe's reservation; and

(d) The property is not otherwise exempt from taxation by federal law.

(2) The amount of the payment in lieu of leasehold excise taxes must be determined jointly and in good faith negotiation between the tribe that owns the property and the county and any city in which the property is located. However, the amount may not exceed the leasehold excise tax amount that would otherwise be owed by a taxable leasehold interest in the property. If the tribe and the county and any city cannot agree to terms on the amount of payment in lieu of taxes, the department may determine the rate, provided that the amount may not exceed the leasehold excise tax amount that would otherwise be owed by a taxable leasehold interest in the property.

(3) Payment must be made by the tribe to the county. The county treasurer must distribute all such money collected solely to the local taxing districts, including cities, in the same proportion that each local taxing district would have shared if a leasehold excise tax had been levied."

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

On page 1, line 3 of the title, after "84.36.010" insert "and 82.29A.055"

and the same is herewith transmitted.

Brad Hendrickson, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2230 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representatives Gregerson and Stokesbary 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 House Bill No. 2230, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2230, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 84; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chandler, Dent, Dufault, Klippert, Kraft, McCaslin, Orcutt, Shea, Smith, Sutherland and Vick.

Excused: Representatives Griffey and Volz.

HOUSE BILL NO. 2230, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

March 6, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2302 with the following amendment:

2.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 3.** RCW 26.19.011 and 2005 c 282 s 35 are each amended to read as follows:

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

(1) "Basic child support obligation" means the monthly child support obligation determined from the economic table based on the parties' combined monthly net income and the number of children for whom support is owed.

(2) "Child support schedule" means the standards, economic table, worksheets, and instructions, as defined in this chapter.

(3) "Court" means a superior court judge, court commissioner, and presiding and reviewing officers who administratively determine or enforce child support orders.

(4) "Deviation" means a child support amount that differs from the standard calculation.

(5) "Economic table" means the child support table for the basic support obligation provided in RCW 26.19.020.

(6) "Full-time" means the customary number of maximum, nonovertime hours worked in an individual's historical occupation, industry, and labor market. "Full-time" does not necessarily mean forty hours per week.

(7) "Instructions" means the instructions developed by the administrative office of the courts pursuant to RCW 26.19.050 for use in completing the worksheets.

~~((7))~~ (8) "Standards" means the standards for determination of child support as provided in this chapter.

~~((8))~~ (9) "Standard calculation" means the presumptive amount of child support owed as determined from the child support schedule before the court considers any reasons for deviation.

~~((9))~~ (10) "Support transfer payment" means the amount of money the court orders one parent to pay to another parent or custodian for child support after determination of the standard calculation and deviations. If certain expenses or credits are expected to fluctuate and the order states a formula or percentage to determine the additional amount or credit on an ongoing basis, the term "support transfer payment" does not mean the additional amount or credit.

~~((10))~~ (11) "Worksheets" means the forms developed by the administrative office of the courts pursuant to RCW 26.19.050 for use in determining the amount of child support.

**Sec. 4.** RCW 26.19.071 and 2011 1st sp.s. c 36 s 14 are each amended to read as follows:

(1) **Consideration of all income.** All income and resources of each parent's household shall be disclosed and considered by the court when the court determines the child support obligation of each parent. Only the income of the parents of the children whose support is at issue shall be calculated for purposes of calculating the basic support obligation. Income and resources of any other person shall not be included in calculating the basic support obligation.

(2) **Verification of income.** Tax returns for the preceding two years and current paystubs shall be provided to verify income and deductions. Other sufficient verification shall be required for income and deductions which do not appear on tax returns or paystubs.

(3) **Income sources included in gross monthly income.** Except as specifically excluded in subsection (4) of this section, monthly gross income shall include income from any source, including:

(a) Salaries;

(b) Wages;

(c) Commissions;

(d) Deferred compensation;

(e) Overtime, except as excluded for income in subsection (4)(i) of this section;

(f) Contract-related benefits;

(g) Income from second jobs, except as excluded for income in subsection (4)(i) of this section;

(h) Dividends;

(i) Interest;

(j) Trust income;

(k) Severance pay;

(l) Annuities;

(m) Capital gains;

(n) Pension retirement benefits;

(o) Workers' compensation;

(p) Unemployment benefits;

(q) Maintenance actually received;

(r) Bonuses;

(s) Social security benefits;

(t) Disability insurance benefits; and

(u) Income from self-employment, rent, royalties, contracts, proprietorship of a business, or joint ownership of a partnership or closely held corporation.

(4) **Income sources excluded from gross monthly income.** The following income and resources shall be disclosed but shall not be included in gross income:

(a) Income of a new spouse or new domestic partner or income of other adults in the household;

(b) Child support received from other relationships;

(c) Gifts and prizes;

(d) Temporary assistance for needy families;

(e) Supplemental security income;

(f) Aged, blind, or disabled assistance benefits;

(g) Pregnant women assistance benefits;

(h) Food stamps; and

(i) Overtime or income from second jobs beyond forty hours per week averaged over a twelve-month period worked to provide for a current family's needs, to retire past relationship debts, or to retire child support debt, when the court finds the income will cease when the party has paid off his or her debts.

Receipt of income and resources from temporary assistance for needy families, supplemental security income, aged, blind, or disabled assistance benefits, and food stamps shall not be a reason to deviate from the standard calculation.

(5) **Determination of net income.** The following expenses shall be disclosed and deducted from gross monthly income to calculate net monthly income:

- (a) Federal and state income taxes;
- (b) Federal insurance contributions act deductions;
- (c) Mandatory pension plan payments;
- (d) Mandatory union or professional dues;
- (e) State industrial insurance premiums;
- (f) Court-ordered maintenance to the extent actually paid;
- (g) Up to five thousand dollars per year in voluntary retirement contributions actually made if the contributions show a pattern of contributions during the one-year period preceding the action establishing the child support order unless there is a determination that the contributions were made for the purpose of reducing child support; and

(h) Normal business expenses and self-employment taxes for self-employed persons. Justification shall be required for any business expense deduction about which there is disagreement.

Items deducted from gross income under this subsection shall not be a reason to deviate from the standard calculation.

(6) **Imputation of income.** The court shall impute income to a parent when the parent is voluntarily unemployed or voluntarily underemployed. The court shall determine whether the parent is voluntarily underemployed or voluntarily unemployed based upon that parent's (~~work history, education,~~) assets, residence, employment and earnings history, job skills, educational attainment, literacy, health, (~~and~~) age, criminal record, dependency court obligations, and other employment barriers, record of seeking work, the local job market, the availability of employers willing to hire the parent, the prevailing earnings level in the local community, or any other relevant factors. A court shall not impute income to a parent who is gainfully employed on a full-time basis, unless the court finds that the parent is voluntarily underemployed and finds that the parent is purposely underemployed to reduce the parent's child support obligation. Income shall not be imputed for an unemployable parent. Income shall not be imputed to a parent to the extent the parent is unemployed or significantly underemployed due to the parent's efforts to comply with court-ordered reunification efforts under chapter 13.34

RCW or under a voluntary placement agreement with an agency supervising the child. (~~(4a)~~)

(a) Except as provided in (b) of this subsection, in the absence of records of a parent's actual earnings, the court shall impute a parent's income in the following order of priority:

~~((a))~~ (i) Full-time earnings at the current rate of pay;

~~((b))~~ (ii) Full-time earnings at the historical rate of pay based on reliable information, such as employment security department data;

~~((c))~~ (iii) Full-time earnings at a past rate of pay where information is incomplete or sporadic;

~~((d))~~ (iv) Earnings of thirty-two hours per week at minimum wage in the jurisdiction where the parent resides if the parent is on or recently coming off temporary assistance for needy families or recently coming off aged, blind, or disabled assistance benefits, pregnant women assistance benefits, essential needs and housing support, supplemental security income, or disability, has recently been released from incarceration, or is a recent high school graduate. Imputation of earnings at thirty-two hours per week under this subsection is a rebuttable presumption;

(v) Full-time earnings at minimum wage in the jurisdiction where the parent resides if the parent has a recent history of minimum wage earnings, (~~is recently coming off public assistance, aged, blind, or disabled assistance benefits, pregnant women assistance benefits, essential needs and housing support, supplemental security income, or disability, has recently been released from incarceration, or is a high school student~~) has never been employed and has no earnings history, or has no significant earnings history;

~~((e))~~ (vi) Median net monthly income of year-round full-time workers as derived from the United States bureau of census, current population reports, or such replacement report as published by the bureau of census.

(b) When a parent is currently enrolled in high school full-time, the court shall consider the totality of the circumstances of both parents when determining whether each parent is voluntarily unemployed or voluntarily underemployed. If a parent who is currently enrolled in high school is determined to be voluntarily unemployed or voluntarily underemployed, the court shall impute income at earnings of twenty hours per week at minimum wage in the jurisdiction where that parent resides. Imputation of earnings at twenty hours per week under this subsection is a rebuttable presumption.

**NEW SECTION. Sec. 5.** (1) The legislature finds that a large number of justice-involved individuals owe significant child support debts when they are released from incarceration.

(2) The legislature finds that these child support debts are often uncollectible and unduly burdensome on a recently released justice-involved individual, and that such debts severely impact the ability of the person required to pay

support to have a successful reentry and reintegration into society.

(3) The legislature finds that there is case law in Washington, *In re Marriage of Blickenstaff*, 71 Wn. App. 489, 859 P.2d 646 (1993), providing that incarceration does not equate to voluntary unemployment or voluntary underemployment.

(4) The legislature finds that there is a statewide movement to assist justice-involved individuals reenter and reintegrate into society, and to reduce state-caused pressures which tend to lead to recidivism and a return to jail or prison.

(5) The legislature finds that, although there is currently a statutory process for modification of child support orders, it is in the best interests of the children of the state of Washington to create a process of abatement instead of making it the sole responsibility of the justice-involved person to take action to deal with his or her child support obligation while incarcerated.

(6) The legislature intends, therefore, to create a remedy whereby court or administrative orders for child support entered in Washington state may be abated when the person required to pay support is incarcerated for at least six months and has no income or assets available to pay support.

(7) The goal of this act is to ensure that the person required to pay support makes the maximum child support monthly payment amount appropriate to comply with an order for child support, notwithstanding other provisions related to abatement herein.

**NEW SECTION. Sec. 6.** A new section is added to chapter 26.09 RCW to read as follows:

(1) When a child support order contains language providing for abatement based on incarceration of the person required to pay child support, there is a rebuttable presumption that an incarcerated person is unable to pay the child support obligation. Unless the presumption is rebutted, the provisions of subsection (3) of this section apply.

(2)(a) If the child support order does not contain language providing for abatement based on incarceration of the person required to pay support, the department, the person required to pay support, the payee under the order, or the person entitled to receive support may commence an action in the appropriate forum to:

(i) Modify the support order to contain abatement language; and

(ii) Abate the person's child support obligation due to current incarceration for at least six months.

(b) In a proceeding brought under this subsection, there is a rebuttable presumption that an incarcerated person is unable to pay the child support obligation. The department, the payee under the order, or the person entitled to receive support, may rebut the presumption by demonstrating that the person required to pay support has possession of, or access to, income or assets available to provide support while incarcerated.

(c) Unless the presumption is rebutted, the provisions of subsection (3) of this section apply.

(3) If the court or administrative forum determines that abatement of support is appropriate:

(a) The child support obligation under that order will be abated to ten dollars per month, without regard to the number of children covered by that order, while the person required to pay support is confined in a jail, prison, or correctional facility for at least six months or is serving a sentence greater than six months in a jail, prison, or correctional facility. Either the department, the payee under the order, or the person entitled to receive support may rebut the presumption by demonstrating the person required to pay support has possession of, or access to, income or assets available to provide support while incarcerated.

(b) If the incarcerated person's support obligation under the order is abated as provided in (a) of this subsection, the obligation will remain abated to ten dollars per month through the last day of the third month after the person is released from confinement.

(c) After abatement, the support obligation of the person required to pay support under the order is automatically reinstated at fifty percent of the support amount provided in the underlying order, but may not be less than the presumptive minimum obligation of fifty dollars per month per child, effective the first day of the fourth month after the person's release from confinement. Effective one year after release from confinement, the reinstatement at fifty percent of the support amount is automatically terminated, and the support obligation of the person required to pay support under the order is automatically reinstated at one hundred percent of the support amount provided in the underlying order.

(i) Upon a showing of good cause by a party that the circumstances of the case allow it, the court or administrative forum may add specific provisions to the order abating the child support obligation regarding when and how the abatement may terminate.

(ii) During the period of abatement, the department, the person required to pay support, the payee under the order, or the person entitled to receive support may commence an action to modify the child support order under RCW 26.09.170 or 74.20A.059, in which case the provision regarding reinstatement of the support amount at fifty percent does not apply.

(d) If the incarcerated person's support obligation under the order has been abated as provided in (a) of this subsection and then has been reinstated under (c) of this subsection:

(i) Either the department, the person required to pay support, the payee under the order, or the person entitled to receive support may file an action to modify or adjust the order in the appropriate forum, if:

(A) The provisions of (c)(i) and (ii) of this subsection do not apply; and

(B) The person required to pay support has been released from incarceration.

(ii) An action to modify or adjust the order based on the release from incarceration of the person required to pay support may be filed even if there is no other change of circumstances.

(4) The effective date of abatement of a child support obligation based on incarceration to ten dollars per month per order is the date on which the person required to pay support is confined in a jail, prison, or correctional facility for at least six months or begins serving a sentence greater than six months in a jail, prison, or correctional facility, regardless of when the department is notified of the incarceration. However:

(a) The person required to pay support is not entitled to a refund of any support collections or payments that were received by the department prior to the date on which the department is notified of the incarceration; and

(b) The department, the payee under the order, or the person entitled to receive support is not required to refund any support collections or payments that were received by the department prior to the date on which the department is notified of the incarceration.

(5) Abatement of a child support obligation based on incarceration of the person required to pay support does not constitute modification or adjustment of the order.

**NEW SECTION. Sec. 7.** A new section is added to chapter 26.09 RCW to read as follows:

Either the department, the person required to pay support, the payee under the order, or the person entitled to receive support may make a request for abatement of child support to ten dollars per month under an order for child support when the person required to pay support is currently confined in a jail, prison, or correctional facility for at least six months, or is serving a sentence greater than six months in a jail, prison, or correctional facility.

(1) A request for the abatement of child support owed under one child support order does not automatically qualify as a request for abatement of support owed under every order that may exist requiring that person to pay support. However, the request applies to any support order which is being enforced by the department at the time of the request.

(2) If there are multiple orders requiring the incarcerated person to pay child support, the issue of whether abatement of support due to incarceration is appropriate must be considered for each order.

(a) The payee or person entitled to receive support under each support order is entitled to notice and an opportunity to be heard regarding the potential abatement of support under that order.

(b) If the child or children covered by a support order are not residing with the payee under the order, any other person entitled to receive support for the child or children must be provided notice and an opportunity to be heard regarding the potential abatement of support under that order.

**NEW SECTION. Sec. 8.** A new section is added to chapter 26.09 RCW to read as follows:

(1) When a child support order contains language regarding abatement to ten dollars per month per order based on incarceration of the person required to pay support, and that person is currently confined in a jail, prison, or correctional facility for at least six months, or is serving a sentence greater than six months in a jail, prison, or correctional facility, the department must:

(a) Review the support order for abatement once the department receives notice from the person required to pay support or someone acting on his or her behalf that the person may qualify for abatement of support;

(b) Review its records and other available information to determine if the person required to pay support has possession of, or access to, income or assets available to provide support while incarcerated; and

(c) Decide whether abatement of the person's support obligation is appropriate.

(2) If the department decides that abatement of the person's support obligation is appropriate, the department must notify the person required to pay support, and the payee under the order or the person entitled to receive support, that the incarcerated person's support obligation has been abated and that the abatement will continue until the first day of the fourth month after the person is released from confinement. The notification must include the following information:

(a) The payee under the order or the person entitled to receive support may object to the abatement of support due to incarceration;

(i) An objection must be received within twenty days of the notification of abatement;

(ii) Any objection will be forwarded to the office of administrative hearings for an adjudicative proceeding under chapter 34.05 RCW;

(iii) The department, the person required to pay support, and the payee under the order or the person entitled to receive support, all have the right to participate in the administrative hearing as parties; and

(iv) The burden of proof is on the party objecting to the abatement of support to show that the person required to pay support has possession of, or access to, income or assets available to provide support while incarcerated;

(b) The effective date of the abatement of support;

(c) The estimated date of release;

(d) The estimated date that the abatement will end;

(e) That the person required to pay support, the payee under the order, the person entitled to receive support, or the department may file an action to modify the underlying support order once the person required to pay support is released from incarceration, as provided under section 4(3)(d) of this act; and

(f) That, if the abated obligation was established by a court order, the department will file a copy of the notification in the court file.

(3) If the department decides that abatement of the incarcerated person's support obligation is not appropriate, the department must notify the person required to pay support and the payee under the order or the person entitled to receive support, that the department does not believe that abatement of the support obligation should occur. The notification must include the following information:

(a) The reasons why the department decided that abatement of the support obligation is not appropriate;

(b) The person required to pay support and the payee under the order or the person entitled to receive support may object to the department's decision not to abate the support obligation;

(i) An objection must be received within twenty days of the notification of abatement;

(ii) Any objection will be forwarded to the office of administrative hearings for an adjudicative proceeding under chapter 34.05 RCW; and

(iii) The department, the incarcerated person, and the payee under the order or the person entitled to receive support all have the right to participate in the administrative hearing as parties;

(c) That, if the administrative law judge enters an order providing that abatement is appropriate, the department will take appropriate steps to document the abatement and will provide notification to the parties as required in subsection (2) of this section.

**NEW SECTION. Sec. 9.** A new section is added to chapter 26.09 RCW to read as follows:

(1) When a court or administrative order does not contain language regarding abatement based on incarceration of the person required to pay support and the department receives notice that the person is currently confined in a jail, prison, or correctional facility for at least six months or is serving a sentence greater than six months in a jail, prison, or correctional facility, the department must refer the case to the appropriate forum for a determination of whether the order should be modified to:

(a) Contain abatement language as provided in section 4 of this act; and

(b) Abate the person's child support obligation due to current incarceration.

(2) In a proceeding brought under this section, there is a rebuttable presumption that an incarcerated person is unable to pay the child support obligation. The department, the payee under the order, or the person entitled to receive support may rebut the presumption by demonstrating that the incarcerated person has possession of, or access to, income or assets available to provide support while incarcerated.

(3) Unless the presumption is rebutted, the court or administrative forum must enter an order providing that the child support obligation under the order is abated to ten

dollars per month, without regard to the number of children covered by the order, if the person required to pay support is confined in a jail, prison, or correctional facility for at least six months, or is serving a sentence greater than six months in a jail, prison, or correctional facility.

(4) The order must:

(a) Include the appropriate language required by section 4 of this act in order to provide for a rebuttable presumption of abatement to ten dollars per month per order;

(b) Provide that the order must be reinstated at fifty percent of the previously ordered support amount but not less than the presumptive minimum obligation of fifty dollars per month per child, effective on the first day of the fourth month after the person's release from confinement, and also provide that the order must be automatically reinstated at one hundred percent of the previously ordered support amount effective one year after release from confinement; and

(c) Include language regarding an action to modify or adjust the underlying order as provided under section 4(3) of this act.

**NEW SECTION. Sec. 10.** A new section is added to chapter 26.09 RCW to read as follows:

(1) At any time during the period of incarceration, the department, the payee under the order, or the person entitled to receive support may file a request to reverse or terminate the abatement of support by demonstrating that the incarcerated person has possession of, or access to, income or assets available to provide support while incarcerated.

(a) A request for reversal or termination of the abatement may be filed with the department or with the office of administrative hearings.

(b) The request must include documents or other evidence showing that the incarcerated person has possession of, or access to, income or assets available to provide support while incarcerated.

(c) If the request for a hearing does not include documents or evidence showing that the incarcerated person has possession of, or access to, income or assets, the department may file a motion asking that the request for a hearing be dismissed before a hearing is scheduled or held.

(d) The party seeking to reverse or terminate the abatement may seek to vacate the dismissal order by filing a motion which includes the required proof.

(e) Depending on the type of evidence provided at the hearing, the administrative law judge may order that the abatement of the support obligation be:

(i) Reversed, meaning that the determination that support should be abated is vacated and all amounts owed under the support order are reinstated; or

(ii) Terminated, meaning that the abatement of support ends as of the date specified in the order.

(2) At any time during the period of incarceration, the person required to pay support may file a request to reverse or terminate the abatement of support.

(a) The request for reversal or termination of the abatement may be filed with the department or with the office of administrative hearings.

(b) The person required to pay support is not required to provide any documents or other evidence to support the request.

(3) Abatement of a support obligation does not constitute modification or adjustment of the order.

**Sec. 11.** RCW 26.23.050 and 2019 c 46 s 5026 are each amended to read as follows:

(1) If the division of child support is providing support enforcement services under RCW 26.23.045, or if a party is applying for support enforcement services by signing the application form on the bottom of the support order, the superior court shall include in all court orders that establish or modify a support obligation:

(a) A provision that orders and directs the ~~((responsible parent))~~ person required to pay support to make all support payments to the Washington state support registry;

(b) A statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the ~~((responsible parent))~~ person required to pay support at any time after entry of the court order, unless:

(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or

(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(c) A statement that the ~~((receiving parent))~~ payee under the order or the person entitled to receive support might be required to submit an accounting of how the support, including any cash medical support, is being spent to benefit the child;

(d) A statement that ~~((any parent))~~ a party to the support order who is required to provide health care coverage for the child or children covered by the order must notify the division of child support and the other ((parent)) party to the support order when the coverage terminates; ~~((and))~~

(e) A statement that ~~((the responsible parent's privileges))~~ any privilege of the person required to pay support to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the ((parent)) person is not in compliance with a support order as provided in RCW 74.20A.320; and

(f) A statement that the support obligation under the order may be abated as provided in section 4 of this act if the

person required to pay support is confined in a jail, prison, or correctional facility for at least six months, or is serving a sentence greater than six months in a jail, prison, or correctional facility.

As used in this subsection and subsection (3) of this section, "good cause not to require immediate income withholding" means a written determination of why implementing immediate wage withholding would not be in the child's best interests and, in modification cases, proof of timely payment of previously ordered support.

(2) In all other cases not under subsection (1) of this section, the court may order the ~~((responsible parent))~~ person required to pay support to make payments directly to the person entitled to receive the payments, to the Washington state support registry, or may order that payments be made in accordance with an alternate arrangement agreed upon by the parties.

(a) The superior court shall include in all orders under this subsection that establish or modify a support obligation:

(i) A statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the ~~((responsible parent))~~ person required to pay support at any time after entry of the court order, unless:

(A) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or

(B) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(ii) A statement that the ~~((receiving parent))~~ payee under the order or the person entitled to receive support may be required to submit an accounting of how the support is being spent to benefit the child;

(iii) A statement that any ~~((parent))~~ party to the order required to provide health care coverage for the child or children covered by the order must notify the division of child support and the other ~~((parent))~~ party to the order when the coverage terminates; and

(iv) A statement that a ~~((parent))~~ party to the order seeking to enforce the other party's obligation to provide health care coverage may:

(A) File a motion in the underlying superior court action; or

(B) If there is not already an underlying superior court action, initiate an action in the superior court.

As used in this subsection, "good cause not to require immediate income withholding" is any reason that the court finds appropriate.

(b) The superior court may order immediate or delayed income withholding as follows:

(i) Immediate income withholding may be ordered if the ~~((responsible parent))~~ person required to pay support has earnings. If immediate income withholding is ordered under this subsection, all support payments shall be paid to the Washington state support registry. The superior court shall issue a mandatory wage assignment order as set forth in chapter 26.18 RCW when the support order is signed by the court. The ~~((parent))~~ payee under the order or the person entitled to receive the transfer payment is responsible for serving the employer with the order and for its enforcement as set forth in chapter 26.18 RCW.

(ii) If immediate income withholding is not ordered, the court shall require that income withholding be delayed until a payment is past due. The support order shall contain a statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the ~~((responsible parent))~~ person required to pay support, after a payment is past due.

(c) If a mandatory wage withholding order under chapter 26.18 RCW is issued under this subsection and the division of child support provides support enforcement services under RCW 26.23.045, the existing wage withholding assignment is prospectively superseded upon the division of child support's subsequent service of an income withholding notice.

(3) The office of administrative hearings and the department of social and health services shall require that all support obligations established as administrative orders include a provision which orders and directs that the ~~((responsible parent))~~ person required to pay support shall make all support payments to the Washington state support registry. All administrative orders shall also state that ~~((the responsible parent's privileges))~~ any privilege of the person required to pay support to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the ~~((parent))~~ person is not in compliance with a support order as provided in RCW 74.20A.320. All administrative orders shall also state that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state without further notice to the ~~((responsible parent))~~ person required to pay support at any time after entry of the order, unless:

(a) One of the parties demonstrates, and the presiding officer finds, that there is good cause not to require immediate income withholding; or

(b) The parties reach a written agreement that is approved by the presiding officer that provides for an alternate agreement.

(4) If the support order does not include the provision ordering and directing that all payments be made to the Washington state support registry and a statement that withholding action may be taken against wages, earnings, assets, or benefits if a support payment is past due or at any time after the entry of the order, or that ~~((a parent's))~~ licensing privileges of the person required to pay support may not be renewed, or may be suspended, the division of

child support may serve a notice on the ~~((responsible parent))~~ person stating such requirements and authorizations. Service may be by personal service or any form of mail requiring a return receipt.

(5) Every support order shall state:

(a) The address where the support payment is to be sent;

(b) That withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the ~~((responsible parent))~~ person required to pay support at any time after entry of a support order, unless:

(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding; or

(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(c) The income of the parties, if known, or that their income is unknown and the income upon which the support award is based;

(d) The support award as a sum certain amount;

(e) The specific day or date on which the support payment is due;

(f) The names and ages of the dependent children;

(g) A provision requiring both the ~~((responsible parent))~~ person required to pay support, and the ~~((custodial parent))~~ payee under the order or the person entitled to receive support who is a parent of the child or children covered by the order, to keep the Washington state support registry informed of whether he or she has access to health care coverage at reasonable cost and, if so, the health care coverage information;

(h) That either or both the ~~((responsible parent))~~ person required to pay support, and the ~~((custodial parent))~~ payee under the order or the person entitled to receive support who is a parent of the child or children covered by the order, shall be obligated to provide medical support for ~~((his or her))~~ a child or children covered by the order through health care coverage if:

(i) The ~~((obligated parent))~~ person obligated to provide medical support provides accessible coverage for the child or children through private or public health care coverage; or

(ii) Coverage that can be extended (to cover the child or children is or becomes available to the ~~((parent))~~ person obligated to provide medical support through employment or is union-related; or

(iii) In the absence of such coverage, through an additional sum certain amount, as that ~~((parent's))~~ obligated person's monthly payment toward the premium as provided under RCW 26.09.105;

(i) That a ~~((parent))~~ person obligated to provide medical support who is providing health care coverage must notify both the division of child support and the other ~~((parent))~~ party to the order when coverage terminates;

(j) That if proof of health care coverage or proof that the coverage is unavailable is not provided within twenty days, the ~~((parent))~~ person seeking enforcement or the department may seek direct enforcement of the coverage through the employer or union of the ~~((parent))~~ person required to provide medical support without further notice to the ~~((parent))~~ person as provided under chapter 26.18 RCW;

(k) The reasons for not ordering health care coverage if the order fails to require such coverage;

(l) That ~~((the responsible parent's privileges))~~ any privilege of the person required to pay support to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the ~~((parent))~~ person is not in compliance with a support order as provided in RCW 74.20A.320;

(m) That each ~~((parent))~~ party to the support order must:

(i) Promptly file with the court and update as necessary the confidential information form required by subsection (7) of this section; and

(ii) Provide the state case registry and update as necessary the information required by subsection (7) of this section; and

(n) That parties to administrative support orders shall provide to the state case registry and update as necessary their residential addresses and the address of the ~~((responsible parent's))~~ employer of the person required to pay support. The division of child support may adopt rules that govern the collection of parties' current residence and mailing addresses, telephone numbers, dates of birth, social security numbers, the names of the children, social security numbers of the children, dates of birth of the children, driver's license numbers, and the names, addresses, and telephone numbers of the parties' employers to enforce an administrative support order. The division of child support shall not release this information if the division of child support determines that there is reason to believe that release of the information may result in physical or emotional harm to the party or to the child, or a restraining order or protective order is in effect to protect one party from the other party.

(6) After the ~~((responsible parent))~~ person required to pay support has been ordered or notified to make payments to the Washington state support registry under this section, ~~((the responsible parent))~~ that person shall be fully responsible for making all payments to the Washington state support registry and shall be subject to payroll deduction or other income-withholding action. The ~~((responsible parent))~~ person required to pay support shall not be entitled to credit against a support obligation for any payments made to a person or agency other than to the Washington state support registry except as provided under RCW 74.20.101. A civil action may be brought by the ~~((payer))~~ person required to pay support to recover payments made to persons or

agencies who have received and retained support moneys paid contrary to the provisions of this section.

(7) All petitioners and parties to all court actions under chapters 26.09, 26.10, 26.12, 26.18, 26.21A, 26.23, 26.26A, 26.26B, and 26.27 RCW shall complete to the best of their knowledge a verified and signed confidential information form or equivalent that provides the parties' current residence and mailing addresses, telephone numbers, dates of birth, social security numbers, driver's license numbers, and the names, addresses, and telephone numbers of the parties' employers. The clerk of the court shall not accept petitions, except in parentage actions initiated by the state, orders of child support, decrees of dissolution, or parentage orders for filing in such actions unless accompanied by the confidential information form or equivalent, or unless the confidential information form or equivalent is already on file with the court clerk. In lieu of or in addition to requiring the parties to complete a separate confidential information form, the clerk may collect the information in electronic form. The clerk of the court shall transmit the confidential information form or its data to the division of child support with a copy of the order of child support or parentage order, and may provide copies of the confidential information form or its data and any related findings, decrees, parenting plans, orders, or other documents to the state administrative agency that administers Title IV-A, IV-D, IV-E, or XIX of the federal social security act. In state initiated parentage actions, the parties adjudicated the parents of the child or children shall complete the confidential information form or equivalent or the state's attorney of record may complete that form to the best of the attorney's knowledge.

(8) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and 308.

**Sec. 12.** RCW 74.20A.055 and 2019 c 46 s 5052 are each amended to read as follows:

(1) The secretary may, if there is no order that establishes ~~((the responsible parent's))~~ a person's support obligation or specifically relieves the ~~((responsible parent))~~ person required to pay support of a support obligation or pursuant to an establishment of parentage under chapter 26.26A or 26.26B RCW, serve on the ~~((responsible parent or parents))~~ person or persons required to pay support and ~~((custodial parent))~~ the person entitled to receive support a notice and finding of financial responsibility requiring ~~((the parents))~~ those persons to appear and show cause in an adjudicative proceeding why the finding of responsibility and/or the amount thereof is incorrect, should not be finally ordered, but should be rescinded or modified. This notice and finding shall relate to the support debt accrued and/or accruing under this chapter and/or RCW 26.16.205, including periodic payments to be made in the future. The hearing shall be held pursuant to this section, chapter 34.05 RCW, the Administrative Procedure Act, and the rules of the department. A ~~((custodian))~~ person who has physical custody of a child has the same rights ~~((that a custodial~~

~~parent has~~) under this section as a parent with whom the child resides.

(2) The notice and finding of financial responsibility shall be served in the same manner prescribed for the service of a summons in a civil action or may be served on the ~~((responsible parent))~~ person required to pay support by certified mail, return receipt requested. The receipt shall be prima facie evidence of service. The notice shall be served upon the ~~((debtor))~~ person required to pay support within sixty days from the date the state assumes responsibility for the support of the dependent child or children on whose behalf support is sought. If the notice is not served within sixty days from such date, the department shall lose the right to reimbursement of payments made after the sixty-day period and before the date of notification: PROVIDED, That if the department exercises reasonable efforts to locate the ~~((debtor))~~ person required to pay support and is unable to do so the entire sixty-day period is tolled until such time as the ~~((debtor))~~ person can be located. The notice may be served upon the ~~((custodial parent))~~ person entitled to receive support who is the nonassistance applicant or public assistance recipient by first-class mail to the last known address. If the ~~((custodial parent))~~ person entitled to receive support is not the nonassistance applicant or public assistance recipient, service shall be in the same manner as for the ~~((responsible parent))~~ person required to pay support.

(3) The notice and finding of financial responsibility shall set forth the amount the department has determined the ~~((responsible parent))~~ person required to pay support owes, the support debt accrued and/or accruing, and periodic payments to be made in the future. The notice and finding shall also include:

(a) A statement of the name of the ~~((custodial parent))~~ person entitled to receive support and the name of the child or children for whom support is sought;

(b) A statement of the amount of periodic future support payments as to which financial responsibility is alleged;

(c) A statement that the ~~((responsible parent))~~ person required to pay support or ~~((custodial parent))~~ the person entitled to receive support may object to all or any part of the notice and finding, and file an application for an adjudicative proceeding to show cause why the terms set forth in the notice should not be ordered;

(d) A statement that, if neither the ~~((responsible parent))~~ person required to pay support nor the ~~((custodial parent))~~ person entitled to receive support files in a timely fashion an application for an adjudicative proceeding, the support debt and payments stated in the notice and finding, including periodic support payments in the future, shall be assessed and determined and ordered by the department and that this debt and amounts due under the notice shall be subject to collection action;

(e) A statement that the property of the ~~((debtor))~~ person required to pay support, without further advance notice or hearing, will be subject to lien and foreclosure, distraint, seizure and sale, order to withhold and deliver, notice of payroll deduction or other collection action to

satisfy the debt and enforce the support obligation established under the notice;

(f) A statement that ~~((one or both parents))~~ the person required to pay support, and the payee under the order or the person entitled to receive support who is a parent of the child or children covered by the order, are responsible for either:

(i) Providing health care coverage for the child if accessible coverage that can cover the child:

(A) Is available through health insurance or public health care coverage; or

(B) Is or becomes available to the ~~((parent))~~ obligated person through that ~~((parent's))~~ person's employment or union; or

(ii) Paying a monthly payment toward the premium if no such coverage is available, as provided under RCW 26.09.105; and

(g) A statement that the support obligation under the order may be abated to ten dollars per month per order as provided in section 4 of this act if the person required to pay support is confined in a jail, prison, or correctional facility for at least six months, or is serving a sentence greater than six months in a jail, prison, or correctional facility.

(4) A ~~((responsible parent))~~ person required to pay support or ~~((custodial parent))~~ person entitled to receive support who objects to the notice and finding of financial responsibility may file an application for an adjudicative proceeding within twenty days of the date of service of the notice or thereafter as provided under this subsection.

(a) If the ~~((responsible parent))~~ person required to pay support or ~~((custodial parent))~~ the person entitled to receive support files the application within twenty days, the office of administrative hearings shall schedule an adjudicative proceeding to hear the ~~((parent's))~~ party's or ~~((parents'))~~ parties' objection and determine the support obligation for the entire period covered by the notice and finding of financial responsibility. The filing of the application stays collection action pending the entry of a final administrative order;

(b) If both the ~~((responsible parent))~~ person required to pay support and the ~~((custodial parent))~~ person entitled to receive support fail to file an application within twenty days, the notice and finding shall become a final administrative order. The amounts for current and future support and the support debt stated in the notice are final and subject to collection, except as provided under (c) and (d) of this subsection;

(c) If the ~~((responsible parent))~~ person required to pay support or ~~((custodial parent))~~ the person entitled to receive support files the application more than twenty days after, but within one year of the date of service, the office of administrative hearings shall schedule an adjudicative proceeding to hear the ~~((parent's))~~ party's or ~~((parents'))~~ parties' objection and determine the support obligation for the entire period covered by the notice and finding of financial responsibility. The filing of the application does not stay further collection action, pending the entry of a final

administrative order, and does not affect any prior collection action;

(d) If the ~~((responsible parent))~~ person required to pay support or ~~((custodial parent))~~ the person entitled to receive support files the application more than one year after the date of service, the office of administrative hearings shall schedule an adjudicative proceeding at which the ~~((parent))~~ party who requested the late hearing must show good cause for failure to file a timely application. The filing of the application does not stay future collection action and does not affect prior collection action:

(i) If the presiding officer finds that good cause exists, the presiding officer shall proceed to hear the ~~((parent's))~~ party's objection to the notice and determine the support obligation;

(ii) If the presiding officer finds that good cause does not exist, the presiding officer shall treat the application as a petition for prospective modification of the amount for current and future support established under the notice and finding. In the modification proceeding, the presiding officer shall set current and future support under chapter 26.19 RCW. The petitioning ~~((parent))~~ party need show neither good cause nor a substantial change of circumstances to justify modification of current and future support;

(e) If the ~~((responsible parent's))~~ support obligation was based upon imputed median net income, the grant standard, or the family need standard, the division of child support may file an application for adjudicative proceeding more than twenty days after the date of service of the notice. The office of administrative hearings shall schedule an adjudicative proceeding and provide notice of the hearing to the ~~((responsible parent))~~ person required to pay support and the ~~((custodial parent))~~ person entitled to receive support. The presiding officer shall determine the support obligation for the entire period covered by the notice, based upon credible evidence presented by the division of child support, the ~~((responsible parent))~~ person required to pay support, or the ~~((custodial parent))~~ person entitled to receive support, or may determine that the support obligation set forth in the notice is correct. The division of child support demonstrates good cause by showing that the ~~((responsible parent's))~~ support obligation was based upon imputed median net income, the grant standard, or the family need standard. The filing of the application by the division of child support does not stay further collection action, pending the entry of a final administrative order, and does not affect any prior collection action.

(f) The department shall retain and/or shall not refund support money collected more than twenty days after the date of service of the notice. Money withheld as the result of collection action shall be delivered to the department. The department shall distribute such money, as provided in published rules.

(5) If an application for an adjudicative proceeding is filed, the presiding or reviewing officer shall determine the past liability and responsibility, if any, of the ~~((alleged responsible parent))~~ person required to pay support and shall also determine the amount of periodic payments to be made in the future, which amount is not limited by the amount of

any public assistance payment made to or for the benefit of the child. If deviating from the child support schedule in making these determinations, the presiding or reviewing officer shall apply the standards contained in the child support schedule and enter written findings of fact supporting the deviation.

(6) If either the ~~((responsible parent))~~ person required to pay support or the ~~((custodial parent))~~ person entitled to receive support fails to attend or participate in the hearing or other stage of an adjudicative proceeding, upon a showing of valid service, the presiding officer shall enter an order of default against each party who did not appear and may enter an administrative order declaring the support debt and payment provisions stated in the notice and finding of financial responsibility to be assessed and determined and subject to collection action. The parties who appear may enter an agreed settlement or consent order, which may be different than the terms of the department's notice. Any party who appears may choose to proceed to the hearing, after the conclusion of which the presiding officer or reviewing officer may enter an order that is different than the terms stated in the notice, if the obligation is supported by credible evidence presented by any party at the hearing.

(7) The final administrative order establishing liability and/or future periodic support payments shall be superseded upon entry of a superior court order for support to the extent the superior court order is inconsistent with the administrative order.

(8) Debts determined pursuant to this section, accrued and not paid, are subject to collection action under this chapter without further necessity of action by a presiding or reviewing officer.

(9) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and 308.

**Sec. 13.** RCW 74.20A.056 and 2019 c 148 s 38 and 2019 c 46 s 5053 are each reenacted and amended to read as follows:

(1)(a) If an acknowledged parent has signed an acknowledgment of parentage that has been filed with the state registrar of vital statistics:

(i) The division of child support may serve a notice and finding of financial responsibility under RCW 74.20A.055 based on the acknowledgment. The division of child support shall attach a copy of the acknowledgment or certification of the birth record information advising of the existence of a filed acknowledgment of parentage to the notice;

(ii) The notice shall include a statement that the acknowledged parent or any other signatory may commence a proceeding in court to rescind or challenge the acknowledgment or denial of parentage under RCW 26.26A.235 and 26.26A.240;

(iii) A statement that ~~((either or both parents))~~ the person required to pay support, and the payee under the order or the person entitled to receive support who is a parent of the child or children covered by the order, are responsible for providing health care coverage for the child if accessible coverage that can be extended to cover the child is or becomes available to the ~~((parent))~~ obligated person through employment or is union-related as provided under RCW 26.09.105; ~~((and))~~

(iv) The party commencing the action to rescind or challenge the acknowledgment or denial must serve notice on the division of child support and the office of the prosecuting attorney in the county in which the proceeding is commenced. Commencement of a proceeding to rescind or challenge the acknowledgment or denial stays the establishment of the notice and finding of financial responsibility, if the notice has not yet become a final order; and

(v) A statement that the support obligation under the order may be abated to ten dollars per month per order as provided in section 4 of this act if the person required to pay support is confined in a jail, prison, or correctional facility for at least six months, or is serving a sentence greater than six months in a jail, prison, or correctional facility.

(b) If neither ~~((the acknowledged parent nor the other))~~ party to the notice files an application for an adjudicative proceeding or the signatories to the acknowledgment or denial do not commence a proceeding to rescind or challenge the acknowledgment of parentage, the amount of support stated in the notice and finding of financial responsibility becomes final, subject only to a subsequent determination under RCW 26.26A.400 through 26.26A.515 that the parent-child relationship does not exist. The division of child support does not refund nor return any amounts collected under a notice that becomes final under this section or RCW 74.20A.055, even if a court later determines that the acknowledgment is void.

(c) An acknowledged parent or other party to the notice who objects to the amount of support requested in the notice may file an application for an adjudicative proceeding up to twenty days after the date the notice was served. An application for an adjudicative proceeding may be filed within one year of service of the notice and finding of parental responsibility without the necessity for a showing of good cause or upon a showing of good cause thereafter. An adjudicative proceeding under this section shall be pursuant to RCW 74.20A.055. The only issues shall be the amount of the accrued debt and the amount of the current and future support obligation.

(i) If the application for an adjudicative proceeding is filed within twenty days of service of the notice, collection action shall be stayed pending a final decision by the department.

(ii) If the application for an adjudicative proceeding is not filed within twenty days of the service of the notice, any amounts collected under the notice shall be neither refunded nor returned if the ~~((alleged genetic parent))~~ person required to pay support under the notice is later found not to be ~~((a responsible parent))~~ required to pay support.

(d) If neither the acknowledged parent nor the ~~((custodial parent))~~ person entitled to receive support requests an adjudicative proceeding, or if no timely action is brought to rescind or challenge the acknowledgment or denial after service of the notice, the notice of financial responsibility becomes final for all intents and purposes and may be overturned only by a subsequent superior court order entered under RCW 26.26A.400 through 26.26A.515.

(2) Acknowledgments of parentage are subject to requirements of chapters 26.26A, 26.26B, and 70.58A RCW.

(3) The department and the department of health may adopt rules to implement the requirements under this section.

(4) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and 308.

**Sec. 14.** RCW 74.20A.059 and 2019 c 275 s 3 are each amended to read as follows:

(1) The department, the ~~((physical custodian))~~ payee under the order or the person entitled to receive support, or the ~~((responsible parent))~~ person required to pay support may petition for a prospective modification of a final administrative order if:

(a) The administrative order has not been superseded by a superior court order; and

(b) There has been a substantial change of circumstances, except as provided under RCW 74.20A.055(4)(d) or subsection (2) of this section.

(2) The department, the person entitled to receive support, the payee under the order, or the person required to pay support may petition for a prospective modification of a final administrative order if the person required to pay support is currently confined in a jail, prison, or correctional facility for at least six months or is serving a sentence greater than six months in a jail, prison, or correctional facility, and the support order does not contain language regarding abatement due to incarceration.

(a) The petition may be filed at any time after the administrative support order became a final order, as long as the person required to pay support is currently incarcerated.

(b) As part of the petition for modification, the petitioner may also request that the support obligation be abated to ten dollars per month per order due to incarceration, as provided in section 4 of this act.

(3) An order of child support may be modified at any time without a showing of substantially changed circumstances if incarceration of the ~~((parent who is obligated))~~ person required to pay support is the basis for the inconsistency between the existing child support order amount and the amount of support determined as a result of a review.

~~((3))~~ (4) An order of child support may be modified one year or more after it has been entered without showing a substantial change of circumstances:

(a) If the order in practice works a severe economic hardship on either party or the child; or

(b) If a child is a full-time student and reasonably expected to complete secondary school or the equivalent level of vocational or technical training before the child becomes nineteen years of age upon a finding that there is a need to extend support beyond the eighteenth birthday.

~~((4))~~ (5) An order may be modified without showing a substantial change of circumstances if the requested modification is to:

(a) Require medical support under RCW 26.09.105 for a child covered by the order; ~~((or))~~

(b) Modify an existing order for health care coverage; or

(c) Modify an existing order when the person required to pay support has been released from incarceration, as provided in section 4(3)(d) of this act.

~~((5))~~ (6) Support orders may be adjusted once every twenty-four months based upon changes in the income of the ~~((parents))~~ parties to the order without a showing of substantially changed circumstances. This provision does not mean that the income of a person entitled to receive support who is not a parent of the child or children covered by the order must be disclosed or be included in the calculations under chapter 26.19 RCW when determining the support obligation.

~~((6))~~ (7)(a) All administrative orders entered on, before, or after September 1, 1991, may be modified based upon changes in the child support schedule established in chapter 26.19 RCW without a substantial change of circumstances. The petition may be filed based on changes in the child support schedule after twelve months has expired from the entry of the administrative order or the most recent modification order setting child support, whichever is later. However, if a party is granted relief under this provision, twenty-four months must pass before another petition for modification may be filed pursuant to subsection ~~((5))~~ (6) of this section.

(b) If, pursuant to subsection ~~((5))~~ (6) of this section or (a) of this subsection, the order modifies a child support obligation by more than thirty percent and the change would cause significant hardship, the change may be implemented in two equal increments, one at the time of the entry of the order and the second six months from the entry of the order. Twenty-four months must pass following the second change before a petition for modification under subsection ~~((5))~~ (6) of this section may be filed.

~~((7))~~ (8) An increase in the wage or salary of the ~~((parent or custodian who is receiving))~~ person entitled to receive the support transfer payments is not a substantial change in circumstances for purposes of modification under subsection (1)(b) of this section. ~~((An obligor's))~~ The voluntary unemployment or voluntary underemployment of

the person required to pay support, by itself, is not a substantial change of circumstances. The income of the person entitled to receive support is only disclosed or considered if that person is a parent of the child or children covered by the order.

~~((8))~~ (9) The department shall file the petition and a supporting affidavit with the ~~((secretary or the secretary's designee))~~ office of administrative hearings when the department petitions for modification.

~~((9))~~ (10) The ~~((responsible parent))~~ person required to pay support or the ~~((physical custodian))~~ payee under the order or the person entitled to receive support shall follow the procedures in this chapter for filing an application for an adjudicative proceeding to petition for modification.

~~((10))~~ (11) Upon the filing of a proper petition or application, the ~~((secretary or the secretary's designee))~~ office of administrative hearings shall issue an order directing each party to appear and show cause why the order should not be modified.

~~((11))~~ (12) If the presiding or reviewing officer finds a modification is appropriate, the officer shall modify the order and set current and future support under chapter 26.19 RCW.

**Sec. 15.** RCW 26.09.170 and 2019 c 275 s 2 are each amended to read as follows:

(1) Except as otherwise provided in RCW 26.09.070(7), the provisions of any decree respecting maintenance or support may be modified: (a) Only as to installments accruing subsequent to the petition for modification or motion for adjustment except motions to compel court-ordered adjustments, which shall be effective as of the first date specified in the decree for implementing the adjustment; and, (b) except as otherwise provided in this section, only upon a showing of a substantial change of circumstances. The provisions as to property disposition may not be revoked or modified, unless the court finds the existence of conditions that justify the reopening of a judgment under the laws of this state.

(2) Unless otherwise agreed in writing or expressly provided in the decree the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance or registration of a new domestic partnership of the party receiving maintenance.

(3) Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child or by the death of the ~~((parent obligated to))~~ person required to pay support for the child.

(4) Unless expressly provided by an order of the superior court or a court of comparable jurisdiction, provisions for the support of a child are terminated upon the marriage or registration of a domestic partnership to each other of parties to a paternity or parentage order, or upon the remarriage or registration of a domestic partnership to each other of parties to a decree of dissolution. The remaining

provisions of the order, including provisions establishing ~~((paternity))~~ parentage, remain in effect.

(5)(a) A party to an order of child support may petition for a modification based upon a showing of substantially changed circumstances at any time.

(b) ~~((An obligor's))~~ The voluntary unemployment or voluntary underemployment of the person required to pay support, by itself, is not a substantial change of circumstances.

(6) An order of child support may be modified at any time to add language regarding abatement to ten dollars per month per order due to the incarceration of the person required to pay support, as provided in section 4 of this act.

(a) The department of social and health services, the person entitled to receive support or the payee under the order, or the person required to pay support may petition for a prospective modification of a child support order if the person required to pay support is currently confined in a jail, prison, or correctional facility for at least six months or is serving a sentence greater than six months in a jail, prison, or correctional facility, and the support order does not contain language regarding abatement due to incarceration.

(b) The petition may only be filed if the person required to pay support is currently incarcerated.

(c) As part of the petition for modification, the petitioner may also request that the support obligation be abated to ten dollars per month per order due to incarceration, as provided in section 4 of this act.

(7) An order of child support may be modified without showing a substantial change of circumstances if the requested modification is to modify an existing order when the person required to pay support has been released from incarceration, as provided in section 4(3)(d) of this act.

(8) An order of child support may be modified one year or more after it has been entered without a showing of substantially changed circumstances:

(a) If the order in practice works a severe economic hardship on either party or the child;

(b) If a child is still in high school, upon a finding that there is a need to extend support beyond the eighteenth birthday to complete high school; or

(c) To add an automatic adjustment of support provision consistent with RCW 26.09.100.

~~((7))~~ (9)(a) If twenty-four months have passed from the date of the entry of the order or the last adjustment or modification, whichever is later, the order may be adjusted without a showing of substantially changed circumstances based upon:

(i) Changes in the income of the ~~((parents))~~ person required to pay support, or of the payee under the order or the person entitled to receive support who is a parent of the child or children covered by the order; or

(ii) Changes in the economic table or standards in chapter 26.19 RCW.

(b) Either party may initiate the adjustment by filing a motion and child support worksheets.

(c) If the court adjusts or modifies a child support obligation pursuant to this subsection by more than thirty percent and the change would cause significant hardship, the court may implement the change in two equal increments, one at the time of the entry of the order and the second six months from the entry of the order. Twenty-four months must pass following the second change before a motion for another adjustment under this subsection may be filed.

~~((8))~~ (10)(a) The department of social and health services may file an action to modify or adjust an order of child support if public assistance money is being paid to or for the benefit of the child and the department has determined that the child support order is at least fifteen percent above or below the appropriate child support amount set forth in the standard calculation as defined in RCW 26.19.011.

(b) The department of social and health services may file an action to modify or adjust an order of child support in a nonassistance case if:

(i) The department has determined that the child support order is at least fifteen percent above or below the appropriate child support amount set forth in the standard calculation as defined in RCW 26.19.011;

(ii) The department has determined the case meets the department's review criteria; and

(iii) A party to the order or another state or jurisdiction has requested a review.

(c) If incarceration of the ~~((parent who is obligated))~~ person required to pay support is the basis for the difference between the existing child support order amount and the proposed amount of support determined as a result of a review, the department may file an action to modify or adjust an order of child support even if:

(i) There is no other change of circumstances; and

(ii) The change in support does not meet the fifteen percent threshold.

(d) The determination of whether the child support order is at least fifteen percent above or below the appropriate child support amount must be based on the current income of the parties.

~~((9))~~ (11) The department of social and health services may file an action to modify or adjust an order of child support under subsections (5) through ~~((7))~~ (9) of this section if:

(a) Public assistance money is being paid to or for the benefit of the child;

(b) A party to the order in a nonassistance case has requested a review; or

(c) Another state or jurisdiction has requested a modification of the order.

~~((40))~~ (12) If testimony other than affidavit is required in any proceeding under this section, a court of this state shall permit a party or witness to be deposed or to testify under penalty of perjury by telephone, audiovisual means, or other electronic means, unless good cause is shown.

**NEW SECTION. Sec. 16.** A new section is added to chapter 26.09 RCW to read as follows:

The department is granted rule-making authority to adopt rules necessary for the implementation of this act.

**Sec. 17.** RCW 26.23.110 and 2009 c 476 s 5 are each amended to read as follows:

(1) The department may serve a notice of support owed ~~((on a responsible parent))~~ when a child support order:

(a) Does not state the current and future support obligation as a fixed dollar amount;

(b) Contains an escalation clause or adjustment provision for which additional information not contained in the support order is needed to determine the fixed dollar amount of the support debt or the fixed dollar amount of the current and future support obligation, or both; ~~((or))~~

(c) Provides that the person required by the order to make the transfer payment must pay a portion of child care or day care expenses for a child or children covered by the order; or

(d) Provides that ~~((the responsible parent is responsible for paying))~~ either the person required to pay support or the person entitled to receive support, or both, are obligated to pay for a portion of uninsured medical costs, copayments, and/or deductibles incurred on behalf of the child or children covered by the order, but does not reduce the costs to a fixed dollar amount.

(2) The department may serve a notice of support owed for day care or child care on the person required by the order to make the transfer payment when:

(a) The underlying support order requires that person to pay his or her proportionate share of day care or child care costs directly to the person entitled to receive support; or

(b) The person entitled to receive support is seeking reimbursement because he or she has paid the share of day care or child care costs owed by the person required by the order to make the transfer payment.

(3) The department may serve a notice of support owed for medical support on ~~((a parent who has been designated to pay per a))~~ any person obligated by a child support order to provide medical support for the child or children covered by the order. There are two different types of medical support obligations:

(a) Health care coverage: The department may serve a notice of support owed to determine an obligated person's monthly payment toward the premium as defined in RCW 26.09.105, if the support order does not set a fixed dollar amount for the monthly payment toward the premium.

(b) Uninsured medical expenses: The department may serve a notice of support owed on any person who is obligated to pay a portion of uninsured medical costs, copayments, or deductibles incurred on behalf of the child or children covered by the order, ~~((but only))~~ when the support order does not reduce the costs to a fixed dollar amount.

~~((3))~~ ~~The department may serve a notice of support owed to determine a parent's monthly payment toward the premium as defined in RCW 26.09.105, if the support order does not set a fixed dollar amount for the monthly payment toward the premium.)~~ (i) The notice of support owed may be served for purposes of reimbursing a person who has paid the share of uninsured medical expenses owed by any person obligated to contribute to those costs:

(ii) The notice of support owed may be served to establish a monthly amount to be paid by a person obligated to contribute to uninsured medical expenses when the underlying support order requires that person to pay his or her proportionate share of uninsured medical expenses directly to another party to the order; or

(iii) The notice of support owed may be served for both purposes listed in this subsection.

(4) The notice of support owed ~~((shall))~~ is intended to facilitate enforcement of the support order and implement and effectuate the terms of the support order, rather than modify those terms. When the ~~((office of support enforcement))~~ department issues a notice of support owed, the ~~((office shall))~~ department must inform the payee under the support order.

(5) Service of the notice of support owed ~~((shall))~~ must be as follows:

(a) An initial notice of support owed must be served on ~~((a responsible parent))~~ the person required by the order to pay support or contribute to costs by personal service or any form of mailing requiring a return receipt. ~~((The notice shall be served on the applicant or recipient of services by first class mail to the last known address.))~~ The initial notice may be served on the person who is entitled to receive the support covered by the notice, as well as the payee under the order if appropriate, by regular mail.

(b) A notice of support owed created for purposes of reviewing an ongoing support obligation established by a prior notice of support owed may be served on the person required by the order to pay support or contribute to costs by regular mail to that person's last known address.

(c) An initial notice of support owed, as well as any notice created for purposes of reviewing an ongoing support obligation established by a prior notice of support owed may be served on the person entitled to receive the support by regular mail to that person's last known address.

(6) The notice of support owed ~~((shall))~~ must contain:

(a) An initial finding of the fixed dollar amount of current and future support obligation that should be paid or the fixed dollar amount of the support debt owed under the support order, or both; and

(b) A statement that any subsequent notice of support owed created for purposes of reviewing the amounts established by the current notice may be served on any party to the order by regular mail to that person's last known address.

~~((6))~~ (7) A ((parent)) person who objects to the fixed dollar amounts stated in the notice of support owed has twenty days from the date of the service of the notice of support owed to file an application for an adjudicative proceeding or initiate an action in superior court.

~~((7))~~ (8) The notice of support owed ((shall)) must state that the ((parent)) person may:

(a) File an application for an adjudicative proceeding governed by chapter 34.05 RCW, the administrative procedure act, in which the ~~((parent))~~ person will be required to appear and show cause why the fixed dollar amount of support debt or current and future support obligation, or both, stated in the notice of support owed is incorrect and should not be ordered; or

(b) Initiate an action in superior court.

~~((8))~~ (9) If ((either parent does not file)) no person included in the notice files an application for an adjudicative proceeding or ((initiate)) initiates an action in superior court, the fixed dollar amount of current and future support obligation or support debt, or both, stated in the notice of support owed ((shall become)) becomes final and subject to collection action.

~~((9))~~ (10) If an adjudicative proceeding is requested, the ((department shall mail a copy of the notice of adjudicative proceeding to the parties)) office of administrative hearings must schedule a hearing. All persons included in the notice are entitled to participate in the hearing with full party rights.

~~((10))~~ (11) If ((either parent does not initiate)) no person included in the notice initiates an action in superior court, and ((serve)) serves notice of the action on the department and the other party to the support order within the twenty-day period, ((the parent shall)) all persons included in the notice must be deemed to have made an election of remedies and ((shall be required to)) must exhaust administrative remedies under this chapter with judicial review available as provided for in RCW 34.05.510 through 34.05.598.

~~((11))~~ (12) An ((adjudicative)) administrative order entered in accordance with this section ((shall)) must state:

(a) The basis, rationale, or formula upon which the fixed dollar amounts established in the ((adjudicative)) order were based((-);

(b) The fixed dollar amount of current and future support obligation or the amount of the support debt, or both, determined under this section ((shall be)) is subject to collection under this chapter and other applicable state statutes; and

(c) That any subsequent notice of support owed created for purposes of reviewing the amounts established

by the current notice may be served on any party to the order by regular mail to that person's last known address.

~~((12))~~ (13) The department ((shall)) must also provide for:

(a) An annual review of the support order if ~~((either))~~ the ~~((office of support enforcement))~~ department, the person required to pay support, the payee under the order, or the ((parent)) person entitled to receive support requests such a review; and

(b) A late ~~((adjudicative proceeding))~~ hearing if ~~((the parent))~~ a person included in the notice fails to file an application for an adjudicative proceeding in a timely manner under this section.

~~((13))~~ (14) If an annual review ((or late adjudicative proceeding)) is requested under subsection ((12)) (13) of this section, the department ((shall mail)) may serve the notice of annual review of the administrative order based on the prior notice of support owed by mailing a copy of the notice ((of adjudicative proceeding)) by regular mail to the ((parties)) last known address of all parties to the order.

~~((14))~~ (15) If one of the parties requests a late hearing under subsection (13) of this section, the office of administrative hearings must schedule an adjudicative proceeding.

(16) An annual review under subsection (13) of this section is used to determine whether the expense remained the same, increased or decreased, and whether there is a discrepancy between the actual expense and the amount determined under the prior notice of support owed.

(a) If a change in the actual expense which was the basis for the most recent notice of support owed occurs before twelve months pass, any party to the order may request that the department accelerate the annual review described in subsection (13) of this section.

(b) The department may review any evidence presented by the person claiming that the expense has occurred and determine whether the change is likely to create a significant overpayment or underpayment if the department does not serve a new notice of support owed.

(c) Under appropriate circumstances, the department may accelerate the time for the review and serve a notice of support owed even if twelve months have not passed.

(17) The department has rule-making authority to:

(a) Enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005((- Additionally, the department has rule-making authority to);

(b) Implement regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and 308; and

(c) Implement the provisions of this section.

NEW SECTION. Sec. 18. Sections 3 through 13 of this act take effect February 1, 2021."

On page 1, line 4 of the title, after "owed;" strike the remainder of the title and insert "amending RCW 26.19.011, 26.19.071, 26.23.050, 74.20A.055, 74.20A.059, 26.09.170, and 26.23.110; reenacting and amending RCW 74.20A.056; adding new sections to chapter 26.09 RCW; creating a new section; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2302 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

Representative Irwin 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. 2302, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2302, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 39; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Griffey and Volz.

SUBSTITUTE HOUSE BILL NO. 2302, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2342 with the following amendment:  
18.0.

On page 2, line 27, after "subsection" strike "~~((6))~~ (7)" and insert "(6)"

On page 4, beginning on line 16, after "subsections" strike "~~((6) and (8))~~ (7) and (9)" and insert "(6) and (8)"

On page 4, line 39, after "(5)" strike "(a)"

On page 4, line 39, after "subsections" strike "(7) and (9)" and insert "(6) and (8)"

On page 5, at the beginning of line 6, strike "(i)" and insert "(a)"

On page 5, line 6, after "every" strike "ten" and insert "eight"

On page 5, at the beginning of line 9, strike "(ii)" and insert "(b)"

On page 5, line 9, after "every" strike "ten" and insert "eight"

On page 5, at the beginning of line 13, strike "(iii)" and insert "(c)"

On page 5, line 13, after "every" strike "ten" and insert "eight"

On page 5, at the beginning of line 17, strike "(iv)" and insert "(d)"

On page 5, line 17, after "every" strike "ten" and insert "eight"

Beginning on page 5, at the beginning of line 21, strike all material through "(7)(a)" on page 7, line 11 and insert "(6)(a)"

On page 8, line 2, after "(iv)" strike "or (6)"

On page 8, line 5, after "(5)" strike "or (6)"

On page 8, line 11, after "(iv)" strike "or (6)"

On page 8, line 14, after "(5)" strike "or (6)"

On page 8, at the beginning of line 23, strike "~~((7))~~ (8)" and insert "(7)"

On page 9, at the beginning of line 1, strike "~~((8))~~ (9)" and insert "(8)"

On page 9, line 29, after "subsection" strike "~~((8))~~ (9)" and insert "(8)"

On page 9, beginning on line 32, strike all of subsection (10)

On page 11, line 16, after "every" strike "~~((eight))~~ ten" and insert "eight"

On page 11, line 29, after "~~((2019))~~" strike "2029, and every ~~((eight))~~ ten" and insert "2028, and every eight"

On page 11, line 32, after "~~((2020))~~" strike "2030, and every ~~((eight))~~ ten" and insert "2029, and every eight"

On page 11, beginning on line 36, after "~~((2021))~~" strike "2031, and every (~~eight~~) ten" and insert "2030, and every eight"

On page 12, line 1, after "~~((2022))~~" strike "2032, and every (~~eight~~) ten" and insert "2031, and every eight"

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2342 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Fitzgibbon and DeBolt 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. 2342, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2342, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 78; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Callan, Chambers, Chapman, Chopp, Cody, Davis, DeBolt, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Vick, Walen, Wilcox, Wylie and Mme. Speaker.

Voting nay: Representatives Caldier, Chandler, Corry, Dent, Dufault, Hoff, Jenkin, Klippert, Kraft, McCaslin, Mosbrucker, Orcutt, Shea, Sutherland, Van Werven, Walsh, Ybarra and Young.

Excused: Representatives Griffey and Volz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2342, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2374 with the following amendment:

18.0.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 19. A new section is added to chapter 46.96 RCW to read as follows:

(1) Notwithstanding the terms of a franchise agreement, a brand owner shall not directly or indirectly:

(a) Require a new motor vehicle dealer to offer a secondary product;

(b) Require a new motor vehicle dealer to provide a customer with a disclosure not otherwise required by law; or

(c) Prohibit a new motor vehicle dealer from offering a secondary product including, but not limited to:

(i) Service contracts;

(ii) Maintenance agreements;

(iii) Extended warranties;

(iv) Protection product guarantees;

(v) Guaranteed asset protection waivers;

(vi) Insurance;

(vii) Replacement parts;

(viii) Vehicle accessories;

(ix) Oil; or

(x) Supplies.

(2) It is not a violation of this section for a brand owner to offer an incentive program to new motor vehicle dealers to encourage them to sell or offer to sell a secondary product approved, endorsed, sponsored, or offered by the brand owner, provided the program does not provide vehicle sales or service incentives.

(3) It is not a violation of this section for a brand owner to prohibit a new motor vehicle dealer from using secondary products for any repair work paid for by the brand owner under the terms of a warranty, recall, service contract, extended warranty, maintenance plan, or certified preowned vehicle program established or offered by the brand owner.

(4) For the purposes of this section:

(a) "Brand owner" means a manufacturer, distributor, factory branch, factory representative, agent, officer, parent company, wholly or partially owned subsidiary, affiliate entity, or other person under common control with a factory, importer, or distributor.

(b) "Common control" has the same meaning as in RCW 48.31B.005.

(c) "Customer" means the retail purchaser of a vehicle or secondary product from a new motor vehicle dealer.

(d) "Original equipment manufacturer parts" means parts manufactured by or for a vehicle's original manufacturer or its designee.

(e) "Secondary product" means all products that are not new motor vehicles or original equipment manufacturer parts.

**Sec. 20.** RCW 63.14.043 and 2006 c 288 s 1 are each amended to read as follows:

(1) If a retail installment contract for the purchase of a motor vehicle meets the requirements of this chapter and meets the requirements of any federal law applicable to a retail installment contract for the purchase of a motor vehicle, the retail installment contract shall be accepted for consideration by any lender, except for lenders licensed and regulated under the provisions of chapter 31.04 RCW, to whom application for credit relating to the retail installment contract is made.

(2) If a retail installment contract for the purchase of a motor vehicle includes the purchase of a secondary product, a lender who shares common control with a brand owner may not directly or indirectly require, as a condition of acceptance of assignment of the retail installment contract, that the buyer purchase a secondary product from a particular provider, administrator, or insurer. A violation of this subsection is deemed to affect the public interest and constitutes an unlawful and unfair practice under chapter 19.86 RCW.

(3) For the purposes of this section, "secondary product," "common control," and "brand owner" have the same meanings as provided in section 1 of this act."

On page 1, line 2 of the title, after "manufacturer;" strike the remainder of the title and insert "amending RCW 63.14.043; and adding a new section to chapter 46.96 RCW."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2374 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kirby and Vick 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. 2374, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2374, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Volz.

SUBSTITUTE HOUSE BILL NO. 2374, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 4, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2393 with the following amendment:

20.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 21.** RCW 9.94A.501 and 2019 c 191 s 2 are each amended to read as follows:

(1) The department shall supervise the following offenders who are sentenced to probation in superior court, pursuant to RCW 9.92.060, 9.95.204, or 9.95.210:

(a) Offenders convicted of:

(i) Sexual misconduct with a minor second degree;

(ii) Custodial sexual misconduct second degree;

(iii) Communication with a minor for immoral purposes; and

(iv) Violation of RCW 9A.44.132(2) (failure to register); and

(b) Offenders who have:

(i) A current conviction for a repetitive domestic violence offense where domestic violence has been pleaded and proven after August 1, 2011; and

(ii) A prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence has been pleaded and proven after August 1, 2011.

(2) Misdemeanor and gross misdemeanor offenders supervised by the department pursuant to this section shall be placed on community custody.

(3) The department shall supervise every felony offender sentenced to community custody pursuant to RCW 9.94A.701 or 9.94A.702 whose risk assessment classifies the offender as one who is at a high risk to reoffend.

(4) Notwithstanding any other provision of this section, the department shall supervise an offender sentenced to community custody regardless of risk classification if the offender:

(a) Has a current conviction for a sex offense or a serious violent offense and was sentenced to a term of community custody pursuant to RCW 9.94A.701, 9.94A.702, or 9.94A.507;

(b) Has been identified by the department as a dangerous mentally ill offender pursuant to RCW 72.09.370;

(c) Has an indeterminate sentence and is subject to parole pursuant to RCW 9.95.017;

(d) Has a current conviction for violating RCW 9A.44.132(1) (failure to register) and was sentenced to a term of community custody pursuant to RCW 9.94A.701;

(e)(i) Has a current conviction for a domestic violence felony offense where domestic violence has been pleaded and proven after August 1, 2011, and a prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence was pleaded and proven after August 1, 2011. This subsection (4)(e)(i) applies only to offenses committed prior to July 24, 2015;

(ii) Has a current conviction for a domestic violence felony offense where domestic violence was pleaded and proven. The state and its officers, agents, and employees shall not be held criminally or civilly liable for its supervision of an offender under this subsection (4)(e)(ii) unless the state and its officers, agents, and employees acted with gross negligence;

(f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, 9.94A.670, or 9.94A.711;

(g) Is subject to supervision pursuant to RCW 9.94A.745; or

(h) Was convicted and sentenced under RCW 46.61.520 (vehicular homicide), RCW 46.61.522 (vehicular assault), RCW 46.61.502(6) (felony DUI), or RCW 46.61.504(6) (felony physical control).

(5) The department shall supervise any offender who is released by the indeterminate sentence review board and who was sentenced to community custody or subject to community custody under the terms of release.

(6) The department is not authorized to, and may not, supervise any offender sentenced to a term of community custody or any probationer unless the offender or probationer is one for whom supervision is required under this section or RCW 9.94A.5011.

(7) The department shall conduct a risk assessment for every felony offender sentenced to a term of community custody who may be subject to supervision under this section or RCW 9.94A.5011.

(8) The period of time the department is authorized to supervise an offender under this section may not exceed the duration of community custody specified under RCW 9.94B.050, 9.94A.701 (1) through (8), or 9.94A.702, except in cases where the court has imposed an exceptional term of community custody under RCW 9.94A.535.

(9) The period of time the department is authorized to supervise an offender under this section may be reduced by the earned award of supervision compliance credit pursuant to section 2 of this act.

**NEW SECTION. Sec. 22.** A new section is added to chapter 9.94A RCW to read as follows:

(1) If an offender sentenced under this chapter or chapter 9.94B RCW is supervised by the department, the offender may earn supervision compliance credit in accordance with procedures that are developed and adopted by the department.

(a) The supervision compliance credit shall be awarded to offenders who are in compliance with supervision terms and are making progress towards the goals of their individualized supervision case plan, including: Participation in specific targeted interventions, risk-related programming, or treatment; or completing steps towards specific targeted goals that enhance protective factors and stability, as determined by the department.

(b) For each month in compliance with community custody conditions in accordance with (a) of this subsection, an offender may earn supervision compliance credit of ten days.

(c) Supervision compliance credit is accrued monthly and time shall not be applied to an offender's term of supervision prior to the earning of the time.

(2) An offender is not eligible to earn supervision compliance credit if he or she:

(a) Was sentenced under RCW 9.94A.507 or 10.95.030;

(b) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, or 9.94A.670;

(c) Is subject to supervision pursuant to RCW 9.94A.745;

(d) Has an indeterminate sentence and is subject to parole pursuant to RCW 9.95.017; or

(e) Is serving community custody pursuant to early release under RCW 9.94A.730.

**NEW SECTION. Sec. 23.** The department of corrections has discretion to implement sections 1 and 2 of this act over a period of time not to exceed twelve months. For any offender under active supervision by the department as of the effective date of this section, he or she is not eligible to earn supervision compliance credit pursuant to section 2

of this act until he or she has received an orientation by the department regarding supervision compliance credit."

On page 1, line 2 of the title, after "conditions;" strike the remainder of the title and insert "amending RCW 9.94A.501; adding a new section to chapter 9.94A RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2393 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Goodman and Klippert 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. 2393, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2393, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Jenkin.

Excused: Representatives Griffey and Volz.

SUBSTITUTE HOUSE BILL NO. 2393, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 5, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2409 with the following amendment:

23.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 24.** RCW 51.48.010 and 1985 c 347 s 2 are each amended to read as follows:

Every employer shall be liable for the penalties described in this title and may also be liable if an injury or occupational disease has been sustained by a worker prior to the time he or she has secured the payment of such compensation to a penalty in a sum not less than fifty percent nor more than one hundred percent of the cost for such injury or occupational disease. Any employer who has failed to secure payment of compensation for his or her workers covered under this title may also be liable to a maximum penalty in a sum of ~~((five hundred))~~ one thousand dollars or in a sum double the amount of premiums incurred prior to securing payment of compensation under this title, whichever is greater, for the benefit of the medical aid fund.

**Sec. 25.** RCW 51.48.017 and 2010 c 8 s 14011 are each amended to read as follows:

~~((#)) (1) Every time~~ a self-insurer unreasonably delays or refuses to pay benefits as they become due ~~((there shall be paid by)), the self-insurer ((upon order of the director an additional amount equal to five hundred dollars or twenty-five percent of the amount then due, whichever is greater, which shall accrue for the benefit of the claimant and shall be paid to him or her with the benefits which may be assessed under this title.)) shall pay a penalty not to exceed the greater of one thousand dollars or twenty-five percent of:~~ (a) The amount due or (b) each underpayment made to the claimant. For purposes of this section, "the amount due" means the total amount of payments due at the time of the calculation of the penalty.

(2) In making the determination of the penalty amount, the department shall weigh at least the following factors: The amount of any payment delayed, employer communication of the basis for or calculation of the payment, history or past practice of underpayments by the employer, department orders directing the payment, and any required adjustments to the amount of the payment.

(3) The director shall issue an order determining whether there was an unreasonable delay or refusal to pay benefits and the penalty amount owed within thirty days upon the request of the claimant. Such an order shall conform to the requirements of RCW 51.52.050.

(4) The penalty shall accrue for the benefit of the claimant and shall be paid to the claimant with the benefits which may be assessed under this title.

(5) This section applies to all requests for penalties made after September 1, 2020.

**Sec. 26.** RCW 51.48.030 and 1986 c 9 s 8 are each amended to read as follows:

(1) Every employer who fails to keep and preserve the records required by this title or fails to make the reports

provided in this title shall be subject to a penalty determined by the director but not to exceed ~~((two))~~ five hundred ~~((fifty))~~ dollars or two hundred percent of the quarterly tax for each such offense, whichever is greater. Any employer who fails to keep and preserve the records adequate to determine taxes due shall be forever barred from questioning, in an appeal before the board of industrial insurance appeals or the courts, the correctness of any assessment by the department based on any period for which such records have not been kept and preserved.

(2) The department may waive penalties for first-time or de minimis violations of this section. Any penalty that is waived under this section may be reinstated and imposed in addition to any additional penalties associated with a subsequent violation or failure within a year to correct the previous violation as required by the department.

**Sec. 27.** RCW 51.48.040 and 2003 c 53 s 282 are each amended to read as follows:

(1) The books, records and payrolls of the employer pertinent to the administration of this title shall always be open to inspection by the department or its traveling auditor, agent or assistant, for the purpose of ascertaining the correctness of the payroll, the persons employed, and such other information as may be necessary for the department and its management under this title.

(2) Refusal on the part of the employer to submit his or her books, records and payrolls for such inspection to the department, or any assistant presenting written authority from the director, shall subject the offending employer to a penalty determined by the director but not to exceed ~~((two))~~ five hundred ~~((fifty))~~ dollars for each offense and the individual who personally gives such refusal is guilty of a misdemeanor.

(3) Any employer who fails to allow adequate inspection in accordance with the requirements of this section is subject to having its certificate of coverage revoked by order of the department and is forever barred from questioning in any proceeding in front of the board of industrial insurance appeals or any court, the correctness of any assessment by the department based on any period for which such records have not been produced for inspection.

**Sec. 28.** RCW 51.48.060 and 2004 c 65 s 14 are each amended to read as follows:

Any physician or licensed advanced registered nurse practitioner who fails, neglects or refuses to file a report with the director, as required by this title, within five days of the date of treatment, showing the condition of the injured worker at the time of treatment, a description of the treatment given, and an estimate of the probable duration of the injury, or who fails or refuses to render all necessary assistance to the injured worker, as required by this title, shall be subject to a civil penalty determined by the director but not to exceed ~~((two))~~ five hundred ~~((fifty))~~ dollars.

**Sec. 29.** RCW 51.48.080 and 1985 c 347 s 7 are each amended to read as follows:

Every person, firm or corporation who violates or fails to obey, observe or comply with any statutory provision of

this act or rule of the department promulgated under authority of this title, shall be subject to a penalty of not to exceed ~~((five hundred))~~ one thousand dollars.

**NEW SECTION. Sec. 30.** A new section is added to chapter 51.48 RCW to read as follows:

(1) The penalties payable pursuant to this chapter shall be adjusted for inflation every three years, beginning July 1, 2023, based upon changes in the consumer price index during that time period.

(2) For purposes of this section, "consumer price index" means, for any calendar year, that year's average consumer price index for the Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

(3) During the last quarter of the year preceding the scheduled inflationary adjustment, the department will gather stakeholder comment on the anticipated adjustment.

**NEW SECTION. Sec. 31.** A new section is added to chapter 51.14 RCW to read as follows:

(1) Self-insured employers may elect to have their claims administered by a third party or they may elect to self-administer their claims. Third-party administrators given the responsibility of administering the claims of workers by an employer shall be licensed by the department. All employer claims administrators given the responsibility of administering the claims of workers shall maintain certification established by the department.

(2) The department shall adopt rules to administer this section. The rules for licensing third-party administrators must:

(a) Incorporate the department's rules for self-insurers in effect as of March 2020;

(b) Include criteria for determining appropriate penalties for violation of their responsibilities and duties, including managing claims, engaging in the department's management of claims, coordinating proper employment of injured workers during the pendency of the worker's claim, making requests of the department in individual cases, or participating in appeals involving a worker's benefits in a way that furthers the purpose of this title;

(c) Consider recognized and approved claim processing practices within the industrial insurance industry, and the industrial insurance laws and rules of this state;

(d) Consider similar licensure rules under the insurance laws and rules of this state; and

(e) Include requirements for maintaining a license, and any penalties for violation of those licensing requirements.

**NEW SECTION. Sec. 32.** Sections 1 through 7 of this act take effect September 1, 2020.

**NEW SECTION. Sec. 33.** Section 8 of this act takes effect July 1, 2021."

On page 1, line 2 of the title, after "administrators;" strike the remainder of the title and insert "amending RCW 51.48.010, 51.48.017, 51.48.030, 51.48.040, 51.48.060, and 51.48.080; adding a new section to chapter 51.48 RCW; adding a new section to chapter 51.14 RCW; prescribing penalties; and providing effective dates."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2409 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

Representative Mosbrucker 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. 2409, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2409, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 39; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Schmick, Sells, Senn, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Shea, Shewmake, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Walsh, Wilcox and Ybarra.

Excused: Representatives Griffey and Volz.

SUBSTITUTE HOUSE BILL NO. 2409, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2412 with the following amendment:

33.0.

Strike everything after the enacting clause and insert the following:

**"Sec. 34.** RCW 66.24.240 and 2011 c 195 s 6 and 2011 c 119 s 212 are each reenacted and amended to read as follows:

(1) There shall be a license for domestic breweries; fee to be two thousand dollars for production of sixty thousand barrels or more of malt liquor per year.

(2) Any domestic brewery, except for a brand owner of malt beverages under RCW 66.04.010(7), licensed under this section may also act as a distributor and/or retailer for beer of its own production. Any domestic brewery operating as a distributor and/or retailer under this subsection shall comply with the applicable laws and rules relating to distributors and/or retailers. A domestic brewery holding a spirits, beer, and wine restaurant license may sell beer of its own production for off-premises consumption from its restaurant premises in kegs or in a sanitary container brought to the premises by the purchaser or furnished by the licensee and filled at the tap by the licensee at the time of sale.

(3) Any domestic brewery licensed under this section may also sell beer produced by another domestic brewery or a microbrewery for on and off-premises consumption from its premises as long as the other breweries' brands do not exceed twenty-five percent of the domestic brewery's on-tap offering of its own brands.

(4) A domestic brewery may hold up to ~~((two))~~ four retail licenses to operate an on or ~~((off-premise~~ H:\DATA\2020 JOURNAL\Journal2020\LegDay057\off-premises.doc)) off-premises tavern, beer and/or wine restaurant, ~~((or))~~ spirits, beer, and wine restaurant, or any combination thereof. This retail license is separate from the brewery license. A brewery that holds a tavern license, a spirits, beer, and wine restaurant license, or a beer and/or wine restaurant license shall hold the same privileges and endorsements as permitted under RCW 66.24.320, 66.24.330, and 66.24.420.

(5) Any domestic brewery licensed under this section may contract-produce beer for a brand owner of malt beverages defined under RCW 66.04.010(7), and this contract-production is not a sale for the purposes of RCW 66.28.170 and 66.28.180.

(6)(a) A domestic brewery licensed under this section and qualified for a reduced rate of taxation pursuant to RCW 66.24.290(3)(b) may apply to the board for an endorsement to sell bottled beer of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars.

(b) For each month during which a domestic brewery will sell beer at a qualifying farmers market, the domestic brewery must provide the board or its designee a list of the dates, times, and locations at which bottled beer may be

offered for sale. This list must be received by the board before the domestic brewery may offer beer for sale at a qualifying farmers market.

(c) The beer sold at qualifying farmers markets must be produced in Washington.

(d) Each approved location in a qualifying farmers market is deemed to be part of the domestic brewery license for the purpose of this title. The approved locations under an endorsement granted under this subsection do not include the tasting or sampling privilege of a domestic brewery. The domestic brewery may not store beer at a farmers market beyond the hours that the domestic brewery offers bottled beer for sale. The domestic brewery may not act as a distributor from a farmers market location.

(e) Before a domestic brewery may sell bottled beer at a qualifying farmers market, the farmers market must apply to the board for authorization for any domestic brewery with an endorsement approved under this subsection to sell bottled beer at retail at the farmers market. This application shall include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved domestic brewery may sell bottled beer; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled beer may be sold. Before authorizing a qualifying farmers market to allow an approved domestic brewery to sell bottled beer at retail at its farmers market location, the board shall notify the persons or entities of such application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection (6)(e) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(f) The board may adopt rules establishing the application and approval process under this section and such additional rules as may be necessary to implement this section.

(g) For the purposes of this subsection:

(i) "Qualifying farmers market" means an entity that sponsors a regular assembly of vendors at a defined location for the purpose of promoting the sale of agricultural products grown or produced in this state directly to the consumer under conditions that meet the following minimum requirements:

(A) There are at least five participating vendors who are farmers selling their own agricultural products;

(B) The total combined gross annual sales of vendors who are farmers exceeds the total combined gross annual sales of vendors who are processors or resellers;

(C) The total combined gross annual sales of vendors who are farmers, processors, or resellers exceeds the total combined gross annual sales of vendors who are not farmers, processors, or resellers;

(D) The sale of imported items and secondhand items by any vendor is prohibited; and

(E) No vendor is a franchisee.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer.

(7) The state board of health shall adopt rules to allow dogs on the premises of licensed domestic breweries that do not provide food service subject to a food service permit requirement.

**Sec. 35.** RCW 66.24.244 and 2015 c 42 s 1 are each amended to read as follows:

(1) There shall be a license for microbreweries; fee to be one hundred dollars for production of less than sixty thousand barrels of malt liquor, including strong beer, per year.

(2)(a) Any microbrewery licensed under this section may also act as a distributor and/or retailer for beer and strong beer of its own production.

(b) Any microbrewery operating as a distributor and/or retailer under this subsection must comply with the applicable laws and rules relating to distributors and/or retailers, except that a microbrewery operating as a distributor may maintain a warehouse off the premises of the microbrewery for the distribution of beer provided that:

(i) The warehouse has been approved by the board under RCW 66.24.010; and

(ii) The number of warehouses off the premises of the microbrewery does not exceed one.

(c) A microbrewery holding a spirits, beer, and wine restaurant license may sell beer of its own production for off-premises consumption from its restaurant premises in kegs or in a sanitary container brought to the premises by the purchaser or furnished by the licensee and filled at the tap by the licensee at the time of sale.

(3) Any microbrewery licensed under this section may also sell from its premises for on-premises and off-premises consumption:

(a) Beer produced by another microbrewery or a domestic brewery as long as the other breweries' brands do not exceed twenty-five percent of the microbrewery's on-tap offerings; or

(b) Cider produced by a domestic winery.

(4) The board may issue up to ~~((two))~~ four retail licenses allowing a microbrewery to operate an on or off-premises tavern, beer and/or wine restaurant, ~~((or))~~ spirits, beer, and wine restaurant, or any combination thereof.

(5) A microbrewery that holds a tavern license, spirits, beer, and wine restaurant license, or a beer and/or wine restaurant license holds the same privileges and endorsements as permitted under RCW 66.24.320, 66.24.330, and 66.24.420.

(6)(a) A microbrewery licensed under this section may apply to the board for an endorsement to sell bottled beer of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars. However, strong beer may not be sold at a farmers market or under any endorsement which may authorize microbreweries to sell beer at farmers markets.

(b) For each month during which a microbrewery will sell beer at a qualifying farmers market, the microbrewery must provide the board or its designee a list of the dates, times, and locations at which bottled beer may be offered for sale. This list must be received by the board before the microbrewery may offer beer for sale at a qualifying farmers market.

(c) Any person selling or serving beer must obtain a class 12 or class 13 alcohol server permit.

(d) The beer sold at qualifying farmers markets must be produced in Washington.

(e) Each approved location in a qualifying farmers market is deemed to be part of the microbrewery license for the purpose of this title. The approved locations under an endorsement granted under this subsection (6) include tasting or sampling privileges subject to the conditions pursuant to RCW 66.24.175. The microbrewery may not store beer at a farmers market beyond the hours that the microbrewery offers bottled beer for sale. The microbrewery may not act as a distributor from a farmers market location.

(f) Before a microbrewery may sell bottled beer at a qualifying farmers market, the farmers market must apply to the board for authorization for any microbrewery with an endorsement approved under this subsection (6) to sell bottled beer at retail at the farmers market. This application must include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved microbrewery may sell bottled beer; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled beer may be sold. Before authorizing a qualifying farmers market to allow an approved microbrewery to sell bottled beer at retail at its farmers market location, the board must notify the persons or entities of the application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection (6)(f) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(g) The board may adopt rules establishing the application and approval process under this section and any additional rules necessary to implement this section.

(h) For the purposes of this subsection (6):

(i) "Qualifying farmers market" has the same meaning as defined in RCW 66.24.170.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer.

(7) Any microbrewery licensed under this section may contract-produce beer for another microbrewer. This contract-production is not a sale for the purposes of RCW 66.28.170 and 66.28.180.

(8) The state board of health shall adopt rules to allow dogs on the premises of licensed microbreweries that do not provide food service subject to a food service permit requirement.

**Sec. 36.** RCW 66.28.200 and 2009 c 373 s 7 are each amended to read as follows:

(1) Licensees holding a beer and/or wine restaurant or a tavern license in combination with an off-premises beer and wine retailer's license, licensees holding a spirits, beer, and wine restaurant license with an endorsement issued under RCW 66.24.400(4), and licensees holding a beer and/or wine specialty shop license with an endorsement issued under RCW 66.24.371(1) may sell malt liquor in kegs or other containers capable of holding four gallons or more of liquid. Under a special endorsement from the board, a grocery store licensee may sell malt liquor in containers no larger than five and one-half gallons. The sale of any container holding four gallons or more must comply with the provisions of this section and RCW 66.28.210 through 66.28.240.

(2) ~~(Any)~~ Except as provided in subsection (3) of this section, any person who sells or offers for sale the contents of kegs or other containers containing four gallons or more of malt liquor, or leases kegs or other containers that will hold four gallons of malt liquor, to consumers who are not licensed under chapter 66.24 RCW shall do the following for any transaction involving the container:

(a) Require the purchaser of the malt liquor to sign a declaration and receipt for the keg or other container or beverage in substantially the form provided in RCW 66.28.220;

(b) Require the purchaser to provide one piece of identification pursuant to RCW 66.16.040;

(c) Require the purchaser to sign a sworn statement, under penalty of perjury, that:

(i) The purchaser is of legal age to purchase, possess, or use malt liquor;

(ii) The purchaser will not allow any person under the age of twenty-one years to consume the beverage except as provided by RCW 66.44.270;

(iii) The purchaser will not remove, obliterate, or allow to be removed or obliterated, the identification required under RCW 66.28.220 to be affixed to the container;

(d) Require the purchaser to state the particular address where the malt liquor will be consumed, or the particular address where the keg or other container will be physically located; and

(e) Require the purchaser to maintain a copy of the declaration and receipt next to or adjacent to the keg or other container, in no event a distance greater than five feet, and visible without a physical barrier from the keg, during the time that the keg or other container is in the purchaser's possession or control.

(3) Domestic breweries licensed under RCW 66.24.240 and microbreweries licensed under RCW 66.24.244 are not subject to this section when selling or offering for sale kegs or other containers containing four gallons or more of malt liquor of the licensee's own production, or when selling, offering for sale, or leasing kegs or other containers that will hold four gallons or more of liquid.

(4) A violation of this section is a gross misdemeanor.

**Sec. 37.** RCW 66.28.210 and 2003 c 53 s 297 are each amended to read as follows:

(1) ~~(Any)~~ Except as provided in subsection (2) of this section, any person who purchases the contents of kegs or other containers containing four gallons or more of malt liquor, or purchases or leases the container shall:

(a) Sign a declaration and receipt for the keg or other container or beverage in substantially the form provided in RCW 66.28.220;

(b) Provide one piece of identification pursuant to RCW 66.16.040;

(c) Be of legal age to purchase, possess, or use malt liquor;

(d) Not allow any person under the age of twenty-one to consume the beverage except as provided by RCW 66.44.270;

(e) Not remove, obliterate, or allow to be removed or obliterated, the identification required under rules adopted by the board;

(f) Not move, keep, or store the keg or its contents, except for transporting to and from the distributor, at any place other than that particular address declared on the receipt and declaration; and

(g) Maintain a copy of the declaration and receipt next to or adjacent to the keg or other container, in no event a distance greater than five feet, and visible without a physical barrier from the keg, during the time that the keg or other container is in the purchaser's possession or control.

(2) A person who purchases the contents of a keg or other container containing four gallons or more of malt liquor from a domestic brewery licensed under RCW

66.24.240 or a microbrewery licensed under RCW 66.24.244, or who purchases or leases a keg or other container that will hold four gallons or more of liquid from such a domestic brewery or microbrewery, is not subject to this section except for the requirements in subsection (1)(c) and (d) of this section.

(3) A violation of this section is a gross misdemeanor.

**Sec. 38.** RCW 66.28.220 and 2007 c 53 s 3 are each amended to read as follows:

(1) The board shall adopt rules requiring retail licensees to affix appropriate identification on all containers of four gallons or more of malt liquor for the purpose of tracing the purchasers of such containers. The rules may provide for identification to be done on a statewide basis or on the basis of smaller geographical areas. The rules do not apply to sales by domestic breweries and microbreweries of malt liquor of the licensee's own production in kegs or other containers containing four gallons or more of malt liquor, or to sales or leases by domestic breweries and microbreweries of kegs or containers that will hold four or more gallons of liquid.

(2) The board shall develop and make available forms for the declaration and receipt required by RCW 66.28.200. The board may charge spirits, beer, and wine restaurant licensees with an endorsement issued under RCW 66.24.400(4) and grocery store licensees for the costs of providing the forms and that money collected for the forms shall be deposited into the liquor revolving fund for use by the board, without further appropriation, to continue to administer the cost of the keg registration program.

(3) ~~(It)~~ Except as provided in subsection (4) of this section, it is unlawful for any person to sell or offer for sale kegs or other containers containing four gallons or more of malt liquor to consumers who are not licensed under chapter 66.24 RCW if the kegs or containers are not identified in compliance with rules adopted by the board.

(4) In accordance with RCW 66.24.200, sales by domestic breweries and microbreweries of malt liquor of the licensee's own production in kegs or other containers containing four gallons or more of malt liquor are not subject to the keg and container identification requirements in this section or the board's rules.

(5) A violation of this section is a gross misdemeanor."

On page 1, line 2 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 66.24.244, 66.28.200, 66.28.210, and 66.28.220; and reenacting and amending RCW 66.24.240."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2412 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representatives Stonier and MacEwen 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. 2412, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2412, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 83; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Chambers, Chandler, Chapman, Chopp, Cody, Corry, DeBolt, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kirby, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Ramel, Riccelli, Robinson, Rude, Santos, Schmick, Sells, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

Voting nay: Representatives Callan, Davis, Dent, Harris, Kilduff, Leavitt, Orcutt, Pollet, Ramos, Ryu, Senn, Smith and Mme. Speaker.

Excused: Representatives Griffey and Volz.

HOUSE BILL NO. 2412, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

March 5, 2020

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2528 with the following amendment:

38.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that the intergovernmental panel on climate change (IPCC) released a report in 2019 entitled "IPCC special report on climate change, desertification, land degradation, sustainable land management, food security, and greenhouse gas fluxes in terrestrial ecosystems" that provides guidance relating to how natural and working lands can be utilized to assist with a global climate response strategy. In addition, the food and agricultural organization of the United Nations issued a report in 2016 entitled "forestry for a low-carbon future" with specific recommendations for integrating forest and wood products in climate change strategies.

Recommendations from these reports are critical as Washington develops its own climate response and charts how the state can use its forestland base and vibrant forest products sector as part of its contribution to the global climate response.

(2) The legislature further finds that the 2019 intergovernmental panel on climate change report identifies several measures where sustainable forest management and forest products may be utilized to maintain and enhance carbon sequestration. These include increasing the carbon sequestration potential of forests and forest products by maintaining and expanding the forestland base, reducing emissions from land conversion to nonforest uses, increasing forest resiliency to reduce the risk of carbon releases from disturbances such as wildfire, pest infestation, and disease, and applying sustainable forest management techniques to maintain or enhance forest carbon stocks and forest carbon sinks, including through the transference of carbon to wood products.

(3) The legislature further finds that the food and agricultural organization of the United Nations reports similar recommendations, with a focus on forest management tools that increases the carbon density in forests, increases carbon storage out of the forest in harvested wood products, utilizes wood energy, and suppresses forest disturbances from fire, pests, and disease.

**Sec. 2.** RCW 70.235.005 and 2008 c 14 s 1 are each amended to read as follows:

(1) The legislature finds that Washington has long been a national and international leader on energy conservation and environmental stewardship, including air quality protection, renewable energy development and generation, emission standards for fossil-fuel based energy generation, energy efficiency programs, natural resource conservation, sustainable forestry and the production of forest products, vehicle emission standards, and the use of biofuels. Washington is also unique among most states in that in addition to its commitment to reduce emissions of greenhouse gases, it has established goals to grow the clean energy sector and reduce the state's expenditures on imported fuels.

(2) The legislature further finds that Washington should continue its leadership on climate change policy by creating accountability for achieving the emission reductions established in RCW 70.235.020, participating in the design of a regional multisector market-based system to help achieve those emission reductions, assessing other market strategies to reduce emissions of greenhouse gases, maintaining and enhancing the state's ability to continue to sequester carbon through natural and working lands and forest products, and ensuring the state has a well trained workforce for our clean energy future.

(3) It is the intent of the legislature that the state will: (a) Limit and reduce emissions of greenhouse gas consistent with the emission reductions established in RCW 70.235.020; (b) minimize the potential to export pollution, jobs, and economic opportunities; ~~((and))~~ (c) support industry sectors that can act as sequesterers of carbon; and

(d) reduce emissions at the lowest cost to Washington's economy, consumers, and businesses.

(4) In the event the state elects to participate in a regional multisector market-based system, it is the intent of the legislature that the system will become effective by January 1, 2012, after authority is provided to the department for its implementation. By acting now, Washington businesses and citizens will have adequate time and opportunities to be well positioned to take advantage of the low-carbon economy and to make necessary investments in low-carbon technology.

(5) It is also the intent of the legislature that the regional multisector market-based system recognize Washington's unique emissions and sequestration portfolio, including the ((state's));

(a) State's hydroelectric system((,-the));

(b) Opportunities presented by Washington's abundant forest resources and the associated forest products industry, along with aquatic and agriculture land((,-) and the associated industries; and ((the))

(c) State's leadership in energy efficiency and the actions it has already taken that have reduced its generation of greenhouse gas emissions and that entities receive appropriate credit for early actions to reduce greenhouse gases.

(6) If any revenues, excluding those from state trust lands, that accrue to the state are created by a market system, they must be used to further the state's efforts to achieve the goals established in RCW 70.235.020, address the impacts of global warming on affected habitats, species, and communities, promote and invest in industry sectors that act as sequesterers of carbon, and increase investment in the clean energy economy particularly for communities and workers that have suffered from heavy job losses and chronic unemployment and underemployment.

NEW SECTION. Sec. 3. A new section is added to chapter 70.235 RCW to read as follows:

(1)(a) Washington's existing forest products sector, including public and private working forests and the harvesting, transportation, and manufacturing sectors that enable working forests to remain on the land and the state to be a global supplier of forest products, is, according to a University of Washington study analyzing the global warming mitigating role of wood products from Washington's private forests, an industrial sector that currently operates as a significant net sequesterer of carbon. This value, which is only provided through the maintenance of an intact and synergistic industrial sector, is an integral component of the state's contribution to the global climate response and efforts to mitigate carbon emissions.

(b) Satisfying the goals set forth in RCW 70.235.020 requires supporting, throughout all of state government, consistent with other laws and mandates of the state, the economic vitality of the sustainable forest products sector and other business sectors capable of sequestering and storing carbon. This includes support for working forests of all sizes, ownerships, and management objectives, and the

necessary manufacturing sectors that support the transformation of stored carbon into long-lived forest products while maintaining and enhancing the carbon mitigation benefits of the forest sector, sustaining rural communities, and providing for fish, wildlife, and clean water, as provided in chapter 76.09 RCW. Support for the forest sector also ensures the state's public and private working forests avoid catastrophic wildfire and other similar disturbances and avoid conversion in the face of unprecedented conversion pressures.

(c) It is the policy of the state to support the contributions of all working forests and the synergistic forest products sector to the state's climate response. This includes landowners, mills, bioenergy, pulp and paper, and the related harvesting and transportation infrastructure that is necessary for forestland owners to continue the rotational cycle of carbon capture and sequestration in growing trees and allows forest products manufacturers to store the captured carbon in wood products and maintain and enhance the forest sector's role in mitigating a significant percentage of the state's carbon emissions while providing other environmental and social benefits and supporting a strong rural economic base. It is further the policy of the state to support the participation of working forests in current and future carbon markets, strengthening the state's role as a valuable contributor to the global carbon response while supporting one of its largest manufacturing sectors.

(d) It is further the policy of the state to utilize carbon accounting land use, land use change, and forestry reporting principles consistent with established reporting guidelines, such as those used by the intergovernmental panel on climate change and the United States national greenhouse gas reporting inventories.

(2) Any state carbon programs must support the policies stated in this section and recognize the forest products industry's contribution to the state's climate response."

On page 1, line 3 of the title, after "response;" strike the remainder of the title and insert "amending RCW 70.235.005; adding a new section to chapter 70.235 RCW; and creating a new section."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2528 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Ramos 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. 2528, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2528, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Volz.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2528, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 5, 2020

Madame Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2584 with the following amendment:

3.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 4.** A new section is added to chapter 71.24 RCW to read as follows:

(1) It is the intent of the legislature that behavioral health medicaid rate increases be grounded with the rate-setting process for the provider type or practice setting.

(2) In implementing a rate increase funded by the legislature, including rate increases provided through managed care organizations, the authority must work with the actuaries responsible for establishing medicaid rates for behavioral health services and managed care organizations responsible for distributing funds to behavioral health services to assure that appropriate adjustments are made to the wraparound with intensive services case rate, as well as any other behavioral health services in which a case rate is used.

(3)(a) The authority shall establish a process for verifying that funds appropriated in the omnibus operating

appropriations act for targeted behavioral health provider rate increases, including rate increases provided through managed care organizations, are used for the objectives stated in the appropriation.

(b) The process must: (i) Establish which behavioral health provider types the funds are intended for; (ii) include transparency and accountability mechanisms to demonstrate that appropriated funds for targeted behavioral health provider rate increases are passed through, in the manner intended, to the behavioral health providers who are the subject of the funds appropriated for targeted behavioral health provider rate increases; (iii) include actuarial information provided to managed care organizations to ensure the funds directed to behavioral health providers have been appropriately allocated and accounted for; and (iv) include the participation of managed care organizations, behavioral health administrative services organizations, providers, and provider networks that are the subject of the targeted behavioral health provider rate increases. The process must include a method for determining if the funds have increased access to the behavioral health services offered by the behavioral health providers who are the subject of the targeted provider rate increases.

(c) The process may:

(i) Include a quantitative method for determining if the funds have increased access to behavioral health services offered by the behavioral health providers who received the targeted provider rate increases;

(ii) Ensure the viability of pass-through payments in a capitated rate methodology; and

(iii) Ensure that medicaid rate increases account for the impact of value-based contracting on provider reimbursements and implementations of pass-through payments.

(4) By November 1st of each year, the authority shall report to the committees of the legislature with jurisdiction over behavioral health issues and fiscal matters regarding the established process for each appropriation for a targeted behavioral health provider rate increase, whether the funds were passed through in accordance with the appropriation language, and any information about increased access to behavioral health services associated with the appropriation. The reporting requirement for each appropriation for a targeted behavioral health provider rate increase shall continue for two years following the specific appropriation."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "and adding a new section to chapter 71.24 RCW."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO.

2584 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representatives Caldier and Cody 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 House Bill No. 2584, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 2584, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Volz.

ENGROSSED HOUSE BILL NO. 2584, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

March 5, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2601 with the following amendment:

4.0.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 79A.05.025 and 2016 c 103 s 1 are each amended to read as follows:

(1) The commission shall elect one of its members as chair. The commission may be convened at such times as the chair deems necessary, and a majority shall constitute a quorum for the transaction of business.

(2)(a) Except as provided in (b) of this subsection, the lease of parkland or property for a period exceeding twenty

years requires the ~~((unanimous consent))~~ affirmative vote of at least five members of the commission.

(b) With the affirmative vote of at least five members of the commission, the commission may enter into a lease for up to sixty-two years for property at Saint Edward state park. The commission may only enter into a lease under the provisions of this subsection (2)(b) if the commission finds that the department of commerce study required by section 3, chapter 103, Laws of 2016 fails to identify an economically viable public or nonprofit use for the property that is consistent with the state parks and recreation commission's mission and could proceed on a reasonable timeline. The lease at Saint Edward state park may only include the following:

(i) The main seminary building;

(ii) The pool building;

(iii) The gymnasium;

(iv) The parking lot located in between locations identified in (b)(i), (ii), and (iii) of this subsection;

(v) The parking lot immediately north of the gymnasium; and

(vi) Associated property immediately adjacent to the areas listed in (b)(i) through (v) of this subsection.

**Sec. 2.** RCW 79A.05.030 and 2016 c 103 s 2 are each amended to read as follows:

The commission shall:

(1) Have the care, charge, control, and supervision of all parks and parkways acquired or set aside by the state for park or parkway purposes.

(2) Adopt policies, and adopt, issue, and enforce rules pertaining to the use, care, and administration of state parks and parkways. The commission shall cause a copy of the rules to be kept posted in a conspicuous place in every state park to which they are applicable, but failure to post or keep any rule posted shall be no defense to any prosecution for the violation thereof.

(3) Permit the use of state parks and parkways by the public under such rules as shall be adopted.

(4) Clear, drain, grade, seed, and otherwise improve or beautify parks and parkways, and erect structures, buildings, fireplaces, and comfort stations and build and maintain paths, trails, and roadways through or on parks and parkways.

(5) Grant concessions or leases in state parks and parkways upon such rentals, fees, or percentage of income or profits and for such terms, in no event longer than ~~((fifty))~~ eighty years, except for a lease associated with land or property described in RCW 79A.05.025(2)(b) which may not exceed sixty-two years, and upon such conditions as shall be approved by the commission.

(a) Leases exceeding a twenty-year term, or the amendment or modification of these leases, shall require a vote consistent with RCW 79A.05.025(2).

(b) If, during the term of any concession or lease, it is the opinion of the commission that it would be in the best interest of the state, the commission may, with the consent of the concessionaire or lessee, alter and amend the terms and conditions of such concession or lease.

(c) Television station leases shall be subject to the provisions of RCW 79A.05.085.

(d) The rates of concessions or leases shall be renegotiated at five-year intervals. No concession shall be granted which will prevent the public from having free access to the scenic attractions of any park or parkway.

(6) Employ such assistance as it deems necessary. Commission expenses relating to its use of volunteer assistance shall be limited to premiums or assessments for the insurance of volunteers by the department of labor and industries, compensation of staff who assist volunteers, materials and equipment used in authorized volunteer projects, training, reimbursement of volunteer travel as provided in RCW 43.03.050 and 43.03.060, and other reasonable expenses relating to volunteer recognition. The commission, at its discretion, may waive commission fees otherwise applicable to volunteers. The commission shall not use volunteers to replace or supplant classified positions. The use of volunteers may not lead to the elimination of any employees or permanent positions in the bargaining unit.

(7) By majority vote of its authorized membership, select and purchase or obtain options upon, lease, or otherwise acquire for and in the name of the state such tracts of land, including shore and tide lands, for park and parkway purposes as it deems proper. If the commission cannot acquire any tract at a price it deems reasonable, it may, by majority vote of its authorized membership, obtain title thereto, or any part thereof, by condemnation proceedings conducted by the attorney general as provided for the condemnation of rights-of-way for state highways. Option agreements executed under authority of this subsection shall be valid only if:

(a) The cost of the option agreement does not exceed one dollar; and

(b) Moneys used for the purchase of the option agreement are from (i) funds appropriated therefor, or (ii) funds appropriated for undesignated land acquisitions, or (iii) funds deemed by the commission to be in excess of the amount necessary for the purposes for which they were appropriated; and

(c) The maximum amount payable for the property upon exercise of the option does not exceed the appraised value of the property.

(8) Cooperate with the United States, or any county or city of this state, in any matter pertaining to the acquisition, development, redevelopment, renovation, care, control, or supervision of any park or parkway, and enter into contracts in writing to that end. All parks or parkways, to which the state contributed or in whose care, control, or supervision the state participated pursuant to the provisions of this section, shall be governed by the provisions hereof.

(9) Within allowable resources, maintain policies that increase the number of people who have access to free or low-cost recreational opportunities for physical activity, including noncompetitive physical activity.

(10) Adopt rules establishing the requirements for a criminal history record information search for the following: Job applicants, volunteers, and independent contractors who have unsupervised access to children or vulnerable adults, or who will be responsible for collecting or disbursing cash or processing credit/debit card transactions. These background checks will be done through the Washington state patrol criminal identification section and may include a national check from the federal bureau of investigation, which shall be through the submission of fingerprints. A permanent employee of the commission, employed as of July 24, 2005, is exempt from the provisions of this subsection."

On page 1, line 2 of the title, after "leases;" strike the remainder of the title and insert "and amending RCW 79A.05.025 and 79A.05.030."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2601 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Ryu and Jenkin 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. 2601, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2601, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Hudgins, Pollet and Young.  
Excused: Representatives Griffey and Volz.

HOUSE BILL NO. 2601, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2641 with the following amendment:

2.0.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 3.** (1) Any city having a boundary located on Puget Sound or Lake Washington may establish, finance, and provide passenger-only ferry service, including associated services to support and augment passenger-only ferry service operation, within its boundaries. For the purposes of this chapter, Puget Sound has the same meaning as described in RCW 36.57A.200.

(2) Before a city may provide passenger-only ferry service, it must develop a passenger-only ferry investment plan, which must include elements regarding operating or contracting for the operation of passenger-only ferry services; the purchase, lease, or rental of ferry vessels and dock facilities for the provision of transit service; consultation with potentially affected federally recognized Indian treaty fishing tribes and other federally recognized treaty tribes with potentially affected interests to ensure impacts to tribal fishing are minimized; and identifying other activities necessary to implement the plan. The passenger-only ferry investment plan must also set forth terminal locations to be served, consistency with any study developed through the Puget Sound regional council for regional service, projected costs of providing services, and revenues to be generated from tolls, locally collected tax revenues, and other revenue sources. The passenger-only ferry investment plan may recommend additional revenue authority that has not yet been authorized under state law.

(3) The passenger-only ferry investment plan must ensure that services provided under the plan are for the benefit of the residents of the city. The city may use any of its powers to carry out this purpose, unless otherwise prohibited by law. In addition, the city may enter into contracts and agreements to operate passenger-only ferry service, as well as appropriate public-private partnerships including, but not limited to, design-build, general contractor/construction management, or other alternative procurement processes substantially consistent with chapter 39.10 RCW.

(4) The passenger-only ferry investment plan must show design and funding considerations for propulsion types and technologies that meet low, ultra-low, and zero emission targets in relation to any operations and business plan to ensure a viable route. Considerations should include vessel design, electrification, as well as shoreside infrastructure.

The investment plan must also show best management practices and technologies available and considered to reduce impacts to water quality, prevention of strikes, and underwater noise that impact the southern resident killer whale population, other marine mammals, and aquatic life.

**NEW SECTION. Sec. 4.** Section 1 of this act constitutes a new chapter in Title 35 RCW."

On page 1, line 2 of the title, after "service;" strike the remainder of the title and insert "and adding a new chapter to Title 35 RCW."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2641 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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 House Bill No. 2641, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2641, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 81; Nays, 15; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Gregerson, Hansen, Harris, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Boehnke, Caldier, Dye, Graham, Hoff, Jenkin, Kraft, McCaslin, Orcutt, Schmick, Shea, Steele, Sutherland, Walsh and Young.

Excused: Representatives Griffey and Volz.

HOUSE BILL NO. 2641, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 4, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2691 with the following amendment:

4.0.

Strike everything after the enacting clause and insert the following:

"Sec. 5. RCW 41.56.030 and 2019 c 280 s 1 are each amended to read as follows:

As used in this chapter:

(1) "Adult family home provider" means a provider as defined in RCW 70.128.010 who receives payments from the medicaid and state-funded long-term care programs.

(2) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(3) "Child care subsidy" means a payment from the state through a child care subsidy program established pursuant to RCW 74.12.340, 45 C.F.R. Sec. 98.1 through 98.17, or any successor program.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7) "Family child care provider" means a person who:  
(a) Provides regularly scheduled care for a child or children in the home of the provider or in the home of the child or children for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours; (b) receives child care subsidies; and (c) under chapter 43.216 RCW, is either licensed by the state or is exempt from licensing.

(8) "Individual provider" means an individual provider as defined in RCW 74.39A.240(3) who, solely for the purposes of collective bargaining, is a public employee as provided in RCW 74.39A.270.

(9) "Institution of higher education" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges.

(10)(a) "Language access provider" means any independent contractor who provides spoken language interpreter services, whether paid by a broker, language access agency, or the respective department:

(i) For department of social and health services appointments, department of children, youth, and families appointments, medicaid enrollee appointments, or who provided these services on or after January 1, 2011, and before June 10, 2012;

(ii) For department of labor and industries authorized medical and vocational providers(~~(-or-)~~) who provided these services on or after January 1, (~~(2016, and before July 1, 2018)~~) 2019; or

(iii) For state agencies(~~(-or-)~~) who provided these services on or after January 1, (~~(2016, and before July 1, 2018)~~) 2019.

(b) "Language access provider" does not mean a manager or employee of a broker or a language access agency.

(11) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to (i) the executive head or body of the applicable bargaining unit, or (ii) any person elected by popular vote, or (iii) any person appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (d) who is a court commissioner or a court magistrate of superior court, district court, or a department of a district court organized under chapter 3.46 RCW, or (e) who is a personal assistant to a district court judge, superior court judge, or court commissioner. For the purpose of (e) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(12) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter, or any subdivision of such public body. For the purposes of this section, the public employer of district court or superior court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court or superior court.

(13) "Uniformed personnel" means: (a) Law enforcement officers as defined in RCW 41.26.030 employed by the governing body of any city or town with a population of two thousand five hundred or more and law enforcement officers employed by the governing body of any county with a population of ten thousand or more; (b) correctional employees who are uniformed and

nonuniformed, commissioned and noncommissioned security personnel employed in a jail as defined in RCW 70.48.020(9), by a county with a population of seventy thousand or more, in a correctional facility created under RCW 70.48.095, or in a detention facility created under chapter 13.40 RCW that is located in a county with a population over one million five hundred thousand, and who are trained for and charged with the responsibility of controlling and maintaining custody of inmates in the jail and safeguarding inmates from other inmates; (c) general authority Washington peace officers as defined in RCW 10.93.020 employed by a port district in a county with a population of one million or more; (d) security forces established under RCW 43.52.520; (e) firefighters as that term is defined in RCW 41.26.030; (f) employees of a port district in a county with a population of one million or more whose duties include crash fire rescue or other firefighting duties; (g) employees of fire departments of public employers who dispatch exclusively either fire or emergency medical services, or both; (h) employees in the several classes of advanced life support technicians, as defined in RCW 18.71.200, who are employed by a public employer; or (i) court marshals of any county who are employed by, trained for, and commissioned by the county sheriff and charged with the responsibility of enforcing laws, protecting and maintaining security in all county-owned or contracted property, and performing any other duties assigned to them by the county sheriff or mandated by judicial order.

**Sec. 6.** RCW 41.56.510 and 2018 c 253 s 8 are each amended to read as follows:

(1) In addition to the entities listed in RCW 41.56.020, this chapter applies to the governor with respect to language access providers. Solely for the purposes of collective bargaining and as expressly limited under subsections (2) and (3) of this section, the governor is the public employer of language access providers who, solely for the purposes of collective bargaining, are public employees. The governor or the governor's designee shall represent the public employer for bargaining purposes.

(2) There shall be collective bargaining, as defined in RCW 41.56.030, between the governor and language access providers, except as follows:

(a) The only units appropriate for purposes of collective bargaining under RCW 41.56.060 are:

(i) A statewide unit for language access providers who provide spoken language interpreter services for department of social and health services appointments, department of children, youth, and families appointments, or medicaid enrollee appointments;

(ii) A statewide unit for language access providers who provide spoken language interpreter services for injured workers or crime victims receiving benefits from the department of labor and industries; and

(iii) A statewide unit for language access providers who provide spoken language interpreter services for any state agency through the department of enterprise services, excluding language access providers included in (a)(i) and (ii) of this subsection;

(b) The exclusive bargaining representative of language access providers in the unit specified in (a) of this subsection shall be the representative chosen in an election conducted pursuant to RCW 41.56.070.

Bargaining authorization cards furnished as the showing of interest in support of any representation petition or motion for intervention filed under this section are exempt from disclosure under chapter 42.56 RCW;

(c) Notwithstanding the definition of "collective bargaining" in RCW 41.56.030(4), the scope of collective bargaining for language access providers under this section is limited solely to: (i) Economic compensation, such as the manner and rate of payments including tiered payments; (ii) professional development and training; (iii) labor-management committees; ~~((and))~~ (iv) grievance procedures; (v) health and welfare benefits; and (vii) other economic matters. Retirement benefits are not subject to collective bargaining. By such obligation neither party may be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter;

(d) In addition to the entities listed in the mediation and interest arbitration provisions of RCW 41.56.430 through 41.56.470 and 41.56.480, the provisions apply to the governor or the governor's designee and the exclusive bargaining representative of language access providers, except that:

(i) In addition to the factors to be taken into consideration by an interest arbitration panel under RCW 41.56.465, the panel shall consider the financial ability of the state to pay for the compensation and benefit provisions of a collective bargaining agreement;

(ii) The decision of the arbitration panel is not binding on the legislature and, if the legislature does not approve the request for funds necessary to implement the compensation and benefit provisions of the arbitrated collective bargaining agreement, the decision is not binding on the state;

(e) Language access providers do not have the right to strike;

(f) If a single employee organization is the exclusive bargaining representative for two or more units, upon petition by the employee organization, the units may be consolidated into a single larger unit if the commission considers the larger unit to be appropriate. If consolidation is appropriate, the commission shall certify the employee organization as the exclusive bargaining representative of the new unit;

(g) If a single employee organization is the exclusive bargaining representative for two or more bargaining units, the governor and the employee organization may agree to negotiate a single collective bargaining agreement for all of the bargaining units that the employee organization represents.

(3) Language access providers who are public employees solely for the purposes of collective bargaining under subsection (1) of this section are not, for that reason, employees of the state for any other purpose. This section applies only to the governance of the collective bargaining

relationship between the employer and language access providers as provided in subsections (1) and (2) of this section.

(4) Each party with whom the department of social and health services, the department of children, youth, and families, the department of labor and industries, and the department of enterprise services contracts for language access services and each of their subcontractors shall provide to the respective department an accurate list of language access providers, as defined in RCW 41.56.030, including their names, addresses, and other contact information, annually by January 30th, except that initially the lists must be provided within thirty days of July 1, 2018. The department shall, upon request, provide a list of all language access providers, including their names, addresses, and other contact information, to a labor union seeking to represent language access providers.

(5) This section does not create or modify:

(a) The obligation of any state agency to comply with federal statute and regulations; and

(b) The legislature's right to make programmatic modifications to the delivery of state services under chapter 74.04 or 39.26 RCW or Title 51 RCW. The governor may not enter into, extend, or renew any agreement under this chapter that does not expressly reserve the legislative rights described in this subsection.

(6) Upon meeting the requirements of subsection (7) of this section, the governor must submit, as a part of the proposed biennial or supplemental operating budget submitted to the legislature under RCW 43.88.030, a request for funds necessary to implement the compensation and benefit provisions of a collective bargaining agreement entered into under this section or for legislation necessary to implement the agreement.

(7) A request for funds necessary to implement the compensation and benefit provisions of a collective bargaining agreement entered into under this section may not be submitted by the governor to the legislature unless the request has been:

(a) Submitted to the director of financial management by October 1st prior to the legislative session at which the requests are to be considered, except that, for initial negotiations under this section, the request may not be submitted before July 1, 2011; and

(b) Certified by the director of financial management as financially feasible for the state or reflective of a binding decision of an arbitration panel reached under subsection (2)(d) of this section.

(8) The legislature must approve or reject the submission of the request for funds as a whole. If the legislature rejects or fails to act on the submission, any collective bargaining agreement must be reopened for the sole purpose of renegotiating the funds necessary to implement the agreement.

(9) If, after the compensation and benefit provisions of an agreement are approved by the legislature, a significant

revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

(10) After the expiration date of any collective bargaining agreement entered into under this section, all of the terms and conditions specified in the agreement remain in effect until the effective date of a subsequent agreement, not to exceed one year from the expiration date stated in the agreement.

(11) In enacting this section, the legislature intends to provide state action immunity under federal and state antitrust laws for the joint activities of language access providers and their exclusive bargaining representative to the extent the activities are authorized by this chapter.

(12) By December 1, 2020, the department of social and health services, the department of children, youth, and families, the department of labor and industries, the health care authority, and the department of enterprise services must report to the legislature on the following:

(a) Each agency's current process for procuring spoken language interpreters and whether the changes in chapter 253, Laws of 2018 have been implemented;

(b) If chapter 253, Laws of 2018 has not been fully implemented by an agency, the barriers to implementation the agency has encountered and recommendations for removing the barriers to implementation;

(c) The impacts of the changes to the bargaining units for language access providers in chapter 253, Laws of 2018; and

(d) Recommendations on how to improve the procurement and accessibility of language access providers."

On page 1, line 2 of the title, after "providers;" strike the remainder of the title and insert "and amending RCW 41.56.030 and 41.56.510."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2691 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

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

Representative Mosbrucker spoke against 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. 2691, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2691, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 61; Nays, 35; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chandler, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Shea, Steele, Sutherland, Van Werven, Vick, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Griffey and Volz.

HOUSE BILL NO. 2691, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 5, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2713 with the following amendment:

6.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 7.** The legislature finds and declares that local compost manufacturing plays a critical role in our state's solid waste infrastructure. Composting benefits Washington agencies, counties, cities, businesses, and residents by diverting hundreds of thousands of tons of organic waste from landfills, reducing solid waste costs, and lowering carbon emissions. The legislature finds that a growing number of local governments are recognizing the benefits of composting programs and offering compost collection to their residents and businesses. The diversion of food waste from landfills to compost processors remains critical for state and local governments to meet their ambitious diversion goals.

The legislature also finds that composting is a strong carbon reduction industry for Washington, as the application of compost to soil systems permits increased carbon sequestration. Compost can also replace synthetic chemical fertilizer, prevent topsoil erosion, and filter stormwater on

green infrastructure projects such as rain gardens and retention ponds.

The legislature declares that state and local governments should lead by example by purchasing and using local compost that meets state standards and by encouraging farming operations to do so as well.

**NEW SECTION. Sec. 8.** A new section is added to chapter 43.19A RCW to read as follows:

(1) When planning government-funded projects or soliciting and reviewing bids for such projects, all state agencies and local governments shall consider whether compost products can be utilized in the project.

(2) If compost products can be utilized in the project, the state agency or local government must use compost products, except as follows:

(a) A state agency or local government is not required to use compost products if:

(i) Compost products are not available within a reasonable period of time;

(ii) Compost products that are available do not comply with existing purchasing standards;

(iii) Compost products that are available do not comply with federal or state health, quality, and safety standards; and

(iv) Compost purchase prices are not reasonable or competitive; and

(b) A state agency is also not required to use compost products in a project if:

(i) The total cost of using compost is financially prohibitive;

(ii) Application of compost will have detrimental impacts on the physical characteristics and nutrient condition of the soil as it is used for a specific crop;

(iii) The project consists of growing trees in a greenhouse setting, including seed orchard greenhouses; or

(iv) The compost products that are available have not been certified as being free of crop-specific pests and pathogens, including pests and pathogens that could result in the denial of phytosanitary permits for shipping seedlings.

(3) Before the transportation or application of compost products under this section, composting facilities, state agencies, and local governments must ensure compliance with department of agriculture pest control regulations provided in chapter 16-470 WAC.

(4) State agencies and local governments are encouraged to 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 adopted by rule by the department of ecology.

**NEW SECTION. Sec. 9.** A new section is added to chapter 43.19A RCW to read as follows:

(1) Each local government that provides a residential composting service is encouraged to enter into a purchasing agreement with its compost processor to buy back finished compost products for use in government projects or on government land. The local government is encouraged to purchase an amount of finished compost product that is equal to or greater than fifty percent of the amount of organic residuals it delivered to the compost processor. Local governments may enter into collective purchasing agreements if doing so is more cost-effective or efficient. The compost processor should offer a purchase price that is reasonable and competitive for the specific market.

(2) When purchasing compost products for use in government projects or on government-owned land, local governments are encouraged to purchase compost with at least eight percent food waste, or an amount of food waste that is commensurate with that in the local jurisdiction's curbside collection program.

**NEW SECTION. Sec. 10.** (1) Subject to amounts appropriated for this specific purpose, the department of agriculture must establish and implement a three-year compost reimbursement pilot program to reimburse farming operations in the state for purchasing and using compost products from facilities with solid waste handling permits, including transportation, equipment, spreading, and labor costs. The grant reimbursements under the pilot program will begin January 1, 2021, and conclude December 31, 2023. For 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 pilot program, a farming operation must complete an eligibility review with the department of agriculture prior to transporting or applying any compost products for which reimbursement will be sought under this section. The purpose of the review is for the department of agriculture to ensure that the proposed transport and application of compost products is consistent with the department's agricultural pest control rules in chapter 16-470 WAC. A farming operation must also verify that soil sampling will be allowed as necessary to establish a baseline of soil quality and carbon storage and for subsequent department of agriculture evaluations to assist the department's reporting requirements under subsection (9) of this section.

(3) The department of agriculture must create a form for eligible farming operations to apply for cost reimbursement. All applications for cost reimbursement must be submitted on the form along with documentation of the costs of purchasing and using compost products for which the applicant is requesting reimbursement. The department of agriculture 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:

(a) Its own compost products;

(b) Compost products that it has transferred, or intends to transfer, to another individual or entity, whether or not for compensation; or

(c) Compost products that were not purchased from a facility with a solid waste handling permit.

(4) A farming operation may submit only one application per year for purchases made and usage costs incurred during the fiscal year that begins on July 1st and ends on June 30th of each year in which the pilot program is in effect. 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 of agriculture must distribute reimbursement funds, subject to the following limitations:

(a) The department of agriculture must distribute reimbursements in a manner that prioritizes small farming operations as measured by acreage;

(b) No farming operation may receive reimbursement if it was not found eligible for reimbursement by the department of agriculture prior to transport or use under subsection (2) of this section;

(c) No farming operation may receive reimbursement for more than fifty percent of the costs it incurs for the purchase and use of compost products, including transportation, equipment, spreading, and labor costs;

(d) No farming operation may receive more than ten thousand dollars per year;

(e) No farming operation may 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

(f) No farming operation may 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 pilot program under this section.

(7) There is established within the department of agriculture a compost reimbursement pilot program manager position. The compost reimbursement pilot 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 pilot program.

(8) Any action taken by the department of agriculture pursuant to this section is exempt from the rule-making requirements of chapter 34.05 RCW.

(9) The department of agriculture must submit an annual report to the appropriate committees of the legislature by January 15th of each year of the program, with a final report due January 15, 2024. 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) An evaluation of the benefits and costs to the state of continuing, expanding, or furthering the strategies explored in the pilot program.

(10) This section expires June 30, 2024."

On page 1, line 1 of the title, after "use;" strike the remainder of the title and insert "adding new sections to chapter 43.19A RCW; creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2713 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Walen 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 Engrossed Substitute House Bill No. 2713, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2713, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber,

McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative DeBolt.

Excused: Representatives Griffey and Volz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2713, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 4, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2794 with the following amendment:

10.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.50.260 and 2015 c 265 s 3 are each amended to read as follows:

(1)(a) The court shall hold regular sealing hearings. During these regular sealing hearings, the court shall administratively seal an individual's juvenile record pursuant to the requirements of this subsection (~~unless the court receives an objection to sealing or the court notes a compelling reason not to seal, in which case, the court shall set a contested hearing to be conducted on the record to address sealing~~). Although the juvenile record shall be sealed, the social file may be available to any juvenile justice or care agency when an investigation or case involving the juvenile subject of the records is being prosecuted by the juvenile justice or care agency or when the juvenile justice or care agency is assigned the responsibility of supervising the juvenile. (~~The contested hearing shall be set no sooner than eighteen days after notice of the hearing and the opportunity to object has been sent to the juvenile, the victim, and juvenile's attorney.~~) The juvenile respondent's presence is not required at ((a) any administrative sealing hearing (~~pursuant to this subsection~~)).

(b) At the disposition hearing of a juvenile offender, the court shall schedule an administrative sealing hearing to take place during the first regularly scheduled sealing hearing after the latest of the following events that apply:

(i) The respondent's eighteenth birthday;

(ii) Anticipated (~~completion~~) end date of a respondent's probation, if ordered;

(iii) Anticipated release from confinement at the juvenile rehabilitation administration, or the completion of parole, if the respondent is transferred to the juvenile rehabilitation administration.

~~(c) ((A) A court shall enter a written order sealing an individual's juvenile court record pursuant to this subsection if:~~

~~((i)) The court shall not schedule an administrative sealing hearing at the disposition and no administrative sealing hearing shall occur if one of the offenses for which the court has entered a disposition is ((not)) at the time of commission of the offense:~~

~~((A)) (i) A most serious offense, as defined in RCW 9.94A.030;~~

~~((B)) (ii) A sex offense under chapter 9A.44 RCW; or~~

~~((C)) (iii) A drug offense, as defined in RCW 9.94A.030((and)).~~

~~((ii)) (d) At the time of the scheduled administrative sealing hearing, the court shall enter a written order sealing the respondent's juvenile court record pursuant to this subsection if the court finds by a preponderance of the evidence that the respondent ((has completed the terms and conditions of disposition, including affirmative conditions)) is no longer on supervision for the case being considered for sealing and has paid the full amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any ((insurance provider authorized under Title 48 RCW)) public or private entity providing insurance coverage or health care coverage. In determining whether the respondent is on supervision or owes restitution, the court shall take judicial notice of court records, including records of the county clerk, and, if necessary, sworn testimony from a representative of the juvenile department.~~

~~((d) Following a contested sealing hearing on the record after an objection is made pursuant to (a) of this subsection, the court shall enter a written order sealing the juvenile court record unless the court determines that sealing is not appropriate.) (e) At the time of the administrative sealing hearing, if the court finds the respondent remains on supervision for the case being considered for sealing, then the court shall continue the administrative sealing hearing to a date within thirty days following the anticipated end date of the respondent's supervision. At the next administrative sealing hearing, the court shall again determine the respondent's eligibility for sealing his or her juvenile court record pursuant to (d) of this subsection, and, if necessary, continue the hearing again as provided in this subsection.~~

~~(f)(i) During the administrative sealing hearing, if the court finds the respondent is no longer on supervision for the case being considered for sealing, but the respondent has not paid the full amount of restitution owing to the individual victim named in the restitution order, excluding any public or private entity providing insurance coverage or health care coverage, the court shall deny sealing the juvenile court record in a written order that: (A) Specifies the amount of restitution that remains unpaid to the original victim, excluding any public or private entity providing insurance coverage or health care coverage; and (B) provides direction to the respondent on how to pursue the sealing of records associated with this cause of action.~~

(ii) Within five business days of the entry of the written order denying the request to seal a juvenile court record, the juvenile court department staff shall notify the respondent of the denial by providing a copy of the order of denial to the respondent in person or in writing mailed to the respondent's last known address in the department of licensing database or the respondent's address provided to the court, whichever is more recent.

(iii) At any time following entry of the written order denying the request to seal a juvenile court record, the respondent may contact the juvenile court department, provide proof of payment of the remaining unpaid restitution to the original victim, excluding any public or private entity providing insurance coverage or health care coverage, and request an administrative sealing hearing. Upon verification of the satisfaction of the restitution payment, the juvenile court department staff shall circulate for signature an order sealing the file, and file the signed order with the clerk's office, who shall seal the record.

(iv) The administrative office of the courts must ensure that sealed juvenile records remain private in case of an appeal and are either not posted or redacted from any clerks papers that are posted online with the appellate record, as well as taking any other prudent steps necessary to avoid exposing sealed juvenile records to the public.

(2) Except for dismissal of a deferred disposition under RCW 13.40.127, the court shall enter a written order immediately sealing the official juvenile court record upon the acquittal after a fact finding or upon the dismissal of charges with prejudice, subject to the state's right, if any, to appeal the dismissal.

(3) If a juvenile court record has not already been sealed pursuant to this section, in any case in which information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person who is the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any((?)); resolve the status of any debts owing; and, subject to RCW 13.50.050(13), order the sealing of the official juvenile court record, the social file, and records of the court and of any other agency in the case, with the exception of identifying information under RCW 13.50.050(13).

(4)(a) The court shall grant any motion to seal records for class A offenses made pursuant to subsection (3) of this section if:

(i) Since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent five consecutive years in the community without committing any offense or crime that subsequently results in an adjudication or conviction;

(ii) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(iii) No proceeding is pending seeking the formation of a diversion agreement with that person;

(iv) The person is no longer required to register as a sex offender under RCW 9A.44.130 or has been relieved of the duty to register under RCW 9A.44.143 if the person was convicted of a sex offense;

(v) The person has not been convicted of rape in the first degree, rape in the second degree, or indecent liberties that was actually committed with forcible compulsion; and

(vi) The person has paid the full amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any ~~((insurance provider authorized under Title 48 RCW))~~ public or private entity providing insurance coverage or health care coverage.

(b) The court shall grant any motion to seal records for class B, class C, gross misdemeanor, and misdemeanor offenses and diversions made under subsection (3) of this section if:

(i) Since the date of last release from confinement, including full-time residential treatment, if any, entry of disposition, or completion of the diversion agreement, the person has spent two consecutive years in the community without being convicted of any offense or crime;

(ii) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(iii) No proceeding is pending seeking the formation of a diversion agreement with that person;

(iv) The person is no longer required to register as a sex offender under RCW 9A.44.130 or has been relieved of the duty to register under RCW 9A.44.143 if the person was convicted of a sex offense; and

(v) The person has paid the full amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any insurance provider authorized under Title 48 RCW.

(c) Notwithstanding the requirements in (a) or (b) of this subsection, the court shall grant any motion to seal records of any deferred disposition vacated under RCW 13.40.127(9) prior to June 7, 2012, if restitution has been paid and the person is eighteen years of age or older at the time of the motion.

(5) The person making a motion pursuant to subsection (3) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose records are sought to be sealed.

(6)(a) If the court enters a written order sealing the juvenile court record pursuant to this section, it shall, subject to RCW 13.50.050(13), order sealed the official juvenile court record, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(b) In the event the subject of the juvenile records receives a full and unconditional pardon, the proceedings in the matter upon which the pardon has been granted shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events upon which the pardon was received. Any agency shall reply to any inquiry concerning the records pertaining to the events for which the subject received a pardon that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(c) Effective July 1, 2019, the department of licensing may release information related to records the court has ordered sealed only to the extent necessary to comply with federal law and regulation.

(7) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and 13.50.050(13).

(8)(a) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying a sealing order; however, the court may order the juvenile court record resealed upon disposition of the subsequent matter if the case meets the sealing criteria under this section and the court record has not previously been resealed.

(b) Any charging of an adult felony subsequent to the sealing has the effect of nullifying the sealing order.

(c) The administrative office of the courts shall ensure that the superior court judicial information system provides prosecutors access to information on the existence of sealed juvenile records.

(d) The Washington state patrol shall ensure that the Washington state identification system provides Washington state criminal justice agencies access to sealed juvenile records information.

(9) If the juvenile court record has been sealed pursuant to this section, the record of an employee is not admissible in an action for liability against the employer based on the former juvenile offender's conduct to show that the employer knew or should have known of the juvenile record of the employee. The record may be admissible, however, if a background check conducted or authorized by the employer contained the information in the sealed record.

(10) County clerks may interact or correspond with the respondent, his or her parents, restitution recipients, and any holders of potential assets or wages of the respondent for the purposes of collecting an outstanding legal financial obligation after juvenile court records have been sealed pursuant to this section.

(11) Persons and agencies that obtain sealed juvenile records information pursuant to this section may communicate about this information with the respondent, but may not disseminate or be compelled to release the information to any person or agency not specifically granted access to sealed juvenile records in this section.

(12) All criminal justice agencies must not disclose confidential information or sealed records accessed through the Washington state identification system or other means, and no information can be given to third parties other than Washington state criminal justice agencies about the existence or nonexistence of confidential or sealed records concerning an individual.

**Sec. 2.** RCW 10.97.050 and 2012 c 125 s 2 are each amended to read as follows:

(1) Conviction records may be disseminated without restriction.

(2) Any criminal history record information which pertains to an incident that occurred within the last twelve months for which a person is currently being processed by the criminal justice system, including the entire period of correctional supervision extending through final discharge from parole, when applicable, may be disseminated without restriction.

(3) Criminal history record information which includes nonconviction data may be disseminated by a criminal justice agency to another criminal justice agency for any purpose associated with the administration of criminal justice, or in connection with the employment of the subject of the record by a criminal justice or juvenile justice agency, except as provided under RCW 13.50.260. A criminal justice agency may respond to any inquiry from another criminal justice agency without any obligation to ascertain the purpose for which the information is to be used by the agency making the inquiry.

(4) Criminal history record information which includes nonconviction data may be disseminated by a criminal justice agency to implement a statute, ordinance, executive order, or a court rule, decision, or order which expressly refers to records of arrest, charges, or allegations of criminal conduct or other nonconviction data and authorizes or directs that it be available or accessible for a specific purpose.

(5) Criminal history record information which includes nonconviction data may be disseminated to individuals and agencies pursuant to a contract with a criminal justice agency to provide services related to the administration of criminal justice. Such contract must specifically authorize access to criminal history record information, but need not specifically state that access to nonconviction data is included. The agreement must limit the use of the criminal history record information to stated purposes and insure the confidentiality and security of the information consistent with state law and any applicable federal statutes and regulations.

(6) Criminal history record information which includes nonconviction data may be disseminated to individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency. Such agreement must authorize the access to nonconviction data, limit the use of that information which identifies specific individuals to research, evaluative, or statistical purposes, and contain provisions giving notice to the person or organization to

which the records are disseminated that the use of information obtained therefrom and further dissemination of such information are subject to the provisions of this chapter and applicable federal statutes and regulations, which shall be cited with express reference to the penalties provided for a violation thereof.

(7) Every criminal justice agency that maintains and disseminates criminal history record information must maintain information pertaining to every dissemination of criminal history record information except a dissemination to the effect that the agency has no record concerning an individual. Information pertaining to disseminations shall include:

(a) An indication of to whom (agency or person) criminal history record information was disseminated;

(b) The date on which the information was disseminated;

(c) The individual to whom the information relates; and

(d) A brief description of the information disseminated.

The information pertaining to dissemination required to be maintained shall be retained for a period of not less than one year.

(8) In addition to the other provisions in this section allowing dissemination of criminal history record information, RCW 4.24.550 governs dissemination of information concerning offenders who commit sex offenses as defined by RCW 9.94A.030. Criminal justice agencies, their employees, and officials shall be immune from civil liability for dissemination on criminal history record information concerning sex offenders as provided in RCW 4.24.550.

**NEW SECTION. Sec. 3.** (1) The department of children, youth, and families and the office of the superintendent of public instruction shall develop policies and procedures that prevent any information from being included on a student transcript indicating that a student received credit while confined in a detention facility as defined under RCW 13.40.020, institution as defined under RCW 13.40.020, juvenile correctional facility under alternative administration operated by a consortium of counties under RCW 13.04.035, community facility as defined under RCW 72.05.020, or correctional facility as defined under RCW 70.48.020.

(2) By November 1, 2020, and in compliance with RCW 43.01.036, the department of children, youth, and families and the office of the superintendent of public instruction shall provide a report to the appropriate committees of the legislature and the governor describing the actions, policies, and procedures in place to prevent information from being included on a student transcript indicating that a student received credit while confined in a detention facility as defined under RCW 13.40.020, institution as defined under RCW 13.40.020, juvenile correctional facility under alternative administration operated by a consortium of counties under RCW 13.04.035,

community facility as defined under RCW 72.05.020, or correctional facility as defined under RCW 70.48.020.

(3) This section expires June 30, 2021.

**NEW SECTION. Sec. 4.** This act applies to all juvenile record sealing hearings commenced on or after the effective date of this section, regardless of when the underlying hearing was scheduled or the underlying record was created. To this extent, this act applies retroactively, but in all other respects it applies prospectively.

**NEW SECTION. Sec. 5.** Sections 1, 2, and 4 of this act take effect January 1, 2021."

On page 1, line 1 of the title, after "sealing;" strike the remainder of the title and insert "amending RCW 13.50.260 and 10.97.050; creating new sections; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2794 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

Representative Dent 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. 2794, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2794, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 62; Nays, 34; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Caldier, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Harris, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Slatner, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Blake, Boehnke, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Gildon, Goehner, Graham, Hoff, Irwin, Jenkin, Klippert,

Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Shewmake, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick and Walsh.

Excused: Representatives Griffey and Volz.

SUBSTITUTE HOUSE BILL NO. 2794, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2889 with the following amendment:

5.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 6.** A new section is added to chapter 35.92 RCW to read as follows:

(1) Any city or town that operates its own water, sewer or wastewater, or stormwater utility and imposes a fee or tax on the gross revenue of such a utility shall disclose the fee or tax rate to its utility customers. Such disclosure shall include statements, as applicable, that "the amount billed includes a fee or tax up to . . . . (dollar amount or percentage) calculated on the gross revenue of the water utility; a fee or tax up to . . . . (dollar amount or percentage) calculated on gross revenue of the sewer or wastewater utility; a fee or tax up to . . . . (dollar amount or percentage) calculated on the gross revenue of the stormwater utility."

(2) The disclosures required by this section must occur through at least one of the following methods:

(a) On regular billing statements provided electronically or in written form;

(b) On the city or town's web site, if the city or town provides written notice to customers or taxpayers that such information is available on its web site; or

(c) Through a billing insert, mailer, or other written or electronic communication provided to customers or taxpayers on either an annual basis or within thirty days of the effective date of any subsequent tax rate change."

On page 1, line 1 of the title, after "disclosures;" strike the remainder of the title and insert "and adding a new section to chapter 35.92 RCW."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2889 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representatives Kraft and Pollet 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. 2889, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2889, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Gregerson and Morgan.

Excused: Representatives Griffey and Volz.

SUBSTITUTE HOUSE BILL NO. 2889, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

March 4, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2640 with the following amendment:

6.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 7.** RCW 36.70A.200 and 2013 c 275 s 5 are each amended to read as follows:

(1)(a) The comprehensive plan of each county and city that is planning under RCW 36.70A.040 shall include a process for identifying and siting essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities,

mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020.

(b) Unless a facility is expressly listed in (a) of this subsection, essential public facilities do not include facilities that are operated by a private entity in which persons are detained in custody under process of law pending the outcome of legal proceedings but are not used for punishment, correction, counseling, or rehabilitation following the conviction of a criminal offense. Facilities included under this subsection (1)(b) shall not include facilities detaining persons under RCW 71.09.020 (6) or (15) or chapter 10.77 or 71.05 RCW.

(2) Each county and city planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process, or amend its existing process, for identifying and siting essential public facilities and adopt or amend its development regulations as necessary to provide for the siting of secure community transition facilities consistent with statutory requirements applicable to these facilities.

(3) Any city or county not planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process for siting secure community transition facilities and adopt or amend its development regulations as necessary to provide for the siting of such facilities consistent with statutory requirements applicable to these facilities.

(4) The office of financial management shall maintain a list of those essential state public facilities that are required or likely to be built within the next six years. The office of financial management may at any time add facilities to the list.

(5) No local comprehensive plan or development regulation may preclude the siting of essential public facilities.

(6) No person may bring a cause of action for civil damages based on the good faith actions of any county or city to provide for the siting of secure community transition facilities in accordance with this section and with the requirements of chapter 12, Laws of 2001 2nd sp. sess. For purposes of this subsection, "person" includes, but is not limited to, any individual, agency as defined in RCW 42.17A.005, corporation, partnership, association, and limited liability entity.

(7) Counties or cities siting facilities pursuant to subsection (2) or (3) of this section shall comply with RCW 71.09.341.

(8) The failure of a county or city to act by the deadlines established in subsections (2) and (3) of this section is not:

(a) A condition that would disqualify the county or city for grants, loans, or pledges under RCW 43.155.070 or 70.146.070;

(b) A consideration for grants or loans provided under RCW 43.17.250(3); or

(c) A basis for any petition under RCW 36.70A.280 or for any private cause of action.

**NEW SECTION. Sec. 8.** This act applies retroactively to land use actions imposed prior to January 1, 2018, as well as prospectively.

**NEW SECTION. Sec. 9.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 4 of the title, after "act;" strike the remainder of the title and insert "amending RCW 36.70A.200; creating a new section; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2640 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Fitzgibbon and DeBolt 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. 2640, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2640, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 88; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Calder, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, DeBolt, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Corry, Dent, Dufault, Klippert, Kraft, Kretz, Orcutt and Walsh.

Excused: Representatives Griffey and Volz.

HOUSE BILL NO. 2640, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

With the consent of the House, the bills previously acted upon were immediately transmitted to the Senate.

The Speaker (Representative Orwall presiding) called upon Representative Tarleton to preside.

The Speaker assumed the chair.

#### SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SUBSTITUTE HOUSE BILL NO. 1251  
 SUBSTITUTE HOUSE BILL NO. 1293  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1622  
 SECOND SUBSTITUTE HOUSE BILL NO. 1645  
 ENGROSSED HOUSE BILL NO. 1694  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754  
 SUBSTITUTE HOUSE BILL NO. 1847  
 ENGROSSED HOUSE BILL NO. 2040  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2099  
 ENGROSSED HOUSE BILL NO. 2188  
 HOUSE BILL NO. 2229  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2231  
 SUBSTITUTE HOUSE BILL NO. 2246  
 SUBSTITUTE HOUSE BILL NO. 2250  
 HOUSE BILL NO. 2271  
 HOUSE BILL NO. 2315  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2318  
 SUBSTITUTE HOUSE BILL NO. 2338  
 SUBSTITUTE HOUSE BILL NO. 2343  
 HOUSE BILL NO. 2380  
 SUBSTITUTE HOUSE BILL NO. 2384  
 HOUSE BILL NO. 2402  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
 BILL NO. 2405  
 HOUSE BILL NO. 2449  
 HOUSE BILL NO. 2491  
 HOUSE BILL NO. 2497  
 HOUSE BILL NO. 2524  
 SUBSTITUTE HOUSE BILL NO. 2527  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2535  
 SUBSTITUTE HOUSE BILL NO. 2544  
 SUBSTITUTE HOUSE BILL NO. 2555  
 SUBSTITUTE HOUSE BILL NO. 2556  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2565  
 HOUSE BILL NO. 2579  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2588  
 HOUSE BILL NO. 2624  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2638  
 HOUSE BILL NO. 2701  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2731  
 SUBSTITUTE HOUSE BILL NO. 2758  
 HOUSE BILL NO. 2763  
 SUBSTITUTE HOUSE BILL NO. 2787  
 ENGROSSED HOUSE BILL NO. 2819  
 HOUSE BILL NO. 2826  
 HOUSE BILL NO. 2833  
 HOUSE BILL NO. 2858  
 HOUSE BILL NO. 2860

The Speaker called upon Representative Orwall to preside.

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

**MESSAGE FROM THE SENATE**

March 9, 2020

Mme. SPEAKER:

The Senate has granted the request of the House for a Conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2322. The President has appointed the following members as Conferees: Hobbs, King, Saldaña

Brad Hendrickson, Secretary

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

**THIRD READING  
MESSAGE FROM THE SENATE**

March 6, 2020

Madame Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1552 with the following amendment:

9.0. On page 3, after line 10, insert the following:

**"NEW SECTION. Sec. 3.** A new section is added to chapter 74.09 RCW to read as follows:

(1) In order to protect patients and ensure that they benefit from seamless quality care when contracted providers are absent from their practices or when there is a temporary vacancy in a position while a hospital, rural health clinic, or rural provider is recruiting to meet patient demand, hospitals, rural health clinics, and rural providers may use substitute providers to provide services. Medicaid managed care organizations must allow for the use of substitute providers and provide payment consistent with the provisions in this section.

(2) Hospitals, rural health clinics, and rural providers that are contracted with a medicaid managed care organization may use substitute providers that are not contracted with a managed care organization when:

(a) A contracted provider is absent for a limited period of time due to vacation, illness, disability, continuing medical education, or other short-term absence; or

(b) A contracted hospital, rural health clinic, or rural provider is recruiting to fill an open position.

(3) For a substitute provider providing services under subsection (2)(a) of this section, a contracted hospital, rural health clinic, or rural provider may bill and receive payment for services at the contracted rate under its contract with the managed care organization for up to sixty days.

(4) To be eligible for reimbursement under this section for services provided on behalf of a contracted provider for greater than sixty days, a substitute provider must enroll in a medicaid managed care organization. Enrollment of a substitute provider in a medicaid managed care organization is effective on the later of:

(a) The date the substitute provider filed an enrollment application that was subsequently approved; or

(b) The date the substitute provider first began providing services at the hospital, rural health clinic, or rural provider.

(5) A substitute provider who enrolls with a medicaid managed care organization may not bill under subsection (4) of this section for any services billed to the medicaid managed care organization pursuant to subsection (3) of this section.

(6) Nothing in this section obligates a managed care organization to enroll any substitute provider who requests enrollment if they do not meet the organizations enrollment criteria.

(7) For purposes of this section:

(a) "Circumstances precluded enrollment" means that the provider has met all program requirements including state licensure during the thirty-day period before an application was submitted and no final adverse determination precluded enrollment. If a final adverse determination precluded enrollment during this thirty-day period, the contractor shall only establish an effective billing date the day after the date that the final adverse action was resolved, as long as it is not more than thirty days prior to the date on which the application was submitted.

(b) "Contracted provider" means a provider who is contracted with a medicaid managed care organization.

(c) "Hospital" means a facility licensed under chapter 70.41 or 71.12 RCW.

(d) "Rural health clinic" means a federally designated rural health clinic.

(e) "Rural provider" means physicians licensed under chapter 18.71 RCW, osteopathic physicians and surgeons licensed under chapter 18.57 RCW, podiatric physicians and surgeons licensed under chapter 18.22 RCW, physician assistants licensed under chapter 18.71A RCW, osteopathic physician assistants licensed under chapter 18.57A RCW, and advanced registered nurse practitioners licensed under chapter 18.79 RCW, who are located in a rural county as defined in RCW 82.14.370.

(f) "Substitute provider" includes physicians licensed under chapter 18.71 RCW, osteopathic physicians and surgeons licensed under chapter 18.57 RCW, podiatric physicians and surgeons licensed under chapter 18.22 RCW, physician assistants licensed under chapter 18.71A RCW, osteopathic physician assistants licensed under chapter 18.57A RCW, and advanced registered nurse practitioners licensed under chapter 18.79 RCW.

NEW SECTION. Sec. 4. Section 3 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 immediately."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1552 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Dolan 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 House Bill No. 1552, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1552, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Volz.

ENGROSSED HOUSE BILL NO. 1552, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 1590 with the following amendment:

9.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 10.** RCW 82.14.530 and 2015 3rd sp.s. c 24 s 701 are each amended to read as follows:

(1)(a)(i) A county legislative authority may submit an authorizing proposition to the county voters at a special or general election and, if the proposition is approved by a majority of persons voting, impose a sales and use tax in accordance with the terms of this chapter. The title of each ballot measure must clearly state the purposes for which the proposed sales and use tax will be used. The rate of tax under this section may not exceed one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(ii) As an alternative to the authority provided in (a)(i) of this subsection, a county legislative authority may impose, without a proposition approved by a majority of persons voting, a sales and use tax in accordance with the terms of this chapter. The rate of tax under this section may not exceed one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(b)(i) If a county ((with a population of one million five hundred thousand or less has not imposed)) does not impose the full tax rate authorized under (a) of this subsection ((within two years of October 9, 2015)) by September 30, 2020, any city legislative authority located in that county may ((submit)):

(A) Submit an authorizing proposition to the city voters at a special or general election and, if the proposition is approved by a majority of persons voting, impose the whole or remainder of the sales and use tax rate in accordance with the terms of this chapter. The title of each ballot measure must clearly state the purposes for which the proposed sales and use tax will be used;

(B) Impose, without a proposition approved by a majority of persons voting, the whole or remainder of the sales and use tax rate in accordance with the terms of this chapter.

(ii) The rate of tax under this section may not exceed one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

((ii) If a) (iii) A county with a population of greater than one million five hundred thousand ((has not imposed the full)) may impose the tax authorized under (a)(ii) of this subsection ((within three years of October 9, 2015, any city legislative authority)) only if the county plans to spend at least thirty percent of the moneys collected under this section that are attributable to taxable activities or events within any city with a population greater than sixty thousand located in that county ((may submit an authorizing proposition to the city voters at a special or general election and, if the proposition is approved by a majority of persons voting, impose the whole or remainder of the sales and use tax rate in accordance with the terms of this chapter. The title of each ballot measure must clearly state the purposes for which the

~~proposed sales and use tax will be used. The rate of tax under this section may not exceed one tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax))~~ within that city's boundaries.

(c) If a county imposes a tax authorized under (a) of this subsection after a city located in that county has imposed the tax authorized under (b) of this subsection, the county must provide a credit against its tax for the full amount of tax imposed by a city.

(d) The taxes authorized in this subsection are in addition to any other taxes authorized by law and must be collected from persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county for a county's tax and within a city for a city's tax.

(2)(a) Notwithstanding subsection (4) of this section, a minimum of sixty percent of the moneys collected under this section must be used for the following purposes:

(i) Constructing affordable housing, which may include new units of affordable housing within an existing structure, and facilities providing housing-related services; or

(ii) Constructing mental and behavioral health-related facilities; or

(iii) Funding the operations and maintenance costs of new units of affordable housing and facilities where housing-related programs are provided, or newly constructed evaluation and treatment centers.

(b) The affordable housing and facilities providing housing-related programs in (a)(i) of this subsection may only be provided to persons within any of the following population groups whose income is at or below sixty percent of the median income of the county imposing the tax:

(i) Persons with ~~((mental illness))~~ behavioral health disabilities;

(ii) Veterans;

(iii) Senior citizens;

(iv) Homeless, or at-risk of being homeless, families with children;

(v) Unaccompanied homeless youth or young adults;

(vi) Persons with disabilities; or

(vii) Domestic violence survivors.

(c) The remainder of the moneys collected under this section must be used for the operation, delivery, or evaluation of mental and behavioral health treatment programs and services or housing-related services.

(3) A county that imposes the tax under this section must consult with a city before the county may construct any of the facilities authorized under subsection (2)(a) of this section within the city limits.

(4) A county that has not imposed the tax authorized under RCW 82.14.460 prior to October 9, 2015, but imposes

the tax authorized under this section after a city in that county has imposed the tax authorized under RCW 82.14.460 prior to October 9, 2015, must enter into an interlocal agreement with that city to determine how the services and provisions described in subsection (2) of this section will be allocated and funded in the city.

(5) To carry out the purposes of subsection (2)(a) and (b) of this section, the legislative authority of the county or city imposing the tax has the authority to issue general obligation or revenue bonds within the limitations now or hereafter prescribed by the laws of this state, and may use, and is authorized to pledge, up to fifty percent of the moneys collected under this section for repayment of such bonds, in order to finance the provision or construction of affordable housing, facilities where housing-related programs are provided, or evaluation and treatment centers described in subsection (2)(a)(iii) of this section.

(6)(a) Moneys collected under this section may be used to offset reductions in state or federal funds for the purposes described in subsection (2) of this section.

(b) No more than ten percent of the moneys collected under this section may be used to supplant existing local funds."

On page 1, line 2 of the title, after "authority," strike the remainder of the title and insert "and amending RCW 82.14.530."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1590 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representative Doglio 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 House Bill No. 1590, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1590, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 52; Nays, 44; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Kilduff, Kirby, Kloba,

Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Harris, Hoff, Irwin, Jenkin, J. Johnson, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, Mead, Mosbrucker, Orcutt, Paul, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Griffey and Volz.

HOUSE BILL NO. 1590, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 7, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1793 with the following amendment:  
10.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.63.170 and 2015 3rd sp.s. c 44 s 406 are each amended to read as follows:

(1) The use of automated traffic safety cameras for issuance of notices of infraction is subject to the following requirements:

(a) ~~(The)~~ Except for proposed locations used solely for the pilot program purposes permitted under subsection (6) of this section, the appropriate local legislative authority must prepare an analysis of the locations within the jurisdiction where automated traffic safety cameras are proposed to be located: (i) Before enacting an ordinance allowing for the initial use of automated traffic safety cameras; and (ii) before adding additional cameras or relocating any existing camera to a new location within the jurisdiction. Automated traffic safety cameras may be used to detect one or more of the following: Stoplight, railroad crossing, or school speed zone violations; ~~(or)~~ speed violations subject to (c) of this subsection; or violations included in subsection (6) of this section for the duration of the pilot program authorized under subsection (6) of this section. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage. Cities and counties using automated traffic safety cameras before July 24, 2005, are subject to the restrictions described in this section, but are not required to enact an authorizing ordinance. Beginning one year after June 7, 2012, cities and counties using automated traffic safety cameras must post an annual report of the number of traffic accidents that occurred at each location where an automated traffic safety camera is located as well as the number of notices of infraction issued for each

camera and any other relevant information about the automated traffic safety cameras that the city or county deems appropriate on the city's or county's web site.

(b) Except as provided in (c) of this subsection and subsection (6) of this section, use of automated traffic safety cameras is restricted to the following locations only: (i) Intersections of two or more arterials with traffic control signals that have yellow change interval durations in accordance with RCW 47.36.022, which interval durations may not be reduced after placement of the camera; (ii) railroad crossings; and (iii) school speed zones.

(c) Any city west of the Cascade mountains with a population of more than one hundred ninety-five thousand located in a county with a population of fewer than one million five hundred thousand may operate an automated traffic safety camera to detect speed violations subject to the following limitations:

(i) A city may only operate one such automated traffic safety camera within its respective jurisdiction; and

(ii) The use and location of the automated traffic safety camera must have first been authorized by the Washington state legislature as a pilot project for at least one full year.

(d) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle. The primary purpose of camera placement is to take pictures of the vehicle and vehicle license plate when an infraction is occurring. Cities and counties shall consider installing cameras in a manner that minimizes the impact of camera flash on drivers.

(e) A notice of infraction must be mailed to the registered owner of the vehicle within fourteen days of the violation, or to the renter of a vehicle within fourteen days of establishing the renter's name and address under subsection (3)(a) of this section. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail.

(f) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(d) unless the registered owner overcomes the presumption in RCW 46.63.075, or, in the case of a rental car business, satisfies the conditions under subsection (3) of this section. If appropriate under the circumstances, a renter identified under subsection (3)(a) of this section is responsible for an infraction.

(g) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images, or any other personally identifying data prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this section. No photograph, microphotograph, or electronic image, or any other personally identifying data may be used for any purpose other than enforcement of violations under this section nor retained longer than necessary to enforce this section.

(h) All locations where an automated traffic safety camera is used must be clearly marked at least thirty days prior to activation of the camera by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera. Signs placed in automated traffic safety camera locations after June 7, 2012, must follow the specifications and guidelines under the manual of uniform traffic control devices for streets and highways as adopted by the department of transportation under chapter 47.36 RCW.

(i) If a county or city has established an authorized automated traffic safety camera program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(2) Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras under this section shall be processed in the same manner as parking infractions, including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(2). ~~((The))~~ Except as provided otherwise in subsection (6) of this section, the amount of the fine issued for an infraction generated through the use of an automated traffic safety camera shall not exceed the amount of a fine issued for other parking infractions within the jurisdiction. However, the amount of the fine issued for a traffic control signal violation detected through the use of an automated traffic safety camera shall not exceed the monetary penalty for a violation of RCW 46.61.050 as provided under RCW 46.63.110, including all applicable statutory assessments.

(3) If the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction being issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within eighteen days of receiving the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

(4) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1) (a), (b), or (c).

(5)(a) For the purposes of this section, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing control system, or a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal, or exceeds a speed limit as detected by a speed measuring device.

(b) For the purposes of the pilot program authorized under subsection (6) of this section, "automated traffic safety camera" also includes a device used to detect stopping at intersection or crosswalk violations; stopping when traffic obstructed violations; public transportation only lane violations; and stopping or traveling in restricted lane violations. The device, including all technology defined under "automated traffic safety camera," must not reveal the face of the driver or the passengers in vehicles, and must not use any facial recognition technology in real time or after capturing any information. If the face of any individual in a crosswalk or otherwise within the frame is incidentally captured, it may not be made available to the public nor used for any purpose including, but not limited to, any law enforcement action, except in a pending action or proceeding related to a violation under this section.

~~(6) ((During the 2011-2013 and 2013-2015 fiscal biennia, this section does not apply to automated traffic safety cameras for the purposes of section 216(5), chapter 367, Laws of 2011 and section 216(6), chapter 306, Laws of 2013.))~~ (a)(i) A city with a population greater than five hundred thousand may adopt an ordinance creating a pilot program authorizing automated traffic safety cameras to be used to detect one or more of the following violations: Stopping when traffic obstructed violations; stopping at intersection or crosswalk violations; public transportation only lane violations; and stopping or traveling in restricted lane violations. Under the pilot program, stopping at intersection or crosswalk violations may only be enforced at the twenty intersections where the city would most like to address safety concerns related to stopping at intersection or crosswalk violations. At a minimum, the local ordinance

must contain the restrictions described in this section and provisions for public notice and signage.

(ii) Except where specifically exempted, all of the rules and restrictions applicable to the use of automated traffic safety cameras in this section apply to the use of automated traffic safety cameras in the pilot program established in this subsection (6).

(iii) As used in this subsection (6), "public transportation vehicle" means any motor vehicle, streetcar, train, trolley vehicle, ferry boat, or any other device, vessel, or vehicle that is owned or operated by a transit authority or an entity providing service on behalf of a transit authority that is used for the purpose of carrying passengers and that operates on established routes. "Transit authority" has the meaning provided in RCW 9.91.025.

(b) Use of automated traffic safety cameras as authorized in this subsection (6) is restricted to the following locations only: Locations authorized in subsection (1)(b) of this section; and midblock on arterials. Additionally, the use of automated traffic safety cameras as authorized in this subsection (6) is further limited to the following:

(i) The portion of state and local roadways in downtown areas of the city used for office and commercial activities, as well as retail shopping and support services, and that may include mixed residential uses;

(ii) The portion of state and local roadways in areas in the city within one-half mile north of the boundary of the area described in (b)(i) of this subsection;

(iii) Portions of roadway systems in the city that travel into and out of (b)(ii) of this subsection that are designated by the Washington state department of transportation as noninterstate freeways for up to four miles; and

(iv) Portions of roadway systems in the city connected to the portions of the noninterstate freeways identified in (b)(iii) of this subsection that are designated by the Washington state department of transportation as arterial roadways for up to one mile from the intersection of the arterial roadway and the noninterstate freeway.

(c) However, automated traffic safety cameras may not be used on an on-ramp to an interstate.

(d) From the effective date of this section through December 31, 2020, a warning notice with no penalty must be issued to the registered owner of the vehicle for a violation generated through the use of an automated traffic safety camera authorized in this subsection (6). Beginning January 1, 2021, a notice of infraction must be issued, in a manner consistent with subsections (1)(e) and (3) of this section, for a violation generated through the use of an automated traffic safety camera authorized in this subsection (6). However, the penalty for the violation may not exceed seventy-five dollars.

(e) For infractions issued as authorized in this subsection (6), a city with a pilot program shall remit monthly to the state fifty percent of the noninterest money received under this subsection (6) in excess of the cost to install, operate, and maintain the automated traffic safety

cameras for use in the pilot program. Money remitted under this subsection to the state treasurer shall be deposited in the Cooper Jones active transportation safety account created in section 2 of this act. The remaining fifty percent retained by the city must be used only for improvements to transportation that support equitable access and mobility for persons with disabilities.

(f) A transit authority may not take disciplinary action, regarding a warning or infraction issued pursuant to this subsection (6), against an employee who was operating a public transportation vehicle at the time the violation that was the basis of the warning or infraction was detected.

(g) A city that implements a pilot program under this subsection (6) must provide a preliminary report to the transportation committees of the legislature by June 30, 2022, and a final report by January 1, 2023, on the pilot program that includes the locations chosen for the automated traffic safety cameras used in the pilot program, the number of warnings and traffic infractions issued under the pilot program, the number of traffic infractions issued with respect to vehicles registered outside of the county in which the city is located, the infrastructure improvements made using the penalty moneys as required under (e) of this subsection, an equity analysis that includes any disproportionate impacts, safety, and on-time performance statistics related to the impact on driver behavior of the use of automated traffic safety cameras in the pilot program, and any recommendations on the use of automated traffic safety cameras to enforce the violations that these cameras were authorized to detect under the pilot program.

NEW SECTION. Sec. 2. A new section is added to chapter 46.68 RCW to read as follows:

The Cooper Jones active transportation safety account is created in the state treasury. All receipts from penalties collected under RCW 46.63.170(6)(e) shall be deposited into the account. Expenditures from the account may be used only to fund grant projects or programs for bicycle, pedestrian, and nonmotorist safety improvement administered by the Washington traffic safety commission. The account is subject to allotment procedures under chapter 43.88 RCW. Moneys in the account may be spent only after appropriation.

NEW SECTION. Sec. 3. Section 1 of this act expires June 30, 2023."

On page 1, line 3 of the title, after "safety;" strike the remainder of the title and insert "amending RCW 46.63.170; adding a new section to chapter 46.68 RCW; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1793 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 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 Engrossed Substitute House Bill No. 1793, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1793, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 56; Nays, 40; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Callan, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Dye, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Irwin, J. Johnson, Kilduff, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Blake, Boehnke, Calder, Chambers, Chandler, Chapman, Corry, DeBolt, Dent, Dufault, Eslick, Gildon, Goehner, Graham, Harris, Hoff, Jenkin, Kirby, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Springer, Steele, Stokesbary, Sutherland, Van Werven, Vick, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Griffey and Volz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1793, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

March 6, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2051 with the following amendment:

3.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 4.** RCW 41.16.010 and 2009 c 521 s 88 are each amended to read as follows:

For the purpose of this chapter, unless clearly indicated by the context, words and phrases shall have the following meaning:

(1) "Beneficiary" shall mean any person or persons designated by a firefighter in a writing filed with the board, and who shall be entitled to receive any benefits of a deceased firefighter under this chapter.

(2) "Board" shall mean the municipal firefighters' pension board.

(3) "Child or children" shall mean a child or children unmarried and under eighteen years of age.

(4) "Contributions" shall mean and include all sums deducted from the salary of firefighters and paid into the fund as hereinafter provided.

(5) "Disability" shall mean and include injuries or sickness sustained as a result of the performance of duty.

(6) "Firefighter" shall mean any person regularly or temporarily, or as a substitute, employed and paid as a member of a fire department, who has passed a civil service examination for firefighter and who is actively employed as a firefighter; and shall include any "prior firefighter."

(7) "Fire department" shall mean the regularly organized, full time, paid, and employed force of firefighters of the municipality.

(8) "Fund" shall mean the firefighters' pension fund created herein.

(9) "Municipality" shall mean every city (~~and~~)<sub>2</sub> town, and regional fire protection service authority, having a regularly organized full time, paid, fire department employing firefighters.

(10) "Performance of duty" shall mean the performance of work and labor regularly required of firefighters and shall include services of an emergency nature rendered while off regular duty, but shall not include time spent in traveling to work before answering roll call or traveling from work after dismissal at roll call.

(11) "Prior firefighter" shall mean a firefighter who was actively employed as a firefighter of a fire department prior to the first day of January, 1947, and who continues such employment thereafter.

(12) "Retired firefighter" shall mean and include a person employed as a firefighter and retired under the provisions of chapter 50, Laws of 1909, as amended.

(13) "Widow or widower" means the surviving wife, husband, or state registered domestic partner of a retired firefighter who was retired on account of length of service and who was lawfully married to, or in a state registered domestic partnership with, such firefighter; and whenever that term is used with reference to the wife or former wife, husband or former husband, or current or former state registered domestic partner of a retired firefighter who was retired because of disability, it shall mean his or her lawfully married wife, husband, or state registered domestic partner on the date he or she sustained the injury or contracted the illness that resulted in his or her disability. Said term shall not mean or include a surviving wife, husband, or state registered domestic partner who by process of law within one year prior to the retired firefighter's death, collected or

attempted to collect from him or her funds for the support of herself or himself or for his or her children.

**Sec. 5.** RCW 41.16.020 and 2007 c 218 s 19 are each amended to read as follows:

(1) There is hereby created in each city and town a municipal firefighters' pension board to consist of the following five members, ex officio, the mayor, or in a city of the first class, the mayor or a designated representative who shall be an elected official of the city, who shall be chairperson of the board, the city comptroller or clerk, the chairperson of finance of the city council, or if there is no chairperson of finance, the city treasurer, and in addition, two regularly employed or retired firefighters elected by secret ballot of those employed and retired firefighters who are subject to the jurisdiction of the board. The members to be elected by the firefighters shall be elected annually for a two year term. The two firefighters elected as members shall, in turn, select a third eligible member who shall serve as an alternate in the event of an absence of one of the regularly elected members. In case a vacancy occurs in the membership of the firefighters or retired members, the members shall in the same manner elect a successor to serve the unexpired term. The board may select and appoint a secretary who may, but need not be, a member of the board. In case of absence or inability of the chairperson to act, the board may select a chairperson pro tempore who shall during such absence or inability perform the duties and exercise the powers of the chairperson. A majority of the members of the board shall constitute a quorum and have power to transact business.

(2) If no eligible regularly employed or retired firefighters are willing or able to be elected to the board under subsection (1) of this section, then the following individuals may be elected to the board under subsection (1) of this section:

(a) Any active or retired firefighters who reside within the jurisdiction served by the board. This includes active and retired firefighters under this chapter and chapters 41.18, 41.26, and 52.26 RCW;

(b) The widow or widower of a firefighter subject to the jurisdiction of the board.

**Sec. 6.** RCW 41.18.010 and 2009 c 521 s 90 are each reenacted and amended to read as follows:

For the purpose of this chapter, unless clearly indicated otherwise by the context, words and phrases shall have the meaning hereinafter ascribed.

(1) "Basic salary" means the basic monthly salary, including longevity pay, attached to the rank held by the retired firefighter at the date of his or her retirement, without regard to extra compensation which such firefighter may have received for special duties assignments not acquired through civil service examination: PROVIDED, That such basic salary shall not be deemed to exceed the salary of a battalion chief.

(2) "Beneficiary" shall mean any person or persons designated by a firefighter in a writing filed with the board,

and who shall be entitled to receive any benefits of a deceased firefighter under this chapter.

(3) "Board" shall mean the municipal firefighters' pension board.

(4) "Child" or "children" means a firefighter's child or children under the age of eighteen years, unmarried, and in the legal custody of such firefighter at the time of his death or her death.

(5) "Contributions" shall mean and include all sums deducted from the salary of firefighters and paid into the fund as hereinafter provided.

(6) "Disability" shall mean and include injuries or sickness sustained by a firefighter.

(7) "Earned interest" means and includes all annual increments to the firefighters' pension fund from income earned by investment of the fund. The earned interest payable to any firefighter when he or she leaves the service and accepts his or her contributions, shall be that portion of the total earned income of the fund which is directly attributable to each individual firefighter's contributions. Earnings of the fund for the preceding year attributable to individual contributions shall be allocated to individual firefighters' accounts as of January 1st of each year.

(8) "Fire department" shall mean the regularly organized, full time, paid, and employed force of firefighters of the municipality.

(9) "Firefighter" means any person hereafter regularly or temporarily, or as a substitute newly employed and paid as a member of a fire department, who has passed a civil service examination for firefighters and who is actively employed as a firefighter or, if provided by the municipality by appropriate local legislation, as a fire dispatcher: PROVIDED, Nothing in chapter 209, Laws of 1969 ex. sess. shall impair or permit the impairment of any vested pension rights of persons who are employed as fire dispatchers at the time chapter 209, Laws of 1969 ex. sess. takes effect; and any person heretofore regularly or temporarily, or as a substitute, employed and paid as a member of a fire department, and who has contributed under and been covered by the provisions of chapter 41.16 RCW as now or hereafter amended and who has come under the provisions of this chapter in accordance with RCW 41.18.170 and who is actively engaged as a firefighter or as a member of the fire department as a firefighter or fire dispatcher.

(10) "Fund" shall have the same meaning as in RCW 41.16.010 as now or hereafter amended. Such fund shall be created in the manner and be subject to the provisions specified in chapter 41.16 RCW as now or hereafter amended.

(11) "Municipality" shall mean every city, town ~~((and))~~, fire protection district, or regional fire protection service authority having a regularly organized full time, paid, fire department employing firefighters.

(12) "Performance of duty" shall mean the performance of work or labor regularly required of

firefighters and shall include services of an emergency nature normally rendered while off regular duty.

(13) "Retired firefighter" means and includes a person employed as a firefighter and retired under the provisions of this chapter.

(14) "Widow or widower" means the surviving spouse of a firefighter and shall include the surviving wife, husband, or state registered domestic partner of a firefighter, retired on account of length of service, who was lawfully married to, or in a state registered domestic partnership with, him or to her for a period of five years prior to the time of his or her retirement; and the surviving wife, husband, or state registered domestic partner of a firefighter, retired on account of disability, who was lawfully married to, or in a state registered domestic partnership with, him or her at and prior to the time he or she sustained the injury or contracted the illness resulting in his or her disability. The word shall not mean the divorced wife or husband or former state registered domestic partner of an active or retired firefighter.

**Sec. 7.** RCW 41.18.015 and 2007 c 218 s 42 are each amended to read as follows:

(1) There is hereby created in each fire protection district which qualifies under this chapter, a firefighters' pension board to consist of the following five members, the chairperson of the fire commissioners for said district who shall be chairperson of the board, the county auditor, county treasurer, and in addition, two regularly employed or retired firefighters elected by secret ballot of the employed and retired firefighters. Retired members who are subject to the jurisdiction of the pension board have both the right to elect and the right to be elected under this section. The first members to be elected by the firefighters shall be elected annually for a two-year term. The two firefighter elected members shall, in turn, select a third eligible member who shall serve in the event of an absence of one of the regularly elected members. In case a vacancy occurs in the membership of the firefighter or retired members, the members shall in the same manner elect a successor to serve the unexpired term. The board may select and appoint a secretary who may, but need not be a member of the board. In case of absence or inability of the chairperson to act, the board may select a chairperson pro tempore who shall during such absence or inability perform the duties and exercise the powers of the chairperson. A majority of the members of said board shall constitute a quorum and have power to transact business.

(2) If no eligible regularly employed or retired firefighters are willing or able to be elected to the board under subsection (1) of this section, then the following individuals may be elected to the board under subsection (1) of this section:

(a) Any active or retired firefighters who reside within the jurisdiction served by the board. This includes active and retired firefighters under this chapter and chapters 41.16, 41.26, and 52.26 RCW;

(b) The widow or widower of a firefighter subject to the jurisdiction of the board.

**Sec. 8.** RCW 41.20.010 and 2012 c 117 s 20 are each amended to read as follows:

(1) The mayor or his or her designated representative who shall be an elected official of the city, and the clerk, treasurer, president of the city council or mayor pro tem of each city of the first class, or in case any such city has no city council, the commissioner who has supervision of the police department, together with three active or retired members of the police department, to be elected as herein provided, in addition to the duties now required of them, are constituted a board of trustees of the relief and pension fund of the police department of each such city, and shall provide for the disbursement of the fund, and designate the beneficiaries thereof.

(2) The police department and the retired law enforcement officers of each city of the first class shall elect three members to act as members of the board. Members shall be elected for three year terms. Existing members shall continue in office until replaced as provided for in this section.

(3) Such election shall be held in the following manner. Not more than thirty nor less than fifteen days preceding the first day of June in each year, written notice of the nomination of any member or retired member of the department for membership on the board may be filed with the secretary of the board. Each notice of nomination shall be signed by not less than five members or retired members of the department, and nothing herein contained shall prevent any member or retired member of the department from signing more than one notice of nomination. The election shall be held on a date to be fixed by the secretary during the month of June. Notice of the dates upon which notice of nomination may be filed and of the date fixed for the election of such members of the board shall be given by the secretary of the board by posting written notices thereof in a prominent place in the police headquarters. For the purpose of such election, the secretary of the board shall prepare and furnish printed or typewritten ballots in the usual form, containing the names of all persons regularly nominated for membership and shall furnish a ballot box for the election. Each member and each retired member of the police department shall be entitled to vote at the election for one nominee as a member of the board. The chief of the department shall appoint two members to act as officials of the election, who shall be allowed their regular wages for the day, but shall receive no additional compensation therefor. The election shall be held in the police headquarters of the department and the polls shall open at 7:30 a.m. and close at 8:30 p.m. The one nominee receiving the highest number of votes shall be declared elected to the board and his or her term shall commence on the first day of July succeeding the election. In the first election the nominee receiving the greatest number of votes shall be elected to the three year term, the second greatest to the two year term and the third greatest to the one year term. Retired members who are subject to the jurisdiction of the board have both the right to elect and the right to be elected under this section. Ballots shall contain all names of those nominated, both active and retired. Notice of nomination and voting by retired members shall be conducted by the board.

(4) If no eligible active or retired members of the police department are willing or able to be elected to the board under subsection (3) of this section, then the following individuals may be elected to the board under subsection (3) of this section:

(a) Any active or retired law enforcement officers who reside within the jurisdiction served by the board. This includes active and retired law enforcement officers under this chapter and chapter 41.26 RCW;

(b) The widow or widower of a law enforcement officer subject to the jurisdiction of the board.

**Sec. 9.** RCW 41.26.030 and 2018 c 230 s 1 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Accumulated contributions" means the employee's contributions made by a member, including any amount paid under RCW 41.50.165(2), plus accrued interest credited thereon.

(2) "Actuarial reserve" means a method of financing a pension or retirement plan wherein reserves are accumulated as the liabilities for benefit payments are incurred in order that sufficient funds will be available on the date of retirement of each member to pay the member's future benefits during the period of retirement.

(3) "Actuarial valuation" means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and employee contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary and interest earned on investments.

(4)(a) "Basic salary" for plan 1 members, means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based.

(b) "Basic salary" for plan 2 members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay. In any year in which a member serves in the legislature the member shall have the option of having such member's basic salary be the greater of:

(i) The basic salary the member would have received had such member not served in the legislature; or

(ii) Such member's actual basic salary received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement

system required because basic salary under (b)(i) of this subsection is greater than basic salary under (b)(ii) of this subsection shall be paid by the member for both member and employer contributions.

(5)(a) "Beneficiary" for plan 1 members, means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.

(b) "Beneficiary" for plan 2 members, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(6)(a) "Child" or "children" means an unmarried person who is under the age of eighteen or mentally or physically disabled as determined by the department, except a person who is disabled and in the full time care of a state institution, who is:

(i) A natural born child;

(ii) A stepchild where that relationship was in existence prior to the date benefits are payable under this chapter;

(iii) A posthumous child;

(iv) A child legally adopted or made a legal ward of a member prior to the date benefits are payable under this chapter; or

(v) An illegitimate child legitimized prior to the date any benefits are payable under this chapter.

(b) A person shall also be deemed to be a child up to and including the age of twenty years and eleven months while attending any high school, college, or vocational or other educational institution accredited, licensed, or approved by the state, in which it is located, including the summer vacation months and all other normal and regular vacation periods at the particular educational institution after which the child returns to school.

(7) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(8) "Director" means the director of the department.

(9) "Disability board" for plan 1 members means either the county disability board or the city disability board established in RCW 41.26.110.

(10) "Disability leave" means the period of six months or any portion thereof during which a member is on leave at an allowance equal to the member's full salary prior to the commencement of disability retirement. The definition contained in this subsection shall apply only to plan 1 members.

(11) "Disability retirement" for plan 1 members, means the period following termination of a member's disability leave, during which the member is in receipt of a disability retirement allowance.

(12) "Domestic partners" means two adults who have registered as domestic partners under RCW 26.60.020.

(13) "Employee" means any law enforcement officer or firefighter as defined in subsections (17) and (19) of this section.

(14)(a) "Employer" for plan 1 members, means the legislative authority of any city, town, county, ~~((or))~~ district, or regional fire protection service authority or the elected officials of any municipal corporation that employs any law enforcement officer and/or firefighter, any authorized association of such municipalities, and, except for the purposes of RCW 41.26.150, any labor guild, association, or organization, which represents the firefighters or law enforcement officers of at least seven cities of over 20,000 population and the membership of each local lodge or division of which is composed of at least sixty percent law enforcement officers or firefighters as defined in this chapter.

(b) "Employer" for plan 2 members, means the following entities to the extent that the entity employs any law enforcement officer and/or firefighter:

(i) The legislative authority of any city, town, county, district, ~~((or))~~ public corporation, or regional fire protection service authority established under RCW 35.21.730 to provide emergency medical services as defined in RCW 18.73.030;

(ii) The elected officials of any municipal corporation;

(iii) The governing body of any other general authority law enforcement agency;

(iv) A four-year institution of higher education having a fully operational fire department as of January 1, 1996; or

(v) The department of social and health services or the department of corrections when employing firefighters serving at a prison or civil commitment center on an island.

(c) Except as otherwise specifically provided in this chapter, "employer" does not include a government contractor. For purposes of this subsection, a "government contractor" is any entity, including a partnership, limited liability company, for-profit or nonprofit corporation, or person, that provides services pursuant to a contract with an "employer." The determination whether an employer-employee relationship has been established is not based on the relationship between a government contractor and an "employer," but is based solely on the relationship between a government contractor's employee and an "employer" under this chapter.

(15)(a) "Final average salary" for plan 1 members, means (i) for a member holding the same position or rank for a minimum of twelve months preceding the date of retirement, the basic salary attached to such same position or rank at time of retirement; (ii) for any other member, including a civil service member who has not served a minimum of twelve months in the same position or rank preceding the date of retirement, the average of the greatest basic salaries payable to such member during any consecutive twenty-four month period within such member's last ten years of service for which service credit is allowed, computed by dividing the total basic salaries payable to such member during the selected twenty-four month period by

twenty-four; (iii) in the case of disability of any member, the basic salary payable to such member at the time of disability retirement; (iv) in the case of a member who hereafter vests pursuant to RCW 41.26.090, the basic salary payable to such member at the time of vesting.

(b) "Final average salary" for plan 2 members, means the monthly average of the member's basic salary for the highest consecutive sixty service credit months of service prior to such member's retirement, termination, or death. Periods constituting authorized unpaid leaves of absence may not be used in the calculation of final average salary.

(c) In calculating final average salary under (a) or (b) of this subsection, the department of retirement systems shall include:

(i) Any compensation forgone by a member employed by a state agency or institution during the 2009-2011 fiscal biennium as a result of reduced work hours, mandatory or voluntary leave without pay, temporary reduction in pay implemented prior to December 11, 2010, or temporary layoffs if the reduced compensation is an integral part of the employer's expenditure reduction efforts, as certified by the employer; and

(ii) Any compensation forgone by a member employed by the state or a local government employer during the 2011-2013 fiscal biennium as a result of reduced work hours, mandatory leave without pay, temporary layoffs, or reductions to current pay if the reduced compensation is an integral part of the employer's expenditure reduction efforts, as certified by the employer. Reductions to current pay shall not include elimination of previously agreed upon future salary increases.

(16) "Fire department" includes a fire station operated by the department of social and health services or the department of corrections when employing firefighters serving a prison or civil commitment center on an island.

(17) "Firefighter" means:

(a) Any person who is serving on a full time, fully compensated basis as a member of a fire department of an employer and who is serving in a position which requires passing a civil service examination for firefighter, and who is actively employed as such;

(b) Anyone who is actively employed as a full time firefighter where the fire department does not have a civil service examination;

(c) Supervisory firefighter personnel;

(d) Any full time executive secretary of an association of fire protection districts authorized under RCW 52.12.031. The provisions of this subsection (17)(d) shall not apply to plan 2 members;

(e) The executive secretary of a labor guild, association or organization (which is an employer under subsection (14) of this section), if such individual has five years previous membership in a retirement system established in chapter 41.16 or 41.18 RCW. The provisions of this subsection (17)(e) shall not apply to plan 2 members;

(f) Any person who is serving on a full time, fully compensated basis for an employer, as a fire dispatcher, in a department in which, on March 1, 1970, a dispatcher was required to have passed a civil service examination for firefighter;

(g) Any person who on March 1, 1970, was employed on a full time, fully compensated basis by an employer, and who on May 21, 1971, was making retirement contributions under the provisions of chapter 41.16 or 41.18 RCW; and

(h) Any person who is employed on a full-time, fully compensated basis by an employer as an emergency medical technician that meets the requirements of RCW 18.71.200 or 18.73.030(12), and whose duties include providing emergency medical services as defined in RCW 18.73.030.

(18) "General authority law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, but not including the Washington state patrol. Such an agency, department, or division is distinguished from a limited authority law enforcement agency having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including but not limited to, the state departments of natural resources and social and health services, the state gambling commission, the state lottery commission, the state parks and recreation commission, the state utilities and transportation commission, the state liquor and cannabis board, and the state department of corrections. A general authority law enforcement agency under this chapter does not include a government contractor.

(19) "Law enforcement officer" beginning January 1, 1994, means any person who is commissioned and employed by an employer on a full time, fully compensated basis to enforce the criminal laws of the state of Washington generally, with the following qualifications:

(a) No person who is serving in a position that is basically clerical or secretarial in nature, and who is not commissioned shall be considered a law enforcement officer;

(b) Only those deputy sheriffs, including those serving under a different title pursuant to county charter, who have successfully completed a civil service examination for deputy sheriff or the equivalent position, where a different title is used, and those persons serving in unclassified positions authorized by RCW 41.14.070 except a private secretary will be considered law enforcement officers;

(c) Only such full time commissioned law enforcement personnel as have been appointed to offices, positions, or ranks in the police department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by ordinance enacted by the legislative body of the city shall be considered city police officers;

(d) The term "law enforcement officer" also includes the executive secretary of a labor guild, association or organization (which is an employer under subsection (14) of this section) if that individual has five years previous membership in the retirement system established in chapter 41.20 RCW. The provisions of this subsection (19)(d) shall not apply to plan 2 members; and

(e) The term "law enforcement officer" also includes a person employed on or after January 1, 1993, as a public safety officer or director of public safety, so long as the job duties substantially involve only either police or fire duties, or both, and no other duties in a city or town with a population of less than ten thousand. The provisions of this subsection (19)(e) shall not apply to any public safety officer or director of public safety who is receiving a retirement allowance under this chapter as of May 12, 1993.

(20) "Medical services" for plan 1 members, shall include the following as minimum services to be provided. Reasonable charges for these services shall be paid in accordance with RCW 41.26.150.

(a) Hospital expenses: These are the charges made by a hospital, in its own behalf, for

(i) Board and room not to exceed semiprivate room rate unless private room is required by the attending physician due to the condition of the patient.

(ii) Necessary hospital services, other than board and room, furnished by the hospital.

(b) Other medical expenses: The following charges are considered "other medical expenses," provided that they have not been considered as "hospital expenses".

(i) The fees of the following:

(A) A physician or surgeon licensed under the provisions of chapter 18.71 RCW;

(B) An osteopathic physician and surgeon licensed under the provisions of chapter 18.57 RCW;

(C) A chiropractor licensed under the provisions of chapter 18.25 RCW.

(ii) The charges of a registered graduate nurse other than a nurse who ordinarily resides in the member's home, or is a member of the family of either the member or the member's spouse.

(iii) The charges for the following medical services and supplies:

(A) Drugs and medicines upon a physician's prescription;

(B) Diagnostic X-ray and laboratory examinations;

(C) X-ray, radium, and radioactive isotopes therapy;

(D) Anesthesia and oxygen;

(E) Rental of iron lung and other durable medical and surgical equipment;

(F) Artificial limbs and eyes, and casts, splints, and trusses;

(G) Professional ambulance service when used to transport the member to or from a hospital when injured by an accident or stricken by a disease;

(H) Dental charges incurred by a member who sustains an accidental injury to his or her teeth and who commences treatment by a legally licensed dentist within ninety days after the accident;

(I) Nursing home confinement or hospital extended care facility;

(J) Physical therapy by a registered physical therapist;

(K) Blood transfusions, including the cost of blood and blood plasma not replaced by voluntary donors;

(L) An optometrist licensed under the provisions of chapter 18.53 RCW.

(21) "Member" means any firefighter, law enforcement officer, or other person as would apply under subsection((s)) (17) or (19) of this section whose membership is transferred to the Washington law enforcement officers' and firefighters' retirement system on or after March 1, 1970, and every law enforcement officer and firefighter who is employed in that capacity on or after such date.

(22) "Plan 1" means the law enforcement officers' and firefighters' retirement system, plan 1 providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(23) "Plan 2" means the law enforcement officers' and firefighters' retirement system, plan 2 providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977.

(24) "Position" means the employment held at any particular time, which may or may not be the same as civil service rank.

(25) "Regular interest" means such rate as the director may determine.

(26) "Retiree" for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(27) "Retirement fund" means the "Washington law enforcement officers' and firefighters' retirement system fund" as provided for herein.

(28) "Retirement system" means the "Washington law enforcement officers' and firefighters' retirement system" provided herein.

(29)(a) "Service" for plan 1 members, means all periods of employment for an employer as a firefighter or law enforcement officer, for which compensation is paid, together with periods of suspension not exceeding thirty days in duration. For the purposes of this chapter service shall also include service in the armed forces of the United States as provided in RCW 41.26.190. Credit shall be allowed for all service credit months of service rendered by

a member from and after the member's initial commencement of employment as a firefighter or law enforcement officer, during which the member worked for seventy or more hours, or was on disability leave or disability retirement. Only service credit months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter.

(i) For members retiring after May 21, 1971 who were employed under the coverage of a prior pension act before March 1, 1970, "service" shall also include (A) such military service not exceeding five years as was creditable to the member as of March 1, 1970, under the member's particular prior pension act, and (B) such other periods of service as were then creditable to a particular member under the provisions of RCW 41.18.165, 41.20.160, or 41.20.170. However, in no event shall credit be allowed for any service rendered prior to March 1, 1970, where the member at the time of rendition of such service was employed in a position covered by a prior pension act, unless such service, at the time credit is claimed therefor, is also creditable under the provisions of such prior act.

(ii) A member who is employed by two employers at the same time shall only be credited with service to one such employer for any month during which the member rendered such dual service.

(b) "Service" for plan 2 members, means periods of employment by a member for one or more employers for which basic salary is earned for ninety or more hours per calendar month which shall constitute a service credit month. Periods of employment by a member for one or more employers for which basic salary is earned for at least seventy hours but less than ninety hours per calendar month shall constitute one-half service credit month. Periods of employment by a member for one or more employers for which basic salary is earned for less than seventy hours shall constitute a one-quarter service credit month.

Members of the retirement system who are elected or appointed to a state elective position may elect to continue to be members of this retirement system.

Service credit years of service shall be determined by dividing the total number of service credit months of service by twelve. Any fraction of a service credit year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

If a member receives basic salary from two or more employers during any calendar month, the individual shall receive one service credit month's service credit during any calendar month in which multiple service for ninety or more hours is rendered; or one-half service credit month's service credit during any calendar month in which multiple service for at least seventy hours but less than ninety hours is rendered; or one-quarter service credit month during any calendar month in which multiple service for less than seventy hours is rendered.

(30) "Service credit month" means a full service credit month or an accumulation of partial service credit months that are equal to one.

(31) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(32) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(33) "State elective position" means any position held by any person elected or appointed to statewide office or elected or appointed as a member of the legislature.

(34) "Surviving spouse" means the surviving widow or widower of a member. "Surviving spouse" shall not include the divorced spouse of a member except as provided in RCW 41.26.162.

**Sec. 10.** RCW 41.26.110 and 2013 c 213 s 1 and 2013 c 23 s 69 are each reenacted and amended to read as follows:

(1) All claims for disability shall be acted upon and either approved or disapproved by either type of disability board authorized to be created in this section.

(a) Each city having a population of twenty thousand or more shall establish a disability board having jurisdiction over all members employed by those cities and composed of the following five members: Two members of the city legislative body to be appointed by the mayor; one active or retired firefighter employed by or retired from the city to be elected by the firefighters employed by or retired from the city who are subject to the jurisdiction of the board; one active or retired law enforcement officer employed by or retired from the city to be elected by the law enforcement officers employed by or retired from the city who are subject to the jurisdiction of the board; and one member from the public at large who resides within the city to be appointed by the other four members designated in this subsection. Only those active or retired firefighters and law enforcement officers who are subject to the jurisdiction of the board have the right to elect under this section. All firefighters and law enforcement officers employed by or retired from the city are eligible for election. Each of the elected members shall serve a two year term. If there are either no firefighters or law enforcement officers under the jurisdiction of the board eligible to vote, a second eligible employee representative shall be elected by the law enforcement officers or firefighters eligible to vote. The members appointed pursuant to this subsection shall serve for two year terms: PROVIDED, That cities of the first class only, shall retain existing firefighters' pension boards established pursuant to RCW 41.16.020 and existing boards of trustees of the relief and pension fund of the police department as established pursuant to RCW 41.20.010 which such boards shall have authority to act upon and approve or disapprove claims for disability by firefighters or law enforcement officers as provided under the Washington law enforcement officers' and firefighters' retirement system act.

(b) If no eligible active or retired firefighter or law enforcement officer is willing or able to be elected to the board under (a) of this subsection, then the following individuals may be elected to the board under (a) of this subsection:

(i) Any active or retired firefighter under this chapter or chapters 41.16, 41.18, and 52.26 RCW or law enforcement officers under this chapter or chapter 41.20 RCW who resides within the jurisdiction served by the board;

(ii) The surviving spouse or domestic partner of a firefighter or law enforcement officer subject to the jurisdiction of the board.

(c) Each county shall establish a disability board having jurisdiction over all members employed by or retired from an employer within the county and not employed by a city in which a disability board is established. The county disability board so created shall be composed of five members to be chosen as follows: One member of the legislative body of the county to be appointed by the county legislative body; one member of a city or town legislative body located within the county which does not contain a city disability board established pursuant to (a) of this subsection to be chosen by a majority of the mayors of such cities and towns within the county which does not contain a city disability board; one active firefighter or retired firefighter employed by or retired from an employer within the county to be elected by the firefighters employed or retired from an employer within the county (~~who are not employed by or retired from a city in which a disability board is established and~~) who are subject to the jurisdiction of that board; one law enforcement officer or retired law enforcement officer employed by or retired from an employer within the county to be elected by the law enforcement officers employed in or retired from an employer within the county (~~who are not employed by or retired from a city in which a disability board is established and~~) who are subject to the jurisdiction of that board; and one member from the public at large who resides within the county but does not reside within a city in which a city disability board is established, to be appointed by the other four members designated in this subsection. However, in counties with a population less than sixty thousand, the member of the disability board appointed by a majority of the mayors of the cities and towns within the county that do not contain a city disability board must be a resident of one of the cities and towns but need not be a member of a city or town legislative body. Only those active or retired firefighters and law enforcement officers who are subject to the jurisdiction of the board have the right to elect under this section. All firefighters and law enforcement officers employed by or retired from an employer within the county (~~who are not employed by or retired from a city in which a disability board is established~~) are eligible for election. All members appointed or elected pursuant to this subsection shall serve for two year terms. If there are no firefighters under the jurisdiction of the board eligible to vote, a second eligible employee representative shall be elected by the law enforcement officers eligible to vote. If there are no law enforcement officers under the jurisdiction of the board eligible to vote, a second eligible representative shall be elected by the firefighters eligible to vote.

(d) If no eligible active or retired firefighter or law enforcement officer is willing or able to be elected to the board under (c) of this subsection, then the following

individuals may be elected to the board under (c) of this subsection:

(i) Any active or retired firefighter under this chapter or chapters 41.16, 41.18, and 52.26 RCW or law enforcement officers under this chapter or chapter 41.20 RCW who resides within the jurisdiction served by the board;

(ii) The surviving spouse or domestic partner of a firefighter or law enforcement officer subject to the jurisdiction of the board.

(2) The members of both the county and city disability boards shall not receive compensation for their service upon the boards but the members shall be reimbursed by their respective county or city for all expenses incidental to such service as to the amount authorized by law.

(3) The disability boards authorized for establishment by this section shall perform all functions, exercise all powers, and make all such determinations as specified in this chapter."

On page 1, line 2 of the title, after "boards;" strike the remainder of the title and insert "amending RCW 41.16.010, 41.16.020, 41.18.015, 41.20.010, and 41.26.030; and reenacting and amending RCW 41.18.010 and 41.26.110."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2051 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Lovick and Stokesbary 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. 2051, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2051, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson,

Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Volz.

HOUSE BILL NO. 2051, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2327 with the following amendment:  
10.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 11.** The legislature recognizes that Washington's postsecondary educational institutions are some of the best schools in the nation, offering high quality education and life experiences for thousands of students. Washington institutions strive to create learning environments where all students can reach their full potential. The legislature also recognizes that in instances in which an employee of an institution engages in sexual misconduct against a student, institutions do not consistently disclose that information. The legislature declares that disclosure of such information is a matter of public safety for all Washington students as well as for students on campuses across the nation. The legislature finds that sexual misconduct, which may include harassment or assault, has serious public health and safety effects on students in Washington. These effects may deprive students of their opportunities to obtain an education which would otherwise improve their lives and health, and that of their own children. Other effects include an employee in a position of power and authority over students causing irreversible harm to the physical and mental health of students from sexual misconduct. The legislature finds that students of any postsecondary educational institution in Washington should be protected from their institution hiring an employee who has been found to have committed sexual misconduct at another postsecondary educational institution. The legislature, therefore, also finds that postsecondary educational institutions in Washington need to know if a prospective employee has been found to have committed sexual misconduct while employed at another institution. Therefore, the legislature intends to require postsecondary educational institutions to inquire about and conduct reference checks on any applicant the institution intends to extend an offer of employment to, regarding whether the applicant has ever been found to have committed, or is being investigated for, sexual misconduct. The legislature finds that nondisclosure agreements which prevent an institution from disclosing that an employee has committed sexual misconduct create a high potential for students in jeopardy of being victimized. Therefore, the legislature finds such

nondisclosure agreements between an employee and institution, pursuant to which the institution agrees not to disclose findings of sexual misconduct supported by a preponderance of evidence or not to complete an investigation, are against public policy and should not be entered into by any Washington postsecondary educational institution and should not be enforced by Washington courts. Therefore, the legislature intends to provide clarity and direction to postsecondary educational institutions for disclosing substantiated findings of sexual misconduct committed by its employees against students.

**NEW SECTION. Sec. 12.** A new section is added to chapter 28B.112 RCW to read as follows:

The definitions in this section apply throughout this section and sections 3 through 6 of this act unless the context clearly requires otherwise.

(1) "Applicant" means a person applying for employment as faculty, instructor, staff, advisor, counselor, coach, athletic department staff, and any position in which the applicant will likely have direct ongoing contact with students in a supervisory role or position of authority. "Applicant" does not include enrolled students who are applying for temporary student employment with the postsecondary educational institutions, unless the student is a graduate student applying for a position in which the graduate student will have a supervisory role or position of authority over other students. "Applicant" does not include a person applying for employment as medical staff or for employment with an affiliated organization, entity, or extension of a postsecondary educational institution, unless the applicant will have a supervisory role or position of authority over students.

(2) "Employee" means a person who is receiving or has received wages as an employee from the postsecondary educational institutions and includes current and former workers, whether the person is classified as an employee, independent contractor, or consultant, and is in, or had, a position with direct ongoing contact with students in a supervisory role or position of authority. "Employee" does not include a person who was employed by the institution in temporary student employment while the person was an enrolled student unless the student, at the time of employment, is or was a graduate student in a position in which the graduate student has or had a supervisory role or authority over other students. "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 or had a supervisory role or position of authority over students. A person who would be considered an "employee" under this subsection, remains an "employee" even if the person enrolls in classes under an institution's employee tuition waiver program or similar program that allows faculty, staff, or other employees to take classes.

(3) "Employer" includes postsecondary educational institutions in this or any other state.

(4) "Postsecondary educational institution" means an institution of higher education as defined in RCW 28B.10.016, a degree-granting institution as defined in RCW

28B.85.010, a private vocational school as defined in RCW 28C.10.020, or school as defined in RCW 18.16.020, that participates in the state student financial aid program.

(5) "Sexual misconduct" includes, but is not limited to, unwelcome sexual contact, unwelcome sexual advances, requests for sexual favors, other unwelcome verbal, nonverbal, electronic, or physical conduct of a sexual nature, sexual harassment, and any misconduct of a sexual nature that is in violation of the postsecondary educational institution's policies or has been determined to constitute sex discrimination pursuant to state or federal law.

(6) "Student" means a person enrolled at a postsecondary educational institution and for whom educational records are maintained.

**NEW SECTION. Sec. 13.** (1) By December 1, 2023, the public four-year institutions of higher education shall report the following to the governor and the appropriate committees of the legislature:

(a) Summaries of any campus climate assessments conducted since the effective date of this section that are designed to gauge the prevalence of sexual misconduct on college and university campuses;

(b) Efforts to reach out to and capture information from students who have traditionally been marginalized or experience disproportionate impacts of systemic oppression based on, for example, race, ethnicity, nationality, sexual orientation, gender identity, gender expression, and disability;

(c) How information obtained in the assessments was used to design and improve policies, programs, and resources for the campus community; and

(d) The impacts of this act on institutional hiring practices, campus safety, and other relevant considerations.

(2) This section expires June 1, 2024.

**NEW SECTION. Sec. 14.** A new section is added to chapter 28B.112 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, any provision of a settlement agreement executed subsequent to the effective date of this section between a postsecondary educational institution and an employee is against public policy and void and unenforceable if the provision prohibits the employee, the institution, a survivor, or any other person from disclosing that the employee has either:

(a) Been the subject of substantiated findings of sexual misconduct; or

(b) Is the subject of an investigation into sexual misconduct that is not yet complete.

(2) A settlement agreement may contain provisions requiring nondisclosure of personal identifying information of persons filing complaints or making allegations and of any witnesses asked to participate in an investigation of the allegations.

(3) Personal identifying information in a settlement agreement that reveals the identity of persons filing complaints or making allegations and of any witnesses asked to participate in an investigation of the allegations is exempt from public disclosure pursuant to section 7 of this act.

**NEW SECTION. Sec. 15.** A new section is added to chapter 28B.112 RCW to read as follows:

(1) Unless the victim of the alleged sexual misconduct requests otherwise, when a postsecondary educational institution investigates a complaint or allegation of sexual misconduct committed by an employee against a student of the institution, the institution shall complete the investigation whether or not the employee voluntarily or involuntarily leaves employment with the institution. When the institution completes its investigation, the institution shall make written findings of whether the complaint or allegation is substantiated.

(2)(a) A postsecondary educational institution shall include in the employee's personnel file or employment records any substantiated findings of sexual misconduct committed by the employee while the employee was employed with the postsecondary educational institution.

(b) When disclosing records included in an employee's personnel file or employment records under this section, the institution shall keep personal identifying information of the complainant and any witnesses confidential, unless disclosure of identifying information is agreed to by the complainant or witnesses or required under law.

(c) Personal identifying information in an employee's file or employment records that reveals the identity of the complainant and any witnesses is exempt from public disclosure pursuant to section 7 of this act.

(3) For purposes of this section, postsecondary educational institutions shall use a preponderance of the evidence standard when determining whether findings are substantiated.

(4) For purposes of this section and section 6 of this act, "substantiated" means the employee has committed sexual misconduct.

**NEW SECTION. Sec. 16.** A new section is added to chapter 28B.112 RCW to read as follows:

(1) Beginning October 1, 2020, prior to an official offer of employment to an applicant, a postsecondary educational institution shall request the applicant to sign a statement:

(a) Declaring whether the applicant is the subject of any substantiated findings of sexual misconduct in any current or former employment or is currently being investigated for, or has left a position during an investigation into, a violation of any sexual misconduct policy at the applicant's current and past employers, and, if so, an explanation of the situation;

(b) Authorizing the applicant's current and past employers to disclose to the hiring institution any sexual misconduct committed by the applicant and making available to the hiring institution copies of all documents in

the previous employer's personnel, investigative, or other files relating to sexual misconduct, including sexual harassment, by the applicant; and

(c) Releasing the applicant's current and past employers, and employees acting on behalf of that employer, from any liability for providing information described in (b) of this subsection.

(2) Beginning July 1, 2021, prior to an official offer of employment to an applicant, a postsecondary educational institution shall:

(a) Request in writing, electronic or otherwise, that the applicant's current and past postsecondary educational institution employers provide the information, if any, described in subsection (1)(b) of this section. The request must include a copy of the declaration and statement signed by the applicant under subsection (1) of this section; and

(b) Ask the applicant if the applicant is the subject of any substantiated findings of sexual misconduct, or is currently being investigated for, or has left a position during an investigation into, a violation of any sexual misconduct policy at the applicant's current and past employers, and, if so, an explanation of the situation.

(3)(a) Pursuant to (c) of this subsection, after receiving a request under subsection (2)(a) of this section, a postsecondary educational institution shall provide the information requested and make available to the requesting institution copies of documents in the applicant's personnel record relating to substantiated findings of sexual misconduct.

(b) Pursuant to (c) of this subsection, if a postsecondary educational institution has information about substantiated findings of a current or former employee's sexual misconduct in the employee's personnel file or employment records, unless otherwise prohibited by law, the institution shall disclose that information to any employer conducting reference or background checks on the current or former employee for the purposes of potential employment, even if the employer conducting the reference or background check does not specifically ask for such information.

(c) If, by the effective date of this section, a postsecondary educational institution does not have existing procedures for disclosing information requested under this subsection, the institution must establish procedures to begin implementing the disclosure requirements of this subsection no later than July 1, 2021.

(4)(a) The postsecondary educational institution or an employee acting on behalf of the institution, who discloses information under this section is presumed to be acting in good faith and is immune from civil and criminal liability for the disclosure.

(b) A postsecondary educational institution is not liable for any cause of action arising from nondisclosure of information by an employee without access to official personnel records who is asked to respond to a reference check.

(c) The duty to disclose information under this section is the responsibility of the postsecondary educational institution to respond to a formal request for personnel records relating to a current or prior employee when requested by another employer.

(5)(a) When disclosing information under this section, the postsecondary educational institution shall keep personal identifying information of the complainant and any witnesses confidential, unless the complainant or witnesses agree to disclosure of their identifying information.

(b) Personal identifying information that reveals the identity of the complainant and any witnesses is exempt from public disclosure pursuant to section 7 of this act.

(6) Beginning October 1, 2020, a postsecondary educational institution may not hire an applicant who does not sign the statement described in subsection (1) of this section.

(7) Information received under this section may be used by a postsecondary educational institution only for the purpose of evaluating an applicant's qualifications for employment in the position for which the person has applied.

(8) This section does not restrict expungement from a personnel file or employment records of information about alleged sexual misconduct that has not been substantiated.

(9) Public institutions of higher education shall share best practices with all faculty and staff who are likely to receive reference check requests about how to inform and advise requesters to contact the institution's appropriate official office for personnel records.

**NEW SECTION. Sec. 17.** A new section is added to chapter 42.56 RCW to read as follows:

(1) For the purposes of sections 2 through 6 of this act regarding postsecondary educational institutions, personal identifying information in an employee personnel file, student file, investigation file, settlement agreement, or other files held by a postsecondary educational institution that reveals the identity of witnesses to or victims of sexual misconduct committed at the postsecondary educational institution by an employee of the institution are exempt from public disclosure and copying. If the victim or witness indicates a desire for disclosure of the victim's or witness' personal identifying information, such desire shall govern.

(2) For purposes of this section, "witness" does not mean an employee under investigation for allegations of sexual misconduct."

On page 1, line 2 of the title, after "institutions;" strike the remainder of the title and insert "adding new sections to chapter 28B.112 RCW; adding a new section to chapter 42.56 RCW; creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2327 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Pollet and Van Werven 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. 2327, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2327, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Dufault.

Excused: Representatives Griffey and Volz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2327, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 4, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2394 with the following amendment:

17.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 18.** RCW 9.94A.589 and 2015 2nd sp.s. c 3 s 13 are each amended to read as follows:

(1)(a) Except as provided in (b), (c), or (d) of this subsection, whenever a person is to be sentenced for two or more current offenses, the sentence range for each current

offense shall be determined by using all other current and prior convictions as if they were prior convictions for the purpose of the offender score: PROVIDED, That if the court enters a finding that some or all of the current offenses encompass the same criminal conduct then those current offenses shall be counted as one crime. Sentences imposed under this subsection shall be served concurrently. Consecutive sentences may only be imposed under the exceptional sentence provisions of RCW 9.94A.535. "Same criminal conduct," as used in this subsection, means two or more crimes that require the same criminal intent, are committed at the same time and place, and involve the same victim. This definition applies in cases involving vehicular assault or vehicular homicide even if the victims occupied the same vehicle.

(b) Whenever a person is convicted of two or more serious violent offenses arising from separate and distinct criminal conduct, the standard sentence range for the offense with the highest seriousness level under RCW 9.94A.515 shall be determined using the offender's prior convictions and other current convictions that are not serious violent offenses in the offender score and the standard sentence range for other serious violent offenses shall be determined by using an offender score of zero. The standard sentence range for any offenses that are not serious violent offenses shall be determined according to (a) of this subsection. All sentences imposed under this subsection (1)(b) shall be served consecutively to each other and concurrently with sentences imposed under (a) of this subsection. Even if the court orders the confinement terms to run consecutively to each other, the terms of community custody shall run concurrently to each other, unless the court expressly orders the community custody terms to run consecutively to each other.

(c) If an offender is convicted under RCW 9.41.040 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, the standard sentence range for each of these current offenses shall be determined by using all other current and prior convictions, except other current convictions for the felony crimes listed in this subsection (1)(c), as if they were prior convictions. The offender shall serve consecutive sentences for each conviction of the felony crimes listed in this subsection (1)(c), and for each firearm unlawfully possessed.

(d) All sentences imposed under RCW 46.61.502(6), 46.61.504(6), or 46.61.5055(4) shall be served consecutively to any sentences imposed under RCW 46.20.740 and 46.20.750.

(2)(a) ~~((Except as provided in (b) of this subsection, whenever))~~ Whenever a person while under sentence for conviction of a felony commits another felony and is sentenced to another term of confinement, the latter term of confinement shall not begin until expiration of all prior terms of confinement. However, any terms of community custody shall run concurrently to each other, unless the court pronouncing the current sentence expressly orders that they be served consecutively.

(b) Whenever a second or later felony conviction results in consecutive community ~~((supervision))~~ custody with conditions not currently in effect, under the prior sentence or sentences of community ~~((supervision))~~ custody, the court may require that the conditions of community ~~((supervision))~~ custody contained in the second or later sentence begin during the immediate term of community ~~((supervision))~~ custody and continue throughout the duration of the consecutive term of community ~~((supervision))~~ custody.

(3) Subject to subsections (1) and (2) of this section, whenever a person is sentenced for a felony that was committed while the person was not under sentence for conviction of a felony, the sentence shall run concurrently with any felony sentence which has been imposed by any court in this or another state or by a federal court subsequent to the commission of the crime being sentenced unless the court pronouncing the current sentence expressly orders that ~~((they))~~ the confinement terms be served consecutively to each other. Even if the court orders the confinement terms to run consecutively to each other, the terms of community custody shall run concurrently to each other, unless the court expressly orders the community custody terms to run consecutively to each other.

(4) Whenever any person granted probation under RCW 9.95.210 or 9.92.060, or both, has the probationary sentence revoked and a prison sentence imposed, that sentence shall run consecutively to any sentence imposed pursuant to this chapter, unless the court pronouncing the subsequent sentence expressly orders that they be served concurrently.

(5) In the case of consecutive sentences, all periods of total confinement shall be served before any partial confinement, community restitution, community supervision, or any other requirement or conditions of any of the sentences. Except for exceptional sentences as authorized under RCW 9.94A.535, if two or more sentences that run consecutively include periods of community supervision, the aggregate of the community supervision period shall not exceed twenty-four months.

**Sec. 19.** RCW 9.94B.050 and 2003 c 379 s 4 are each amended to read as follows:

When a court sentences an offender to a term of total confinement in the custody of the department for any of the offenses specified in this section, the court shall also sentence the offender to a term of community placement as provided in this section. Except as provided in RCW 9.94A.501, the department shall supervise any sentence of community placement imposed under this section.

(1) The court shall order a one-year term of community placement for the following:

(a) A sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990; or

(b) An offense committed on or after July 1, 1988, but before July 25, 1999, that is:

(i) Assault in the second degree;

(ii) Assault of a child in the second degree;

(iii) A crime against persons where it is determined in accordance with RCW (~~9.94A.602~~) 9.94A.825 that the offender or an accomplice was armed with a deadly weapon at the time of commission; or

(iv) A felony offense under chapter 69.50 or 69.52 RCW not sentenced under RCW 9.94A.660.

(2) The court shall sentence the offender to a term of community placement of two years or up to the period of earned release awarded pursuant to RCW 9.94A.728, whichever is longer, for:

(a) An offense categorized as a sex offense committed on or after July 1, 1990, but before June 6, 1996, including those sex offenses also included in other offense categories;

(b) A serious violent offense other than a sex offense committed on or after July 1, 1990, but before July 1, 2000; or

(c) A vehicular homicide or vehicular assault committed on or after July 1, 1990, but before July 1, 2000.

(3) The community placement ordered under this section shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned release. When the court sentences an offender to the statutory maximum sentence then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible. Any period of community custody actually served shall be credited against the community placement portion of the sentence. The community placement shall run concurrently to any period of probation, parole, community supervision, community placement, or community custody previously imposed by any court in any jurisdiction, unless the court pronouncing the current sentence expressly orders that they be served consecutively to each other.

(4) Unless a condition is waived by the court, the terms of any community placement imposed under this section shall include the following conditions:

(a) The offender shall report to and be available for contact with the assigned community corrections officer as directed;

(b) The offender shall work at department-approved education, employment, or community restitution, or any combination thereof;

(c) The offender shall not possess or consume controlled substances except pursuant to lawfully issued prescriptions;

(d) The offender shall pay supervision fees as determined by the department; and

(e) The residence location and living arrangements shall be subject to the prior approval of the department during the period of community placement.

(5) As a part of any terms of community placement imposed under this section, the court may also order one or more of the following special conditions:

(a) The offender shall remain within, or outside of, a specified geographical boundary;

(b) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;

(c) The offender shall participate in crime-related treatment or counseling services;

(d) The offender shall not consume alcohol; or

(e) The offender shall comply with any crime-related prohibitions.

(6) An offender convicted of a felony sex offense against a minor victim after June 6, 1996, shall comply with any terms and conditions of community placement imposed by the department relating to contact between the sex offender and a minor victim or a child of similar age or circumstance as a previous victim.

(7) Prior to or during community placement, upon recommendation of the department, the sentencing court may remove or modify any conditions of community placement so as not to be more restrictive.

NEW SECTION. Sec. 20. The department of corrections must recalculate the scheduled end dates for terms of community custody, community supervision, and community placement so that they run concurrently to previously imposed sentences of community custody, community supervision, community placement, probation, and parole, unless the court pronouncing the current sentence has expressly required such terms to run consecutively. This section applies to each offender currently in confinement or under active supervision, regardless of whether the offender is sentenced after the effective date of this section and regardless of whether the offender's date of offense occurred prior to the effective date of this section or after.

NEW SECTION. Sec. 21. The legislature declares that the department of corrections' recalculations of community custody terms pursuant to this act do not create any expectations that a particular community custody term will end before July 1, 2020, and offenders have no reason to conclude that the recalculation of their community custody terms before July 1, 2020, is an entitlement or creates any liberty interest in their community custody term ending before July 1, 2020.

NEW SECTION. Sec. 22. The department of corrections has the authority to begin implementing this act upon the effective date of this section.

NEW SECTION. Sec. 23. This act applies retroactively and prospectively, regardless of the date of an offender's underlying offense."

On page 1, line 1 of the title, after "custody;" strike the remainder of the title and insert "amending RCW 9.94A.589

and 9.94B.050; creating new sections; and prescribing penalties."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2394 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Klippert and Goodman 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. 2394, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2394, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chapman, DeBolt and Kraft.

Excused: Representatives Griffey and Volz.

SUBSTITUTE HOUSE BILL NO. 2394, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2426 with the following amendment:  
23.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 24.** The legislature finds that patients seeking behavioral health care in Washington would benefit from consistent regulatory oversight and transparency about patient outcomes. Current regulatory oversight of psychiatric hospitals licensed under chapter 71.12 RCW needs to be enhanced to protect the health, safety, and well-being of patients seeking behavioral health care in these facilities. Some hospitals have not complied with state licensing requirements. Additional enforcement tools are needed to address noncompliance and protect patients from risk of harm.

The legislature also finds that licensing and enforcement requirements for all health care facility types regulated by the department of health are inconsistent and that patients are not well-served by this inconsistency. Review of the regulatory requirements for all health care facility types, including acute care hospitals, is needed to identify gaps and opportunities to consolidate and standardize requirements. Legislation will be necessary to implement uniform requirements that assure provision of safe, quality care and create consistency and predictability for facilities.

**NEW SECTION. Sec. 25.** A new section is added to chapter 71.12 RCW to read as follows:

(1) Any psychiatric hospital may request from the department or the department may offer to any psychiatric hospital technical assistance. The department may not provide technical assistance during an inspection or during the time between when an investigation of a psychiatric hospital has been initiated and when such investigation is resolved.

(2) The department may offer group training to psychiatric hospitals licensed under this chapter.

**NEW SECTION. Sec. 26.** A new section is added to chapter 71.12 RCW to read as follows:

(1) In any case in which the department finds that a licensed psychiatric hospital has failed or refused to comply with applicable state statutes or regulations, the department may take one or more of the actions identified in this section, except as otherwise limited in this section.

(a) When the department determines the psychiatric hospital has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule, or has been given any previous statement of deficiency that included the same or similar type of violation of the same or similar statute or rule, or when the psychiatric hospital failed to correct noncompliance with a statute or rule by a date established or agreed to by the department, the department may impose reasonable conditions on a license. Conditions may include correction within a specified amount of time, training, or hiring a department-approved consultant if the hospital cannot demonstrate to the department that it has access to sufficient internal expertise.

(b)(i) In accordance with the authority the department has under RCW 43.70.095, the department may assess a civil fine of up to ten thousand dollars per violation, not to exceed a total fine of one million dollars, on a hospital licensed

under this chapter when the department determines the psychiatric hospital has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule, or has been given any previous statement of deficiency that included the same or similar type of violation of the same or similar statute or rule, or when the psychiatric hospital failed to correct noncompliance with a statute or rule by a date established or agreed to by the department.

(ii) Proceeds from these fines may only be used by the department to provide training or technical assistance to psychiatric hospitals and to offset costs associated with licensing psychiatric hospitals.

(iii) The department shall adopt in rules under this chapter specific fine amounts in relation to the severity of the noncompliance.

(iv) If a licensee is aggrieved by the department's action of assessing civil fines, the licensee has the right to appeal under RCW 43.70.095.

(c) In accordance with RCW 43.70.095, the department may impose civil fines of up to ten thousand dollars for each day a person operates a psychiatric hospital without a valid license. Proceeds from these fines may only be used by the department to provide training or technical assistance to psychiatric hospitals and to offset costs associated with licensing psychiatric hospitals.

(d) The department may suspend admissions of a specific category or categories of patients as related to the violation by imposing a limited stop placement. This may only be done if the department finds that noncompliance results in immediate jeopardy.

(i) Prior to imposing a limited stop placement, the department shall provide a psychiatric hospital written notification upon identifying deficient practices or conditions that constitute an immediate jeopardy, and the psychiatric hospital shall have twenty-four hours from notification to develop and implement a department-approved plan to correct the deficient practices or conditions that constitute an immediate jeopardy. If the deficient practice or conditions that constitute immediate jeopardy are not verified by the department as having been corrected within the same twenty-four hour period, the department may issue the limited stop placement.

(ii) When the department imposes a limited stop placement, the psychiatric hospital may not admit any new patients in the category or categories subject to the limited stop placement until the limited stop placement order is terminated.

(iii) The department shall conduct a follow-up inspection within five business days or within the time period requested by the psychiatric hospital if more than five business days is needed to verify the violation necessitating the limited stop placement has been corrected.

(iv) The limited stop placement shall be terminated when:

(A) The department verifies the violation necessitating the limited stop placement has been corrected or the department determines that the psychiatric hospital has taken intermediate action to address the immediate jeopardy; and

(B) The psychiatric hospital establishes the ability to maintain correction of the violation previously found deficient.

(e) The department may suspend new admissions to the psychiatric hospital by imposing a stop placement. This may only be done if the department finds that noncompliance results in immediate jeopardy and is not confined to a specific category or categories of patients or a specific area of the psychiatric hospital.

(i) Prior to imposing a stop placement, the department shall provide a psychiatric hospital written notification upon identifying deficient practices or conditions that constitute an immediate jeopardy, and the psychiatric hospital shall have twenty-four hours from notification to develop and implement a department-approved plan to correct the deficient practices or conditions that constitute an immediate jeopardy. If the deficient practice or conditions that constitute immediate jeopardy are not verified by the department as having been corrected within the same twenty-four hour period, the department may issue the stop placement.

(ii) When the department imposes a stop placement, the psychiatric hospital may not admit any new patients until the stop placement order is terminated.

(iii) The department shall conduct a follow-up inspection within five business days or within the time period requested by the psychiatric hospital if more than five business days is needed to verify the violation necessitating the stop placement has been corrected.

(iv) The stop placement order shall be terminated when:

(A) The department verifies the violation necessitating the stop placement has been corrected or the department determines that the psychiatric hospital has taken intermediate action to address the immediate jeopardy; and

(B) The psychiatric hospital establishes the ability to maintain correction of the violation previously found deficient.

(f) The department may suspend, revoke, or refuse to renew a license.

(2)(a) Except as otherwise provided, RCW 43.70.115 governs notice of the imposition of conditions on a license, a limited stop placement, stop placement, or the suspension, revocation, or refusal to renew a license and provides the right to an adjudicative proceeding. Adjudicative proceedings and hearings under this section are governed by the administrative procedure act, chapter 34.05 RCW. The application for an adjudicative proceeding must be in writing, state the basis for contesting the adverse action, including a copy of the department's notice, be served on and received by the department within twenty-eight days of the

licensee's receipt of the adverse notice, and be served in a manner that shows proof of receipt.

(b) When the department determines a licensee's noncompliance results in immediate jeopardy, the department may make the imposition of conditions on a licensee, a limited stop placement, stop placement, or the suspension of a license effective immediately upon receipt of the notice by the licensee, pending any adjudicative proceeding.

(i) When the department makes the suspension of a license or imposition of conditions on a license effective immediately, a licensee is entitled to a show cause hearing before a presiding officer within fourteen days of making the request. The licensee must request the show cause hearing within twenty-eight days of receipt of the notice of immediate suspension or immediate imposition of conditions. At the show cause hearing the department has the burden of demonstrating that more probably than not there is an immediate jeopardy.

(ii) At the show cause hearing, the presiding officer may consider the notice and documents supporting the immediate suspension or immediate imposition of conditions and the licensee's response and must provide the parties with an opportunity to provide documentary evidence and written testimony, and to be represented by counsel. Prior to the show cause hearing, the department must provide the licensee with all documentation that supports the department's immediate suspension.

(iii) If the presiding officer determines there is no immediate jeopardy, the presiding officer may overturn the immediate suspension or immediate imposition of conditions.

(iv) If the presiding officer determines there is immediate jeopardy, the immediate suspension or immediate imposition of conditions shall remain in effect pending a full hearing.

(v) If the secretary sustains the immediate suspension or immediate imposition of conditions, the licensee may request an expedited full hearing on the merits of the department's action. A full hearing must be provided within ninety days of the licensee's request.

**NEW SECTION. Sec. 27.** A new section is added to chapter 43.70 RCW to read as follows:

As resources allow, the department shall make health care facility inspection and investigation statements of deficiencies, plans of correction, notice of acceptance of plans of correction, enforcement actions, and notices of resolution available to the public on the internet, starting with psychiatric hospitals and residential treatment facilities.

**NEW SECTION. Sec. 28.** A new section is added to chapter 43.70 RCW to read as follows:

The department must conduct a review of statutes for all health care facility types licensed by the department under chapters 18.46, 18.64, 70.41, 70.42, 70.127, 70.230, 71.12, and 71.24 RCW to evaluate appropriate levels of oversight and identify opportunities to consolidate and

standardize licensing and enforcement requirements across facility types. The department must work with stakeholders including, but not limited to, the statewide associations of the facilities under review to create recommendations that will be shared with stakeholders and the legislature for a uniform health care facility enforcement act for consideration in the 2021 legislative session.

**Sec. 29.** RCW 71.12.455 and 2017 c 263 s 2 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) "Department" means the department of health.

(2) "Establishment" and "institution" mean:

(a) Every private or county or municipal hospital, including public hospital districts, sanitariums, homes, psychiatric hospitals, residential treatment facilities, or other places receiving or caring for any person with mental illness, mentally incompetent person, or chemically dependent person; and

(b) Beginning January 1, 2019, facilities providing pediatric transitional care services.

(3) "Pediatric transitional care services" means short-term, temporary, health and comfort services for drug exposed infants according to the requirements of this chapter and provided in an establishment licensed by the department of health.

(4) "Secretary" means the secretary of the department of health.

(5) "Trained caregiver" means a noncredentialed, unlicensed person trained by the establishment providing pediatric transitional care services to provide hands-on care to drug exposed infants. Caregivers may not provide medical care to infants and may only work under the supervision of an appropriate health care professional.

(6) "Elopement" means any situation in which an admitted patient of a psychiatric hospital who is cognitively, physically, mentally, emotionally, and/or chemically impaired wanders, walks, runs away, escapes, or otherwise leaves a psychiatric hospital or the grounds of a psychiatric hospital prior to the patient's scheduled discharge unsupervised, unnoticed, and without the staff's knowledge.

(7) "Immediate jeopardy" means a situation in which the psychiatric hospital's noncompliance with one or more statutory or regulatory requirements has placed the health and safety of patients in its care at risk for serious injury, serious harm, serious impairment, or death.

(8) "Psychiatric hospital" means an establishment caring for any person with mental illness or substance use disorder excluding acute care hospitals licensed under chapter 70.41 RCW, state psychiatric hospitals established under chapter 72.23 RCW, and residential treatment facilities as defined in this section.

(9) "Residential treatment facility" means an establishment in which twenty-four hour on-site care is provided for the evaluation, stabilization, or treatment of

residents for substance use, mental health, co-occurring disorders, or for drug exposed infants.

(10) "Technical assistance" means the provision of information on the state laws and rules applicable to the regulation of psychiatric hospitals, the process to apply for a license, and methods and resources to avoid or address compliance problems. Technical assistance does not include assistance provided under chapter 43.05 RCW.

**Sec. 30.** RCW 71.12.480 and 2000 c 93 s 24 are each amended to read as follows:

(1) The department of health shall not grant any such license until it has made an examination of all phases of the operation of the establishment necessary to determine compliance with rules adopted under this chapter including the premises proposed to be licensed and is satisfied that the premises are substantially as described, and are otherwise fit and suitable for the purposes for which they are designed to be used, and that such license should be granted.

(2) During the first two years of licensure for a new psychiatric hospital or any existing psychiatric hospital that changes ownership after July 1, 2020, the department shall provide technical assistance, perform at least three unannounced inspections, and conduct additional inspections of the hospital as necessary to verify the hospital is complying with the requirements of this chapter.

**NEW SECTION. Sec. 31.** A new section is added to chapter 71.12 RCW to read as follows:

(1) Every psychiatric hospital licensed under this chapter shall report to the department every patient elopement and every death that meets the circumstances specified in subsection (2) of this section that occurs on the hospital grounds within three days of the elopement or death to the department's complaint intake system or another reporting mechanism specified by the department in rule.

(2) The patient or staff deaths that must be reported to the department under subsection (1) of this section include the following:

- (a) Patient death associated with patient elopement;
- (b) Patient suicide;
- (c) Patient death associated with medication error;
- (d) Patient death associated with a fall;
- (e) Patient death associated with the use of physical restraints or bedrails; and
- (f) Patient or staff member death resulting from a physical assault.

**NEW SECTION. Sec. 32.** 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 4 of the title, after "enforcement;" strike the remainder of the title and insert "amending RCW 71.12.480; reenacting and amending RCW 71.12.455; adding new sections to chapter 71.12 RCW; adding new

sections to chapter 43.70 RCW; creating a new section; and declaring an emergency."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2426 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.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2426, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2426, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Volz.

SUBSTITUTE HOUSE BILL NO. 2426, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2457 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 33.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Authority" means the health care authority.
- (2) "Board" means the health care cost transparency board.
- (3) "Health care" means items, services, and supplies intended to improve or maintain human function or treat or ameliorate pain, disease, condition, or injury including, but not limited to, the following types of services:
  - (a) Medical;
  - (b) Behavioral;
  - (c) Substance use disorder;
  - (d) Mental health;
  - (e) Surgical;
  - (f) Optometric;
  - (g) Dental;
  - (h) Podiatric;
  - (i) Chiropractic;
  - (j) Psychiatric;
  - (k) Pharmaceutical;
  - (l) Therapeutic;
  - (m) Preventive;
  - (n) Rehabilitative;
  - (o) Supportive;
  - (p) Geriatric; or
  - (q) Long-term care.
- (4) "Health care cost growth" means the annual percentage change in total health care expenditures in the state.
- (5) "Health care cost growth benchmark" means the target percentage for health care cost growth.
- (6) "Health care coverage" means policies, contracts, certificates, and agreements issued or offered by a payer.
- (7) "Health care provider" means a person or entity that is licensed, certified, registered, or otherwise authorized by the law of this state to provide health care in the ordinary course of business or practice of a profession.
- (8) "Net cost of private health care coverage" means the difference in premiums received by a payer and the claims for the cost of health care paid by the payer under a policy or certificate of health care coverage.
- (9) "Payer" means:
  - (a) A health carrier as defined in RCW 48.43.005;
  - (b) A publicly funded health care program, including medicaid, medicare, the state children's health insurance

program, and public and school employee benefit programs administered under chapter 41.05 RCW;

- (c) A third-party administrator; and
- (d) Any other public or private entity, other than an individual, that pays or reimburses the cost for the provision of health care.
- (10) "Total health care expenditures" means all health care expenditures in this state by public and private sources, including:
  - (a) All payments on health care providers' claims for reimbursement for the cost of health care provided;
  - (b) All payments to health care providers other than payments described in (a) of this subsection;
  - (c) All cost-sharing paid by residents of this state, including copayments, deductibles, and coinsurance; and
  - (d) The net cost of private health care coverage.

**NEW SECTION. Sec. 34.** The authority shall establish a board to be known as the health care cost transparency board. The board is responsible for the analysis of total health care expenditures in Washington, identifying trends in health care cost growth, and establishing a health care cost growth benchmark. The board shall provide analysis of the factors impacting these trends in health care cost growth and, after review and consultation with identified entities, shall identify those health care providers and payers that are exceeding the health care cost growth benchmark.

**NEW SECTION. Sec. 35.** (1) The board shall consist of fourteen members who shall be appointed as follows:

- (a) The insurance commissioner, or the commissioner's designee;
- (b) The administrator of the health care authority, or the administrator's designee;
- (c) The director of labor and industries, or the director's designee;
- (d) The chief executive officer of the health benefit exchange, or the chief executive officer's designee;
- (e) One member representing local governments that purchase health care for their employees;
- (f) Two members representing consumers;
- (g) One member representing Taft-Hartley health benefit plans;
- (h) Two members representing large employers, at least one of which is a self-funded group health plan;
- (i) One member representing small businesses;
- (j) One member who is an actuary or an expert in health care economics;
- (k) One member who is an expert in health care financing; and

(1) One nonvoting member who is a member of the advisory committee of health care providers and carriers and has operational experience in health care delivery.

(2) The governor:

(a) Shall appoint the members of the board. Each of the two largest caucuses in both the house of representatives and the senate shall submit to the governor a list of five nominees. The nominees must be for members of the board identified in subsection (1)(f) through (k) of this section, may not be legislators, and, except for the members of the board identified in subsection (1)(j) and (k) of this section, the nominees may not be employees of the state or its political subdivisions. No caucus may submit the same nominee. The caucus nominations must reflect diversity in geography, gender, and ethnicity;

(b) May reject a nominee and request a new submission from a caucus if a nominee does not meet the requirements of this section; and

(c) Must choose at least one nominee from each caucus.

(3) The governor shall appoint the chair of the board.

(4)(a) Initial members of the board shall serve staggered terms not to exceed four years. Members appointed thereafter shall serve two-year terms.

(b) A member of the board whose term has expired or who otherwise leaves the board shall be replaced by gubernatorial appointment. Upon the expiration of a member's term, the member shall continue to serve until a successor has been appointed and has assumed office. When the person leaving was nominated by one of the caucuses of the house of representatives or the senate, his or her replacement shall be appointed from a list of five nominees submitted by that caucus within thirty days after the person leaves. If the member to be replaced is the chair, the governor shall appoint a new chair within thirty days after the vacancy occurs. A person appointed to replace a member who leaves the board prior to the expiration of his or her term shall serve only the duration of the unexpired term. Members of the board may be reappointed to multiple terms.

(5) No member of the board may be appointed if the member's participation in the decisions of the board could benefit the member's own financial interests or the financial interests of an entity the member represents. A board member who develops such a conflict of interest shall resign or be removed from the board.

(6) Members of the board must be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060. The board shall prescribe rules for the conduct of its business. Meetings of the board are subject to the call of the chair.

(7) The board and its subcommittees are subject to the provisions of chapter 42.30 RCW, the open public meetings act, and chapter 42.56 RCW, the public records act. The board and its subcommittees may not disclose any health care information that identifies or could reasonably identify

the patient or consumer who is the subject of the health care information.

(8) Members of the board are not civilly or criminally liable and may not have any penalty or cause of action of any nature arise against them for any action taken or not taken, including any discretionary decision or failure to make a discretionary decision, when the action or inaction is done in good faith and in the performance of the powers and duties under this chapter.

NEW SECTION. **Sec. 36.** (1) The board shall establish an advisory committee on data issues and an advisory committee of health care providers and carriers. The board may establish other advisory committees as it finds necessary.

(2) Appointments to the advisory committee on data issues shall be made by the board. Members of the committee must have expertise in health data collection and reporting, health care claims data analysis, health care economic analysis, and actuarial analysis.

(3) Appointments to the advisory committee of health care providers and carriers shall be made by the board and must include the following membership:

(a) One member representing hospitals and hospital systems, selected from a list of three nominees submitted by the Washington state hospital association;

(b) One member representing federally qualified health centers, selected from a list of three nominees submitted by the Washington association for community health;

(c) One physician, selected from a list of three nominees submitted by the Washington state medical association;

(d) One primary care physician, selected from a list of three nominees submitted by the Washington academy of family physicians;

(e) One member representing behavioral health providers, selected from a list of three nominees submitted by the Washington council for behavioral health;

(f) One member representing pharmacists and pharmacies, selected from a list of three nominees submitted by the Washington state pharmacy association;

(g) One member representing advanced registered nurse practitioners, selected from a list of three nominees submitted by ARNPs united of Washington state;

(h) One member representing tribal health providers, selected from a list of three nominees submitted by the American Indian health commission;

(i) One member representing a health maintenance organization, selected from a list of three nominees submitted by the association of Washington health care plans;

(j) One member representing a managed care organization that contracts with the authority to serve medical assistance enrollees, selected from a list of three

nominees submitted by the association of Washington health care plans;

(k) One member representing a health care service contractor, selected from a list of three nominees submitted by the association of Washington health care plans;

(l) One member representing an ambulatory surgery center selected from a list of three nominees submitted by the ambulatory surgery center association; and

(m) Three members, at least one of whom represents a disability insurer, selected from a list of six nominees submitted by America's health insurance plans.

**NEW SECTION. Sec. 37.** (1) The board has the authority to establish and appoint advisory committees, in accordance with the requirements of section 4 of this act, and seek input and recommendations from the advisory committees on topics relevant to the work of the board;

(2) The board shall:

(a) Determine the types and sources of data necessary to annually calculate total health care expenditures and health care cost growth, and to establish the health care cost growth benchmark, including execution of any necessary access and data security agreements with the custodians of the data. The board shall first identify existing data sources, such as the statewide health care claims database established in chapter 43.371 RCW and prescription drug data collected under chapter 43.71C RCW, and primarily rely on these sources when possible in order to minimize the creation of new reporting requirements;

(b) Determine the means and methods for gathering data to annually calculate total health care expenditures and health care cost growth, and to establish the health care cost growth benchmark. The board must select an appropriate economic indicator to use when establishing the health care cost growth benchmark. The activities may include selecting methodologies and determining sources of data. The board shall accept recommendations from the advisory committee on data issues and the advisory committee of health care providers and carriers regarding the value and feasibility of reporting various categories of information under (c) of this subsection, such as urban and rural, public sector and private sector, and major categories of health services, including prescription drugs, inpatient treatment, and outpatient treatment;

(c) Annually calculate total health care expenditures and health care cost growth:

(i) Statewide and by geographic rating area;

(ii) For each health care provider or provider system and each payer, taking into account the health status of the patients of the health care provider or the enrollees of the payer, utilization by the patients of the health care provider or the enrollees of the payer, intensity of services provided to the patients of the health care provider or the enrollees of the payer, and regional differences in input prices. The board must develop an implementation plan for reporting information about health care providers, provider systems, and payers;

(iii) By market segment;

(iv) Per capita; and

(v) For other categories, as recommended by the advisory committees in (b) of this subsection, and approved by the board;

(d) Annually establish the health care cost growth benchmark for increases in total health expenditures. The board, in determining the health care cost growth benchmark, shall begin with an initial implementation that applies to the highest cost drivers in the health care system and develop a phased plan to include other components of the health system for subsequent years;

(e) Beginning in 2023, analyze the impacts of cost drivers to health care and incorporate this analysis into determining the annual total health care expenditures and establishing the annual health care cost growth benchmark. The cost drivers may include, to the extent such data is available:

(i) Labor, including but not limited to, wages, benefits, and salaries;

(ii) Capital costs, including but not limited to new technology;

(iii) Supply costs, including but not limited to prescription drug costs;

(iv) Uncompensated care;

(v) Administrative and compliance costs;

(vi) Federal, state, and local taxes;

(vii) Capacity, funding, and access to postacute care, long-term services and supports, and housing; and

(viii) Regional differences in input prices; and

(f) Release reports in accordance with section 7 of this act.

**NEW SECTION. Sec. 38.** (1) The authority may contract with a private nonprofit entity to administer the board and provide support to the board to carry out its responsibilities under this chapter. The authority may not contract with a private nonprofit entity that has a financial interest that may create a potential conflict of interest or introduce bias into the board's deliberations.

(2) The authority or the contracted entity shall actively solicit federal and private funding and in-kind contributions necessary to complete its work in a timely fashion. The contracted entity shall not accept private funds if receipt of such funding could present a potential conflict of interest or introduce bias into the board's deliberations.

**NEW SECTION. Sec. 39.** (1) By August 1, 2021, the board shall submit a preliminary report to the governor and each chamber of the legislature. The preliminary report shall address the progress toward establishment of the board and advisory committees and the establishment of total health care expenditures, health care cost growth, and the health care cost growth benchmark for the state, including proposed methodologies for determining each of these calculations.

The preliminary report shall include a discussion of any obstacles related to conducting the board's work including any deficiencies in data necessary to perform its responsibilities under section 5 of this act and any supplemental data needs.

(2) Beginning August 1, 2022, the board shall submit annual reports to the governor and each chamber of the legislature. The first annual report shall determine the total health care expenditures for the most recent year for which data is available and shall establish the health care cost growth benchmark for the following year. The annual reports may include policy recommendations applicable to the board's activities and analysis of its work, including any recommendations related to lowering health care costs, focusing on private sector purchasers, and the establishment of a rating system of health care providers and payers.

**NEW SECTION. Sec. 40.** Sections 1 through 7 of this act constitute a new chapter in Title 70 RCW."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2457 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.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2457, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2457, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 67; Nays, 29; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chapman, Chopp, Cody, Corry, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chambers, Chandler, DeBolt, Dent, Dufault, Dye, Eslick, Graham, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz,

MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Shea, Smith, Stokesbary, Sutherland, Van Werven, Vick, Walsh and Ybarra.

Excused: Representatives Griffey and Volz.

SECOND SUBSTITUTE HOUSE BILL NO. 2457, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2464 with the following amendment:  
40.0.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 41.** A new section is added to chapter 48.43 RCW to read as follows:

(1) Beginning January 1, 2021, the maximum amount a health carrier or pharmacy benefit manager may require a person to pay at the point of sale for a covered prescription medication is the lesser of:

(a) The applicable cost sharing for the prescription medication; or

(b) The amount the person would pay for the prescription medication if the person purchased the prescription medication without using a health plan.

(2) A health carrier or pharmacy benefit manager may not require a pharmacist to dispense a brand name prescription medication when a less expensive therapeutically equivalent generic prescription medication is available.

(3) For purposes of this section, "pharmacy benefit manager" has the same meaning as in RCW 19.340.010."

On page 1, line 2 of the title, after "medications;" strike the remainder of the title and insert "and adding a new section to chapter 48.43 RCW."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2464 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Gildon and Cody 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. 2464, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2464, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Volz.

SUBSTITUTE HOUSE BILL NO. 2464, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2543 with the following amendment:

41.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 42.** RCW 28B.15.012 and 2019 c 126 s 1 are each amended to read as follows:

Whenever used in this chapter:

(1) The term "institution" shall mean a public university, college, or community or technical college within the state of Washington.

(2) The term "resident student" shall mean:

(a) A financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which the student has registered at any institution and has in fact established a bona fide domicile in this state primarily for purposes other than educational;

(b) A dependent student, if one or both of the student's parents or legal guardians have maintained a bona fide

domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution;

(c) A student classified as a resident based upon domicile by an institution on or before May 31, 1982, who was enrolled at a state institution during any term of the 1982-1983 academic year, so long as such student's enrollment (excepting summer sessions) at an institution in this state is continuous;

(d) Any student who has spent at least seventy-five percent of both his or her junior and senior years in high schools in this state, whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school, and who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year;

(e) Any person who has completed the full senior year of high school and obtained a high school diploma, both at a Washington public high school or private high school approved under chapter 28A.195 RCW, or a person who has received the equivalent of a diploma; who has lived in Washington for at least three years immediately prior to receiving the diploma or its equivalent; who has continuously lived in the state of Washington after receiving the diploma or its equivalent and until such time as the individual is admitted to an institution of higher education under subsection (1) of this section; and who provides to the institution an affidavit indicating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so and a willingness to engage in any other activities necessary to acquire citizenship, including but not limited to citizenship or civics review courses;

(f) Any person who has lived in Washington, primarily for purposes other than educational, for at least one year immediately before the date on which the person has enrolled in an institution, and who holds lawful nonimmigrant status pursuant to 8 U.S.C. Sec. (a)(15) (E)(iii), (H)(i), or (L), or who holds lawful nonimmigrant status as the spouse or child of a person having nonimmigrant status under one of those subsections, or who, holding or having previously held such lawful nonimmigrant status as a principal or derivative, has filed an application for adjustment of status pursuant to 8 U.S.C. Sec. 1255(a);

(g) A student who is on active military duty stationed in the state or who is a member of the Washington national guard;

(h) A student who is on active military duty or a member of the Washington national guard who (~~entered service as a Washington resident and who has maintained Washington as his or her domicile but is not stationed in the state~~) meets the following conditions:

(i) Entered service as a Washington resident;

(ii) Has maintained a Washington domicile; and

(iii) Is stationed out-of-state;

(i) A student who is the spouse or a dependent of a person ~~((who is on active military duty or a member of the national guard who entered service as a Washington resident and who has maintained Washington as his or her domicile but is not stationed in the state))~~ defined in (g) of this subsection. If the person ~~((on active military duty))~~ defined in (g) of this subsection is reassigned out-of-state, the student maintains the status as a resident student so long as the student is ~~((continuously enrolled in a degree program))~~ either:

(i) Admitted to an institution before the reassignment and enrolls in that institution for the term the student was admitted; or

(ii) Enrolled in an institution and remains continuously enrolled at the institution;

(j) A student who is the spouse or a dependent of a person defined in (h) of this subsection;

(k) A student who is eligible or entitled to transferred federal post-9/11 veterans educational assistance act of 2008 (38 U.S.C. Sec. 3301 et seq.) benefits based on the student's relationship as a spouse, former spouse, or child to an individual who is on active duty in the uniformed services;

~~((l))~~ (l) A student who resides in the state of Washington and is the spouse or a dependent of a person who is a member of the Washington national guard;

~~((m))~~ (m) A student who has separated from the uniformed services with any period of honorable service after at least ninety days of active duty service; is eligible for educational assistance benefits under Title 38 U.S.C.; and enters an institution of higher education in Washington within three years of the date of separation;

~~((n))~~ (n) A student who is on terminal, transition, or separation leave pending separation, or release from active duty, from the uniformed services with any period of honorable service after at least ninety days of active duty service and is eligible for educational assistance benefits under Title 38 U.S.C.;

(o) A student who is entitled to veterans administration educational assistance benefits based on the student's relationship as a spouse, former spouse, or child to an individual who has separated from the uniformed services with any period of honorable service after at least ninety days of active duty service, and who enters an institution of higher education in Washington within three years of the service member's date of separation;

~~((p))~~ (p) A student who is the spouse or child to an individual who has separated from the uniformed services with at least ten years of honorable service and at least ninety days of active duty service, and who enters an institution of higher education in Washington within three years of the service member's date of separation;

(q) A student who has separated from the uniformed services who was discharged due to the student's sexual orientation or gender identity or expression;

(r) A student who is entitled to veterans administration educational assistance benefits based on the student's relationship with a deceased member of the uniformed services who died in the line of duty;

~~((s))~~ (s) A student who is entitled to federal vocational rehabilitation and employment services for veterans with service-connected disabilities under 38 U.S.C. Sec. 3102(a);

~~((t))~~ (t) A student who is defined as a covered individual in 38 U.S.C. Sec. 3679(c)(2) as it existed on July 28, 2019, or such subsequent date as the student achievement council may determine by rule;

~~((u))~~ (u) A student of an out-of-state institution of higher education who is attending a Washington state institution of higher education pursuant to a home tuition agreement as described in RCW 28B.15.725;

~~((v))~~ (v) A student who meets the requirements of RCW 28B.15.0131 or 28B.15.0139: PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for primarily educational purposes, and for tuition and fee paying purposes only such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that the student has in fact established a bona fide domicile in this state primarily for purposes other than educational;

~~((w))~~ (w) A student who resides in Washington and is on active military duty stationed in the Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington; or

~~((x))~~ (x) A student who resides in Washington and is the spouse or a dependent of a person ~~((who resides in Washington and is on active military duty stationed in the Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington))~~ defined in (w) of this subsection. If the person ~~((on active military duty))~~ defined in (w) of this subsection moves from Washington or is reassigned out of the Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington, the student maintains the status as a resident student so long as the student resides in Washington and is either:

(i) Admitted to an institution before the reassignment and enrolls in that institution for the term the student was admitted; or

(ii) Enrolled in an institution and ~~((s))~~ remains continuously enrolled ~~((in a degree program))~~ at the institution.

(3)(a) A student who qualifies under subsection (2)~~((j), (l), (m), (n), (o), or (p))~~ (k), (m), (n), (o), (p), (q), (r), (s), or (t) of this section and who remains continuously enrolled at an institution of higher education shall retain resident student status.

(b) Nothing in subsection (2)(~~(j), (l), (m), (n), (o), or (p)~~) ~~(k), (m), (n), (o), (p), (q), (r), (s), or (t)~~ of this section applies to students who have a dishonorable discharge from the uniformed services, or to students who are the spouse or child of an individual who has had a dishonorable discharge from the uniformed services, unless the student is receiving veterans administration educational assistance benefits.

(4) The term "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of this section and RCW 28B.15.013. Except for students qualifying under subsection (2)(e) or ~~((q))~~ (u) of this section, a nonresident student shall include:

(a) A student attending an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one year after the completion of such semester or quarter. This condition shall not apply to students from Columbia, Multnomah, Clatsop, Clackamas, or Washington county, Oregon participating in the border county pilot project under RCW 28B.76.685, 28B.76.690, and 28B.15.0139.

(b) A person who is not a citizen of the United States of America, unless the person meets and complies with all applicable requirements in this section and RCW 28B.15.013 and is one of the following:

(i) A lawful permanent resident;

(ii) A temporary resident;

(iii) A person who holds "refugee-parolee," "conditional entrant," or U or T nonimmigrant status with the United States citizenship and immigration services;

(iv) A person who has been issued an employment authorization document by the United States citizenship and immigration services that is valid as of the date the person's residency status is determined;

(v) A person who has been granted deferred action for childhood arrival status before, on, or after June 7, 2018, regardless of whether the person is no longer or will no longer be granted deferred action for childhood arrival status due to the termination, suspension, or modification of the deferred action for childhood arrival program; or

(vi) A person who is otherwise permanently residing in the United States under color of law, including deferred action status.

(5) The term "domicile" shall denote a person's true, fixed and permanent home and place of habitation. It is the place where the student intends to remain, and to which the student expects to return when the student leaves without intending to establish a new domicile elsewhere. The burden of proof that a student, parent or guardian has established a domicile in the state of Washington primarily for purposes other than educational lies with the student.

(6) The term "dependent" shall mean a person who is not financially independent. Factors to be considered in determining whether a person is financially independent shall be set forth in rules adopted by the student achievement council and shall include, but not be limited to, the state and

federal income tax returns of the person and/or the student's parents or legal guardian filed for the calendar year prior to the year in which application is made and such other evidence as the council may require.

(7) The term "active military duty" means the person is serving on active duty in:

(a) The armed forces of the United States government;  
or

(b) The Washington national guard; or

(c) The coast guard, merchant mariners, or other nonmilitary organization when such service is recognized by the United States government as equivalent to service in the armed forces.

(8) The term "active duty service" means full-time duty, other than active duty for training, as a member of the uniformed services of the United States. Active duty service as a national guard member under Title 32 U.S.C. for the purpose of organizing, administering, recruiting, instructing, or training and active service under 32 U.S.C. Sec. 502(f) for the purpose of responding to a national emergency is recognized as active duty service.

(9) The term "uniformed services" is defined by Title 10 U.S.C.; subsequently structured and organized by Titles 14, 33, and 42 U.S.C.; consisting of the United States army, United States marine corps, United States navy, United States air force, United States coast guard, United States public health service commissioned corps, and the national oceanic and atmospheric administration commissioned officer corps."

On page 1, line 2 of the title, after "residency;" strike the remainder of the title and insert "and amending RCW 28B.15.012."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2543 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Paul and Van Werven 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. 2543, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2543, as amended by the Senate,

and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Calder, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler and Klippert.

Excused: Representatives Griffey and Volz.

SUBSTITUTE HOUSE BILL NO. 2543, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2545 with the following amendment:

42.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.48.100 and 2016 c 154 s 6 are each amended to read as follows:

(1) A department of corrections or chief law enforcement officer responsible for the operation of a jail shall maintain a jail register, open to the public, into which shall be entered in a timely basis:

(a) The name of each person confined in the jail with the hour, date and cause of the confinement; and

(b) The hour, date and manner of each person's discharge.

(2) Except as provided in subsections (3) and (4) of this section, the records of a person confined in jail shall be held in confidence and shall be made available only to criminal justice agencies as defined in RCW 43.43.705; or

(a) For use in inspections made pursuant to RCW 70.48.070;

(b) In jail certification proceedings;

(c) For use in court proceedings upon the written order of the court in which the proceedings are conducted;

(d) To the Washington association of sheriffs and police chiefs;

(e) To the Washington institute for public policy, research and data analysis division of the department of social and health services, higher education institutions of Washington state, Washington state health care authority, state auditor's office, caseload forecast council, office of financial management, or the successor entities of these organizations, for the purpose of research in the public interest. Data disclosed for research purposes must comply with relevant state and federal statutes;

(f) To federal, state, or local agencies to determine eligibility for services such as medical, mental health, chemical dependency treatment, or veterans' services, and to allow for the provision of treatment to inmates during their stay or after release. Records disclosed for eligibility determination or treatment services must be held in confidence by the receiving agency, and the receiving agency must comply with all relevant state and federal statutes regarding the privacy of the disclosed records; or

(g) Upon the written permission of the person.

(3) The records of a person confined in jail may be made available to a managed health care system, including managed care organizations and behavioral health administrative services organizations as defined in RCW 71.24.025, for the purpose of care coordination activities. The receiving system or organization must hold records in confidence and comply with all relevant state and federal statutes regarding privacy of disclosed records.

(4)(a) Law enforcement may use booking photographs of a person arrested or confined in a local or state penal institution to assist them in conducting investigations of crimes.

(b) Photographs and information concerning a person convicted of a sex offense as defined in RCW 9.94A.030 may be disseminated as provided in RCW 4.24.550, 9A.44.130, 9A.44.140, 10.01.200, 43.43.540, 43.43.745, 46.20.187, 70.48.470, 72.09.330, and section 401, chapter 3, Laws of 1990.

~~((4))~~ (5) Any jail that provides inmate records in accordance with subsection (2) or (3) of this section is not responsible for any unlawful secondary dissemination of the provided inmate records.

(6) For purposes of this section:

(a) "Managed care organization" and "behavioral health administrative services organization" have the same meaning as in RCW 71.24.025.

(b) "Managed health care system" has the same meaning as in RCW 74.09.522."

On page 1, line 2 of the title, after "systems;" strike the remainder of the title and insert "and amending RCW 70.48.100."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2545 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representatives Davis and Klippert 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. 2545, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2545, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Volz.

HOUSE BILL NO. 2545, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

March 6, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2587 with the following amendment:

1.0.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 79A.05 RCW to read as follows:

(1) In addition to its other powers, duties, and functions, the commission must establish a scenic bikeways program for the designation and promotion of bicycle routes of notable scenic, recreational, cultural, or historic value.

(2)(a) Any person may propose the designation of a scenic bikeway route by the commission. Prior to the

designation of a scenic bike route by the commission, the commission must provide an opportunity for public comment.

(b) When proposing routes for commission approval, proponents are encouraged to:

(i) Consider the criteria under this section by which the commission will review and approve scenic bikeway designations, including the criteria specified in subsections (4) and (6) of this section; and

(ii) Locate routes in such a way as to encourage local economic development in proximity to designated scenic bikeways, including opportunities for bicycle repairs, food, lodging, camping, recreation, and other tourist activities.

(3)(a) Scenic bikeways may be comprised of bicycle paths, multiple-use trails, highways, or trail facilities managed by the commission.

(b)(i) Scenic bikeways may be located over public lands with the consent of each federal, state, or local governmental entity that has jurisdiction over the public lands or through which a proposed route passes.

(ii) Scenic bikeways may be located over privately owned lands with the consent of the private landowner.

(4) Prior to designating a scenic bikeway, the commission must review the proposed designation in consultation with the department of transportation and confirm the designated bicycle route:

(a) Is of notable scenic, recreational, cultural, or historic value, or some combination thereof;

(b) Is consented to as required under subsection (3) of this section; and

(c) To the extent feasible and consistent with the goals of this section:

(i) Is not located on heavily trafficked roads when less-trafficked roads are available as a suitable alternative;

(ii) Is not located on highways without shoulders or bike lanes when highways with shoulders or bike lanes are available as a suitable alternative;

(iii) Avoids complex intersections or other locations that would reduce the ease of use of the scenic bikeway by users;

(iv) Is collocated with locally developed bicycle-supportive infrastructure, including bike lanes, multiuse trails, greenways, or other designated bicycle routes; and

(v) Is designed to minimize adverse effects on adjacent landowners.

(5) Prior to designating a scenic bikeway, the commission must consult with a local government legislative authority if the scenic bikeway will be located within the local government's jurisdiction.

(6) To the extent that funds available for the development of scenic bikeways limit the number of designated scenic bikeways that the commission is able to

approve and implement each biennium, the commission must give priority to the designation and implementation of scenic bikeways that will add variety to the geographic location, topography, route length and difficulty, and cultural, historic, scenic, and recreational value of the statewide scenic bikeway system or that will complete existing bicycling networks.

(7) The commission must periodically review designated scenic bikeways to ensure that routes continue to meet the criteria of subsection (4) of this section. Upon review, the commission may alter the route or revoke the designation of a scenic bikeway.

(8)(a) In consultation with the department of transportation, the commission must develop signage to be placed along the routes of each designated scenic bikeway.

(b) On the commission's web site, the commission must promote the use of designated scenic bikeways.

(c) The commission may develop promotional materials, including maps or telecommunications applications for purposes of facilitating public use of designed scenic bikeways. Promotional materials created by the commission must indicate whether the bikeway is paved or gravel and any other conditions of the bikeway that affect the safety of users. Consistent with the standards of RCW 79A.05.087, the commission may encourage local economic development in proximity to designated scenic bikeways in the promotional materials by noting opportunities for bicycle repair, food, lodging, camping, recreation, and other tourist activities.

(d) The commission must evaluate each designated scenic bikeway to determine whether the bikeway, or a portion thereof, is suitable for the use of electric bicycles and tricycles. If the commission determines that a designated scenic bikeway, or a portion thereof, is suitable for the use of electric bicycles and tricycles, the commission must allow their use on those bikeways or portions of bikeways.

(9) A recreational access pass issued under chapter 79A.80 RCW is not required in order to use a designated scenic bikeway, except that the access pass requirements of chapter 79A.80 RCW apply to motor vehicles used to park or operate on any portion of a scenic bikeway located on a recreational site or lands, as that term is defined in RCW 79A.80.010.

(10) The designation of a facility or roadway as a scenic bikeway by the commission does not change the liability of the commission or any other state or local government entity with respect to unintentional injury sustained by a user of a scenic bikeway. Nothing in this subsection applies or limits the applicability of the provisions of RCW 4.24.210 to roads or facilities designated as scenic bikeways.

(11) Nothing in this section authorizes the commission to acquire property or property rights solely for purposes of development of a scenic bikeway.

(12) The commission may enter into sponsorship agreements with nonprofit entities or private businesses or entities for sponsorship signs to be displayed on designated

scenic bikeways or portions of designated scenic bikeways. The commission may establish the cost for entering into a sponsor agreement. Sponsorship agreements must comply with (a) through (d) of this subsection.

(a) Space for a sponsorship sign may be provided by the commission on a designated scenic bikeway.

(b) Signage erected pursuant to a sponsorship agreement must be consistent with criteria established by the commission relating to size, materials, colors, wording, and location.

(c) The nonprofit entity or private business or entity must pay all costs of a display, including development, construction, installation, operation, maintenance, and removal costs.

(d) Proceeds from the sponsorship agreements must be used to fund commission activities related to the scenic bikeways program. Any surplus funds resulting from sponsorship agreements must be deposited into the state parks renewal and stewardship account under RCW 79A.05.215.

(13) The commission may adopt rules to administer the scenic bikeways program."

On page 1, line 2 of the title, after "bikeways;" strike the remainder of the title and insert "and adding a new section to chapter 79A.05 RCW."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2587 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Ramel and Jenkin 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. 2587, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2587, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft,

Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Volz.

HOUSE BILL NO. 2587, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2622 with the following amendment:

2.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 3.** RCW 9.41.801 and 2019 c 245 s 2 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 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 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, 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. ~~((Alternatively, if personal service is not required because the respondent was present at the hearing at which the order was entered, the))~~ The order must be personally served upon the respondent or defendant if the order is entered in open court in the presence of the respondent or defendant. The respondent or defendant shall acknowledge receipt and service. If the respondent or defendant refuses service, an agent of the court may indicate on the record that the respondent or defendant refused service. 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.

(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 twenty-four 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, 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 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 their 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 ~~((testimony to the court under oath verifying))~~ 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 to surrender 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.

(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 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 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 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 weapons.

(f) The court may order a respondent found in contempt of the order to surrender 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) 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.

~~((8))~~ (9) 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. 4.** RCW 7.94.090 and 2017 c 3 s 10 (Initiative Measure No. 1491) are each amended to read as follows:

(1) Upon issuance of any extreme risk protection order under this chapter, including an ex parte extreme risk protection order, the court shall 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.

(2) The law enforcement officer serving any extreme risk protection order under this chapter, including an ex parte 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 the order is entered in open court in the presence of the respondent or defendant. The respondent or defendant shall acknowledge receipt and service. If the respondent or defendant refuses service, an agent of the court may indicate on the record that the respondent or defendant refused service. 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. Alternatively, if personal service by a law

enforcement officer is not possible, ~~((or not required because the respondent was present at the extreme risk protection order hearing.))~~ the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within forty-eight hours of being served with the order by alternate service ~~((or within forty-eight hours of the hearing at which the respondent was present)).~~

(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 seventy-two 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 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 he or she is determined by the law enforcement agency to be the lawful owner of the firearm, the firearm shall be returned to him or her, provided that:

(a) The firearm is removed from the respondent's custody, control, or possession and the lawful owner agrees to store the firearm in a manner such that the respondent does not have access to or control of the firearm; and

(b) 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 ~~((person subject to the order))~~ respondent has surrendered any firearms in ~~((his or her))~~ the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070 to a law enforcement agency. The court may dismiss the hearing upon a satisfactory showing 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 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 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 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 shall not be borne by the petitioner.

(8) All law enforcement agencies must develop policies and procedures by June 1, 2017, regarding the acceptance, storage, and return of firearms required to be surrendered under this chapter. 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."

On page 1, line 3 of the title, after "licenses;" strike the remainder of the title and insert "and amending RCW 9.41.801 and 7.94.090."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2622 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

Representative Irwin 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. 2622, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2622, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 56; Nays, 40; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Harris, Hoff, Irwin,

Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Griffey and Volz.

SUBSTITUTE HOUSE BILL NO. 2622, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2662 with the following amendment:

4.0.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 5.** (1) The legislature recognizes that:

(a) Insulin is a life-saving drug and is critical to the management of diabetes as it helps patients control their blood sugar levels;

(b) According to Yale researchers, one-quarter of patients with Type 1 or 2 diabetes have reported using less insulin than prescribed due to the high cost of insulin;

(c) The first insulin patent in the United States was awarded in 1923 and the first synthetic insulin arrived on the market in 1978; and

(d) The price and utilization of insulin has steadily increased, making it one of the costliest prescription drugs in the state. According to the Washington all-payer claims database, the allowable costs before rebates for health carriers in the state have increased eighty-seven percent since 2014, and per member out-of-pocket costs have increased an average of eighteen percent over the same time period.

(2) Therefore, the legislature intends to review, consider, and pursue several strategies with the goal of reducing the cost of insulin in Washington.

NEW SECTION. **Sec. 6.** A new section is added to chapter 70.14 RCW 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) A representative from the public employees' benefits board or the school employees' benefits board;

(i) A representative from the health care authority;

(j) A representative from a pharmacy benefit manager that contracts with state purchasers;

(k) A representative from a drug distributor or wholesaler that distributes or sells insulin in the state;

(l) A representative from a state agency that purchases health care services and drugs for a selected population;

(m) A representative from the attorney general's office with expertise in prescription drug purchasing; and

(n) A representative from an organization representing diabetes patients who is living with diabetes.

(2) The work group must review and design strategies to 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.

(3) Staff support for the work group shall be provided by the health care authority.

(4) By December 1, 2020, 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, 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.

**NEW SECTION. Sec. 7.** A new section is added to chapter 70.14 RCW to read as follows:

(1) In order to implement strategies recommended by the total cost of insulin work group established in section 2 of this act, the health care authority may:

(a) Become or designate a state agency that shall become a drug wholesaler licensed under RCW 18.64.046;

(b) Become or designate a state agency that shall become a pharmacy benefit manager registered under RCW 19.340.030; or

(c) Purchase prescription drugs on behalf of the state directly from other states or in coordination with other states.

(2) In addition to the authorities granted in subsection (1) of this section, if the total cost of insulin work group established in section 2 of this act determines that all or a portion of the strategies may be implemented without statutory changes, the health care authority and the prescription drug purchasing consortium described in RCW 70.14.060 shall begin implementation without further legislative direction.

**Sec. 8.** RCW 70.14.060 and 2009 c 560 s 13 are each amended to read as follows:

(1)(a) The administrator of the state health care authority shall, directly or by contract, adopt policies necessary for establishment of a prescription drug purchasing consortium. The consortium's purchasing activities shall be based upon the evidence-based prescription drug program established under RCW 70.14.050. State purchased health care programs as defined in RCW 41.05.011 shall purchase prescription drugs through the consortium for those prescription drugs that are purchased directly by the state and those that are purchased through reimbursement of pharmacies, unless exempted under ~~((this section))~~ (b) of this subsection. The administrator shall not require any supplemental rebate offered to the ~~((department of social and health services))~~ health care authority by a pharmaceutical manufacturer for prescription drugs purchased for medical assistance program clients under chapter 74.09 RCW be extended to any other state purchased health care program, or to any other individuals or entities participating in the consortium. The administrator shall explore joint purchasing opportunities with other states.

(b) State purchased health care programs are exempt from the requirements of this section if they can demonstrate to the administrator of the state health care authority that, as a result of the availability of federal programs or other purchasing arrangements, their other purchasing mechanisms will result in greater discounts and aggregate cost savings than would be realized through participation in the consortium.

(2) Participation in the purchasing consortium shall be offered as an option beginning January 1, 2006. Participation in the consortium is purely voluntary for units of local government, private entities, labor organizations, health carriers as provided in RCW 48.43.005, state purchased health care services from or through health carriers as provided in RCW 48.43.005, and for individuals who lack or are underinsured for prescription drug coverage. The administrator may set reasonable fees, including enrollment fees, to cover administrative costs attributable to participation in the prescription drug consortium.

(3) ~~((This section does not apply to state purchased health care services that are purchased from or through health carriers as defined in RCW 48.43.005, or group model health maintenance organizations that are accredited by the national committee for quality assurance.~~

(4)) The state health care authority is authorized to adopt rules implementing chapter 129, Laws of 2005.

~~((5) State purchased health care programs are exempt from the requirements of this section if they can demonstrate to the administrator that, as a result of the availability of federal programs or other purchasing arrangements, their other purchasing mechanisms will result in greater discounts and aggregate cost savings than would be realized through participation in the consortium.))~~

**NEW SECTION. Sec. 9.** A new section is added to chapter 48.43 RCW to read as follows:

(1) Except as required in subsection (2) of this section, a health plan issued or renewed on or after January 1, 2021, that provides coverage for prescription insulin drugs for the treatment of diabetes must cap the total amount that an enrollee is required to pay for a covered insulin drug at an amount not to exceed one hundred dollars per thirty-day supply of the drug. Prescription insulin drugs must be covered without being subject to a deductible, and any cost sharing paid by an enrollee must be applied toward the enrollee's deductible obligation.

(2) If the federal internal revenue service removes insulin from the list of preventive care services which can be covered by a qualifying health plan for a health savings account before the deductible is satisfied, for a health plan that provides coverage for prescription insulin drugs for the treatment of diabetes and is offered as a qualifying health plan for a health savings account, the carrier must establish the plan's cost sharing for the coverage of prescription insulin for diabetes at the minimum level necessary to preserve the enrollee's ability to claim tax exempt contributions from his or her health savings account under internal revenue service laws and regulations. The office of the insurance commissioner must provide written notice of the change in internal revenue service guidance 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 office.

(3) This section expires January 1, 2023.

**NEW SECTION. Sec. 10.** A new section is added to chapter 41.05 RCW to read as follows:

(1) Except as required in subsection (2) of this section, a health plan offered to public employees and their covered dependents under this chapter that is issued or renewed by the board on or after January 1, 2021, that provides coverage for prescription insulin drugs for the treatment of diabetes must cap the total amount that an enrollee is required to pay for a covered insulin drug at an amount not to exceed one hundred dollars per thirty-day supply of the drug. Prescription insulin drugs must be covered without being subject to a deductible, and any cost sharing paid by an enrollee must be applied toward the enrollee's deductible obligation.

(2) If the federal internal revenue service removes insulin from the list of preventive care services which can be covered by a qualifying health plan for a health savings account before the deductible is satisfied, for a health plan

that provides coverage for prescription insulin drugs for the treatment of diabetes and is offered as a qualifying health plan for a health savings account, the carrier must establish the plan's cost sharing for the coverage of prescription insulin for diabetes at the minimum level necessary to preserve the enrollee's ability to claim tax exempt contributions from his or her health savings account under internal revenue service laws and regulations. The office of the insurance commissioner must provide written notice of the change in internal revenue service guidance 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 office.

(3) The authority must monitor the wholesale acquisition cost of all insulin products sold in the state.

(4) This section expires January 1, 2023.

**Sec. 11.** RCW 48.20.391 and 1997 c 276 s 2 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

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

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All disability insurance contracts providing health care services, delivered or issued for delivery in this state and issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For disability insurance contracts that include pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all disability insurance contracts providing health care services, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the insurer from restricting patients

to seeing only health care providers who have signed participating provider agreements with the insurer or an insuring entity under contract with the insurer.

(3) ~~((Coverage))~~ Except as provided in section 5 of this act, coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The insurer need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plan that provides benefits identical to the schedule of services covered by the basic health plan, as required by RCW 48.20.028.

**Sec. 12.** RCW 48.21.143 and 2004 c 244 s 10 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

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

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All group disability insurance contracts and blanket disability insurance contracts providing health care services, issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For group disability insurance contracts and blanket disability insurance contracts that include coverage for pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar

levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all group disability insurance contracts and blanket disability insurance contracts providing health care services, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the insurer from restricting patients to seeing only health care providers who have signed participating provider agreements with the insurer or an insuring entity under contract with the insurer.

(3) ~~((Coverage))~~ Except as provided in section 5 of this act, coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The insurer need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plan that provides benefits identical to the schedule of services covered by the basic health plan.

**Sec. 13.** RCW 48.44.315 and 2004 c 244 s 12 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

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

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All health benefit plans offered by health care service contractors, issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For health benefit plans that include coverage for pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all health benefit plans, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the health care services contractor from restricting patients to seeing only health care providers who have signed participating provider agreements with the health care services contractor or an insuring entity under contract with the health care services contractor.

(3) ~~((Coverage))~~ Except as provided in section 5 of this act, coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The health care service contractor need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plans that provide benefits identical to the schedule of services covered by the basic health plan.

**Sec. 14.** RCW 48.46.272 and 2004 c 244 s 14 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

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

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All health benefit plans offered by health maintenance organizations, issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For health benefit plans that include coverage for pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all health benefit plans, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the health maintenance organization from restricting patients to seeing only health care providers who have signed participating provider agreements with the health maintenance organization or an insuring entity under contract with the health maintenance organization.

(3) ~~((Coverage))~~ Except as provided in section 5 of this act, coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The health maintenance organization need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plans that provide benefits identical to the schedule of services covered by the basic health plan."

On page 1, line 1 of the title, after "insulin;" strike the remainder of the title and insert "amending RCW 70.14.060, 48.20.391, 48.21.143, 48.44.315, and 48.46.272; adding new sections to chapter 70.14 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 41.05 RCW; creating a new section; and providing expiration dates."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2662 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 Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2662, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2662, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representatives Griffey and Volz.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2662, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

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

**SECOND READING****HOUSE BILL NO. 2936, by Representative Steele**

**Adjusting predesign requirements and thresholds.  
Revised for 1st Substitute: Concerning predesign  
requirements and thresholds.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2936 was substituted for House Bill No. 2936 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2936 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 Steele and Tharinger 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. 2936.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2936, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Volz.

SUBSTITUTE HOUSE BILL NO. 2936, having received the necessary constitutional majority, was declared passed.

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

**INTRODUCTION & FIRST READING**

There being no objection, the following bills were read the first time and under suspension of the rules were placed on the second reading calendar:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
5147  
SENATE BILL NO. 6312  
ENGROSSED SUBSTITUTE SENATE BILL 6331

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:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
6534

There being no objection, the House adjourned until 10:00 a.m., March 10, 2020, the 58th Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

**SIXTY SIXTH LEGISLATURE - REGULAR SESSION****FIFTY EIGHTH DAY**

House Chamber, Olympia, Tuesday, March 10, 2020

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kathryn Hanson and Rhett Nelson. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Rhyan Smith, Grace Community Covenant Church, Olympia, Washington.

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.

**MOTIONS**

There being no objection, the Committee on Appropriations was relieved of HOUSE BILL NO. 2486 and the bill was placed on the second reading calendar.

There being no objection, the Committee on Rules was relieved of SUBSTITUTE SENATE BILL NO. 6613 and the bill was placed on the second reading calendar.

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

**SECOND READING**

**HOUSE BILL NO. 2486, by Representatives Lekanoff, Fitzgibbon, Leavitt, Doglio, Ramel and Hudgins**

**Extending the electric marine battery incentive.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2486 was substituted for House Bill No. 2486 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2486 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 Orcutt spoke in favor of the passage of the bill.

Representative Senn spoke against the passage of the bill.

**MOTION**

On motion of Representative Riccelli, Representative Paul was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2486.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2486, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Schmick, Sells, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Frame, Leavitt, Santos and Senn.

Excused: Representative Paul.

SUBSTITUTE HOUSE BILL NO. 2486, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2825, by Representatives Goehner, Chapman, Steele, Dent, DeBolt, Mosbrucker, Mead, Boehnke, Tarleton, Orcutt, Dufault, McCaslin, Ybarra, Blake, Fitzgibbon and Shea**

**Promoting oil-free hydroelectric turbine technology.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2825 was substituted for House Bill No. 2825 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2825 was read the second time.

Representative Fitzgibbon moved the adoption of the striking amendment (2175):

14.0.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 15. A new section is added to chapter 82.08 RCW to read as follows:

(1) A taxpayer is eligible for an exemption, in the form of a remittance, from the tax levied by RCW 82.08.020 on:

(a) The sale of oil-free adjustable blade hubs for hydroelectric turbines;

(b) The sale of or charge made for labor and services rendered in respect to constructing, installing, repairing, altering, cleaning, or improving oil-free adjustable blade hubs for hydroelectric turbines; and

(c) The sale of tangible personal property that will become a component of oil-free adjustable blade hubs for hydroelectric turbines during the course of constructing, installing, repairing, altering, cleaning, or improving oil-free adjustable blade hubs for hydroelectric turbines.

(2)(a) Any taxpayer claiming exemption from retail sales tax under the provisions of this section must pay the state and local sales tax to the seller at the time of purchase and then request a remittance from the department in accordance with this subsection. The request for remittance must include any information and documentation as required by the department, which may include the sales price of any goods or services purchased, the amount of sales tax paid on the item, the date of the purchase, the name of the seller and the physical address where the sale took place, and copies of sales receipts showing the qualified purchases.

(b) Requests for remittance must be made on an annual basis. A taxpayer may not submit more than one request for remittance for a given calendar year, except to amend a request.

(c) As part of the application for a remittance under this section, in cases where the labor and services as described in subsection (1)(b) of this section are provided under contract, the taxpayer must attest:

(i)(A) That the contractors on the project, for which the labor and services described in subsection (1)(b) of this section are rendered, have a history of complying with federal and state wage and hour laws and regulations; or

(B) That the project, for which the labor and services described in subsection (1)(b) of this section are rendered, is developed under a community workforce agreement or project labor agreement; or

(ii) That, if the contract for labor and services described under subsection (1)(b) of this section was

executed prior to July 1, 2020, and the remaining labor and services will be rendered on or after July 1, 2020, either of the conditions in (c)(i) of this subsection (2) is met and wages consistent with chapter 39.12 RCW are paid on the project.

(d) If the department determines that any of the facts attested to as required under (c) of this subsection are not true, the department must deny the application for remittance. However, nothing in this section requires the department to endeavor to determine the veracity of the facts attested to as required under (c) of this subsection. Upon the department's request, state agencies must provide assistance to the department in reviewing the information submitted by a generating utility as required by (c) of this subsection.

(e) Any taxpayer claiming exemption from retail sales tax under the provisions of this section must also report to the department the amount of energy expected to be generated by the hydroelectric turbines associated with the exemption in the twelve months following the date of the request. The department must make this information available to the joint legislative audit and review committee.

(3) The exemption provided by this section is only for the state portion of the sales tax. For purposes of this section, the state portion of the sales tax is not reduced by any local sales tax that is deducted or credited against the state sales tax as provided by law.

(4) The definitions in this subsection apply throughout this section and section 2 of this act unless the context clearly requires otherwise:

(a) "Electric utility" has the same meaning as defined in RCW 19.29A.010.

(b) "Hydroelectric turbine" means a mechanical wheel that is moved by water and connected to a generator to produce electricity in a hydroelectric project owned by an electric utility.

(c) "Oil-free adjustable blade hub for hydroelectric turbines" means a type of horizontal or vertical hydroelectric turbine with adjustable blades that does not use oil on the runner hub to lubricate the internal components.

(5) This section expires July 1, 2030.

NEW SECTION. Sec. 16. A new section is added to chapter 82.12 RCW to read as follows:

(1) A taxpayer is eligible for an exemption, in the form of a remittance, from the tax levied by RCW 82.12.020 on:

(a) Oil-free adjustable blade hubs for hydroelectric turbines;

(b) Labor and services rendered in respect to constructing, installing, repairing, altering, cleaning, or improving oil-free adjustable blade hubs for hydroelectric turbines; and

(c) Tangible personal property that will become a component of oil-free adjustable blade hubs for hydroelectric turbines during the course of constructing, installing, repairing, altering, cleaning, or improving oil-free adjustable blade hubs for hydroelectric turbines.

(2) All of the eligibility requirements, conditions, limitations, and definitions in section 1 of this act apply to this section.

(3) This section expires July 1, 2030.

**NEW SECTION. Sec. 17.** (1) This section is the tax preference performance statement for the tax preference contained in sections 1 and 2, chapter . . ., Laws of 2020 (sections 1 and 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 improve industry competitiveness as indicated in RCW 82.32.808(2)(b).

(3) It is the legislature's specific public policy objective to promote the use of oil-free hydroelectric turbine technology.

(4) If a review finds that there is an increase in the number of taxpayers claiming the exemption provided in this act and in the amount of energy generated by the hydroelectric turbines associated with this exemption, then the legislature intends to extend the expiration date of this 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 data collected by the state.

**NEW SECTION. Sec. 18.** This act takes effect July 1, 2020."

Correct the title.

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

The striking amendment (2175) 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 Goehner, Fitzgibbon and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2825.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2825, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Calder, Callan, Chambers,

Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Frame, Kirby, Leavitt and Senn.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2825, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5147, by Senate Committee on Ways & Means (originally sponsored by Wilson, L., Brown, Carlyle, Conway, Darneille, Palumbo, Keiser, Mullet, O'Ban, Short, Wagoner and Warnick)**

**Providing tax relief to females by exempting feminine hygiene products from retail sales and use tax. Revised for 1st Substitute: Providing tax relief to females by exempting feminine hygiene products from retail sales and use tax. (REVISED FOR ENGROSSED: Providing tax relief by exempting menstrual products from retail sales and use tax.)**

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 Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5147.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5147, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Calder, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri,

Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Frame and Ryu.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5147, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6312, by Senators Zeiger, O'Ban and Rolfes**

**Making the nonprofit and library fund-raising exemption permanent.**

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 and Tarleton spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6312.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6312, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Frame.

Excused: Representative Paul.

SENATE BILL NO. 6312, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6613, by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Rolfes, Lovelett and Saldaña)**

**Concerning the inspection of marine aquatic farming locations.**

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 Appleton, Chandler and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6613.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6613, and the bill passed the House by the following vote: Yeas, 73; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goodman, Gregerson, Griffey, Hansen, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Walen, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Boehnke, Corry, Dufault, Dye, Goehner, Graham, Harris, Hoff, Jenkin, Klippert, Kraft, Kretz, McCaslin, Mosbrucker, Orcutt, Schmick, Shea, Smith, Steele, Sutherland, Vick, Volz, Walsh and Young.

Excused: Representative Paul.

SUBSTITUTE SENATE BILL NO. 6613, 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 6, 2020

Mme. SPEAKER:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1661, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 19. (1) The legislature finds that:

(a) Chapter 47, Laws of 2011 1st sp. sess. (Engrossed Substitute House Bill No. 1981) established a framework to allow the state's institutions of higher education to begin funding the unfunded portion of the defined benefit component of the higher education retirement plans.

(b) Moneys in the fund are being invested in short-term assets with low rates of return because there is no stated or clear pathway for when these funds will be used to pay benefits and that a stated strategy would allow these funds to be invested at a higher rate of return.

(c) The first actuarial analysis of the plans was completed in 2016, which provided information about projected future costs and potential institution specific rates that would allow benefits to be paid from the fund beginning in 2035.

(2) Therefore, the legislature intends the following:

(a) To establish institution specific contribution rates for each institutions of higher education supplemental benefit plan.

(b) The pension funding council will adjust the institution specific rates periodically based on updated experience and actuarial analyses to maintain progress towards funding the actuarial liabilities of each institution and to allow payment from the funds by 2035.

(c) Future contribution rates represent the cost of paying on a combined prefunded and pay-as-you-go basis in a way that reduces the year-to-year changes in cost that the higher education retirement plan supplemental benefit has under current law.

(d) The department of retirement systems assumes responsibility for administering the higher education retirement plan supplemental benefit fund when sufficient assets have been accumulated, as determined by the pension funding council.

(e) When sufficient funding has been accumulated to begin making benefit payments that the payments be made solely from that institution's portion of the higher education retirement plan supplemental benefit fund.

(f) That moneys in the fund be invested in a way to maximize returns.

**Sec. 20.** RCW 28B.10.423 and 2012 c 229 s 516 are each amended to read as follows:

(1) For employees who are first employed by an institution of higher education in a position eligible for participation in an old age annuities or retirement income plan under this chapter prior to July 1, 2011, it is the intent of RCW 28B.10.400, 28B.10.405, 28B.10.410, 28B.10.415, and 28B.10.420(Ⓕ) and (~~28B.10.423~~) this section that the

retirement income resulting from the contributions described herein from the state of Washington and the employee shall be projected actuarially so that it shall not exceed sixty percent of the average of the highest two consecutive years salary. Periodic review of the retirement systems established pursuant to RCW 28B.10.400, 28B.10.405, 28B.10.410, 28B.10.415, and 28B.10.420(Ⓕ) and (~~28B.10.423~~) this section will be undertaken at such time and in such manner as determined by the committees on ways and means of the senate and of the house of representatives, the select committee on pension policy, and the pension funding council, and joint contribution rates will be adjusted if necessary to accomplish this intent.

(2) Beginning July 1, 2011, state funding for annuity or retirement income plans under RCW 28B.10.400 shall not exceed six percent of salary. The state board for community and technical colleges and the student achievement council are exempt from the provisions of this subsection (2).

(3) By June 30, 2013, and every two years thereafter, each institution of higher education that is responsible for payment of supplemental amounts under RCW 28B.10.400(1)(c) shall contract with the state actuary under chapter 41.44 RCW for an actuarial valuation of their supplemental benefit plan. By June 30, 2013, and at least once every six years thereafter, each institution shall also contract with the state actuary under chapter 41.44 RCW for an actuarial experience study of the mortality, service, compensation, and other experience of the annuity or retirement income plans created in this chapter, and into the financial condition of each system. At the discretion of the state actuary, the valuation or experience study may be performed by the state actuary or by an outside actuarial firm under contract to the office of the state actuary. Each institution of higher education is required to provide the data and information required for the performance of the valuation or experience study to the office of the state actuary or to the actuary performing the study on behalf of the state actuary. The state actuary may charge each institution for the actual cost of the valuation or experience study through an interagency agreement. Upon completion of the valuation or experience study, the state actuary shall provide copies of the study to the institution of higher education and to the select committee on pension policy and the pension funding council.

(4)(a) (~~(A higher education retirement plan supplemental benefit fund is created in the custody of the state treasurer for the purpose of funding future benefit obligations of higher education retirement plan supplemental benefits. The state investment board has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in the fund.~~

~~(b))~~ From January 1, 2012, through June 30, 2013, an employer contribution rate of one-quarter of one percent of salary is established to begin prefunding the unfunded future obligations of the supplemental benefit established in RCW 28B.10.400.

~~((c))~~ (b) Beginning July 1, 2013, an employer contribution rate of one-half of one percent of salary is

established to prefund the unfunded future obligations of the supplemental benefit established in RCW 28B.10.400.

~~((d))~~ (c)(i) Beginning July 1, 2020, the employer contribution rates for each state institution of higher education are as follows:

University of Washington: 0.38 percent

Washington State University: 0.30 percent

Western Washington University: 0.21 percent

Eastern Washington University: 0.28 percent

Central Washington University: 0.00 percent

The Evergreen State College: 0.23 percent

State board for community and technical colleges: 0.13 percent

(ii) The contribution rates established in this section may be changed by rates adopted by the pension funding council beginning July 1, 2021, consistent with (e) of this subsection.

(iii) The rates in this subsection (4) are subject to the limit established in subsection (2) of this section.

(d) Consistent with chapter 41.50 RCW, the department of retirement systems shall collect the employer contribution rates established in this section from each state institution of higher education, and deposit those contributions into the higher education retirement plan supplemental benefit fund under RCW 41.50.075(6). The contributions made by each employer into the higher education retirement plan supplemental benefit fund and the earnings on those contributions shall be accounted for separately within the fund.

(e) Following the completion and review of the ~~((initial))~~ actuarial valuations and experience study conducted pursuant to subsection (3) of this section, the pension funding council may~~(:~~

~~(i) Adopt~~), by July 31, 2020, and every two years thereafter, adopt and make changes to the employer contribution rates established in this subsection consistent with the procedures established in chapter 41.45 RCW. If the actuarial valuations of the higher education retirement plans of each institution contributing to the higher education retirement plan supplemental benefit fund suggest that different contribution rates are appropriate for each institution, different rates may be adopted. Rates adopted by the pension funding council are subject to revision by the legislature~~(:~~

~~(ii) Recommend legislation that will, upon accumulation of sufficient funding in the higher education retirement plan supplemental benefit fund, transfer the responsibility for making supplemental benefit payments to the department of retirement systems, and adjust employer contribution rates to reflect the transfer of responsibility).~~

(f)(i) The rates adopted by the pension funding council must be designed to keep the cost of the higher education retirement plan supplemental benefits at a more level

percentage of pay than a pay-as-you-go method. This more level percentage of pay of costs means a combination of the cost of supplemental benefits paid by the institution directly, plus the cost of contributions to the higher education retirement plan supplemental benefit fund. Contributions shall continue until the projected value of the funds equals the projected cost of future benefits for the institution.

(ii) Funds are anticipated to be accumulated in the higher education retirement plan supplemental benefit fund, and not expended on benefits until approximately the year 2035.

(iii) The pension funding council, in consultation with the state actuary, may choose and occasionally revise, a funding method designed to achieve these objectives.

**Sec. 21.** RCW 41.45.050 and 2004 c 242 s 38 are each amended to read as follows:

(1) Employers of members of the public employees' retirement system, the teachers' retirement system, the school employees' retirement system, the public safety employees' retirement system, ~~((and))~~ the Washington state patrol retirement system, and the higher education retirement plans shall make contributions to those systems and plans based on the rates established in RCW 41.45.060 and 41.45.070.

(2) The state shall make contributions to the law enforcement officers' and firefighters' retirement system plan 2 based on the rates established in RCW 41.45.060 and 41.45.070. The state treasurer shall transfer the required contributions each month on the basis of salary data provided by the department.

(3) The department shall bill employers, and the state shall make contributions to the law enforcement officers' and firefighters' retirement system plan 2, using the combined rates established in RCW 41.45.060 and 41.45.070 regardless of the level of appropriation provided in the biennial budget. Any member of an affected retirement system may, by mandamus or other appropriate proceeding, require the transfer and payment of funds as directed in this section.

(4) The contributions received for the public employees' retirement system shall be allocated between the public employees' retirement system plan 1 fund and the public employees' retirement system combined plan 2 and plan 3 fund as follows: The contributions necessary to fully fund the public employees' retirement system combined plan 2 and plan 3 employer contribution shall first be deposited in the public employees' retirement system combined plan 2 and plan 3 fund. All remaining public employees' retirement system employer contributions shall be deposited in the public employees' retirement system plan 1 fund.

(5) The contributions received for the teachers' retirement system shall be allocated between the plan 1 fund and the combined plan 2 and plan 3 fund as follows: The contributions necessary to fully fund the combined plan 2 and plan 3 employer contribution shall first be deposited in the combined plan 2 and plan 3 fund. All remaining teachers'

retirement system employer contributions shall be deposited in the plan 1 fund.

(6) The contributions received for the school employees' retirement system shall be allocated between the public employees' retirement system plan 1 fund and the school employees' retirement system combined plan 2 and plan 3 fund as follows: The contributions necessary to fully fund the combined plan 2 and plan 3 employer contribution shall first be deposited in the combined plan 2 and plan 3 fund. All remaining school employees' retirement system employer contributions shall be deposited in the public employees' retirement system plan 1 fund.

(7) The contributions received for the law enforcement officers' and firefighters' retirement system plan 2 shall be deposited in the law enforcement officers' and firefighters' retirement system plan 2 fund.

(8) The contributions received for the public safety employees' retirement system shall be allocated between the public employees' retirement system plan 1 fund and the public safety employees' retirement system plan 2 fund as follows: The contributions necessary to fully fund the plan 2 employer contribution shall first be deposited in the plan 2 fund. All remaining public safety employees' retirement system employer contributions shall be deposited in the public employees' retirement system plan 1 fund.

(9) The contributions received for the higher education retirement plan supplemental benefit fund shall be deposited in the higher education retirement plan supplemental benefit fund and amounts received from each institution accounted for separately and shall only be used to make benefit payments to the beneficiaries of that institution's plan.

**Sec. 22.** RCW 41.45.060 and 2009 c 561 s 3 are each amended to read as follows:

(1) The state actuary shall provide preliminary actuarial valuation results based on the economic assumptions and asset value smoothing technique included in RCW 41.45.035 or adopted under RCW 41.45.030 or 41.45.035.

(2) Not later than July 31, 2008, and every two years thereafter, consistent with the economic assumptions and asset value smoothing technique included in RCW 41.45.035 or adopted under RCW 41.45.030 or 41.45.035, the council shall adopt and may make changes to:

(a) A basic state contribution rate for the law enforcement officers' and firefighters' retirement system plan 1;

(b) Basic employer contribution rates for the public employees' retirement system, the teachers' retirement system, and the Washington state patrol retirement system; and

(c) Basic employer contribution rates for the school employees' retirement system and the public safety employees' retirement system for funding both those systems and the public employees' retirement system plan 1.

The council may adopt annual rate changes for any plan for any rate-setting period. The contribution rates

adopted by the council shall be subject to revision by the legislature.

(3) The employer and state contribution rates adopted by the council shall be the level percentages of pay that are needed:

(a) To fully amortize the total costs of the law enforcement officers' and firefighters' retirement system plan 1 not later than June 30, 2024;

(b) To fully fund the public employees' retirement system plans 2 and 3, the teachers' retirement system plans 2 and 3, the public safety employees' retirement system plan 2, and the school employees' retirement system plans 2 and 3 in accordance with RCW 41.45.061, 41.45.067, and this section; and

(c) To fully fund the public employees' retirement system plan 1 and the teachers' retirement system plan 1 in accordance with RCW 41.45.070, 41.45.150, and this section.

(4) The aggregate actuarial cost method shall be used to calculate a combined plan 2 and 3 normal cost, a Washington state patrol retirement system normal cost, and a public safety employees' retirement system normal cost.

(5) A modified entry age normal cost method, as set forth in this chapter, shall be used to calculate employer contributions to the public employees' retirement system plan 1 and the teachers' retirement system plan 1.

(6) The employer contribution rate for the public employees' retirement system and the school employees' retirement system shall equal the sum of:

(a) The amount required to pay the combined plan 2 and plan 3 normal cost for the system, subject to any minimum rates applied pursuant to RCW 41.45.155; plus

(b) The amount required to amortize the unfunded actuarial accrued liability in plan 1 of the public employees' retirement system over a rolling ten-year period using projected future salary growth and growth in system membership, and subject to any minimum or maximum rates applied pursuant to RCW 41.45.150; plus

(c) The amounts required to amortize the costs of any benefit improvements in plan 1 of the public employees' retirement system that become effective after June 30, 2009. The cost of each benefit improvement shall be amortized over a fixed ten-year period using projected future salary growth and growth in system membership. The amounts required under this subsection are not subject to, and are collected in addition to, any minimum or maximum rates applied pursuant to RCW 41.45.150.

(7) The employer contribution rate for the public safety employees' retirement system shall equal the sum of:

(a) The amount required to pay the normal cost for the system, subject to any minimum rates applied pursuant to RCW 41.45.155; plus

(b) The amount required to amortize the unfunded actuarial accrued liability in plan 1 of the public employees' retirement system over a rolling ten-year period using

projected future salary growth and growth in system membership, and subject to any minimum or maximum rates applied pursuant to RCW 41.45.150; plus

(c) The amounts required to amortize the costs of any benefit improvements in plan 1 of the public employees' retirement system that become effective after June 30, 2009. The cost of each benefit improvement shall be amortized over a fixed ten-year period using projected future salary growth and growth in system membership. The amounts required under this subsection are not subject to, and are collected in addition to, any minimum or maximum rates applied pursuant to RCW 41.45.150.

(8) The employer contribution rate for the teachers' retirement system shall equal the sum of:

(a) The amount required to pay the combined plan 2 and plan 3 normal cost for the system, subject to any minimum rates applied pursuant to RCW 41.45.155; plus

(b) The amount required to amortize the unfunded actuarial accrued liability in plan 1 of the teachers' retirement system over a rolling ten-year period using projected future salary growth and growth in system membership, and subject to any minimum or maximum rates applied pursuant to RCW 41.45.150; plus

(c) The amounts required to amortize the costs of any benefit improvements in plan 1 of the teachers' retirement system that become effective after June 30, 2009. The cost of each benefit improvement shall be amortized over a fixed ten-year period using projected future salary growth and growth in system membership. The amounts required under this subsection are not subject to, and are collected in addition to, any minimum or maximum rates applied pursuant to RCW 41.45.150.

(9) The employer contribution rate for each of the institutions of higher education for the higher education supplemental retirement benefits must be sufficient to fund, as a level percentage of pay, a portion of the projected cost of the supplemental retirement benefits for the institution beginning in 2035, with the other portion supported on a pay-as-you-go basis, either as direct payments by each institution to retirees, or as contributions to the higher education retirement plan supplemental benefit fund. Contributions must continue until the council determines that the institution for higher education supplemental retirement benefit liabilities are satisfied.

(10) The council shall immediately notify the directors of the office of financial management and department of retirement systems of the state and employer contribution rates adopted. The rates shall be effective for the ensuing biennial period, subject to any legislative modifications.

~~((40))~~ (11) The director shall collect those rates adopted by the council. The rates established in RCW 41.45.062, or by the council, shall be subject to revision by the legislature.

~~((44))~~ (12) The state actuary shall prepare final actuarial valuation results based on the economic assumptions, asset value smoothing technique, and

contribution rates included in or adopted under RCW 41.45.030, 41.45.035, and this section.

**Sec. 23.** RCW 41.50.075 and 2004 c 242 s 44 are each amended to read as follows:

(1) Two funds are hereby created and established in the state treasury to be known as the Washington law enforcement officers' and firefighters' system plan 1 retirement fund, and the Washington law enforcement officers' and firefighters' system plan 2 retirement fund which shall consist of all moneys paid into them in accordance with the provisions of this chapter and chapter 41.26 RCW, whether such moneys take the form of cash, securities, or other assets. The plan 1 fund shall consist of all moneys paid to finance the benefits provided to members of the law enforcement officers' and firefighters' retirement system plan 1, and the plan 2 fund shall consist of all moneys paid to finance the benefits provided to members of the law enforcement officers' and firefighters' retirement system plan 2.

(2) All of the assets of the Washington state teachers' retirement system shall be credited according to the purposes for which they are held, to two funds to be maintained in the state treasury, namely, the teachers' retirement system plan 1 fund and the teachers' retirement system combined plan 2 and 3 fund. The plan 1 fund shall consist of all moneys paid to finance the benefits provided to members of the Washington state teachers' retirement system plan 1, and the combined plan 2 and 3 fund shall consist of all moneys paid to finance the benefits provided to members of the Washington state teachers' retirement system plan 2 and 3.

(3) There is hereby established in the state treasury two separate funds, namely the public employees' retirement system plan 1 fund and the public employees' retirement system combined plan 2 and plan 3 fund. The plan 1 fund shall consist of all moneys paid to finance the benefits provided to members of the public employees' retirement system plan 1, and the combined plan 2 and plan 3 fund shall consist of all moneys paid to finance the benefits provided to members of the public employees' retirement system plans 2 and 3.

(4) There is hereby established in the state treasury the school employees' retirement system combined plan 2 and 3 fund. The combined plan 2 and 3 fund shall consist of all moneys paid to finance the benefits provided to members of the school employees' retirement system plan 2 and plan 3.

(5) There is hereby established in the state treasury the public safety employees' retirement system plan 2 fund. The plan 2 fund shall consist of all moneys paid to finance the benefits provided to members of the public safety employees' retirement system plan 2.

(6)(a)(i) There is hereby established in the state treasury the higher education retirement plan supplemental benefit fund. The higher education retirement plan supplemental benefit fund shall consist of all moneys paid to finance the benefits provided to members of each of the higher education retirement plans.

(ii) The fund in this subsection (6) was originally created under chapter 47, Laws of 2011 1st sp. sess. (Engrossed Substitute House Bill No. 1981).

(b) The office of financial management must create individual accounts for each institution of higher education within the higher education retirement plan supplemental benefit fund. For fiscal year 2021, the office of financial management must transfer all the assets of the higher education retirement plan supplemental benefit fund into the individual accounts for each institution that will be used to manage the accounting for each benefit plan. The higher education retirement plan supplemental benefit fund will include all the amounts in the individual accounts created in this subsection.

**NEW SECTION. Sec. 24.** A new section is added to chapter 41.50 RCW to read as follows:

(1) On July 1st of the fiscal year following a determination by the pension funding council that a higher education institution has sufficiently funded the liabilities of that institution through contributions to the higher education retirement plan supplemental benefit fund, the department shall assume responsibility for making benefit payments to higher education retirement plan supplemental beneficiaries for that institution from the portion of the higher education retirement plan supplemental benefit fund attributed to the individual institution.

(2) Immediately following the determination by the pension funding council under RCW 41.45.060(9) that an institution participating in the higher education retirement plan supplemental benefits has sufficiently funded the benefits of the plan that higher education institution:

(a) Must provide any data and assistance requested by the department to facilitate the transition of responsibility for making benefit payments to higher education retirement plan members eligible for supplemental benefit payments; and

(b) Is governed by the provisions of RCW 41.50.110.

(3) On the date that the department assumes responsibility for benefit payments under subsection (1) of this section, the department shall assess contributions to the department of retirement systems' expense fund under RCW 41.50.110(3) for active participants in the higher education retirement plan. Contributions to the expense fund for higher education retirement plan members must end when there are no longer retirees or beneficiaries from an institution receiving payments administered by the department.

(4)(a) Upon the department's assumption of responsibility for making benefit payments from an institution's higher education retirement plan, the institution shall submit to the department the benefit level for current higher education retirement plan supplemental beneficiaries, and each month following the department's assumption of responsibility for making benefit payments to an institution's higher education retirement plan supplemental beneficiaries, the institution shall submit to the department information on any new retirees covered by the higher education retirement plan supplemental benefit. The submission shall include all data relevant to the calculation of a supplemental benefit for

each retiree, and the benefit that the institution determines the individual qualifies to receive. No later than January 1st, following the funding determination in RCW 41.45.060(9) that begins the transition of responsibility for benefit payments to the department, the department shall provide the institution with a notice of what data will be required to determine higher education retirement plan supplemental benefit determinations for future retirees.

(b) The department shall review the information provided by the institution for each retiring higher education retirement plan member eligible for the supplemental benefit and determine the supplemental benefit amount the member is eligible to receive, if any.

(c) In the event that the department is not provided with all data required by the notice in (a) of this subsection, the institution of higher education will remain responsible for payment of higher education retirement plan supplemental benefits to that member. In addition, the collection of overpayments and error correction provisions of this chapter apply in the event that the department makes supplemental benefit payments based on incomplete or inaccurate data provided by an institution.

**Sec. 25.** RCW 43.84.092 and 2019 c 421 s 15, 2019 c 403 s 14, 2019 c 365 s 19, 2019 c 287 s 19, and 2019 c 95 s 6 are each reenacted and amended to read as follows:

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

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

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

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

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

reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the statewide broadband account, the statewide tourism marketing account, the student achievement council tuition recovery trust fund, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima

integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

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

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

**NEW SECTION. Sec. 26.** This act takes effect July 1, 2020."

**2SHB 1661** - S COMM AMD

By Committee on Ways & Means

**ADOPTED 03/06/2020**

On page 1, line 1 of the title, after "plans;" strike the remainder of the title and insert "amending RCW 28B.10.423, 41.45.050, 41.45.060, and 41.50.075; reenacting and amending RCW 43.84.092; adding a new section to chapter 41.50 RCW; creating a new section; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House refused to concur in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1661 and asked the Senate to recede therefrom.

**MESSAGE FROM THE SENATE**

March 5, 2020

Mme. SPEAKER:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 27.** The legislature recognizes that the federal every student succeeds act of 2015, P.L. 114-95, reauthorized and amended the elementary and secondary education act of 1965, the federal policy and funding

assistance framework for the nation's public education system.

Two of the stated purposes of the every student succeeds act are to provide all children with a significant opportunity to receive a fair, equitable, and high quality education, and to close educational achievement gaps.

The legislature further recognizes that Article IX of the state Constitution provides that it is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex.

While the partnership of federal and state law is critical in ensuring that the civil and education rights of students are upheld, efforts in Washington to fully realize state and federal objectives, especially with respect to the delivery of education services in institutional facilities, remain unfinished.

The legislature, therefore, intends to establish a task force on improving institutional education programs and outcomes, with tasks and duties generally focused on educational programs in the juvenile justice system. In so doing, the legislature intends to examine issues that have not been significantly explored in recent years, build a shared understanding of past and present circumstances, and develop recommendations for improving the delivery of education services, and associated outcomes, for youth in institutional facilities.

**NEW SECTION. Sec. 28.** (1)(a) The task force on improving institutional education programs and outcomes is established, with members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate, with each member serving on the committee with jurisdiction over education issues, and one member serving on the committee with jurisdiction over basic education funding.

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives, with one member serving on the committee with jurisdiction over education issues, and one member serving on the committee with jurisdiction over basic education funding.

(iii) The governor shall appoint one member each from the state board of education and the department of children, youth, and families, and one member representing an organization that provides free legal advice to youth who are involved in, or at risk of being involved in, the juvenile justice system.

(iv) The superintendent of public instruction shall appoint three members: One member representing the superintendent of public instruction; one member who is a principal from a school district with at least twenty thousand enrolled students that provides education services to a juvenile rehabilitation facility; and one member who is a teacher with expertise in providing education services to residents of a juvenile rehabilitation facility.

(v) The task force must also include one member representing the educational opportunity gap oversight and accountability committee, selected by the educational opportunity gap oversight and accountability committee.

(b) The task force shall choose its cochair from among its legislative membership. One cochair must be from a minority caucus in one of the two chambers of the legislature. A member from the majority caucus of the house of representatives shall convene the initial meeting of the task force by May 1, 2020.

(2) The task force shall examine the following issues:

(a) Goals and strategies for improving the coordination and delivery of education services to youth involved with the juvenile justice system, especially youth in juvenile rehabilitation facilities, and children receiving education services, including home or hospital instruction, under RCW 28A.155.090;

(b) The transmission of student records, including individualized education programs and plans developed under section 504 of the rehabilitation act of 1973, for students in institutional facilities, and recommendations for ensuring that those records are available to the applicable instructional staff within two business days of a student's admission to the institution;

(c) Goals and strategies for increasing the graduation rate of youth in institutional facilities, and in recognition of the transitory nature of youth moving through the juvenile justice system, issues related to grade level progression and academic credit reciprocity and consistency to ensure that:

(i) Core credits earned in an institutional facility are considered core credits by public schools that the students subsequently attend; and

(ii) Public school graduation requirements, as they applied to a student prior to entering an institutional facility, remain applicable for the student upon returning to a public school;

(d) Goals and strategies for assessing adverse childhood experiences of students in institutional education and providing trauma-informed care;

(e) An assessment of the level and adequacy of basic and special education funding for institutional facilities. The examination required by this subsection (2)(e) must include information about the number of students receiving special education services in institutional facilities, and a comparison of basic and special education funding in institutional facilities and public schools during the previous ten school years;

(f) An assessment of the delivery methods, and their adequacy, that are employed in the delivery of special education services in institutional facilities, including associated findings;

(g) School safety, with a focus on school safety issues that are applicable in institutional facilities; and

(h) Special skills and services of faculty and staff, including associated professional development and

nonacademic supports necessary for addressing social emotional and behavioral health needs presenting as barriers to learning for youth in institutional facilities.

(3) The task force, in completing the duties prescribed by this section, shall solicit and consider information and perspectives provided by the department of corrections and persons and entities with relevant interest and expertise, including from persons with experience reintegrating youth from institutional facilities into school and the community at large, and from persons who provide education services in secure facilities housing persons under the age of twenty-five, examples of which include county jails, juvenile justice facilities, and community facilities as defined in RCW 72.05.020.

(4) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research. The office of financial management, the office of the superintendent of public instruction, the department of children, youth, and families, and the department of corrections shall cooperate with the task force and provide information as the cochair may reasonably request.

(5) Legislative members of the task force are to be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, government entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(6) In accordance with RCW 43.01.036, the task force shall report its findings and recommendations to the governor and the appropriate committees of the house of representatives and the senate by December 15, 2020, in time for the legislature to take action on legislation that is consistent with the findings and recommendations during the 2021 legislative session.

(7) This section expires June 30, 2021.

**NEW SECTION. Sec. 29.** 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 "outcomes;" strike the remainder of the title and insert "creating new sections; providing an expiration date; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Deputy 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. 2116 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 5, 2020

Mme. SPEAKER:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2511, with the following amendment:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 30.** Whereas there is increasing demand for domestic service professions and domestic workers are often isolated and vulnerable to exploitation, it is a priority for the legislature to provide workers with clear rights and freedom from harassment and protection from retaliation; and to make clear for hiring entities which actions are prohibited in a domestic service employment relationship.

**NEW SECTION. Sec. 31.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Casual labor" refers to work that is irregular, uncertain, and incidental in nature and duration and is different in nature from the type of paid work in which the worker is customarily engaged in.

(2) "Challenging behavior" means behavior by a person receiving services or a hiring entity who is the recipient of services from a domestic worker that is specifically caused by or related to a disability that manifests in a way that might be experienced by a domestic worker as offensive or presenting a safety risk.

(3) "Discrimination" means employment discrimination prohibited by chapter 49.60 RCW.

(4) "Domestic service" means household services for members of households or their guests in private homes. This includes the maintenance of private homes or their premises.

(5)(a) "Domestic worker" includes hourly and salaried employees who are paid wages for their services and includes any worker who:

(i) Works for one or more hiring entity; and

(ii) Is an individual who works in residences as a nanny, house cleaner, home care worker, cook, gardener, or household manager, or for any domestic service purpose including but not limited to: Caring for a child; providing support services for a person who is sick, convalescing, elderly, or a person with a disability; providing housekeeping or house cleaning services; cooking; providing food or butler services; parking cars; cleaning laundry; gardening; or working as a household manager.

(b) "Domestic worker" does not include:

(i) Persons who provide babysitting on a casual labor basis;

(ii) Any individual employed in casual labor in or about a private home, unless performed in the course of the hiring entity's trade, business, or profession;

(iii) Individual providers, as defined in RCW 74.39A.240;

(iv) Persons who perform house sitting, pet sitting, food delivery services, and dog walking duties that do not involve domestic service;

(v) An au pair participant who has been granted a J-1 visa for participation in the federal department of state designated exchange visitor program governed by 22 C.F.R. Sec. 62.31;

(vi) Persons who provide services to members of their own family when:

(A) The family members have mutually agreed that care is provided gratuitously;

(B) The person who provides services or supports does not provide domestic services in the person's ordinary course of business;

(C) The family member providing services or supports has no agreement or expectation of consistent and regular payment for any services provided;

(D) The family member providing services or supports is doing so less than fifteen hours a week; or

(E) The family member is providing services or supports that are irregular, uncertain, and incidental in nature and duration or are different in nature from the type of paid work in which the worker is customarily engaged in.

(6) "Employ" includes to permit to work.

(7) "Family member" shall be liberally construed to include, but not be limited to, a parent, child, sibling, aunt, uncle, cousin, grandparent, grandchild, grandniece, or grandnephew, or such relatives when related by marriage or any individual related by blood or affinity whose close association with the individual is the equivalent of a family relationship.

(8) "Hiring entity" means any employer, as defined in RCW 49.46.010(4), and in RCW 49.60.040(11), who employs a domestic worker, as well as any individual, partnership, association, corporation, business trust, or any combination thereof, which pays a wage or pays wages for the services of a domestic worker. It includes any such entity, person, or group of persons that provides compensation directly or indirectly to a domestic worker for the performance of domestic services and any such entity, person, or persons acting directly or indirectly in the interest of the hiring entity in relation to the domestic worker. "Hiring entity" does not include a state agency or home care agency as defined in RCW 70.127.010 and licensed under chapter 70.127 RCW if the home care agency receives funding through RCW 74.39A.310, any adult family home licensed under chapter 70.128 RCW, an assisted living facility licensed under chapter 18.20 RCW, an enhanced services facility licensed under chapter 70.97 RCW, any other long-term care facility licensed by the department of

social and health services, or any other person or entity providing services pursuant to chapter 71A.12 RCW.

(9) "Personal care services" are care services as defined in RCW 74.39A.009.

**NEW SECTION. Sec. 32.** (1) A hiring entity that employs a domestic worker may not:

(a) Request that the domestic worker allow the hiring entity, on either a mandatory or voluntary basis, to have possession of any personal effects, including any legal documents, including forms of identification, passports, or other immigration documents;

(b) Engage in any form of discrimination as defined in section 2(3) of this act or subject a domestic worker to a hostile work environment within the meaning of chapter 49.60 RCW; a domestic worker shall be entitled to all rights available under chapter 49.60 RCW. It shall not constitute discrimination or harassment only when:

(i) The alleged discrimination is a challenging behavior; or

(ii) A hiring entity who is receiving personal care services, or who has lawful authority or guardianship over a child receiving personal care services, exercises a gender preference in hiring;

(c) Take any adverse action against a domestic worker for their exercise of rights under this chapter, which may include, but is not limited to:

(i) Denying the use of any rights provided under this chapter;

(ii) Denying or delaying payment due under this chapter;

(iii) Terminating, suspending, demoting, or denying a promotion;

(iv) Reducing the number of work hours for which the domestic worker is scheduled;

(v) Altering the domestic worker's preexisting work schedule;

(vi) Reducing the domestic worker's rate of pay; and

(vii) Threatening to take, or taking action, based upon the immigration status of a domestic worker or a domestic worker's family member;

(d) Monitor or record, through any means, the activities of the domestic worker using a bathroom or similar facility, in the domestic worker's private living quarters, or while the domestic worker is engaged in personal activities associated with dressing or changing clothes;

(e) Monitor, record, or interfere with the private communications of a domestic worker;

(f) Communicate to a person exercising rights protected under this chapter, directly or indirectly, the willingness or intent to inform a government employee or contracted organization suspected citizenship or immigration status of a domestic worker or a family member

to a federal, state, or local agency because the domestic worker has exercised any right under this chapter;

(g) Require or request any written agreements that:

(i) Waive a domestic worker's rights under federal, state, or local law; or

(ii) Contain noncompete agreements, nondisclosure agreements, nondisparagement agreements that inhibit a domestic worker's claims of their legal rights under this chapter, or noncompete agreements that limit the ability of domestic workers to seek any other form of domestic work postemployment.

(2) It shall be considered a rebuttable presumption of retaliation if the employer or any other person takes an adverse action against a domestic worker within ninety calendar days of the domestic worker's exercise of rights protected under this chapter. However, in the case of seasonal employment that ended before the close of the ninety calendar day period, the presumption also applies if the employer fails to rehire a former domestic worker at the next opportunity for work in the same position. The employer may rebut the presumption with clear and convincing evidence that the adverse action was taken for a permissible purpose.

(3) Where subsection (1)(b)(i) of this section applies, prior to offering the employment to a domestic worker or as soon as the hiring entity learns of the information if the domestic worker is already employed, the hiring entity should, when possible, disclose information about any challenging behaviors and relevant behavioral health needs of the individual being cared for as well as tools and supports that may be available to the domestic worker. If there is an authorized representative for the hiring entity receiving care, or an overlapping employment relationship with the hiring entity receiving care, this information must be disclosed in writing by the authorized representative or the hiring entity not receiving care services. The disclosure should be reviewed regularly and must be updated, as necessary, by the hiring entity when any changes in behavior occur that impact safety or provision of personal care services.

(4) All communication of the information in subsection (3) of this section must be tailored to respect the privacy of the person receiving services from the domestic worker in accordance with the federal health insurance portability and accountability act of 1996.

(5) The exemptions under this section shall not be construed to relieve a hiring entity of liability under this chapter nor shall a domestic worker's agreement to initiate or continue the employment relationship be construed as consent to workplace violence.

**NEW SECTION. Sec. 33.** Where more than one hiring entity has an employment relationship with a domestic worker in connection with the same work or where more than one hiring entity has an overlapping employment relationship with a domestic worker, the hiring entities are subject to liability as well as fines and penalties for violations.

**NEW SECTION. Sec. 34.** Any standards or rights established by any applicable federal, state, or local law or ordinance, or any rule or regulation issued thereunder, which are more favorable to domestic workers than the minimum standards and rights established by this chapter, or any rule or regulation issued hereunder, shall not be affected by this chapter and such other laws, or rules or regulations, shall be in full force and effect and may be enforced as provided by law. The remedies provided by this chapter are not exclusive and are concurrent with any other remedy provided by law.

**NEW SECTION. Sec. 35.** The attorney general's office shall develop and make available a model disclosure statement which describes a hiring entity's obligations related to a domestic worker's rights under this chapter, in at least eight of the most commonly spoken languages in Washington state. The disclosure statement must include notice about any state law, rule, or regulation applicable to domestic workers and indicate that federal or local ordinances, laws, rules, or regulations may also apply. The model disclosure must also include a telephone number and an address of the department of labor and industries to enable domestic workers to obtain more information about their rights, obligations, and enforcement.

**NEW SECTION. Sec. 36.** The attorney general's office shall develop and make available a model written employment agreement, which describes actions that are prohibited by a hiring entity and domestic workers' rights under this act in at least eight of the most commonly spoken languages.

**NEW SECTION. Sec. 37.** (1) A work group, and accompanying subcommittees as appropriate, on domestic workers administered by the attorney general's office is formed to make recommendations on:

(a) A structure for an ongoing domestic worker standards board, including determining the authority and scope of the board. Such authority and scope shall include, but are not limited to, training on relevant labor laws, benefits, and protections; discrimination and sexual harassment; workplace safety standards; requirements on tax obligations; job skills and accreditation; fair scheduling practices; scope of rights and benefits that may apply to independent contractors; outreach, education, and enforcement practices to ensure compliance with applicable labor standards and to provide effective and updated information to both hiring entities and domestic workers;

(b) Methods to make state industrial insurance available to domestic workers, including recommendations on legislative, regulatory, or other changes that should be made to the way hiring entities or domestic workers engage with the state industrial insurance system;

(c) Methods to increase access for domestic workers to paid sick leave under RCW 49.46.210 and paid family and medical leave under Title 50A RCW;

(d) The role of intermediary nonprofit organizations that assist or refer directly impacted domestic workers in increasing access of domestic workers to industrial insurance and to paid sick leave and paid family and medical leave;

(e) Wage and hour models for domestic work, including but not limited to live-in care providers such as nannies and au pairs, and independent contractors.

(2) The work group shall include at least one representative from each of the following groups that reflects a balance in membership and interests:

(a) Directly impacted domestic workers employed in private homes including one domestic worker providing child care services as a nanny, and one domestic worker providing another form of domestic service outside of child care;

(b) One current or former au pair;

(c) Unions, work centers, or intermediary nonprofit organizations that assist or refer such directly impacted workers;

(d) Hiring entities who directly employ single domestic workers in private homes;

(e) An organization that educates and organizes household hiring entities;

(f) At least two members of the department of labor and industries with expertise in industrial insurance and wage and hour laws and rules;

(g) One representative from the department of social and health services;

(h) An organization representing the area agencies on aging;

(i) An organization representing retired persons;

(j) An organization representing persons with disabilities;

(k) An organization or agency representing au pairs;

(l) One representative from the governor's office; and

(m) One representative from the attorney general's office.

(3) Representatives shall be appointed by the governor by July 1, 2020.

(4) The work group shall report its findings and recommendations to the governor's office, attorney general's office, and appropriate committees of the legislature by April 1, 2021.

**Sec. 38.** RCW 49.60.040 and 2018 c 176 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) "Aggrieved person" means any person who: (a) Claims to have been injured by an unfair practice in a real estate transaction; or (b) believes that he or she will be injured by an unfair practice in a real estate transaction that is about to occur.

(2) "Any place of public resort, accommodation, assemblage, or amusement" includes, but is not limited to, any place, licensed or unlicensed, kept for gain, hire, or

reward, or where charges are made for admission, service, occupancy, or use of any property or facilities, whether conducted for the entertainment, housing, or lodging of transient guests, or for the benefit, use, or accommodation of those seeking health, recreation, or rest, or for the burial or other disposition of human remains, or for the sale of goods, merchandise, services, or personal property, or for the rendering of personal services, or for public conveyance or transportation on land, water, or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports, or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation, or public purposes, or public halls, public elevators, and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or educational institution, or schools of special instruction, or nursery schools, or day care centers or children's camps: PROVIDED, That nothing contained in this definition shall be construed to include or apply to any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, including fraternal organizations, though where public use is permitted that use shall be covered by this chapter; nor shall anything contained in this definition apply to any educational facility, columbarium, crematory, mausoleum, or cemetery operated or maintained by a bona fide religious or sectarian institution.

(3) "Commission" means the Washington state human rights commission.

(4) "Complainant" means the person who files a complaint in a real estate transaction.

(5) "Covered multifamily dwelling" means: (a) Buildings consisting of four or more dwelling units if such buildings have one or more elevators; and (b) ground floor dwelling units in other buildings consisting of four or more dwelling units.

(6) "Credit transaction" includes any open or closed end credit transaction, whether in the nature of a loan, retail installment transaction, credit card issue or charge, or otherwise, and whether for personal or for business purposes, in which a service, finance, or interest charge is imposed, or which provides for repayment in scheduled payments, when such credit is extended in the regular course of any trade or commerce, including but not limited to transactions by banks, savings and loan associations or other financial lending institutions of whatever nature, stock brokers, or by a merchant or mercantile establishment which as part of its ordinary business permits or provides that payment for purchases of property or service therefrom may be deferred.

(7)(a) "Disability" means the presence of a sensory, mental, or physical impairment that:

- (i) Is medically cognizable or diagnosable; or
- (ii) Exists as a record or history; or

(iii) Is perceived to exist whether or not it exists in fact.

(b) A disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated, or whether or not it limits the ability to work generally or work at a particular job or whether or not it limits any other activity within the scope of this chapter.

(c) For purposes of this definition, "impairment" includes, but is not limited to:

(i) Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, (~~genitor urinary~~) genitourinary, hemic and lymphatic, skin, and endocrine; or

(ii) Any mental, developmental, traumatic, or psychological disorder, including but not limited to cognitive limitation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(d) Only for the purposes of qualifying for reasonable accommodation in employment, an impairment must be known or shown through an interactive process to exist in fact and:

(i) The impairment must have a substantially limiting effect upon the individual's ability to perform his or her job, the individual's ability to apply or be considered for a job, or the individual's access to equal benefits, privileges, or terms or conditions of employment; or

(ii) The employee must have put the employer on notice of the existence of an impairment, and medical documentation must establish a reasonable likelihood that engaging in job functions without an accommodation would aggravate the impairment to the extent that it would create a substantially limiting effect.

(e) For purposes of (d) of this subsection, a limitation is not substantial if it has only a trivial effect.

(8) "Dog guide" means a dog that is trained for the purpose of guiding blind persons or a dog that is trained for the purpose of assisting hearing impaired persons.

(9) "Dwelling" means any building, structure, or portion thereof that is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land that is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(10) "Employee" does not include any individual employed by his or her parents, spouse, or child(~~, or in the domestic service of any person~~).

(11) "Employer" includes any person acting in the interest of an employer, directly or indirectly, who employs eight or more persons(±) and does not include any religious or sectarian organization not organized for private profit. "Employer" also includes a hiring entity who employs a domestic worker, as defined in section 2 of this act, regardless of the number of employees the hiring entity employs.

(12) "Employment agency" includes any person undertaking with or without compensation to recruit, procure, refer, or place employees ~~((for an employer))~~.

(13) "Families with children status" means one or more individuals who have not attained the age of eighteen years being domiciled with a parent or another person having legal custody of such individual or individuals, or with the designee of such parent or other person having such legal custody, with the written permission of such parent or other person. Families with children status also applies to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years.

(14) "Full enjoyment of" includes the right to purchase any service, commodity, or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement, without acts directly or indirectly causing persons of any particular race, creed, color, sex, sexual orientation, national origin, or with any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability, to be treated as not welcome, accepted, desired, or solicited.

(15) "Honorably discharged veteran or military status" means a person who is:

(a) A veteran, as defined in RCW 41.04.007; or

(b) An active or reserve member in any branch of the armed forces of the United States, including the national guard, coast guard, and armed forces reserves.

(16) "Labor organization" includes any organization which exists for the purpose, in whole or in part, of dealing with employers concerning grievances or terms or conditions of employment, or for other mutual aid or protection in connection with employment.

(17) "Marital status" means the legal status of being married, single, separated, divorced, or widowed.

(18) "National origin" includes "ancestry."

(19) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers, or any group of persons; it includes any owner, lessee, proprietor, manager, agent, or employee, whether one or more natural persons; and further includes any political or civil subdivisions of the state and any agency or instrumentality of the state or of any political or civil subdivision thereof.

(20) "Premises" means the interior or exterior spaces, parts, components, or elements of a building, including individual dwelling units and the public and common use areas of a building.

(21) "Real estate transaction" includes the sale, appraisal, brokering, exchange, purchase, rental, or lease of real property, transacting or applying for a real estate loan, or the provision of brokerage services.

(22) "Real property" includes buildings, structures, dwellings, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein.

(23) "Respondent" means any person accused in a complaint or amended complaint of an unfair practice in a real estate transaction.

(24) "Service animal" means any dog or miniature horse, as discussed in RCW 49.60.214, that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by the service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks. This subsection does not apply to RCW 49.60.222 through 49.60.227 with respect to housing accommodations or real estate transactions.

(25) "Sex" means gender.

(26) "Sexual orientation" means heterosexuality, homosexuality, bisexuality, and gender expression or identity. As used in this definition, "gender expression or identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth.

**NEW SECTION. Sec. 39.** This act may be known and cited as the domestic worker protection act.

**NEW SECTION. Sec. 40.** Sections 1 through 8, 10, and 12 of this act constitute a new chapter in Title 49 RCW.

**NEW SECTION. Sec. 41.** Sections 1 through 7, 9, and 10 of this act take effect July 1, 2021."

On page 1, line 2 of the title, after "workers;" strike the remainder of the title and insert "amending RCW 49.60.040; adding a new chapter to Title 49 RCW; prescribing penalties; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2511 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

March 5, 2020

Mme. SPEAKER:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2711, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that students in foster care, experiencing homelessness, or both, have the lowest high school graduation and postsecondary completion outcomes compared to other student populations. The legislature also finds that these students change schools at significantly higher rates than their general student population peers, and that these changes can disrupt academic progress. The legislature further finds that these students have disproportionate suspension and expulsion rates, and require special education services at much higher rates than other students.

(2) The legislature acknowledges that, as a result, only forty-six percent of Washington students who experienced foster care during high school, and fifty-five percent of students experiencing homelessness, graduated from high school on time in 2018. By comparison, the statewide four-year graduation rate for the class of 2019 was nearly eighty-one percent. Furthermore, students of color are disproportionately represented in the foster care system and in homeless student populations, and their academic outcomes are significantly lower than their white peers. Additionally, students who do not achieve positive education outcomes experience high rates of unemployment, poverty, adult homelessness, and incarceration.

(3) The legislature, therefore, intends to provide the opportunity for an equitable education for students in foster care, experiencing homelessness, or both. In accomplishing this goal, the legislature intends to achieve parity in education outcomes for these students, both in comparison to their general student population peers and throughout the education continuum of prekindergarten to postsecondary education.

(4) In 2018 the legislature directed the department of children, youth, and families and other entities in chapter 299, Laws of 2018, to convene a work group focused on students in foster care and students experiencing homelessness. The legislature resolves to continue this work group to improve education outcomes for these students.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The office of the superintendent of public instruction, in collaboration with the department of children, youth, and families, the office of homeless youth prevention

and protection programs of the department of commerce, and the student achievement council, shall convene the project education impact work group to address the needs of students in foster care, experiencing homelessness, or both. The work group must include representatives of nongovernmental agencies and representation from the educational opportunity gap oversight and accountability committee. The work group must also include four legislative members appointed as follows:

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(2) The work group must focus its efforts on students in foster care, experiencing homelessness, or both, and must develop and implement a plan that will accomplish the following by 2027:

(a) Enable the students to achieve parity in education outcomes with their general student population peers; and

(b) Eliminate racial and ethnic disparities for the education outcomes of the students in comparison to their general student population peers.

(3)(a) The work group shall review the education outcomes of students in foster care, experiencing homelessness, or both, by examining data, disaggregated by race and ethnicity, on:

(i) Kindergarten readiness, early grade reading and math, eighth and ninth grade students on track to graduate, high school completion, postsecondary enrollment, and postsecondary completion; and

(ii) School attendance, school mobility, special education status, and school discipline.

(b) To enable the review required by this subsection (3), the office of the superintendent of public instruction, the department of children, youth, and families, the student achievement council, and the office of homeless youth prevention and protection programs of the department of commerce shall provide updated education data and other necessary data to the education data center established under RCW 43.41.400.

(c) The education data center must provide an updated report to the work group on these education outcomes by March 31, 2021, and annually thereafter. If state funds are not made available to complete the reports required by this subsection (3)(c), the work group may pursue supplemental private funding to ensure the completion of the reports.

(4) The work group shall also:

(a) Evaluate the outcomes, needs, and service array for students in foster care, experiencing homelessness, or both, and the specific needs of students of color and those with special education needs;

(b) Engage stakeholders, including students in foster care, experiencing homelessness, or both, foster parents and relative caregivers, birth parents, caseworkers, school

districts and educators, early learning providers, postsecondary institutions, and federally recognized tribes, to provide input on the development of recommendations; and

(c)(i) Submit annual reports to the governor, the appropriate committees of the legislature, and the educational opportunity gap oversight and accountability committee by October 31st of each year regarding the progress the state has made toward achieving education parity for students in foster care, experiencing homelessness, or both.

(ii) The reports required by this subsection (4)(c) must:

(A) Describe the progress made toward achieving the following goals for students in foster care, experiencing homelessness, or both:

(I) Parity in kindergarten readiness rates;

(II) Parity in high school graduation rates;

(III) Parity in postsecondary education and state-approved apprenticeship enrollment; and

(IV) Parity in postsecondary education and state-approved apprenticeship completion;

(B) Include updates on agency and nongovernmental agency actions toward achieving the goals specified in this section, and the effectiveness of support services for students in foster care, experiencing homelessness, or both;

(C) Include recommendations to further align and improve policy, programs, agency practice, and supports for students, and provide for shared and sustainable accountability to reach the goal of educational parity, including recommendations to:

(I) Address systems barriers and improve educational stability;

(II) Enforce existing state law requiring that education records, documentation of educational needs, individualized education programs, credits, and other records follow students when they transition between districts or to another education program or facility;

(III) Improve racial equity in education outcomes; and

(IV) Ensure appropriate work group access to consistent and accurate annual education outcomes data;

(D) Identify recommendations that can be implemented using existing resources, rules, and regulations and those that require policy, administrative, and resource allocation changes; and

(E) Identify the progress made toward meaningful engagement of stakeholders in informing recommendations.

(5) Nothing in this section permits disclosure of confidential information protected from disclosure under federal or state law, including but not limited to information protected under chapter 13.50 RCW. Confidential information received by the work group retains its confidentiality and may not be further disseminated except as permitted by federal and state law.

(6) For the purposes of this section, "students in foster care, experiencing homelessness, or both" includes students who are in foster care or experiencing homelessness, and students who have been homeless or in foster care, or both, within five years of when the plan described in this section is applied.

(7) This section expires July 1, 2028.

**Sec. 3.** RCW 74.13.1051 and 2017 3rd sp.s. c 6 s 405 are each amended to read as follows:

(1) In order to proactively support foster youth to complete high school, enroll and complete postsecondary education, and successfully implement their own plans for their futures, the department, the student achievement council, and the office of the superintendent of public instruction shall enter into, or revise existing, memoranda of understanding that:

(a) Facilitate student referral, data and information exchange, agency roles and responsibilities, and cooperation and collaboration among state agencies and nongovernmental entities; and

(b) Effectuate the transfer of responsibilities from the department to the office of the superintendent of public instruction with respect to the programs in RCW 28A.300.592, and from the department to the student achievement council with respect to the program in RCW 28B.77.250 in a smooth, expedient, and coordinated fashion.

(2) The student achievement council and the office of the superintendent of public instruction shall establish a set of indicators relating to the outcomes provided in RCW 28A.300.590 and 28A.300.592 to provide consistent services for youth, facilitate transitions among contractors, and support outcome-driven contracts. The student achievement council and the superintendent of public instruction shall collaborate with nongovernmental contractors and the department to develop a list of the most critical indicators, establishing a common set of indicators to be used in the outcome-driven contracts in RCW 28A.300.590 and 28A.300.592. ~~((A list of these indicators must be included in the report provided in subsection (3) of this section.~~

~~(3) By November 1, 2017, and biannually thereafter, the department, the student achievement council, and the office of the superintendent of public instruction, in consultation with the nongovernmental entities engaged in public-private partnerships shall submit a joint report to the governor and the appropriate education and human services committees of the legislature regarding each of these programs, individually, as well as the collective progress the state has made toward the following goals:~~

~~(a) To make Washington number one in the nation for foster care graduation rates;~~

~~(b) To make Washington number one in the nation for foster care enrollment in postsecondary education; and~~

~~(c) To make Washington number one in the nation for foster care postsecondary completion.~~

~~(4) The department, the student achievement council, and the office of the superintendent of public instruction, in consultation with the nongovernmental entities engaged in public-private partnerships, shall also submit one report by November 1, 2018, to the governor and the appropriate education and human service committees of the legislature regarding the transfer of responsibilities from the department to the office of the superintendent of public instruction with respect to the programs in RCW 28A.300.592, and from the department to the student achievement council with respect to the program in RCW 28B.77.250 and whether these transfers have resulted in better coordinated services for youth.))~~

**NEW SECTION. Sec. 4.** RCW 28A.300.8001 (Plan for cross-system collaboration to promote educational stability and improve educational outcomes for foster children—Reports) and 2012 c 163 s 10 are each repealed."

On page 1, line 3 of the title, after "education;" strike the remainder of the title and insert "amending RCW 74.13.1051; adding a new section to chapter 28A.300 RCW; creating a new section; repealing RCW 28A.300.8001; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2711 and asked the Senate to recede therefrom.

#### **MESSAGE FROM THE SENATE**

March 9, 2020

Madame Speaker:

The Senate refuses to concur in the House amendment to SECOND SUBSTITUTE SENATE BILL NO. 6281 and asks the House to recede therefrom, and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

#### **HOUSE AMENDMENT TO SENATE BILL**

There being no objection, the House insisted on its position in its amendment to SECOND SUBSTITUTE SENATE BILL NO. 6281 and asked the Senate for a conference thereon. The Speaker (Representative Lovick presiding) appointed Representatives Dufault, Hansen and Hudgins as conferees.

#### **MESSAGE FROM THE SENATE**

March 3, 2020

Madame Speaker:

The Senate insists on its position in the House amendment to SENATE BILL NO. 6168 and asks the House

for a Conference thereon. The President has appointed the following members as Conferees: Senators Rolfes, Frockt, and Braun.

Sarah Bannister, Deputy Secretary

#### **HOUSE AMENDMENT TO SENATE BILL**

There being no objection, the House granted the Senate's request for a Conference on SENATE BILL NO. 6168. The Speaker appointed the following members as Conferees: Representatives Ormsby, Robinson and Stokesbary.

The Speaker (Representative Lovick presiding) called upon Representative Pettegrew to preside.

The Speaker assumed the chair.

#### **SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
5006  
SENATE BILL NO. 5197  
ENGROSSED SENATE BILL NO. 5450  
ENGROSSED SENATE BILL NO. 5457  
ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 5481  
SENATE BILL NO. 5519  
SECOND SUBSTITUTE SENATE BILL NO. 5572  
SUBSTITUTE SENATE BILL NO. 5900  
SUBSTITUTE SENATE BILL NO. 5976  
ENGROSSED SENATE BILL NO. 6032  
SENATE BILL NO. 6045  
SUBSTITUTE SENATE BILL NO. 6058  
SENATE BILL NO. 6066  
SUBSTITUTE SENATE BILL NO. 6072  
SUBSTITUTE SENATE BILL NO. 6074  
SENATE BILL NO. 6078  
SUBSTITUTE SENATE BILL NO. 6084  
SUBSTITUTE SENATE BILL NO. 6086  
SUBSTITUTE SENATE BILL NO. 6091  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6095  
SENATE BILL NO. 6102  
SENATE BILL NO. 6103  
SENATE BILL NO. 6119  
SENATE BILL NO. 6120  
SENATE BILL NO. 6123  
SUBSTITUTE SENATE BILL NO. 6135  
SUBSTITUTE SENATE BILL NO. 6142  
SENATE BILL NO. 6143  
SECOND SUBSTITUTE SENATE BILL NO. 6181  
SENATE BILL NO. 6187  
SUBSTITUTE SENATE BILL NO. 6206  
SENATE BILL NO. 6212  
SENATE BILL NO. 6236  
SUBSTITUTE SENATE BILL NO. 6256  
SUBSTITUTE SENATE BILL NO. 6257  
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SUBSTITUTE SENATE BILL NO. 6319  
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 6419  
 SENATE BILL NO. 6423  
 SENATE BILL NO. 6430  
 SUBSTITUTE SENATE BILL NO. 6476  
 SUBSTITUTE SENATE BILL NO. 6499  
 SUBSTITUTE SENATE BILL NO. 6521  
 SECOND SUBSTITUTE SENATE BILL NO. 6528  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6540  
 SENATE BILL NO. 6567  
 SUBSTITUTE SENATE JOINT MEMORIAL NO.  
 8017  
 ENGROSSED SENATE JOINT RESOLUTION NO.  
 8212

#### MESSAGE FROM THE SENATE

March 9, 2020

Madame Speaker:

The Senate insists on its position on ENGROSSED HOUSE BILL NO. 1390 and asks the House to concur.  
 4.0.

Sarah Bannister, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1390 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1390, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1390, as amended by the Senate, and the bill passed the House by the following vote: Yeas: 94 Nays: 3 Absent: 0 Excused: 1

Voting Yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Calder, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Jenkin, Jenkins, Johnson, J., Kilduff, Kirby, Klippert, Kloba, Kraft, Leavitt, Lekanoff, Lovick, MacEwen, Macri,

McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, and Young  
 Voting Nay: Representatives Irwin, Kretz, and Maycumber  
 Excused: Representative Paul.

ENGROSSED HOUSE BILL NO. 1390, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1775 with the following amendment:

4.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 5.** The legislature finds that commercial sexual exploitation of children is a severe form of human trafficking and a severe human rights and public health issue, leaving children at substantial risk of physical harm, substantial physical and emotional pain, and trauma. This trauma has a long-term impact on the social, emotional, and economic future of these children. The state shall provide a victim-centered, trauma-informed response to children who are exploited in this manner rather than treating them as criminals. The state shall also hold accountable the buyers and traffickers who exploit children.

**NEW SECTION. Sec. 6.** A new section is added to chapter 7.68 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department of children, youth, and families shall administer funding for two receiving center programs for commercially sexually exploited children. One of these programs must be located west of the crest of the Cascade mountains and one of these programs must be located east of the crest of the Cascade mountains. Law enforcement and service providers may refer children to these programs or children may self-refer into these programs.

(2) The receiving center programs established under this section shall:

(a) Begin providing services by January 1, 2021;

(b) Utilize existing facilities and not require the construction of new facilities; and

(c) Provide ongoing case management for all children who are being served or were served by the programs.

(3) The receiving centers established under this section shall:

(a) Include a short-term evaluation function that is accessible twenty-four hours per day seven days per week that has the capacity to evaluate the immediate needs of commercially sexually exploited children ages twelve through seventeen and either meet those immediate needs or refer those children to the appropriate services;

(b) Assess children for mental health and substance use disorder needs and provide appropriate referrals as needed; and

(c) Provide individual and group counseling focused on developing and strengthening coping skills, and improving self-esteem and dignity.

(4) The department of children, youth, and families shall:

(a) Collect nonidentifiable demographic data of the children served by the programs established under this section;

(b) Collect data regarding the locations that children exit to after being served by the programs; and

(c) Report the data described in this subsection along with recommendations for modification or expansion of these programs to the relevant committees of the legislature by December 1, 2022.

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

(a) "Receiving center" means a trauma-informed, secure location that meets the multidisciplinary needs of commercially sexually exploited children ages twelve through seventeen located in a behavioral health agency licensed or certified under RCW 71.24.037 to provide inpatient or residential treatment services; and

(b) "Short-term evaluation function" means a short-term emergency shelter that is accessible twenty-four hours per day seven days per week that has the capacity to evaluate the immediate needs of commercially sexually exploited children under age eighteen and either meet those immediate needs or refer those children to the appropriate services.

(6)(a) The department of children, youth, and families, the department of health, and the division of behavioral health and recovery, shall meet to coordinate the implementation of receiving centers as provided for in this section, including developing eligibility criteria for serving commercially sexually exploited children that allows referral from service providers and prioritizes referral from law enforcement.

(b) By December 1, 2020, and in compliance with RCW 43.01.036, the department of children, youth, and families shall submit a report to the governor and legislature summarizing the implementation plan and eligibility criteria as described in (a) of this subsection, and provide any additional policy recommendations regarding receiving centers as it deems necessary.

**NEW SECTION. Sec. 7.** A new section is added to chapter 7.68 RCW to read as follows:

(1) The following individuals or entities may refer a child to receiving centers as defined in section 2 of this act:

(a) Law enforcement, who shall:

(i) Transport a child eligible for receiving center services to a receiving center; or

(ii) Coordinate transportation with a liaison dedicated to serving commercially sexually exploited children established under RCW 74.14B.070 or a community service provider;

(b) The department of children, youth, and families;

(c) Juvenile courts;

(d) Community service providers;

(e) A parent or guardian; and

(f) A child may self-refer.

(2) Eligibility for placement in a receiving center is children ages twelve through seventeen, of all genders, who have been, or are at risk for being commercially sexually exploited.

**Sec. 8.** RCW 9A.88.030 and 1988 c 145 s 16 are each amended to read as follows:

(1) A person age eighteen or older is guilty of prostitution if such person engages or agrees or offers to engage in sexual conduct with another person in return for a fee.

(2) For purposes of this section, "sexual conduct" means "sexual intercourse" or "sexual contact," both as defined in chapter 9A.44 RCW.

(3) Prostitution is a misdemeanor.

**Sec. 9.** RCW 13.40.070 and 2019 c 128 s 8 are each amended to read as follows:

(1) Complaints referred to the juvenile court alleging the commission of an offense shall be referred directly to the prosecutor. The prosecutor, upon receipt of a complaint, shall screen the complaint to determine whether:

(a) The alleged facts bring the case within the jurisdiction of the court; and

(b) On a basis of available evidence there is probable cause to believe that the juvenile did commit the offense.

(2) If the identical alleged acts constitute an offense under both the law of this state and an ordinance of any city or county of this state, state law shall govern the prosecutor's screening and charging decision for both filed and diverted cases.

(3) If the requirements of subsection (1)(a) and (b) of this section are met, the prosecutor shall either file an information in juvenile court or divert the case, as set forth in subsections (5), (6), and (8) of this section. If the prosecutor finds that the requirements of subsection (1)(a) and (b) of this section are not met, the prosecutor shall

maintain a record, for one year, of such decision and the reasons therefor. In lieu of filing an information or diverting an offense a prosecutor may file a motion to modify community supervision where such offense constitutes a violation of community supervision.

(4) An information shall be a plain, concise, and definite written statement of the essential facts constituting the offense charged. It shall be signed by the prosecuting attorney and conform to chapter 10.37 RCW.

(5) The prosecutor shall file an information with the juvenile court if (a) an alleged offender is accused of an offense that is defined as a sex offense or violent offense under RCW 9.94A.030, other than assault in the second degree or robbery in the second degree; or (b) an alleged offender has been referred by a diversion unit for prosecution or desires prosecution instead of diversion.

(6) Where a case is legally sufficient the prosecutor shall divert the case if the alleged offense is a misdemeanor or gross misdemeanor or violation and the alleged offense is the offender's first offense or violation. If the alleged offender is charged with a related offense that may be filed under subsections (5) and (8) of this section, a case under this subsection may also be filed.

(7) Where a case is legally sufficient to charge an alleged offender with:

(a) ~~((Either prostitution or prostitution))~~ Prostitution loitering and the alleged offense is the offender's first ~~((prostitution or))~~ prostitution loitering offense, the prosecutor shall divert the case;

(b) Voyeurism in the second degree, the offender is under seventeen years of age, and the alleged offense is the offender's first voyeurism in the second degree offense, the prosecutor shall divert the case, unless the offender has received two diversions for any offense in the previous two years;

(c) Minor selling depictions of himself or herself engaged in sexually explicit conduct under RCW 9.68A.053(5) and the alleged offense is the offender's first violation of RCW 9.68A.053(5), the prosecutor shall divert the case; or

(d) A distribution, transfer, dissemination, or exchange of sexually explicit images of other minors thirteen years of age or older offense as provided in RCW 9.68A.053(1) and the alleged offense is the offender's first violation of RCW 9.68A.053(1), the prosecutor shall divert the case.

(8) Where a case is legally sufficient and falls into neither subsection (5) nor (6) of this section, it may be filed or diverted. In deciding whether to file or divert an offense under this section the prosecutor may be guided by the length, seriousness, and recency of the alleged offender's criminal history and the circumstances surrounding the commission of the alleged offense.

(9) Whenever a juvenile is placed in custody or, where not placed in custody, referred to a diversion interview, the parent or legal guardian of the juvenile shall be notified as soon as possible concerning the allegation made against the

juvenile and the current status of the juvenile. Where a case involves victims of crimes against persons or victims whose property has not been recovered at the time a juvenile is referred to a diversion unit, the victim shall be notified of the referral and informed how to contact the unit.

(10) The responsibilities of the prosecutor under subsections (1) through (9) of this section may be performed by a juvenile court probation counselor for any complaint referred to the court alleging the commission of an offense which would not be a felony if committed by an adult, if the prosecutor has given sufficient written notice to the juvenile court that the prosecutor will not review such complaints.

(11) The prosecutor, juvenile court probation counselor, or diversion unit may, in exercising their authority under this section or RCW 13.40.080, refer juveniles to community-based programs, restorative justice programs, mediation, or victim offender reconciliation programs. Such mediation or victim offender reconciliation programs shall be voluntary for victims.

(12) Prosecutors and juvenile courts are encouraged to engage with and partner with community-based programs to expand, improve, and increase options to divert youth from formal processing in juvenile court. Nothing in this chapter should be read to limit partnership with community-based programs to create diversion opportunities for juveniles.

**Sec. 10.** RCW 13.40.213 and 2010 c 289 s 8 are each amended to read as follows:

(1) When a juvenile is alleged to have committed ~~((the offenses of prostitution or))~~ a prostitution loitering offense, and the allegation, if proved, would not be the juvenile's first offense, a prosecutor may divert the offense if the county in which the offense is alleged to have been committed has a comprehensive program that provides:

(a) Safe and stable housing;

(b) Comprehensive on-site case management;

(c) Integrated mental health and chemical dependency services, including specialized trauma recovery services;

(d) Education and employment training delivered on-site; and

(e) Referrals to off-site specialized services, as appropriate.

(2) A prosecutor may divert a case for ~~((prostitution or))~~ prostitution loitering into the comprehensive program described in this section, notwithstanding the filing criteria set forth in RCW 13.40.070(5).

(3) A diversion agreement under this section may extend to twelve months.

(4)(a) The administrative office of the courts shall compile data regarding:

(i) The number of juveniles whose cases are diverted into the comprehensive program described in this section;

(ii) Whether the juveniles complete their diversion agreements under this section; and

(iii) Whether juveniles whose cases have been diverted under this section have been subsequently arrested or committed subsequent offenses.

(b) An annual report of the data compiled shall be provided to the governor and the appropriate committee of the legislature. ~~((The first report is due by November 1, 2010.))~~

**Sec. 11.** RCW 7.68.801 and 2018 c 58 s 65 are each amended to read as follows:

(1) The commercially sexually exploited children statewide coordinating committee is established to address the issue of children who are commercially sexually exploited, to examine the practices of local and regional entities involved in addressing sexually exploited children, and to make recommendations on statewide laws and practices.

(2) The committee is convened by the office of the attorney general with the department of commerce assisting with agenda planning and administrative and clerical support. The committee consists of the following members:

(a) One member from each of the two largest caucuses of the house of representatives appointed by the speaker of the house;

(b) One member from each of the two largest caucuses of the senate appointed by the ~~((speaker))~~ president of the senate;

(c) A representative of the governor's office appointed by the governor;

(d) The secretary of the department of children, youth, and families or his or her designee;

(e) The secretary of the juvenile rehabilitation administration or his or her designee;

(f) The attorney general or his or her designee;

(g) The superintendent of public instruction or his or her designee;

(h) A representative of the administrative office of the courts appointed by the administrative office of the courts;

(i) The executive director of the Washington association of sheriffs and police chiefs or his or her designee;

(j) The executive director of the Washington state criminal justice training commission or his or her designee;

(k) A representative of the Washington association of prosecuting attorneys appointed by the association;

(l) The executive director of the office of public defense or his or her designee;

(m) Three representatives of community service providers that provide direct services to commercially sexually exploited children appointed by the attorney general;

(n) Two representatives of nongovernmental organizations familiar with the issues affecting

commercially sexually exploited children appointed by the attorney general;

(o) The president of the superior court judges' association or his or her designee;

(p) The president of the juvenile court administrators or his or her designee;

(q) Any existing chairs of regional task forces on commercially sexually exploited children;

(r) A representative from the criminal defense bar;

(s) A representative of the center for children and youth justice;

(t) A representative from the office of crime victims advocacy;

(u) The executive director of the Washington coalition of sexual assault programs;

(v) The executive director of the statewide organization representing children's advocacy centers or his or her designee;

~~((w))~~ (w) A representative of an organization that provides inpatient chemical dependency treatment to youth, appointed by the attorney general;

~~((x))~~ (x) A representative of an organization that provides mental health treatment to youth, appointed by the attorney general; and

~~((y))~~ (y) A survivor of human trafficking, appointed by the attorney general.

(3) The duties of the committee include, but are not limited to:

(a) Overseeing and reviewing the implementation of the Washington state model protocol for commercially sexually exploited children at task force sites;

(b) Receiving reports and data from local and regional entities regarding the incidence of commercially sexually exploited children in their areas as well as data information regarding perpetrators, geographic data and location trends, and any other data deemed relevant;

(c) Receiving reports on local coordinated community response practices and results of the community responses;

(d) Reviewing recommendations from local and regional entities regarding policy and legislative changes that would improve the efficiency and effectiveness of local response practices;

(e) Making recommendations regarding policy and legislative changes that would improve the effectiveness of the state's response to and promote best practices for suppression of the commercial sexual exploitation of children;

(f) Making recommendations regarding data collection useful to understanding or addressing the problem of commercially sexually exploited children;

(g) Reviewing and making recommendations regarding strategic local investments or opportunities for federal and state funding to address the commercial sexual exploitation of children;

(h) Reviewing the extent to which chapter 289, Laws of 2010 (Engrossed Substitute Senate Bill No. 6476) is understood and applied by enforcement authorities; ~~(and)~~

(i) Researching any barriers that exist to full implementation of chapter 289, Laws of 2010 (Engrossed Substitute Senate Bill No. 6476) throughout the state;

(j) Convening a meeting and providing recommendations required under section 11 of this act; and

(k) Compiling data on the number of juveniles believed to be victims of sexual exploitation taken into custody under RCW 43.185C.260.

(4) The committee must meet no less than annually.

(5) The committee shall annually report its findings and recommendations to the appropriate committees of the legislature and to any other known statewide committees addressing trafficking or the commercial sex trade.

(6) This section expires June 30, 2023.

**Sec. 12.** RCW 43.185C.260 and 2019 c 312 s 15 are each amended to read as follows:

(1) A law enforcement officer shall take a child into custody:

(a) If a law enforcement agency has been contacted by the parent of the child that the child is absent from parental custody without consent; or

(b) If a law enforcement officer reasonably believes, considering the child's age, the location, and the time of day, that a child is in circumstances which constitute a danger to the child's safety or that a child is violating a local curfew ordinance; or

(c) If an agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from placement.

(2) Law enforcement custody shall not extend beyond the amount of time reasonably necessary to transport the child to a destination authorized by law and to place the child at that destination. Law enforcement custody continues until the law enforcement officer transfers custody to a person, agency, or other authorized entity under this chapter, or releases the child because no placement is available. Transfer of custody is not complete unless the person, agency, or entity to whom the child is released agrees to accept custody.

(3) If a law enforcement officer takes a child into custody pursuant to either subsection (1)(a) or (b) of this section and transports the child to a crisis residential center, the officer shall, within twenty-four hours of delivering the child to the center, provide to the center a written report detailing the reasons the officer took the child into custody. The center shall provide the department of children, youth, and families with a copy of the officer's report if the youth is

in the care of or receiving services from the department of children, youth, and families.

(4) If the law enforcement officer who initially takes the juvenile into custody or the staff of the crisis residential center have reasonable cause to believe that the child is absent from home because he or she is abused or neglected, a report shall be made immediately to the department of children, youth, and families.

(5) Nothing in this section affects the authority of any political subdivision to make regulations concerning the conduct of minors in public places by ordinance or other local law.

(6) If a law enforcement officer has a reasonable suspicion that a child is being unlawfully harbored in violation of RCW 13.32A.080, the officer shall remove the child from the custody of the person harboring the child and shall transport the child to one of the locations specified in RCW 43.185C.265.

(7) If a law enforcement officer takes a juvenile into custody pursuant to subsection (1)(b) of this section and reasonably believes that the juvenile may be the victim of sexual exploitation, the officer shall:

(a) Transport the child to:

(i) An evaluation and treatment facility as defined in RCW 71.34.020, including the receiving centers established in section 2 of this act, for purposes of evaluation for behavioral health treatment authorized under chapter 71.34 RCW, including adolescent-initiated treatment, family-initiated treatment, or involuntary treatment; or

(ii) Another appropriate youth-serving entity or organization including, but not limited to:

(A) A HOPE Center as defined under RCW 43.185C.010;

(B) A foster-family home as defined under RCW 74.15.020;

(C) A crisis residential center as defined under RCW 43.185C.010; or

(D) A community-based program that has expertise working with adolescents in crisis; or

(b) Coordinate transportation to one of the locations identified in (a) of this subsection, with a liaison dedicated to serving commercially sexually exploited children established under RCW 74.14B.070 or a community service provider.

(8) Law enforcement shall have the authority to take into protective custody a child who is or is attempting to engage in sexual conduct with another person for money or anything of value for purposes of investigating the individual or individuals who may be exploiting the child and deliver the child to an evaluation and treatment facility as defined in RCW 71.34.020, including the receiving centers established in section 2 of this act, for purposes of evaluation for behavioral health treatment authorized under chapter 71.34 RCW, including adolescent-initiated treatment, family-initiated treatment, or involuntary treatment.

(9) No child may be placed in a secure facility except as provided in this chapter.

**Sec. 13.** RCW 74.14B.070 and 2017 3rd sp.s. c 6 s 508 are each amended to read as follows:

(1) The department shall, subject to available funds, establish a system of early identification and referral to treatment of child victims of sexual assault or sexual abuse. The system shall include schools, physicians, sexual assault centers, domestic violence centers, child protective services, and foster parents. A mechanism shall be developed to identify communities that have experienced success in this area and share their expertise and methodology with other communities statewide.

(2) The department shall provide services to support children it suspects have been commercially sexually exploited. The child may decide whether to voluntarily engage in the services offered by the department.

(a) To provide services supporting children it suspects have been commercially sexually exploited, the department may provide:

(i) At least one liaison position in each region of the department where receiving center programs are established under section 2 of this act who are dedicated to serving commercially sexually exploited children and who report directly to the statewide program manager under (a)(ii) of this subsection;

(ii) One statewide program manager;

(iii) A designated person responsible for supporting commercially sexually exploited children, who may be assigned other duties in addition to this responsibility, in regions of the department where there is not a dedicated liaison position as identified under (a)(i) of this subsection; and

(iv) Coordinate appropriate, available, community-based services for children following discharge from an evaluation and treatment facility as defined in RCW 71.34.020, including the receiving centers established in section 2 of this act.

(b) The department shall collect nonidentifiable data regarding the number of commercially sexually exploited children, including reports of commercially sexually exploited children received from law enforcement under chapter 26.44 RCW.

(3) The department shall provide an annual report to the commercially sexually exploited children statewide coordinating committee established under RCW 7.68.801 by December 1st that includes:

(a) A description of services provided by the department to commercially sexually exploited children; and

(b) Nonidentifiable data regarding the number of commercially sexually exploited children.

(4) The department may solicit and accept gifts, grants, conveyances, bequests, and devices for supporting the purposes of this section.

(5) Nothing in this section shall be construed to create a private right of action against the department for failure to identify, offer, or provide services.

(6) The department shall convene a work group to study, analyze, and issue recommendations regarding how decriminalizing prostitution and prostitution loitering for persons under eighteen will impact law enforcement and prosecutor efforts and ability to discover and access the victim's cell phone records to aid in prosecution of the perpetrator or abuser. The work group must issue recommendations to appropriate committees of the legislature by October 31, 2021.

**Sec. 14.** RCW 74.15.020 and 2019 c 172 s 10 are each amended to read as follows:

The definitions in this section apply throughout this chapter and RCW 74.13.031 unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers, or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 43.185C.295 through 43.185C.310;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis. "Group care facility" includes but is not limited to:

(i) Qualified residential treatment programs as defined in RCW 13.34.030;

(ii) Facilities specializing in providing prenatal, postpartum, or parenting supports for youth; and

(iii) Facilities providing high-quality residential care and supportive services to children who are, or who are at risk of becoming, victims of sex trafficking;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Resource and assessment center" means an agency that provides short-term emergency and crisis care for a period up to seventy-two hours, excluding Saturdays, Sundays, and holidays to children who have been removed from their parent's or guardian's care by child protective services or law enforcement;

(j) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(k) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this subsection (2), even after the marriage is terminated;

(v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this subsection (2), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States citizenship and immigration services, or persons who have the care of such an international child in their home;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and assisted living facilities licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(o) A host home program, and host home, operated by a tax exempt organization for youth not in the care of or receiving services from the department, if that program: (i) Recruits and screens potential homes in the program, including performing background checks on individuals over the age of eighteen residing in the home through the Washington state patrol or equivalent law enforcement agency and performing physical inspections of the home; (ii) screens and provides case management services to youth in the program; (iii) obtains a notarized permission slip or limited power of attorney from the parent or legal guardian of the youth authorizing the youth to participate in the program and the authorization is updated every six months when a youth remains in a host home longer than six months; (iv) obtains insurance for the program through an insurance provider authorized under Title 48 RCW; (v) provides mandatory reporter and confidentiality training; and (vi) registers with the secretary of state as provided in RCW 24.03.550. A host home is a private home that volunteers to host youth in need of temporary placement that is associated with a host home program. Any host home program that receives local, state, or government funding shall report the following information to the office of homeless youth prevention and protection programs annually by December 1st of each year: The number of children the program served, why the child was placed with a host home, and where the child went after leaving the host home, including but not limited to returning to the parents, running away, reaching the age of majority, or becoming a dependent of the state. A host home program shall not receive more than one hundred thousand dollars per year of public funding, including local, state, and federal funding. A host home shall not receive any local, state, or government funding;

(p) Receiving centers as defined in section 2 of this act.

(3) "Department" means the department of children, youth, and families.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Performance-based contracts" or "contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts may also include provisions that link the performance of the contractor to the level and timing of the reimbursement.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of the department.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(10) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the workforce innovation and opportunity act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

**NEW SECTION. Sec. 15.** A new section is added to chapter 7.68 RCW to read as follows:

(1) By September 1, 2020, the statewide coordinating committee shall convene a meeting related to the role that child advocacy centers have in responding to and supporting commercially sexually exploited children.

(a) The meeting required under this subsection must include representatives from child advocacy centers.

(b) By October 1, 2020, the department must provide a report to the statewide coordinating committee that includes:

(i) An inventory of the number and location of child advocacy centers in the state; and

(ii) A description of the services provided by each of the child advocacy centers in the state.

(2) By December 1, 2020, and in compliance with RCW 43.01.036, the statewide coordinating committee must provide a report to the relevant committees of the legislature that includes:

(a) An inventory of the number and location of child advocacy centers in the state;

(b) A description of the services provided by each of the child advocacy centers in the state;

(c) Recommendations for expanded use of child advocacy centers in providing additional services for commercially sexually exploited children; and

(d) Recommendations for ensuring that child advocacy centers connect commercially sexually exploited children with available services in the community.

(3) For purposes of this section:

(a) "Child advocacy center" has the same meaning as the definition provided under RCW 26.44.020.

(b) "Department" means the department of commerce.

(c) "Statewide coordinating committee" means the commercially sexually exploited children statewide coordinating committee established under RCW 7.68.801.

(4) This section expires June 30, 2021.

**NEW SECTION. Sec. 16.** Sections 4, 5, and 6 of this act take effect January 1, 2024."

On page 1, line 1 of the title, after "children;" strike the remainder of the title and insert "amending RCW 9A.88.030, 13.40.070, 13.40.213, 7.68.801, 43.185C.260, 74.14B.070, and 74.15.020; adding new sections to chapter 7.68 RCW; creating a new section; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1775 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

The Speaker stated the question before the House to be the final passage of Engrossed Third Substitute House Bill No. 1775, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Third Substitute House Bill No. 1775, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1775, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 1841 with the following amendment:

16.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that adequate personnel are critical to ensuring railroad operational safety, security, and in the event of a hazardous material incident, support of first responder activities, as well as in the interest of the safety of passengers and the general public. Therefore, the legislature declares that this act regulating minimum railroad employee staffing to reduce risk to localities constitutes an exercise of the state's police power to protect and promote the health, safety, security, and welfare of the residents of the state by reducing the risk exposure to local communities and protecting environmentally sensitive and/or pristine lands and waterways.

**NEW SECTION. Sec. 2.** A new section is added to chapter 81.40 RCW to read as follows:

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

(1) "Class I" means a railroad carrier designated as a class I railroad by the United States surface transportation board and its subsidiaries or is owned and operated by entities whose combined total railroad operational ownership and controlling interest meets the United States surface transportation board designation as a class I railroad carrier.

(2) "Class III" means a railroad carrier designated as a class III railroad by the United States surface transportation board.

(3) "Commission" means the utilities and transportation commission created in chapter 80.01 RCW.

(4) "Crewmember" means a railroad operating craft employee who has been trained and meets the requirements and qualifications as determined by the federal railroad administration for a railroad operating service employee.

(5) "Other railroad carrier" means a railroad carrier that is not a class I carrier.

(6) "Railroad carrier" means a carrier of persons or property upon vehicles, other than streetcars, operated upon stationary rails, the route of which is principally outside incorporated cities and towns. "Railroad carrier" includes any officers and agents of the railroad carrier.

**NEW SECTION. Sec. 3.** A new section is added to chapter 81.40 RCW to read as follows:

(1) Except as provided in section 4 of this act, any person, corporation, company, or officer of the court operating any railroad, railway, or any part of any railroad or railway, in the state of Washington, and engaged, as a common carrier, in the transportation of freight or passengers, shall operate and manage all trains and switching assignments over its road with crews consisting of no less than two crewmembers.

(2) Class III railroad carriers operating on their roads while at a speed of twenty-five miles per hour or less are exempt from subsection (1) of this section.

**NEW SECTION. Sec. 4.** A new section is added to chapter 81.40 RCW to read as follows:

(1) On the effective date of this section, automatic waivers to the train crew size requirement in section 3 of this act shall be granted to other railroad carriers.

(2) Such automatic waivers will remain in effect until ordered by the commission.

(3) The commission must act to ensure that railroad carriers supplement trains entering Washington state with the requisite number of train crewmembers pursuant to this act, at the closest regular station stop or crew change point located in proximity to and adjacent with either side of the state border, having been established and in use by the carrier on January 1, 2020.

(4)(a) The commission may order railroad carriers to increase the number of railroad employees in areas of increased risk to the public, passengers, railroad employees, or the environment, or on specific trains, routes, or to switch assignments on their road with additional numbers of

crewmembers, and may direct the placement of additional crewmembers, if it is determined that such an increase in staffing or the placement of additional crewmembers is necessary to protect the safety, health, and welfare of the public, passengers, or railroad employees, to prevent harm to the environment or to address site specific safety or security hazards.

(b) In issuing such an order, the commission may consider relevant factors including, but not limited to, the volatility of the commodities being transported, train volume, risk mitigation measures, environmental and operating factors that impact vulnerabilities, risk exposure to passengers, the general public, railroad employees, communities, or the environment along the train route, security risks including sabotage or terrorism threat levels, a railroad carrier's prior history of accidents, compliance violations, operating practices, infrastructure investments including track and equipment maintenance issues or lack thereof, employee training and support programs, first responder access, and any other relevant factors in the interest of safety.

**NEW SECTION. Sec. 5.** A new section is added to chapter 81.40 RCW to read as follows:

(1) Pursuant to the enforcement of the provisions of this act, the highest priority and paramount obligation of the commission must be its duty to ensure the safety and protection of the public, passengers, railroad employees, communities, environment, and areas of cultural significance in the furtherance of the highest degree of safety in railroad transportation.

(2) Each train or engine run in violation of section 3 of this act constitutes a separate offense. However, section 3 of this act does not apply in the case of disability of one or more members of any train crew while out on the road between division terminals, or assigned to wrecking trains.

(3) Any person, corporation, company, or officer of the court operating any railroad, or part of any railroad or railway within the state of Washington, and engaged as a common carrier, in the transportation of freight or passengers, who violates any of the provisions of section 3 of this act may be subject to fines of not less than one thousand dollars and not more than one hundred thousand dollars for each offense, as determined by the commission through order.

(4) The commission may impose fines exceeding the provisions in subsection (3) of this section when a serious injury or fatality occurs involving a carrier's violation of this act. All relevant factors may be considered including, but not limited to, the class, assets, profitability, and operational safety record of the carrier, as well as deterrence in ascertaining an appropriate punitive penalty, as determined by the commission through order.

(5) It is the duty of the commission to enforce this section.

**NEW SECTION. Sec. 6.** The following acts or parts of acts are each repealed:

(1)RCW 81.40.010 (Full train crews—Passenger—Safety review—Penalty—Enforcement) and 2003 c 53 s 386, 1992 c 102 s 1, & 1961 c 14 s 81.40.010; and

(2)RCW 81.40.035 (Freight train crews) and 1967 c 2 s 2.

**NEW SECTION. Sec. 7.** If any provision of this act or its application to any person, entity, or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 8.** 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 "trains;" strike the remainder of the title and insert "adding new sections to chapter 81.40 RCW; creating a new section; repealing RCW 81.40.010 and 81.40.035; prescribing penalties; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1841 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

The Speaker stated the question before the House to be the final passage of House Bill No. 1841, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1841, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 64; Nays, 33; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Boehnke, Callan, Chandler, Chopp, Cody, Corry, Davis, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Volz, Walen, Walsh, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Caldier, Chambers, Chapman, DeBolt, Dent, Dufault, Dye, Gildon, Goehner, Graham, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz,

MacEwen, Maycumber, McCaslin, Orcutt, Schmick, Shea, Springer, Steele, Stokesbary, Sutherland, Van Werven, Vick, Wilcox, Ybarra and Young.

Excused: Representative Paul.

HOUSE BILL NO. 1841, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Lovick to preside.

#### MESSAGE FROM THE SENATE

March 7, 2020

Madame Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1948 with the following amendment:

8.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 9.** The legislature recognizes that changes in sales tax sourcing laws created a significant negative fiscal impact on communities with a concentration of warehousing, manufacturing, and shipping. These communities are vital job centers to our state economy. Furthermore, the infrastructure demands to support these industries are significant. The legislature hereby creates the warehousing and manufacturing job center assistance program to provide these communities with revenue to mitigate for the negative fiscal impact of changes in sales tax sourcing laws, and fund important infrastructure to maintain these key job centers.

**NEW SECTION. Sec. 10.** A new section is added to chapter 82.14 RCW to read as follows:

(1) In order to mitigate local sales tax revenue net losses as a result of the sourcing provisions of the streamlined sales and use tax agreement under this title, the state treasurer, on July 1, 2020, and each July 1st thereafter through July 1, 2026, must transfer into the manufacturing and warehousing job centers account from the general fund the sum required to mitigate actual net losses as determined under this section.

(2) The department must determine each qualified local taxing jurisdiction's annual loss. The department must determine annual losses by comparing at least twelve months of data from tax return information and tax collections for each qualified local taxing jurisdiction before and after July 1, 2008. The department is not required to determine annual losses on a recurring basis, but may make any adjustments to annual losses as it deems proper as a result of the annual reviews. Each calendar quarter, distributions must be made from the manufacturing and warehousing job centers account by the state treasurer on the last working day of the calendar quarter, as directed by the department, to each qualified local taxing jurisdiction, for losses in respect to taxes imposed under the authority of RCW 82.14.390, in an amount representing one-fourth of the jurisdiction's annual loss reduced by voluntary compliance revenue reported

during the previous calendar quarter and marketplace facilitator/remote seller revenue reported during the previous calendar quarter.

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

(a) "Loss" or "losses" means the local sales and use tax revenue reduction to a local taxing jurisdiction resulting from the sourcing provisions in RCW 82.14.490 and section 502, chapter 6, Laws of 2007.

(b) "Marketplace facilitator/remote seller revenue" means the local sales and use tax revenue gain, including taxes voluntarily remitted and taxes collected from consumers, to each local taxing jurisdiction from part II of chapter 28, Laws of 2017 3rd sp. sess. as estimated by the department in RCW 82.14.500(6).

(c) "Net loss" or "net losses" means a loss offset by any voluntary compliance revenue and marketplace facilitator/remote seller revenue.

(d) "Qualified local taxing district" means a city:

(i) That was eligible for streamlined sales tax mitigation payments of at least one hundred fifty thousand dollars under RCW 82.14.500 in calendar year 2018, based on the calculation and analysis required under RCW 82.14.500(3)(a); and

(ii) That has a continued local sales tax revenue loss as a result of the sourcing provision of the streamlined sales and use tax agreement under this title, as determined by the department.

(e) "Voluntary compliance revenue" means the local sales tax revenue gain to each local taxing jurisdiction reported to the department from persons registering through the central registration system authorized under the agreement.

(4) This section expires January 1, 2026.

**NEW SECTION. Sec. 11.** A new section is added to chapter 82.14 RCW to read as follows:

The manufacturing and warehousing job centers account is created in the state treasury. All receipts from section 2 of this act must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purpose of mitigating the negative fiscal impacts to local taxing jurisdictions as a result of RCW 82.14.490 and section 502, chapter 6, Laws of 2007."

On page 1, line 2 of the title, after "centers;" strike the remainder of the title and insert "adding new sections to chapter 82.14 RCW; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1948 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1948, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1948, 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 Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Corry, DeBolt, Dent, Dufault, Goehner, Hoff, Jenkin, Kraft, McCaslin, Orcutt, Shea, Walsh and Ybarra.

Excused: Representative Paul.

ENGROSSED HOUSE BILL NO. 1948, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2458 with the following amendment:

11.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 12.** RCW 28A.400.280 and 2018 c 260 s 29 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, school districts may provide employer fringe benefit

contributions after October 1, 1990, only for basic benefits. However, school districts may continue payments under contracts with employees or benefit providers in effect on April 13, 1990, until the contract expires.

(2)(a) School districts may provide employer contributions after October 1, 1990, for optional benefit plans, in addition to basic benefits. Beginning January 1, 2020, school district optional benefits must ~~((be outside))~~ not compete with any form of the basic or optional benefits offered in the school employees' benefits board program either under the school employees' benefits board's authority in RCW 41.05.740((6)) or offered under the authority of the health care authority in the salary reduction plan authorized in RCW 41.05.300 and 41.05.310.

(b) Beginning December 1, 2019, and each December 1st thereafter, school district optional benefits must be reported to the school employees' benefits board and health care authority. ~~((The school employees' benefits board shall review the optional benefits offered by districts and: (a) Determine if the optional benefits conflict with school employees' benefits board's plans offering authority and, if not, (b) evaluate whether to seek additional benefit offerings authority from the legislature. Optional benefits may include direct agreements as defined in chapter 48.150 RCW, and may include employee))~~

(c) School districts, and the applicable carrier, must work with the health care authority to either modify and remove competing components of the district-based benefit or end any district-based benefit offering in competition with either the health care authority's or the school employees' benefits board offered benefits.

(d) Unless the school employees' benefits board offers such benefits, school districts may offer only the following optional benefits to school employees:

(i) Benefits listed in section 3(1) (a) through (i) of this act, offered as employee-paid, voluntary benefits that may be administered by using payroll deductions; and

(ii) Voluntary employees' beneficiary association accounts ((that can be liquidated by the employee on termination of employment)), including benefit plans authorized in RCW 28A.400.210(3).

~~((Optional benefit plans may be offered only if:~~

~~(a) Each full-time employee, regardless of the number of dependents receiving basic coverage, receives the same additional employer contribution for other coverage or optional benefits; and~~

~~(b) For part-time employees, participation in optional benefit plans shall be governed by the same eligibility criteria and/or proration of employer contributions used for allocations for basic benefits.))~~

(3) School districts are not intended to divert state basic benefit allocations for other purposes. Beginning January 1, 2020, school districts must offer all benefits offered by the school employees' benefits board administered by the health care authority, and consistent with RCW 41.56.500(2).

(4) Any optional benefits offered by a school district under subsection (2) of this section are considered an enhancement to the state's definition of basic education.

**Sec. 13.** RCW 28A.400.350 and 2019 c 411 s 6 are each amended to read as follows:

(1) The board of directors of any of the state's school districts or educational service districts may make available medical, dental, vision, liability, life, accident, disability, and salary protection or insurance, direct agreements as defined in chapter 48.150 RCW, or any one of, or a combination of the types of employee benefits enumerated in this subsection, or any other type of insurance or protection, for the members of the boards of directors, the students, and employees of the school district or educational service district, and their dependents. Except as provided in subsection (6) of this section, such coverage may be provided by contracts or agreements with private carriers, with the state health care authority, or through self-insurance or self-funding pursuant to chapter 48.62 RCW, or in any other manner authorized by law. Any direct agreement must comply with RCW 48.150.050.

(2)(a) Whenever funds are available for these purposes the board of directors of the school district or educational service district may contribute all or a part of the cost of such protection or insurance for the employees of their respective school districts or educational service districts and their dependents. The premiums on such liability insurance shall be borne by the school district or educational service district.

(b) After October 1, 1990, school districts may not contribute to any employee protection or insurance other than liability insurance unless the district's employee benefit plan conforms to RCW 28A.400.275 and 28A.400.280.

(c) After December 31, 2019, school district contributions to any employee insurance that is purchased through the health care authority must conform to the requirements established by chapter 41.05 RCW and the school employees' benefits board.

(3) For school board members, educational service district board members, and students, the premiums due on such protection or insurance shall be borne by the assenting school board member, educational service district board member, or student. The school district or educational service district may contribute all or part of the costs, including the premiums, of life, health, health care, accident or disability insurance which shall be offered to all students participating in interschool activities on the behalf of or as representative of their school, school district, or educational service district. The school district board of directors and the educational service district board may require any student participating in extracurricular interschool activities to, as a condition of participation, document evidence of insurance or purchase insurance that will provide adequate coverage, as determined by the school district board of directors or the educational service district board, for medical expenses incurred as a result of injury sustained while participating in the extracurricular activity. In establishing such a requirement, the district shall adopt regulations for waiving or reducing the premiums of such coverage as may be offered through the school district or educational service

district to students participating in extracurricular activities, for those students whose families, by reason of their low income, would have difficulty paying the entire amount of such insurance premiums. The district board shall adopt regulations for waiving or reducing the insurance coverage requirements for low-income students in order to assure such students are not prohibited from participating in extracurricular interschool activities.

(4) All contracts or agreements for insurance or protection written to take advantage of the provisions of this section shall provide that the beneficiaries of such contracts may utilize on an equal participation basis the services of those practitioners licensed pursuant to chapters 18.22, 18.25, 18.53, 18.57, and 18.71 RCW.

(5)(a) Until the creation of the school employees' benefits board under RCW 41.05.740, school districts offering medical, vision, and dental benefits shall:

(i) Offer a high deductible health plan option with a health savings account that conforms to section 223, part VII of subchapter 1 of the internal revenue code of 1986. School districts shall comply with all applicable federal standards related to the establishment of health savings accounts;

(ii) Make progress toward employee premiums that are established to ensure that full family coverage premiums are not more than three times the premiums for employees purchasing single coverage for the same coverage plan, unless a subsequent premium differential target is defined as a result of the review and subsequent actions described in RCW 41.05.655;

(iii) Offer employees at least one health benefit plan that is not a high deductible health plan offered in conjunction with a health savings account in which the employee share of the premium cost for a full-time employee, regardless of whether the employee chooses employee-only coverage or coverage that includes dependents, does not exceed the share of premium cost paid by state employees during the state employee benefits year that started immediately prior to the school year.

(b) All contracts or agreements for employee benefits must be held to responsible contracting standards, meaning a fair, prudent, and accountable competitive procedure for procuring services that includes an open competitive process, except where an open process would compromise cost-effective purchasing, with documentation justifying the approach.

(c) School districts offering medical, vision, and dental benefits shall also make progress on promoting health care innovations and cost savings and significantly reduce administrative costs.

(d) All contracts or agreements for insurance or protection described in this section shall be in compliance with chapter 3, Laws of 2012 2nd sp. sess.

(6) The authority to make available basic and optional benefits to school employees under this section expires December 31, 2019, except (a) for nonrepresented employees of educational service districts for which the authority expires December 31, 2023, and (b) as authorized

under RCW 28A.400.280. Beginning January 1, 2020, school districts, for all school employees, and educational service districts, for represented employees, shall make available basic and optional benefits through plans offered by the health care authority and the school employees' benefits board. Beginning January 1, 2024, educational service districts, for nonrepresented employees, shall make available basic and optional benefits through plans offered by the health care authority and the school employees' benefits board.

**NEW SECTION. Sec. 14.** A new section is added to chapter 41.05 RCW to read as follows:

(1) In addition to the benefits offering authority under this chapter, the school employees' benefits board may study and, subject to the availability of funding, offer the following employee-paid, voluntary benefits:

(a) Emergency transportation;

(b) Identity protection;

(c) Legal aid;

(d) Long-term care insurance;

(e) Noncommercial personal automobile insurance;

(f) Personal homeowner's or renter's insurance;

(g) Pet insurance;

(h) Specified disease or illness-triggered fixed payment insurance, hospital confinement fixed payment insurance, or other fixed payment insurance offered as an independent, noncoordinated benefit regulated by the office of the insurance commissioner;

(i) Travel insurance; and

(j) Voluntary employees' beneficiary association accounts.

(2) The health care authority, in consultation with the school employees' benefits board, shall review the optional benefits reported by school districts as required in RCW 28A.400.280 and determine if the optional benefits are in competition with benefits currently offered under either the authority's or the board's authorities. If a school district benefit offering is determined to be in competition with the benefits offered under either the authority's or the board's authorities, the health care authority must inform the school district of the benefits conflict and work with the school district, and the applicable carrier, to either modify and remove competing components of the district-based benefit or end the district-based offering. If a carrier is in the process of modifying benefits, including seeking any required regulatory approval, a school district may continue to offer the original benefit.

(3) Specified disease or illness-triggered fixed payment insurance, hospital confinement fixed payment insurance, or other fixed payment insurance offered pursuant to this section as an independent, noncoordinated benefit is not a health plan as defined in RCW 48.43.005."

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 28A.400.280 and 28A.400.350; and adding a new section to chapter 41.05 RCW."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2458 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

Representative Steele spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2458, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2458, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Kraft, McCaslin, Shea, Steele, Walsh and Young.

Excused: Representative Paul.

HOUSE BILL NO. 2458, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2499 with the following amendment:

14.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 15.** RCW 43.101.085 and 2006 c 22 s 1 are each amended to read as follows:

In addition to its other powers granted under this chapter, the commission has authority and power to:

(1) Adopt, amend, or repeal rules as necessary to carry out this chapter;

(2) Issue subpoenas and administer oaths in connection with investigations, hearings, or other proceedings held under this chapter;

(3) Take or cause to be taken depositions and other discovery procedures as needed in investigations, hearings, and other proceedings held under this chapter;

(4) Appoint members of a hearings board as provided under RCW 43.101.380;

(5) Enter into contracts for professional services determined by the commission to be necessary for adequate enforcement of this chapter;

(6) Grant, deny, or revoke certification of peace officers and corrections officers under the provisions of this chapter;

(7) Designate individuals authorized to sign subpoenas and statements of charges under the provisions of this chapter;

(8) Employ such investigative, administrative, and clerical staff as necessary for the enforcement of this chapter; and

(9) ~~(To)~~ Grant, deny, or revoke certification of tribal police officers whose tribal governments have agreed to participate in the tribal police officer certification process.

**Sec. 16.** RCW 43.101.010 and 2008 c 69 s 2 are each amended to read as follows:

When used in this chapter:

(1) The term "commission" means the Washington state criminal justice training commission.

(2) The term "boards" means the education and training standards boards, the establishment of which are authorized by this chapter.

(3) The term "criminal justice personnel" means any person who serves in a county, city, state, or port commission agency engaged in crime prevention, crime reduction, or enforcement of the criminal law.

(4) The term "law enforcement personnel" means any public employee or volunteer having as a primary function the enforcement of criminal laws in general or any employee or volunteer of, or any individual commissioned by, any municipal, county, state, or combination thereof, agency having as its primary function the enforcement of criminal

laws in general as distinguished from an agency possessing peace officer powers, the primary function of which is the implementation of specialized subject matter areas. For the purposes of this subsection "primary function" means that function to which the greater allocation of resources is made.

(5) The term "correctional personnel" means any employee or volunteer who by state, county, municipal, or combination thereof, statute has the responsibility for the confinement, care, management, training, treatment, education, supervision, or counseling of those individuals whose civil rights have been limited in some way by legal sanction.

(6) "Chief for a day program" means a program in which commissioners and staff partner with local, state, and federal law enforcement agencies, hospitals, and the community to provide a day of special attention to chronically ill children. Each child is selected and sponsored by a law enforcement agency. The event, "chief for a day," occurs on one day, annually or every other year and may occur on the grounds and in the facilities of the commission. The program may include any appropriate honoring of the child as a "chief," such as a certificate swearing them in as a chief, a badge, a uniform, and donated gifts such as games, puzzles, and art supplies.

(7) A peace officer or corrections officer is "convicted" at the time a plea of guilty has been accepted, or a verdict of guilty or finding of guilt has been filed, notwithstanding the pendency of any future proceedings, including but not limited to sentencing, posttrial or postfact-finding motions and appeals. "Conviction" includes a deferral of sentence and also includes the equivalent disposition by a court in a jurisdiction other than the state of Washington.

(8)(a) "Discharged for disqualifying misconduct" ~~((means))~~ has the following meanings:

(i) A peace officer terminated from employment for: ~~((A))~~ (A) Conviction of ~~((I))~~ (I) any crime committed under color of authority as a peace officer, ~~((II))~~ (II) any crime involving dishonesty or false statement within the meaning of Evidence Rule 609(a), ~~((III))~~ (III) the unlawful use or possession of a controlled substance, or ~~((IV))~~ (IV) any other crime the conviction of which disqualifies a Washington citizen from the legal right to possess a firearm under state or federal law; ~~((B))~~ (B) conduct that would constitute any of the crimes addressed in (a)(i)(A) of this subsection; or ~~((C))~~ (C) knowingly making materially false statements during disciplinary investigations, where the false statements are the sole basis for the termination; or

(ii) A corrections officer terminated from employment for: (A) Conviction of (I) any crime committed under color of authority as a corrections officer, (II) any crime involving dishonesty or false statement within the meaning of Evidence Rule 609(a), or (III) the unlawful use or possession of a controlled substance; (B) conduct that would constitute any of the crimes addressed in (a)(ii)(A) of this subsection; or (C) knowingly making materially false statements during disciplinary investigations, where the false statements are the sole basis for the termination.

~~((9))~~ (b) A peace officer or corrections officer is "discharged for disqualifying misconduct" within the meaning of this subsection (8) ~~((of this section))~~ under the ordinary meaning of the term and when the totality of the circumstances support a finding that the officer resigned in anticipation of discipline, whether or not the misconduct was discovered at the time of resignation, and when such discipline, if carried forward, would more likely than not have led to discharge for disqualifying misconduct within the meaning of this subsection (8) ~~((of this section))~~.

~~((10))~~ (9) When used in context of proceedings referred to in this chapter, "final" means that the peace officer or corrections officer has exhausted all available civil service appeals, collective bargaining remedies, and all other such direct administrative appeals, and the officer has not been reinstated as the result of the action. Finality is not affected by the pendency or availability of state or federal administrative or court actions for discrimination, or by the pendency or availability of any remedies other than direct civil service and collective bargaining remedies.

~~((11))~~ (10) "Peace officer" means any law enforcement personnel subject to the basic law enforcement training requirement of RCW 43.101.200 and any other requirements of that section, notwithstanding any waiver or exemption granted by the commission, and notwithstanding the statutory exemption based on date of initial hire under RCW 43.101.200. Commissioned officers of the Washington state patrol, whether they have been or may be exempted by rule of the commission from the basic training requirement of RCW 43.101.200, are included as peace officers for purposes of this chapter. Fish and wildlife officers with enforcement powers for all criminal laws under RCW 77.15.075 are peace officers for purposes of this chapter.

(11) "Corrections officer" means any corrections agency employee whose primary job function is to provide for the custody, safety, and security of adult prisoners in jails and detention facilities and who is subject to the basic corrections training requirement of RCW 43.101.220 and any other requirements of that section, notwithstanding any waiver or exemption granted by the commission, and notwithstanding the statutory exemption based on date of initial hire under RCW 43.101.220. For the purpose of sections 3 through 13 of this act, "corrections officer" does not include individuals employed by state agencies.

**NEW SECTION. Sec. 17.** (1) As a condition of continuing employment as corrections officers, all Washington state corrections officers shall: (a) Timely obtain certification as corrections officers, or timely obtain exemption therefrom, by meeting all requirements of RCW 43.101.220, as that section is administered under the rules of the commission, as well as by meeting any additional requirements under this chapter; and (b) maintain the basic certification as corrections officers under this chapter. The commission shall certify corrections officers who have satisfied, or have been exempted by statute or by rule from, the basic training requirements of RCW 43.101.220 on or before the effective date of this section. Thereafter, the commission may revoke certification pursuant to this chapter.

(2) As a condition of continuing employment for any applicant who has been offered a conditional offer of employment as a corrections officer after July 1, 2021, including any person whose certification has lapsed as a result of a break of more than twenty-four consecutive months in the officer's service as a corrections officer, the applicant shall submit to a background investigation including a check of criminal history, verification of immigrant or citizenship status as either a citizen of the United States or a lawful permanent resident, a psychological examination, and a polygraph or similar assessment as administered by the corrections agency, the results of which shall be used to determine the applicant's suitability for employment as a corrections officer.

(3) The commission shall allow a corrections officer to retain status as a certified corrections officer as long as the officer: (a) Timely meets the basic corrections officer training requirements, or is exempted therefrom, in whole or in part, under RCW 43.101.220 or under rule of the commission; (b) meets or is exempted from any other requirements under this chapter as administered under the rules adopted by the commission; (c) is not denied certification by the commission under this chapter; and (d) has not had certification revoked by the commission.

(4) As a prerequisite to certification, as well as a prerequisite to pursuit of a hearing under section 9 of this act, a corrections officer must, on a form devised or adopted by the commission, authorize the release to the commission of his or her personnel files, termination papers, criminal investigation files, or other files, papers, or information that are directly related to a certification matter or decertification matter before the commission.

**NEW SECTION. Sec. 18.** Upon request by a corrections officer's employer or on its own initiative, the commission may deny or revoke certification of any corrections officer after written notice and hearing, if a hearing is timely requested by the corrections officer under section 9 of this act, based upon a finding of one or more of the following conditions:

(1) The corrections officer has failed to timely meet all requirements for obtaining a certificate of basic corrections training, or a certificate of exemption from the training;

(2) The corrections officer has knowingly falsified or omitted material information on an application for training or certification to the commission;

(3) The corrections officer has been convicted at any time of a felony offense under the laws of this state or has been convicted of a federal or out-of-state offense comparable to a felony under the laws of this state; except that if a certified corrections officer was convicted of a felony before being employed as a corrections officer, and the circumstances of the prior felony conviction were fully disclosed to his or her employer before being hired, the commission may revoke certification only with the agreement of the employing corrections agency;

(4) The corrections officer has been discharged for disqualifying misconduct, the discharge is final, and some or all of the acts or omissions forming the basis for the

discharge proceedings occurred on or after the effective date of this section;

(5) The corrections officer's certificate was previously issued by administrative error on the part of the commission; or

(6) The corrections officer has interfered with an investigation or action for denial or revocation of certificate by: (a) Knowingly making a materially false statement to the commission; or (b) in any matter under investigation by or otherwise before the commission, tampering with evidence or tampering with or intimidating any witness.

**NEW SECTION. Sec. 19.** (1) A person denied a certification based upon dismissal or withdrawal from a basic corrections academy for any reason not also involving discharge for disqualifying misconduct is eligible for readmission and certification upon meeting standards established in rules of the commission, which rules may provide for probationary terms on readmission.

(2) A person whose certification is denied or revoked based upon prior administrative error of issuance, failure to cooperate, or interference with an investigation is eligible for certification upon meeting standards established in rules of the commission, rules which may provide for a probationary period of certification in the event of reinstatement of eligibility.

(3) A person whose certification is denied or revoked based upon a felony criminal conviction is not eligible for certification at any time.

(4) A corrections officer whose certification is denied or revoked based upon discharge for disqualifying misconduct, but not also based upon a felony criminal conviction, may, five years after the revocation or denial, petition the commission for reinstatement of the certificate or for eligibility for reinstatement. The commission shall hold a hearing on the petition to consider reinstatement, and the commission may allow reinstatement based upon standards established in rules of the commission. If the certificate is reinstated or eligibility for certification is determined, the commission may establish a probationary period of certification.

(5) A corrections officer whose certification is revoked based solely upon a criminal conviction may petition the commission for reinstatement immediately upon a final judicial reversal of the conviction. The commission shall hold a hearing on request to consider reinstatement, and the commission may allow reinstatement based on standards established in rules of the commission. If the certificate is reinstated or if eligibility for certification is determined, the commission may establish a probationary period of certification.

**NEW SECTION. Sec. 20.** A corrections officer's certification lapses automatically when there is a break of more than twenty-four consecutive months in the officer's service as a full-time corrections officer. A break in full-time corrections service which is due solely to the pendency of direct review or appeal from a disciplinary discharge, or to the pendency of a work-related injury, does not cause a lapse

in certification. The officer may petition the commission for reinstatement of certification. Upon receipt of a petition for reinstatement of a lapsed certificate, the commission shall determine under this chapter and any applicable rules of the commission if the corrections officer's certification status is to be reinstated, and the commission shall also determine any requirements which the officer must meet for reinstatement. The commission may adopt rules establishing requirements for reinstatement.

**NEW SECTION. Sec. 21.** Upon termination of a corrections officer for any reason, including resignation, the agency of termination shall, within fifteen days of the termination, notify the commission on a personnel action report form provided by the commission. The agency of termination shall, upon request of the commission, provide such additional documentation or information as the commission deems necessary to determine whether the termination provides grounds for revocation under section 4 of this act. The commission shall maintain these notices in a permanent file, subject to RCW 43.101.400.

**NEW SECTION. Sec. 22.** A corrections officer or duly authorized representative of a corrections agency may submit a written complaint to the commission charging that a corrections officer's certificate should be denied or revoked, and specifying the grounds for the charge. Filing a complaint does not make a complainant a party to the commission's action. The commission has sole discretion whether to investigate a complaint, and the commission has sole discretion whether to investigate matters relating to certification, denial of certification, or revocation of certification on any other basis, without restriction as to the source or the existence of a complaint. A person who files a complaint in good faith under this section is immune from suit or any civil action related to the filing or the contents of the complaint.

**NEW SECTION. Sec. 23.** (1) If the commission determines, upon investigation, that there is probable cause to believe that a corrections officer's certification should be denied or revoked under section 4 of this act, the commission must prepare and serve upon the officer a statement of charges. Service on the officer must be by mail or by personal service on the officer. Notice of the charges must also be mailed to or otherwise served upon the officer's agency of termination and any current corrections employer. The statement of charges must be accompanied by a notice that to receive a hearing on the denial or revocation, the officer must, within sixty days of communication of the statement of charges, request a hearing before the hearings panel appointed under RCW 43.101.380. Failure of the officer to request a hearing within the sixty-day period constitutes a default, whereupon the commission may enter an order under RCW 34.05.440.

(2) If a hearing is requested, the date of the hearing must be scheduled not earlier than ninety days nor later than one hundred eighty days after the officer requests a hearing; the one hundred eighty-day period may be extended on mutual agreement of the parties or for good cause. The commission shall give written notice of hearing at least twenty days prior to the hearing, specifying the time, date, and place of hearing.

**Sec. 24.** RCW 43.101.380 and 2010 1st sp.s. c 7 s 14 are each amended to read as follows:

(1) The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the administrative procedure act, govern hearings before the commission and govern all other actions before the commission unless otherwise provided in this chapter. The standard of proof in actions before the commission is clear, cogent, and convincing evidence.

(2) In all hearings requested under RCW 43.101.155 or section 9 of this act, a five-member hearings panel shall both hear the case and make the commission's final administrative decision. Members of the commission may, but need not, be appointed to the hearings panels. The commission shall appoint as follows two or more panels to hear (~~appeals from~~) certification actions:

(a) When a hearing is requested in relation to a certification action of a Washington peace officer who is not a peace officer of the Washington state patrol, the commission shall appoint to the panel: (i) One police chief; (ii) one sheriff; (iii) two certified Washington peace officers who are at or below the level of first line supervisor, one of whom is from a city or county law enforcement agency, and who have at least ten years' experience as peace officers; and (iv) one person who is not currently a peace officer and who represents a community college or four-year college or university.

(b) When a hearing is requested in relation to a certification action of a peace officer of the Washington state patrol, the commission shall appoint to the panel: (i) Either one police chief or one sheriff; (ii) one administrator of the state patrol; (iii) one certified Washington peace officer who is at or below the level of first line supervisor, who is not a state patrol officer, and who has at least ten years' experience as a peace officer; (iv) one state patrol officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; and (v) one person who is not currently a peace officer and who represents a community college or four-year college or university.

(c) When a hearing is requested in relation to a certification action of a Washington corrections officer, the commission shall appoint to the panel: (i) Two heads of either a city or county corrections agency or facility or of a Washington state department of corrections facility; (ii) two corrections officers who are at or below the level of first line supervisor, who are from city, county, or state corrections agencies, and who have at least ten years' experience as corrections officers; and (iii) one person who is not currently a corrections officer and who represents a community college or four-year college or university.

(d) When a hearing is requested in relation to a certification action of a tribal police officer, the commission shall appoint to the panel (i) either one police chief or one sheriff; (ii) one tribal police chief; (iii) one certified Washington peace officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; (iv) one tribal police officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; and (v) one person

who is not currently a peace officer and who represents a community college or four-year college or university.

~~((4))~~ (e) Persons appointed to hearings panels by the commission shall, in relation to any certification action on which they sit, have the powers, duties, and immunities, and are entitled to the emoluments, including travel expenses in accordance with RCW 43.03.050 and 43.03.060, of regular commission members.

(3) Where the charge upon which revocation or denial is based is that a peace officer or corrections officer was "discharged for disqualifying misconduct," and the discharge is "final," within the meaning of RCW 43.101.105(1)(d) or section 4(4) of this act, and the officer received a civil service hearing or arbitration hearing culminating in an affirming decision following separation from service by the employer, the hearings panel may revoke or deny certification if the hearings panel determines that the discharge occurred and was based on disqualifying misconduct; the hearings panel need not redetermine the underlying facts but may make this determination based solely on review of the records and decision relating to the employment separation proceeding. However, the hearings panel may, in its discretion, consider additional evidence to determine whether such a discharge occurred and was based on such disqualifying misconduct. The hearings panel shall, upon written request by the subject peace officer or corrections officer, allow the peace officer or corrections officer to present additional evidence of extenuating circumstances.

Where the charge upon which revocation or denial of certification is based is that a peace officer or corrections officer "has been convicted at any time of a felony offense" within the meaning of RCW 43.101.105(1)(c) or section 4(3) of this act, the hearings panel shall revoke or deny certification if it determines that the peace officer or corrections officer was convicted of a felony. The hearings panel need not redetermine the underlying facts but may make this determination based solely on review of the records and decision relating to the criminal proceeding. However, the hearings panel shall, upon the panel's determination of relevancy, consider additional evidence to determine whether the peace officer or corrections officer was convicted of a felony.

Where the charge upon which revocation or denial is based is under RCW 43.101.105(1) (a), (b), (e), or (f) or section 4 (1), (2), (5), or (6) of this act, the hearings panel shall determine the underlying facts relating to the charge upon which revocation or denial of certification is based.

(4) The commission's final administrative decision is subject to judicial review under RCW 34.05.510 through 34.05.598.

**NEW SECTION. Sec. 25.** An individual whose peace officer certification is denied or revoked pursuant to this chapter may not thereafter be certified as a corrections officer without first satisfying the requirements of eligibility for certification or reinstatement of certification. A corrections officer whose corrections officer certification is denied or revoked pursuant to this chapter may not thereafter be certified as a peace officer without first satisfying the

requirements of eligibility for certification or reinstatement of certification.

**Sec. 26.** RCW 43.101.400 and 2001 c 167 s 12 are each amended to read as follows:

(1) Except as provided under subsection (2) of this section, the following records of the commission are confidential and exempt from public disclosure: (a) The contents of personnel action reports filed under RCW 43.101.135 or section 7 of this act; (b) all files, papers, and other information obtained by the commission pursuant to RCW 43.101.095~~((3))~~ (5) or section 3 of this act; and (c) all investigative files of the commission compiled in carrying out the responsibilities of the commission under this chapter. Such records are not subject to public disclosure, subpoena, or discovery proceedings in any civil action, except as provided in subsection (5) of this section.

(2) Records which are otherwise confidential and exempt under subsection (1) of this section may be reviewed and copied: (a) By the officer involved or the officer's counsel or authorized representative, who may review the officer's file and may submit any additional exculpatory or explanatory evidence, statements, or other information, any of which must be included in the file; (b) by a duly authorized representative of (i) the agency of termination, or (ii) a current employing law enforcement or corrections agency, which may review and copy its employee-officer's file; or (c) by a representative of or investigator for the commission.

(3) Records which are otherwise confidential and exempt under subsection (1) of this section may also be inspected at the offices of the commission by a duly authorized representative of a law enforcement or corrections agency considering an application for employment by a person who is the subject of a record. A copy of records which are otherwise confidential and exempt under subsection (1) of this section may later be obtained by an agency after it hires the applicant. In all other cases under this subsection, the agency may not obtain a copy of the record.

(4) Upon a determination that a complaint is without merit, that a personnel action report filed under RCW 43.101.135 does not merit action by the commission, or that a matter otherwise investigated by the commission does not merit action, the commission shall purge records addressed in subsection (1) of this section.

(5) The hearings, but not the deliberations, of the hearings board are open to the public. The transcripts, admitted evidence, and written decisions of the hearings board on behalf of the commission are not confidential or exempt from public disclosure, and are subject to subpoena and discovery proceedings in civil actions.

(6) Every individual, legal entity, and agency of federal, state, or local government is immune from civil liability, whether direct or derivative, for providing information to the commission in good faith.

**Sec. 27.** RCW 43.101.080 and 2018 c 32 s 4 are each amended to read as follows:

The commission shall have all of the following powers:

- (1) To meet at such times and places as it may deem proper;
- (2) To adopt any rules and regulations as it may deem necessary;
- (3) To contract for services as it deems necessary in order to carry out its duties and responsibilities;
- (4) To cooperate with and secure the cooperation of any department, agency, or instrumentality in state, county, and city government, and other commissions affected by or concerned with the business of the commission;
- (5) To do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the power granted to it;
- (6) To select and employ an executive director, and to empower him or her to perform such duties and responsibilities as it may deem necessary;
- (7) To assume legal, fiscal, and program responsibility for all training conducted by the commission;
- (8) To establish, by rule and regulation, standards for the training of criminal justice personnel where such standards are not prescribed by statute;
- (9) To own, establish, and operate, or to contract with other qualified institutions or organizations for the operation of, training and education programs for criminal justice personnel and to purchase, lease, or otherwise acquire, subject to the approval of the department of enterprise services, a training facility or facilities necessary to the conducting of such programs;
- (10) To establish, by rule and regulation, minimum curriculum standards for all training programs conducted for employed criminal justice personnel;
- (11) To review and approve or reject standards for instructors of training programs for criminal justice personnel, and to employ personnel on a temporary basis as instructors without any loss of employee benefits to those instructors;
- (12) To direct the development of alternative, innovative, and interdisciplinary training techniques;
- (13) To review and approve or reject training programs conducted for criminal justice personnel and rules establishing and prescribing minimum training and education standards recommended by the training standards and education boards;
- (14) To allocate financial resources among training and education programs conducted by the commission;
- (15) To allocate training facility space among training and education programs conducted by the commission;
- (16) To issue diplomas certifying satisfactory completion of any training or education program conducted or approved by the commission to any person so completing such a program;

(17) To provide for the employment of such personnel as may be practical to serve as temporary replacements for any person engaged in a basic training program as defined by the commission;

(18) To establish rules and regulations recommended by the training standards and education boards prescribing minimum standards relating to physical, mental and moral fitness which shall govern the recruitment of criminal justice personnel where such standards are not prescribed by statute or constitutional provision;

(19) To require county, city, or state law enforcement and corrections agencies that make a conditional offer of employment to an applicant as a fully commissioned peace officer ~~((or))~~, a reserve officer, or a corrections officer to administer a background investigation including a check of criminal history, verification of immigrant or citizenship status as either a citizen of the United States of America or a lawful permanent resident, a psychological examination, and a polygraph test or similar assessment to each applicant, the results of which shall be used by the employer to determine the applicant's suitability for employment as a fully commissioned peace officer ~~((or))~~, a reserve officer, or a corrections officer. The background investigation, psychological examination, and the polygraph examination shall be administered in accordance with the requirements of RCW 43.101.095(2) for peace officers, and section 3 of this act for corrections officers. The employing county, city, or state law enforcement agency may require that each peace officer ~~((or))~~, reserve officer, or corrections officer who is required to take a psychological examination and a polygraph or similar test pay a portion of the testing fee based on the actual cost of the test or four hundred dollars, whichever is less. County, city, and state law enforcement agencies may establish a payment plan if they determine that the peace officer ~~((or))~~, reserve officer, or corrections officer does not readily have the means to pay for his or her portion of the testing fee. This subsection does not apply to corrections officers employed by state agencies;

(20) To promote positive relationships between law enforcement and the citizens of the state of Washington by allowing commissioners and staff to participate in the "chief for a day program." The executive director shall designate staff who may participate. In furtherance of this purpose, the commission may accept grants of funds and gifts and may use its public facilities for such purpose. At all times, the participation of commissioners and staff shall comply with chapter 42.52 RCW and chapter 292-110 WAC.

All rules and regulations adopted by the commission shall be adopted and administered pursuant to the administrative procedure act, chapter 34.05 RCW, and the open public meetings act, chapter 42.30 RCW.

**Sec. 28.** RCW 43.101.220 and 2019 c 415 s 970 are each amended to read as follows:

(1) The corrections personnel of the state and all counties and municipal corporations initially employed on or after January 1, 1982, shall engage in basic corrections training which complies with standards adopted by the commission. The standards adopted must provide for basic corrections training of at least ten weeks in length for any

corrections officers subject to the certification requirement under section 3 of this act who are hired on or after July 1, 2021, or on an earlier date set by the commission. The training shall be successfully completed during the first six months of employment of the personnel, unless otherwise extended or waived by the commission, and shall be requisite to the continuation of employment.

(2) The commission shall provide the training required in this section, together with facilities, supplies, materials, and the room and board for noncommuting attendees, except during the 2017-2019 and 2019-2021 fiscal biennia, when the employing county, municipal corporation, or state agency shall reimburse the commission for twenty-five percent of the cost of training its personnel.

(3)(a) Subsections (1) and (2) of this section do not apply to the Washington state department of corrections prisons division. The Washington state department of corrections is responsible for identifying training standards, designing curricula and programs, and providing the training for those corrections personnel employed by it. In doing so, the secretary of the department of corrections shall consult with staff development experts and correctional professionals both inside and outside of the agency, to include soliciting input from labor organizations.

(b) The commission and the department of corrections share the responsibility of developing and defining training standards and providing training for community corrections officers employed within the community corrections division of the department of corrections.

**NEW SECTION. Sec. 29.** 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. 30.** Sections 3 through 9 and 11 of this act are each added to chapter 43.101 RCW."

On page 1, line 1 of the title, after "officers;" strike the remainder of the title and insert "amending RCW 43.101.085, 43.101.010, 43.101.380, 43.101.400, 43.101.080, and 43.101.220; and adding new sections to chapter 43.101 RCW."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2499 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Appleton and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2499, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2499, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Dufault.

Excused: Representative Paul.

SECOND SUBSTITUTE HOUSE BILL NO. 2499, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2513 with the following amendment:  
30.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 31.** RCW 28B.10.293 and 1977 ex.s. c 18 s 1 are each amended to read as follows:

~~((Each state public or private))~~ (1) Institutions of higher education may, in the control and collection of any debt or claim due owing to it, impose reasonable financing and late charges, as well as reasonable costs and expenses incurred in the collection of such debts, if provided for in the note or agreement signed by the debtor.

(2) Institutions of higher education may not do any of the following for the purposes of debt collection, unless the debts are related to nonpayment of tuition fees, room and board fees, or financial aid funds owed:

(a) Refuse to provide an official transcript for a current or former student on the grounds that the student owes a debt;

(b) Condition the provision of an official transcript on the payment of the debt, other than a fee charged to provide the official transcript;

(c) Charge a higher fee for obtaining the official transcript, or provide less than favorable treatment of an official transcript request because a student owes a debt; or

(d) Use transcript issuance as a tool for debt collection.

(3) Institutions of higher education may not withhold a student's official transcript, regardless of debt, except the fee charged to provide an official transcript, if the official transcript is requested by a student or entity for any of the following purposes:

(a) Job applications;

(b) Transferring to another institution;

(c) Applying for financial aid;

(d) Pursuit of opportunities in the military or national guard; or

(e) Pursuit of other postsecondary opportunities.

(4) Institutions of higher education may not withhold registration privileges as a debt collection tool, excluding the case of any debts related to nonpayment of tuition fees, room and board fees, or financial aid funds owed.

(5) If an institution of higher education chooses to withhold official transcripts or registration privileges as a tool for debt collection, the institution shall disclose to students through a secure portal or email and the class registration process the following at the start of each academic term:

(a) The amount of debt, if any, owed by the student to the institution;

(b) Information on payment of the debt, including who to contact to set up a payment plan; and

(c) Any consequences that will result from the nonpayment of the debt.

(6) For the purposes of this section:

(a) "Debt" means any money, obligation, claim, or sum, due or owing, or alleged to be due or owing, from a student.

(b) "Financial aid funds owed" means any financial aid funds owed to the institution under Title IV, or to the state, due to miscalculation, withdrawal, misinformation, or other reason, not including standard repayment of student loans.

(c) "Institutions of higher education" means the same as in RCW 28B.92.030.

(d) "Room and board fees" means any money, obligation, claim, or sum, due or owing, or alleged to be due or owing, from a student for the provision of contractually agreed to on-campus housing or meal services plans.

(e) "Tuition fees" means tuition fees as defined in RCW 28B.15.020, services and activities fees as defined in RCW 28B.15.041, technology fees as defined in RCW

28B.15.051, and fees charged for nonstate funded, fee-based, self-supporting degree, certificate, or continuing education courses, or similar charges for nonpublic institutions.

**NEW SECTION. Sec. 32.** A new section is added to chapter 28B.10 RCW to read as follows:

Institutions of higher education shall report to the governor and the higher education committees of the legislature in accordance with RCW 43.01.036 annually beginning on December 1, 2020, on transcript and registration holds used as debt collection tools, including:

(1) Each institution's policy on when transcript and registration holds are used, including the time frames and amounts for which holds are to be used and the lowest amount for which an institution assigns a debt to a third-party collection agency;

(2) The number of official transcripts and registration privileges being withheld by each institution; and

(3) The number of past-due accounts assigned to third-party collection agencies."

On page 1, line 3 of the title, after "practices;" strike the remainder of the title and insert "amending RCW 28B.10.293; and adding a new section to chapter 28B.10 RCW."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2513 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

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

Representative Van Werven spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2513, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2513, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 59; Nays, 38; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chandler, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame,

Goodman, Gregerson, Hansen, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Calder, Chambers, Chapman, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Schmick, Shea, Smith, Steele, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Paul.

SECOND SUBSTITUTE HOUSE BILL NO. 2513, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 5, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2554 with the following amendment:

32.0.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 33.** A new section is added to chapter 48.43 RCW to read as follows:

(1) A health carrier that excludes, under state or federal law, any benefit required or mandated by this title or rules adopted by the commissioner from any health plan or student health plan shall:

(a) Notify each enrollee in writing of the following:

(i) Which benefits the health plan or student health plan does not cover; and

(ii) Alternate ways in which the enrollees may access excluded benefits in a timely manner;

(b) Ensure that enrollees have prompt access to the information required under this subsection; and

(c) Clearly and legibly include the information specified in (a)(i) and (ii) of this subsection in any of its marketing materials that include a list of benefits covered under the plan. The information must also be listed in the benefit booklet and posted on the carrier's health plan or student health plan web site.

(2) For the purpose of mitigating inequity in the health insurance market, unless waived by the commissioner pursuant to (c) of this subsection, the commissioner must assess a fee on any health carrier offering a health plan or student health plan if the health plan or student health plan excludes, under state or federal law, any essential health benefit or coverage that is otherwise required or mandated by this title or rules adopted by the commissioner.

(a) The commissioner shall set the fee in an amount that is the actuarial equivalent of costs attributed to the provision and administration of the excluded benefit. As part of its rate filing, a health carrier subject to this subsection (2) must submit to the commissioner an estimate of the amount of the fee, including supporting documentation of its methods for estimating the fee. The carrier must include in its supporting documentation a certification by a member of the American academy of actuaries that the estimated fee is the actuarial equivalent of costs attributed to the provision and administration of the excluded benefit.

(b) Fees paid under this section must be deposited into the general fund.

(c) The commissioner may waive the fee assessed under this subsection (2) if he or she finds that the carrier excluding a mandated benefit for a health plan or student health plan provides health plan enrollees or student health plan enrollees alternative access to all excluded mandated benefits.

(3) Beginning July 1, 2021, the commissioner shall provide on its web site written notice of the carrier requirements in this section and information on alternate ways in which enrollees may access excluded benefits in a timely manner.

(4) Nothing in this section limits the authority of the commissioner to take enforcement action if a health carrier unlawfully fails to comply with the provisions of this title.

(5) The commissioner shall adopt any rules necessary to implement this section.

**NEW SECTION. Sec. 34.** A new section is added to chapter 43.71 RCW to read as follows:

(1) Beginning November 1, 2021, the exchange shall provide individuals seeking to enroll in coverage on its web site with access to the information a health carrier must provide under section 1 of this act for any qualified health plan the health carrier offers that excludes, under state or federal law, any benefit required or mandated by Title 48 RCW or rules adopted by the commissioner.

(2) The exchange may provide the access required under this section directly on its web site, through a link to an external web site, or in any other manner that allows consumers to easily access the information.

**NEW SECTION. Sec. 35.** 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 2 of the title, after "benefits;" strike the remainder of the title and insert "adding a new section to chapter 48.43 RCW; and adding a new section to chapter 43.71 RCW."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2554 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

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

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2554, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2554, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chambers, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Paul.

SUBSTITUTE HOUSE BILL NO. 2554, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

March 6, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2642 with the following amendment:

35.0.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 36.** (1) The legislature finds that:

(a) Substance use disorder is a treatable brain disease from which people recover;

(b) Electing to go to addiction treatment is an act of great courage; and

(c) When people with substance use disorder are provided rapid access to quality treatment within their window of willingness, recovery happens.

(2) The legislature therefore intends to ensure that there is no wrong door for individuals accessing substance use disorder treatment services by requiring coverage, and prohibiting barriers created by prior authorization and premature utilization management review when persons with substance use disorders are ready or urgently in need of treatment services.

**NEW SECTION. Sec. 37.** A new section is added to chapter 41.05 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, a health plan offered to employees and their covered dependents under this chapter issued or renewed on or after January 1, 2021, may not require an enrollee to obtain prior authorization for withdrawal management services or inpatient or residential substance use disorder treatment services in a behavioral health agency licensed or certified under RCW 71.24.037.

(2)(a) A health plan offered to employees and their covered dependents under this chapter issued or renewed on or after January 1, 2021, must:

(i) Provide coverage for no less than two business days, excluding weekends and holidays, in a behavioral health agency that provides inpatient or residential substance use disorder treatment prior to conducting a utilization review; and

(ii) Provide coverage for no less than three days in a behavioral health agency that provides withdrawal management services prior to conducting a utilization review.

(b) The health plan may not require an enrollee to obtain prior authorization for the services specified in (a) of this subsection as a condition for payment of services prior to the times specified in (a) of this subsection. Once the times specified in (a) of this subsection have passed, the health plan may initiate utilization management review procedures if the behavioral health agency continues to provide services or is in the process of arranging for a seamless transfer to an appropriate facility or lower level of care under subsection (6) of this section.

(c)(i) The behavioral health agency under (a) of this subsection must notify an enrollee's health plan as soon as practicable after admitting the enrollee, but not later than twenty-four hours after admitting the enrollee. The time of notification does not reduce the requirements established in (a) of this subsection.

(ii) The behavioral health agency under (a) of this subsection must provide the health plan with its initial assessment and initial treatment plan for the enrollee within two business days of admission, excluding weekends and holidays, or within three days in the case of a behavioral

health agency that provides withdrawal management services.

(iii) After the time period in (a) of this subsection and receipt of the material provided under (c)(ii) of this subsection, the plan may initiate a medical necessity review process. Medical necessity review must be based on the standard set of criteria established under section 6 of this act. If the health plan determines within one business day from the start of the medical necessity review period and receipt of the material provided under (c)(ii) of this subsection that the admission to the facility was not medically necessary and advises the agency of the decision in writing, the health plan is not required to pay the facility for services delivered after the start of the medical necessity review period, subject to the conclusion of a filed appeal of the adverse benefit determination. If the health plan's medical necessity review is completed more than one business day after start of the medical necessity review period and receipt of the material provided under (c)(ii) of this subsection, the health plan must pay for the services delivered from the time of admission until the time at which the medical necessity review is completed and the agency is advised of the decision in writing.

(3) The behavioral health agency shall document to the health plan the patient's need for continuing care and justification for level of care placement following the current treatment period, based on the standard set of criteria established under section 6 of this act, with documentation recorded in the patient's medical record.

(4) Nothing in this section prevents a health carrier from denying coverage based on insurance fraud.

(5) If the behavioral health agency under subsection (2)(a) of this section is not in the enrollee's network:

(a) The health plan is not responsible for reimbursing the behavioral health agency at a greater rate than would be paid had the agency been in the enrollee's network; and

(b) The behavioral health agency may not balance bill, as defined in RCW 48.43.005.

(6) When the treatment plan approved by the health plan involves transfer of the enrollee to a different facility or to a lower level of care, the care coordination unit of the health plan shall work with the current agency to make arrangements for a seamless transfer as soon as possible to an appropriate and available facility or level of care. The health plan shall pay the agency for the cost of care at the current facility until the seamless transfer to the different facility or lower level of care is complete. A seamless transfer to a lower level of care may include same day or next day appointments for outpatient care, and does not include payment for nontreatment services, such as housing services. If placement with an agency in the health plan's network is not available, the health plan shall pay the current agency until a seamless transfer arrangement is made.

(7) The requirements of this section do not apply to treatment provided in out-of-state facilities.

(8) For the purposes of this section "withdrawal management services" means twenty-four hour medically

managed or medically monitored detoxification and assessment and treatment referral for adults or adolescents withdrawing from alcohol or drugs, which may include induction on medications for addiction recovery.

**NEW SECTION. Sec. 38.** A new section is added to chapter 48.43 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, a health plan issued or renewed on or after January 1, 2021, may not require an enrollee to obtain prior authorization for withdrawal management services or inpatient or residential substance use disorder treatment services in a behavioral health agency licensed or certified under RCW 71.24.037.

(2)(a) A health plan issued or renewed on or after January 1, 2021, must:

(i) Provide coverage for no less than two business days, excluding weekends and holidays, in a behavioral health agency that provides inpatient or residential substance use disorder treatment prior to conducting a utilization review; and

(ii) Provide coverage for no less than three days in a behavioral health agency that provides withdrawal management services prior to conducting a utilization review.

(b) The health plan may not require an enrollee to obtain prior authorization for the services specified in (a) of this subsection as a condition for payment of services prior to the times specified in (a) of this subsection. Once the times specified in (a) of this subsection have passed, the health plan may initiate utilization management review procedures if the behavioral health agency continues to provide services or is in the process of arranging for a seamless transfer to an appropriate facility or lower level of care under subsection (6) of this section.

(c)(i) The behavioral health agency under (a) of this subsection must notify an enrollee's health plan as soon as practicable after admitting the enrollee, but not later than twenty-four hours after admitting the enrollee. The time of notification does not reduce the requirements established in (a) of this subsection.

(ii) The behavioral health agency under (a) of this subsection must provide the health plan with its initial assessment and initial treatment plan for the enrollee within two business days of admission, excluding weekends and holidays, or within three days in the case of a behavioral health agency that provides withdrawal management services.

(iii) After the time period in (a) of this subsection and receipt of the material provided under (c)(ii) of this subsection, the plan may initiate a medical necessity review process. Medical necessity review must be based on the standard set of criteria established under section 6 of this act. If the health plan determines within one business day from the start of the medical necessity review period and receipt of the material provided under (c)(ii) of this subsection that the admission to the facility was not medically necessary and advises the agency of the decision in writing, the health plan is not required to pay the facility for services delivered after

the start of the medical necessity review period, subject to the conclusion of a filed appeal of the adverse benefit determination. If the health plan's medical necessity review is completed more than one business day after start of the medical necessity review period and receipt of the material provided under (c)(ii) of this subsection, the health plan must pay for the services delivered from the time of admission until the time at which the medical necessity review is completed and the agency is advised of the decision in writing.

(3) The behavioral health agency shall document to the health plan the patient's need for continuing care and justification for level of care placement following the current treatment period, based on the standard set of criteria established under section 6 of this act, with documentation recorded in the patient's medical record.

(4) Nothing in this section prevents a health carrier from denying coverage based on insurance fraud.

(5) If the behavioral health agency under subsection (2)(a) of this section is not in the enrollee's network:

(a) The health plan is not responsible for reimbursing the behavioral health agency at a greater rate than would be paid had the agency been in the enrollee's network; and

(b) The behavioral health agency may not balance bill, as defined in RCW 48.43.005.

(6) When the treatment plan approved by the health plan involves transfer of the enrollee to a different facility or to a lower level of care, the care coordination unit of the health plan shall work with the current agency to make arrangements for a seamless transfer as soon as possible to an appropriate and available facility or level of care. The health plan shall pay the agency for the cost of care at the current facility until the seamless transfer to the different facility or lower level of care is complete. A seamless transfer to a lower level of care may include same day or next day appointments for outpatient care, and does not include payment for nontreatment services, such as housing services. If placement with an agency in the health plan's network is not available, the health plan shall pay the current agency until a seamless transfer arrangement is made.

(7) The requirements of this section do not apply to treatment provided in out-of-state facilities.

(8) For the purposes of this section "withdrawal management services" means twenty-four hour medically managed or medically monitored detoxification and assessment and treatment referral for adults or adolescents withdrawing from alcohol or drugs, which may include induction on medications for addiction recovery.

**NEW SECTION. Sec. 39.** A new section is added to chapter 71.24 RCW to read as follows:

(1) Beginning January 1, 2021, a managed care organization may not require an enrollee to obtain prior authorization for withdrawal management services or inpatient or residential substance use disorder treatment services in a behavioral health agency licensed or certified under RCW 71.24.037.

(2)(a) Beginning January 1, 2021, a managed care organization must:

(i) Provide coverage for no less than two business days, excluding weekends and holidays, in a behavioral health agency that provides inpatient or residential substance use disorder treatment prior to conducting a utilization review; and

(ii) Provide coverage for no less than three days in a behavioral health agency that provides withdrawal management services prior to conducting a utilization review.

(b) The managed care organization may not require an enrollee to obtain prior authorization for the services specified in (a) of this subsection as a condition for payment of services prior to the times specified in (a) of this subsection. Once the times specified in (a) of this subsection have passed, the managed care organization may initiate utilization management review procedures if the behavioral health agency continues to provide services or is in the process of arranging for a seamless transfer to an appropriate facility or lower level of care under subsection (6) of this section.

(c)(i) The behavioral health agency under (a) of this subsection must notify an enrollee's managed care organization as soon as practicable after admitting the enrollee, but not later than twenty-four hours after admitting the enrollee. The time of notification does not reduce the requirements established in (a) of this subsection.

(ii) The behavioral health agency under (a) of this subsection must provide the managed care organization with its initial assessment and initial treatment plan for the enrollee within two business days of admission, excluding weekends and holidays, or within three days in the case of a behavioral health agency that provides withdrawal management services.

(iii) After the time period in (a) of this subsection and receipt of the material provided under (c)(ii) of this subsection, the managed care organization may initiate a medical necessity review process. Medical necessity review must be based on the standard set of criteria established under section 6 of this act. If the health plan determines within one business day from the start of the medical necessity review period and receipt of the material provided under (c)(ii) of this subsection that the admission to the facility was not medically necessary and advises the agency of the decision in writing, the health plan is not required to pay the facility for services delivered after the start of the medical necessity review period, subject to the conclusion of a filed appeal of the adverse benefit determination. If the managed care organization's medical necessity review is completed more than one business day after start of the medical necessity review period and receipt of the material provided under (c)(ii) of this subsection, the managed care organization must pay for the services delivered from the time of admission until the time at which the medical necessity review is completed and the agency is advised of the decision in writing.

(3) The behavioral health agency shall document to the managed care organization the patient's need for continuing care and justification for level of care placement following the current treatment period, based on the standard set of criteria established under section 6 of this act, with documentation recorded in the patient's medical record.

(4) Nothing in this section prevents a health carrier from denying coverage based on insurance fraud.

(5) If the behavioral health agency under subsection (2)(a) of this section is not in the enrollee's network:

(a) The managed care organization is not responsible for reimbursing the behavioral health agency at a greater rate than would be paid had the agency been in the enrollee's network; and

(b) The behavioral health agency may not balance bill, as defined in RCW 48.43.005.

(6) When the treatment plan approved by the managed care organization involves transfer of the enrollee to a different facility or to a lower level of care, the care coordination unit of the managed care organization shall work with the current agency to make arrangements for a seamless transfer as soon as possible to an appropriate and available facility or level of care. The managed care organization shall pay the agency for the cost of care at the current facility until the seamless transfer to the different facility or lower level of care is complete. A seamless transfer to a lower level of care may include same day or next day appointments for outpatient care, and does not include payment for nontreatment services, such as housing services. If placement with an agency in the managed care organization's network is not available, the managed care organization shall pay the current agency at the service level until a seamless transfer arrangement is made.

(7) The requirements of this section do not apply to treatment provided in out-of-state facilities.

(8) For the purposes of this section "withdrawal management services" means twenty-four hour medically managed or medically monitored detoxification and assessment and treatment referral for adults or adolescents withdrawing from alcohol or drugs, which may include induction on medications for addiction recovery.

**NEW SECTION. Sec. 40.** (1) The health care authority shall develop an action plan to support admission to and improved transitions between levels of care for both adults and adolescents.

(2) The health care authority shall develop the action plan in partnership with the office of the insurance commissioner, medicaid managed care organizations, commercial health plans, providers of substance use disorder services, and Indian health care agencies.

(3) The health care authority must include the following in the action plan:

(a) Identification of barriers in order to facilitate transfers to the appropriate level of care, and specific actions to remove those barriers; and

(b) Specific actions that may lead to the increase in the number of persons successfully transitioning from one level of care to the next appropriate level of care.

(4) The barriers and action items to be identified and addressed in the action plan under subsection (3) of this section include, but are not limited to:

(a) Having the health care authority and department of health explore systems to allow higher acuity withdrawal management facilities to bill for appropriate lower levels of care while maintaining financial stability;

(b) Developing protocols for the initial notification by a substance use disorder treatment agency to fully insured health plans and managed care organizations in regards to an enrollee's admission to a facility and uniformity in the plan's response to the agency in regards to the receipt of this information;

(c) Facilitating direct transfers to withdrawal management and residential substance use disorder treatment from hospitals and jails;

(d) Addressing concerns related to individuals being denied withdrawal management services based on their drug of choice;

(e) Exploring options for allowing medicaid managed care organizations to pay an administrative rate and establishing the equivalent reimbursement mechanism for commercial health plans for a plan enrollee who needs to remain in withdrawal management or residential care until a seamless transfer can occur, but no longer requires the higher acuity level that was the reason for the initial admission; and

(f) Establishing the minimum amount of medical information necessary to gather from the patient for utilization reviews in a withdrawal management setting.

(5) For medicaid services, specific actions must align with federal and state medicaid requirements regarding medical necessity, minimize duplicative or unnecessary burdens for agencies, and be patient-centered for medicaid managed care organizations.

(6) The health care authority shall develop options for best communicating the action plan to substance use disorder agencies by December 1, 2020.

**NEW SECTION. Sec. 41.** For the purposes of promoting standardized training for behavioral health professionals and facilitating communications between behavioral health agencies, executive agencies, managed care organizations, private health plans, and plans offered through the public employees' benefits board, it is the policy of the state to adopt a single standard set of criteria to define medical necessity for substance use disorder treatment and to define substance use disorder levels of care in Washington. The criteria selected must be comprehensive, widely understood and accepted in the field, and based on continuously updated research and evidence. The health care authority and the office of the insurance commissioner must independently review their regulations and practices by January 1, 2021. The health care authority may make rules

if necessary to promulgate the selected standard set of criteria."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 71.24 RCW; and creating new sections."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2642 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 Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2642, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2642, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2642, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 5, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2660 with the following amendment:

41.0.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 42.** This act may be known and cited as the hunger-free schools act.

**Sec. 43.** RCW 28A.235.290 and 2019 c 208 s 2 are each amended to read as follows:

(1) The office of the superintendent of public instruction shall develop and implement a plan to increase the number of schools participating in the United States department of agriculture community eligibility provision for the 2018-19 school year and subsequent years. The office shall work jointly with community-based organizations and national experts focused on hunger and nutrition and familiar with the community eligibility provision, at least two school representatives who have successfully implemented community eligibility, and the state agency responsible for medicaid direct certification. The plan must describe how the office of the superintendent of public instruction will:

(a) Identify and recruit eligible schools to implement the community eligibility provision, with the goal of increasing the participation rate of eligible schools to at least the national average;

(b) Provide comprehensive outreach and technical assistance to school districts and schools to implement the community eligibility provision;

(c) Support breakfast after the bell programs authorized by the legislature to adopt the community eligibility provision;

(d) Work with school districts to group schools in order to maximize the number of schools implementing the community eligibility provision; and

(e) Determine the maximum percentage of students eligible for free meals where participation in the community eligibility provision provides the most support for a school, school district, or group of schools.

(2) Until June 30, (~~2019~~) 2021, the office of the superintendent of public instruction shall convene the organizations working jointly on the plan monthly to report on the status of the plan and coordinate outreach and technical assistance efforts to schools and school districts. In completing the duties required by this subsection (2), the office of the superintendent of public instruction and the organizations working jointly on the plan shall also, by December 1, 2020, examine the impacts to schools and districts that can result from participation in the community eligibility provision and identify approaches to addressing those impacts.

(3) Beginning in 2018, the office of the superintendent of public instruction shall report annually the number of schools that have implemented the community eligibility provision to the legislature by December 1st of each year. The report shall identify:

- (a) Any barriers to implementation;
- (b) Recommendations on policy and legislative solutions to overcome barriers to implementation;
- (c) Reasons potentially eligible schools and school districts decide not to adopt the community eligibility provision; and
- (d) Approaches in other states to adopting the community eligibility provision.

**NEW SECTION. Sec. 44.** A new section is added to chapter 28A.235 RCW to read as follows:

(1) Except as provided otherwise by this section, each school with students in or below grade eight that has an identified student percentage of at least sixty-two and one-half percent, as determined annually by April 1st, must participate in the United States department of agriculture's community eligibility provision in the subsequent school year and throughout the duration of the community eligibility provision's four-year cycle.

(2) Schools that, through an arrangement with a local entity, provide meals to all students and at no costs to the students are exempt from the requirements of this section.

(3) For the purposes of this section, "identified student" means a student who is directly certified for free school meals based on the student's participation in other means-tested assistance programs, and students who are categorically eligible for free school meals without an application and not subject to income verification.

**Sec. 45.** RCW 28A.150.260 and 2018 c 266 s 101 are each amended to read as follows:

The purpose of this section is to provide for the allocation of state funding that the legislature deems necessary to support school districts in offering the minimum instructional program of basic education under RCW 28A.150.220. The allocation shall be determined as follows:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula for the distribution of a basic education instructional allocation for each common school district.

(2)(a) The distribution formula under this section shall be for allocation purposes only. Except as may be required under subsections (4)(b) and (c) and (9) of this section, chapter 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and regulations, nothing in this section requires school districts to use basic education instructional funds to implement a particular instructional approach or service. Nothing in this section requires school districts to maintain a particular classroom teacher-to-student ratio or other staff-to-student ratio or to use allocated funds to pay for particular types or classifications of staff. Nothing in this section entitles an individual teacher to a particular teacher planning period.

(b) To promote transparency in state funding allocations, the superintendent of public instruction must report state per-pupil allocations for each school district for

the general apportionment, special education, learning assistance, transitional bilingual, highly capable, and career and technical education programs. The superintendent must also report state general apportionment per-pupil allocations by grade for each school district. The superintendent must report this information in a user-friendly format on the main page of the office's web site and on school district apportionment reports. School districts must include a link to the superintendent's per-pupil allocations report on the main page of the school district's web site. In addition, the budget documents published by the legislature for the enacted omnibus operating appropriations act must report statewide average per-pupil allocations for general apportionment and the categorical programs listed in this subsection.

(3)(a) To the extent the technical details of the formula have been adopted by the legislature and except when specifically provided as a school district allocation, the distribution formula for the basic education instructional allocation shall be based on minimum staffing and nonstaff costs the legislature deems necessary to support instruction and operations in prototypical schools serving high, middle, and elementary school students as provided in this section. The use of prototypical schools for the distribution formula does not constitute legislative intent that schools should be operated or structured in a similar fashion as the prototypes. Prototypical schools illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of instruction, and various categories of school staff. It is the intent that the funding allocations to school districts be adjusted from the school prototypes based on the actual number of annual average full-time equivalent students in each grade level at each school in the district and not based on the grade-level configuration of the school to the extent that data is available. The allocations shall be further adjusted from the school prototypes with minimum allocations for small schools and to reflect other factors identified in the omnibus appropriations act.

(b) For the purposes of this section, prototypical schools are defined as follows:

(i) A prototypical high school has six hundred average annual full-time equivalent students in grades nine through twelve;

(ii) A prototypical middle school has four hundred thirty-two average annual full-time equivalent students in grades seven and eight; and

(iii) A prototypical elementary school has four hundred average annual full-time equivalent students in grades kindergarten through six.

(4)(a)(i) The minimum allocation for each level of prototypical school shall be based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours under RCW 28A.150.220 and provide at least one teacher planning period per school day, and based on the following general education average class size of full-time equivalent students per teacher:

General education  
average class size

Grades K-3 .....	17.00
Grade 4 .....	27.00
Grades 5-6 .....	27.00
Grades 7-8 .....	28.53
Grades 9-12 .....	28.74

(ii) The minimum class size allocation for each prototypical high school shall also provide for enhanced funding for class size reduction for two laboratory science classes within grades nine through twelve per full-time equivalent high school student multiplied by a laboratory science course factor of 0.0833, based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours in RCW 28A.150.220, and providing at least one teacher planning period per school day:

Laboratory science  
average class size

Grades 9-12 .....	19.98
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(b)(i) Beginning September 1, 2019, funding for average K-3 class sizes in this subsection (4) may be provided only to the extent of, and proportionate to, the school district's demonstrated actual class size in grades K-3, up to the funded class sizes.

(ii) The office of the superintendent of public instruction shall develop rules to implement this subsection (4)(b).

(c)(i) The minimum allocation for each prototypical middle and high school shall also provide for full-time equivalent classroom teachers based on the following number of full-time equivalent students per teacher in career and technical education:

Career and technical  
education average  
class size

Approved career and technical education offered at  
the middle school and high school level..... 23.00

Skill center programs meeting the standards  
established  
by the office of the superintendent of public  
instruction..... 20.00

(ii) Funding allocated under this subsection (4)(c) is subject to RCW 28A.150.265.

(d) In addition, the omnibus appropriations act shall at a minimum specify:

(i) A high-poverty average class size in schools where more than fifty percent of the students are eligible for free and reduced-price meals; and

(ii) A specialty average class size for advanced placement and international baccalaureate courses.

(5) The minimum allocation for each level of prototypical school shall include allocations for the following types of staff in addition to classroom teachers:

	Ele ment ary Scho ol	Mi ddl e Sc ho ol	Hi gh Sc ho ol
Principals, assistant principals, and other certificated building-level administrators .....	1.25 3	1.3 53	1. 88 0
Teacher-librarians, a function that includes information literacy, technology, and media to support school library media programs .....	0.66 3	0.5 19	0. 52 3
Health and social services:			
School nurses.....	0.07 6	0.0 60	0. 09 6
Social workers .....	0.04 2	0.0 06	0. 01 5
Psychologists .....	0.01 7	0.0 02	0. 00 7
Guidance counselors, a function that includes parent outreach and graduation advising.....	0.49 3	1.2 16	2. 53 9
Teaching assistance, including any aspect of educational instructional services provided by classified employees.....	0.93 6	0.7 00	0. 65 2
Office support and other noninstructional aides .....	2.01 2	2.3 25	3. 26 9
Custodians .....	1.65 7	1.9 42	2. 96 5

Classified staff providing student and staff safety .....	0.07	0.0	0.
	9	92	14
			1
Parent involvement coordinators...	0.08	0.0	0.
	25	0	00

(6)(a) The minimum staffing allocation for each school district to provide district-wide support services shall be allocated per one thousand annual average full-time equivalent students in grades K-12 as follows:

Staff per 1,000	
K-12 students	
Technology.....	0.628
Facilities, maintenance, and grounds.....	1.813
Warehouse, laborers, and mechanics.....	0.332

(b) The minimum allocation of staff units for each school district to support certificated and classified staffing of central administration shall be 5.30 percent of the staff units generated under subsections (4)(a) and (5) of this section and (a) of this subsection.

(7) The distribution formula shall include staffing allocations to school districts for career and technical education and skill center administrative and other school-level certificated staff, as specified in the omnibus appropriations act.

(8)(a) Except as provided in (b) of this subsection, the minimum allocation for each school district shall include allocations per annual average full-time equivalent student for the following materials, supplies, and operating costs as provided in the 2017-18 school year, after which the allocations shall be adjusted annually for inflation as specified in the omnibus appropriations act:

Per annual average	
full-time equivalent student	
in grades K-12	
Technology.....	\$130.76
Utilities and insurance.....	\$355.30
Curriculum and textbooks .....	\$140.39
Other supplies .....	\$278.05
Library materials .....	\$20.00
Instructional professional development for certificated and	
classified staff.....	\$21.71
Facilities maintenance .....	\$176.01
Security and central office administration.....	\$121.94

(b) In addition to the amounts provided in (a) of this subsection, beginning in the 2014-15 school year, the omnibus appropriations act shall provide the following minimum allocation for each annual average full-time

equivalent student in grades nine through twelve for the following materials, supplies, and operating costs, to be adjusted annually for inflation:

Per annual average	
full-time equivalent student	
in grades 9-12	
Technology.....	\$36.35
Curriculum and textbooks.....	\$39.02
Other supplies .....	\$77.28
Library materials.....	\$5.56
Instructional professional development for certificated and	
classified staff .....	\$6.04

(9) In addition to the amounts provided in subsection (8) of this section and subject to RCW 28A.150.265, the omnibus appropriations act shall provide an amount based on full-time equivalent student enrollment in each of the following:

(a) Exploratory career and technical education courses for students in grades seven through twelve;

(b) Preparatory career and technical education courses for students in grades nine through twelve offered in a high school; and

(c) Preparatory career and technical education courses for students in grades eleven and twelve offered through a skill center.

(10) In addition to the allocations otherwise provided under this section, amounts shall be provided to support the following programs and services:

(a)(i) To provide supplemental instruction and services for students who are not meeting academic standards through the learning assistance program under RCW 28A.165.005 through 28A.165.065, allocations shall be based on the greater of either: The district percentage of students in kindergarten through grade twelve who were eligible for free or reduced-price meals for the school year immediately preceding the district's participation, in whole or part, in the United States department of agriculture's community eligibility provision, or the district percentage of students in grades K-12 who were eligible for free or reduced-price meals in the prior school year. The minimum allocation for the program shall provide for each level of prototypical school resources to provide, on a statewide average, 2.3975 hours per week in extra instruction with a class size of fifteen learning assistance program students per teacher.

(ii) In addition to funding allocated under (a)(i) of this subsection, to provide supplemental instruction and services for students who are not meeting academic standards in qualifying schools. A qualifying school means a school in which the three-year rolling average of the prior year total annual average enrollment that qualifies for free or reduced-price meals equals or exceeds fifty percent or more of its

total annual average enrollment. A school continues to meet the definition of a qualifying school if the school: Participates in the United States department of agriculture's community eligibility provision; and met the definition of a qualifying school in the year immediately preceding their participation. The minimum allocation for this additional high poverty-based allocation must provide for each level of prototypical school resources to provide, on a statewide average, 1.1 hours per week in extra instruction with a class size of fifteen learning assistance program students per teacher, under RCW 28A.165.055, school districts must distribute the high poverty-based allocation to the schools that generated the funding allocation.

(b)(i) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the head count number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide resources to provide, on a statewide average, 4.7780 hours per week in extra instruction for students in grades kindergarten through six and 6.7780 hours per week in extra instruction for students in grades seven through twelve, with fifteen transitional bilingual instruction program students per teacher. Notwithstanding other provisions of this subsection (10), the actual per-student allocation may be scaled to provide a larger allocation for students needing more intensive intervention and a commensurate reduced allocation for students needing less intensive intervention, as detailed in the omnibus appropriations act.

(ii) To provide supplemental instruction and services for students who have exited the transitional bilingual program, allocations shall be based on the head count number of students in each school who have exited the transitional bilingual program within the previous two years based on their performance on the English proficiency assessment and are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.040(1)(g). The minimum allocation for each prototypical school shall provide resources to provide, on a statewide average, 3.0 hours per week in extra instruction with fifteen exited students per teacher.

(c) To provide additional allocations to support programs for highly capable students under RCW 28A.185.010 through 28A.185.030, allocations shall be based on 5.0 percent of each school district's full-time equivalent basic education enrollment. The minimum allocation for the programs shall provide resources to provide, on a statewide average, 2.1590 hours per week in extra instruction with fifteen highly capable program students per teacher.

(11) The allocations under subsections (4)(a), (5), (6), and (8) of this section shall be enhanced as provided under RCW 28A.150.390 on an excess cost basis to provide supplemental instructional resources for students with disabilities.

(12)(a) For the purposes of allocations for prototypical high schools and middle schools under subsections (4) and

(10) of this section that are based on the percent of students in the school who are eligible for free and reduced-price meals, the actual percent of such students in a school shall be adjusted by a factor identified in the omnibus appropriations act to reflect underreporting of free and reduced-price meal eligibility among middle and high school students.

(b) Allocations or enhancements provided under subsections (4), (7), and (9) of this section for exploratory and preparatory career and technical education courses shall be provided only for courses approved by the office of the superintendent of public instruction under chapter 28A.700 RCW.

(13)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature.

(b) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect.

(c) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. The definition of full-time equivalent student shall be determined by rules of the superintendent of public instruction and shall be included as part of the superintendent's biennial budget request. The definition shall be based on the minimum instructional hour offerings required under RCW 28A.150.220. Any revision of the present definition shall not take effect until approved by the house ways and means committee and the senate ways and means committee.

(d) The office of financial management shall make a monthly review of the superintendent's reported full-time equivalent students in the common schools in conjunction with RCW 43.62.050.

**Sec. 46.** RCW 28A.405.415 and 2013 2nd sp.s. c 5 s 4 are each amended to read as follows:

(1) Certificated instructional staff who have attained certification from the national board for professional teaching standards shall receive a bonus each year in which they maintain the certification. The bonus shall be calculated as follows: The annual bonus shall be five thousand dollars in the 2007-08 school year. Thereafter, the annual bonus shall increase by inflation, except that the bonus shall not be increased during the 2013-14 and 2014-15 school years.

(2)(a) Certificated instructional staff who have attained certification from the national board for professional teaching standards shall be eligible for bonuses in addition to that provided by subsection (1) of this section if the individual is in an instructional assignment in a school in which at least seventy percent of the students qualify for the free and reduced-price lunch program.

(b) An individual is eligible for bonuses authorized under this subsection (2) if he or she is in an instructional assignment in a school that meets the definition of high poverty school as defined in rule by the office of the superintendent of public instruction in the school year immediately preceding the school's participation in the United States department of agriculture's community eligibility provision.

(3) The amount of the additional bonus under subsection (2) of this section for those meeting the qualifications of subsection (2) of this section is five thousand dollars.

(4) The bonuses provided under this section are in addition to compensation received under a district's salary schedule adopted in accordance with RCW 28A.405.200 and shall not be included in calculations of a district's average salary and associated salary limitations under RCW 28A.400.200.

(5) The bonuses provided under this section shall be paid in a lump sum amount."

On page 1, line 2 of the title, after "cost;" strike the remainder of the title and insert "amending RCW 28A.235.290, 28A.150.260, and 28A.405.415; adding a new section to chapter 28A.235 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2660 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2660, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2660, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin,

Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler and Kraft.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2660, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2793 with the following amendment:

46.0.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 47.** (1) The administrative office of the courts shall conduct a study and a pilot project on streamlining the vacation of criminal convictions under RCW 9.96.060 (2)(b) and (5)(a) and 9.94A.640(2) through an administrative, court-driven process established under section 2 of this act.

(2) The administrative office of the courts shall:

(a) Determine the types of data currently available to the administrative office of the courts to assess eligibility under RCW 9.96.060 (2)(b) and (5)(a) and 9.94A.640(2);

(b) Evaluate additional types of information that should be reported to judicial information systems or directly to sentencing courts or the administrative office of the courts to improve the reliability of the screening process;

(c) Propose procedures for conducting queries of available records to assess eligibility, which may include, for example: (i) If applicable, whether a person is currently incarcerated for a criminal offense may be determined by reviewing the term of confinement reflected in the judgment and sentence document for his or her most recent criminal conviction; (ii) if applicable, whether a person completed his or her sentencing conditions, excluding legal financial obligations, and satisfied the waiting period under RCW 9.96.060(2)(b) (vi)(D) or (vii) or 9.94A.640(2) (e) or (f) may be determined by adding the waiting period to the terms of confinement and community custody reflected in the applicable judgment and sentence document; (iii) if applicable, the period for which a person must not have been convicted of any new criminal offense under RCW 9.96.060(2)(b)(viii) or 9.94A.640(2) (c) or (d) may be determined based on the date of the query conducted by the administrative office of the courts, rather than the date of

application; and (iv) any other procedures deemed necessary by the administrative office of the courts;

(d) Assess whether any changes to laws, policies, or practices or additional resources are necessary to improve the reliability of the process for the pilot program and for launching a similar program statewide;

(e) Develop an implementation plan for the pilot program under section 2 of this act; and

(f) Make additional recommendations deemed appropriate and necessary by the administrative office of the courts.

(3) The administrative office of the courts shall report to the governor and the appropriate committees of the legislature, as follows:

(a) A report with findings, recommendations, and an implementation plan must be submitted by December 1, 2020;

(b) A status update on the pilot program must be submitted by December 1, 2021; and

(c) A final report on the pilot program, including a summary of data collected under section 2 of this act and other findings and recommendations, must be submitted by December 1, 2022.

(4) When conducting the evaluation and pilot program required under this section and section 2 of this act, the administrative office of the courts shall consult with county clerks and court administrators, judges, prosecuting attorneys, defense attorneys, the department of corrections, county and city departments, national and local organizations with interest or experience in vacating or sealing criminal convictions, national and local organizations with experience in developing automated vacating or sealing procedures in other states, organizations and persons with relevant technical expertise in computer and records systems, and any other entities with relevant records.

(5) This section expires June 30, 2025.

**NEW SECTION. Sec. 48.** (1) Beginning July 1, 2021, through June 30, 2022, the administrative office of the courts shall conduct a pilot program for streamlining the vacation of criminal convictions under RCW 9.96.060 (2)(b) and (5)(a) and 9.94A.640(2) through an administrative, court-driven process. After consulting with courts of general and limited jurisdiction, the administrative office of the courts shall select a county in which to conduct the pilot program. The sentencing courts within the county selected for the pilot program shall comply with the requirements of this section, and further provide information to the administrative office of the courts necessary for the reporting requirement under subsection (4) of this section.

(2) When conducting the pilot program, the administrative office of the courts shall review convictions from the participating county for the purpose of determining whether those convictions should be scheduled for administrative vacation hearings. If appropriate and necessary for producing reliable notifications to sentencing

courts participating in the pilot program, the administrative office of the courts may limit the screening process to certain types or classes of convictions or defendants. The process must:

(a) Review convictions beginning at the earliest period for which electronic court records are reliable, provided that the review applies to convictions beginning no later than January 1, 2000;

(b) Rely upon records available to the administrative office of the courts through judicial information systems and other agencies including, but not limited to, the Washington state patrol and the department of corrections;

(c) Determine whether a defendant is currently incarcerated for a criminal offense, and whether available records indicate that he or she is precluded from qualifying to vacate his or her misdemeanor conviction under RCW 9.96.060 (2)(b) or (5)(a) or his or her felony conviction under RCW 9.94A.640(2), which may be based on queries and other procedures developed by the administrative office of the courts including, but not limited to, those referenced in section 1(2)(c) of this act;

(d) Notify sentencing courts to schedule an administrative vacation hearing for any defendant where a review of available records does not indicate that the defendant is precluded from qualifying to vacate his or her conviction;

(e) Prioritize potentially qualifying defendants according to criteria established by the administrative office of the courts so as not to hinder sentencing courts with excessing notifications; and

(f) Review records and provide notifications on a monthly or quarterly basis, as determined by the administrative office of the courts.

(3)(a) Beginning July 1, 2021, through June 30, 2022, sentencing courts within the county selected for the pilot program under this section shall conduct regularly scheduled administrative vacation hearings.

(b) When a participating sentencing court receives notice from the administrative office of the courts under subsection (2) of this section regarding a defendant potentially qualifying to vacate his or her conviction, the court shall set an administrative vacation hearing. At an administrative vacation hearing, the court shall determine whether to vacate the conviction based on the requirements for the particular offense under RCW 9.96.060 (2)(b) or (5)(a) or 9.94A.640(2). The defendant is presumed to meet the requirements and the court shall vacate the conviction, unless: Court records indicate that the defendant does not meet the requirements; or the prosecutor objects on the basis that the defendant does not meet the requirements or that the defendant is currently incarcerated for a criminal offense, provided that such objection is made with sufficient particularity and supporting information. If the court determines the defendant is not currently eligible, but is likely to become eligible in the future, the court may set a subsequent administrative vacation hearing at an appropriate date determined by the court. Otherwise, the court may

decline to vacate the conviction without setting a subsequent hearing.

(c) For the purposes of conducting proceedings under this section, the requirements under RCW 9.96.060 (2)(b) and (5)(a) apply to misdemeanors and the requirements under RCW 9.94A.640(2) apply to felonies, except a defendant is not required to: File a petition or application; provide notice to relevant parties; or appear at an administrative hearing. If the court vacates a conviction under this section, it shall achieve the vacation through the procedure provided in RCW 9.96.060(1). A vacation under this section is processed in the same manner and has the same effect as provided under RCW 9.96.060 (6) and (7) for a misdemeanor or RCW 9.94A.640(3) for a felony. Regardless of whether a hearing under this section has previously occurred or is scheduled at a future date, nothing in this section prohibits a defendant from applying to the court to: Vacate a conviction under RCW 9.96.060 or 9.94A.640; or seal his or her conviction or vacation records under court rules.

(4) The administrative office of the courts shall collect the following information with respect to convictions where notifications were sent to sentencing courts through the pilot program, including: The number of notifications sent to sentencing courts; the number of administrative hearings held; the number of vacations granted at administrative hearings; the number of convictions where the court set a future administrative hearing based on predicted eligibility; the number of convictions where the court declined to vacate the convictions without setting a future administrative hearing; and other data deemed relevant by the administrative office of the courts. The administrative office of the courts shall include a summary of the data, including by type of court and for the entire pilot program, in its reports required under section 1(3) (b) and (c) of this act.

(5) This section expires June 30, 2025.

**Sec. 49.** RCW 9.96.060 and 2019 c 400 s 1, 2019 c 331 s 4, and 2019 c 46 s 5010 are each reenacted and amended to read as follows:

(1) When vacating a conviction under this section, the court effectuates the vacation by: (a)(i) Permitting the applicant to withdraw the applicant's plea of guilty and to enter a plea of not guilty; or (ii) if the applicant has been convicted after a plea of not guilty, the court setting aside the verdict of guilty; and (b) the court dismissing the information, indictment, complaint, or citation against the applicant and vacating the judgment and sentence.

(2)(a) Every person convicted of a misdemeanor or gross misdemeanor offense may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. If the court finds the applicant meets the requirements of (b) of this subsection, the court may in its discretion vacate the record of conviction.

(b) Except as provided in subsections (3), (4), and (5) of this section, ~~((an applicant))~~ a defendant may not have the record of conviction for a misdemeanor or gross misdemeanor offense vacated if any one of the following is present:

~~((a))~~ (i) The ~~((applicant))~~ defendant has not completed all of the terms of the sentence for the offense;

~~((b))~~ (ii) There are any criminal charges against the ~~((applicant))~~ defendant pending in any court of this state or another state, or in any federal or tribal court, at the time of application;

~~((c))~~ (iii) The offense was a violent offense as defined in RCW 9.94A.030 or an attempt to commit a violent offense;

~~((d))~~ (iv) The offense was a violation of RCW 46.61.502 (driving while under the influence), 46.61.504 (actual physical control while under the influence), 9.91.020 (operating a railroad, etc. while intoxicated), or the offense is considered a "prior offense" under RCW 46.61.5055 and the ~~((applicant))~~ defendant has had a subsequent alcohol or drug violation within ten years of the date of arrest for the prior offense or less than ten years has elapsed since the date of the arrest for the prior offense;

~~((e))~~ (v) The offense was any misdemeanor or gross misdemeanor violation, including attempt, of chapter 9.68 RCW (obscenity and pornography), chapter 9.68A RCW (sexual exploitation of children), or chapter 9A.44 RCW (sex offenses), except for failure to register as a sex offender under RCW 9A.44.132;

~~((f))~~ (vi) The ~~((applicant))~~ defendant was convicted of a misdemeanor or gross misdemeanor offense as defined in RCW 10.99.020, or the court determines after a review of the court file that the offense was committed by one family member or household member against another, or the court, after considering the damage to person or property that resulted in the conviction, any prior convictions for crimes defined in RCW 10.99.020, or for comparable offenses in another state or in federal court, and the totality of the records under review by the court regarding the conviction being considered for vacation, determines that the offense involved domestic violence, and any one of the following factors exist:

~~((i))~~ ~~The applicant~~ (A) If the defendant is requesting a vacation through an application, the defendant has not provided written notification of the vacation petition to the prosecuting attorney's office that prosecuted the offense for which vacation is sought, or has not provided that notification to the court;

~~((ii))~~ (B) The ~~((applicant))~~ defendant has two or more domestic violence convictions stemming from different incidents. For purposes of this subsection, however, if the current application is for more than one conviction that arose out of a single incident, none of those convictions counts as a previous conviction;

~~((iii))~~ (C) The ~~((applicant))~~ defendant has signed an affidavit under penalty of perjury affirming that the applicant has not previously had a conviction for a domestic violence offense, and a criminal history check reveals that the applicant has had such a conviction; or

~~((iv))~~ (D) Less than five years have elapsed since the person completed the terms of the original conditions of the sentence, including any financial obligations and successful

completion of any treatment ordered as a condition of sentencing;

~~((g))~~ (vii) For any offense other than those described in ~~((f))~~ (vi) of this subsection, less than three years have passed since the person completed the terms of the sentence, including any financial obligations;

~~((h))~~ (viii) The offender has been convicted of a new crime in this state, another state, or federal or tribal court in the three years prior to the vacation application; or

~~((i))~~ (ix) The ~~((applicant))~~ defendant is currently restrained by a domestic violence protection order, a no-contact order, an antiharassment order, or a civil restraining order which restrains one party from contacting the other party or was previously restrained by such an order and was found to have committed one or more violations of the order in the five years prior to the vacation application.

(3) Subject to RCW 9.96.070, every person convicted of prostitution under RCW 9A.88.030 who committed the offense as a result of being a victim of trafficking, RCW 9A.40.100, promoting prostitution in the first degree, RCW 9A.88.070, promoting commercial sexual abuse of a minor, RCW 9.68A.101, or trafficking in persons under the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq. may apply to the sentencing court for vacation of the applicant's record of conviction for the prostitution offense. An applicant may not have the record of conviction for prostitution vacated if any one of the following is present:

(a) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal court, for any crime other than prostitution; or

(b) The offender has been convicted of another crime, except prostitution, in this state, another state, or federal court since the date of conviction. The limitation in this subsection (3)(b) does not apply to convictions where the offender proves by a preponderance of the evidence that he or she committed the crime as a result of being a victim of trafficking, RCW 9A.40.100, promoting prostitution in the first degree, RCW 9A.88.070, promoting commercial sexual abuse of a minor, RCW 9.68A.101, or trafficking in persons under the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq., according to the requirements provided in RCW 9.96.070 for each respective conviction.

(4) Every person convicted prior to January 1, 1975, of violating any statute or rule regarding the regulation of fishing activities, including, but not limited to, RCW 75.08.260, 75.12.060, 75.12.070, 75.12.160, 77.16.020, 77.16.030, 77.16.040, 77.16.060, and 77.16.240 who claimed to be exercising a treaty Indian fishing right, may apply to the sentencing court for vacation of the applicant's record of the misdemeanor, gross misdemeanor, or felony conviction for the offense. If the person is deceased, a member of the person's family or an official representative of the tribe of which the person was a member may apply to the court on behalf of the deceased person. Notwithstanding the requirements of RCW 9.94A.640, the court shall vacate the record of conviction if:

(a) The applicant is a member of a tribe that may exercise treaty Indian fishing rights at the location where the offense occurred; and

(b) The state has been enjoined from taking enforcement action of the statute or rule to the extent that it interferes with a treaty Indian fishing right as determined under *United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon 1969), and any posttrial orders of those courts, or any other state supreme court or federal court decision.

(5)(a) Every person convicted of a misdemeanor marijuana offense, who was twenty-one years of age or older at the time of the offense, ~~((may apply to the sentencing court for a vacation of the applicant's))~~ qualifies to have his or her record of conviction for the offense vacated by the sentencing court. A misdemeanor marijuana offense includes, but is not limited to: Any offense under RCW 69.50.4014, from July 1, 2004, onward, and its predecessor statutes, including RCW 69.50.401(e), from March 21, 1979, to July 1, 2004, and RCW 69.50.401(d), from May 21, 1971, to March 21, 1979, and any offense under an equivalent municipal ordinance.

~~((an applicant qualifies))~~ a qualifying defendant applies to the sentencing court under this subsection, the court shall vacate the record of conviction.

(6)(a) Except as provided in (c) of this subsection, once the court vacates a record of conviction under this section, the person shall be released from all penalties and disabilities resulting from the offense and the fact that the person has been convicted of the offense shall not be included in the person's criminal history for purposes of determining a sentence in any subsequent conviction. For all purposes, including responding to questions on employment or housing applications, a person whose conviction has been vacated under this section may state that he or she has never been convicted of that crime. However, nothing in this section affects the requirements for restoring a right to possess a firearm under RCW 9.41.040. Except as provided in (b) of this subsection, nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution.

(b) When a court vacates a record of domestic violence as defined in RCW 10.99.020 under this section, the state may not use the vacated conviction in a later criminal prosecution unless the conviction was for: (i) Violating the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going on to the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.44.063, 26.44.150, 26.50.060, 26.50.070, 26.50.130, 26.52.070, or 74.34.145); or (ii) stalking (RCW 9A.46.110). A vacated conviction under this section is not considered a conviction of such an offense for the purposes of 27 C.F.R. 478.11.

(c) A conviction vacated on or after July 28, 2019, qualifies as a prior conviction for the purpose of charging a

present recidivist offense as defined in RCW 9.94A.030 occurring on or after July 28, 2019.

(7) The clerk of the court in which the vacation order is entered shall immediately transmit the order vacating the conviction to the Washington state patrol identification section and to the local police agency, if any, which holds criminal history information for the person who is the subject of the conviction. The Washington state patrol and any such local police agency shall immediately update their records to reflect the vacation of the conviction, and shall transmit the order vacating the conviction to the federal bureau of investigation. A conviction that has been vacated under this section may not be disseminated or disclosed by the state patrol or local law enforcement agency to any person, except other criminal justice enforcement agencies.

**NEW SECTION. Sec. 50.** Sections 1 and 2 of this act constitute a new chapter in Title 10 RCW."

On page 1, line 1 of the title, after "records;" strike the remainder of the title and insert "reenacting and amending RCW 9.96.060; adding a new chapter to Title 10 RCW; and providing expiration dates."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2793 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Hansen and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2793, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2793, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn,

Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, Dye, Jenkin, Kraft, Orcutt, Schmick and Vick.

Excused: Representative Paul.

SECOND SUBSTITUTE HOUSE BILL NO. 2793, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2811 with the following amendment:  
50.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that environmental and sustainability education offers a rich and meaningful context for integrated learning and teaching. The legislature also finds that nonprofit community-based organizations are uniquely positioned to strengthen classroom learning by partnering and collaborating with schools and local employers to offer K-12 educators work-integrated learning experiences that address the Washington state science learning standards including next generation science standards. Close collaboration with educational service district's regional science coordinators can optimize learning by helping align next generation science standards implementation with community-based organization initiatives to ensure all students have access to engaging field experiences allowing them to understand the scientific, social, and economic impacts of healthy community resources such as gardens, watersheds and water systems, energy systems, or forests so they can participate in solutions to problems such as ocean acidification, rural economic development, or ecosystems impacted by megafires.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The office of the superintendent of public instruction shall provide state leadership for the integration of environmental and sustainability content with curriculum, instruction, and assessment.

(2)(a) Subject to funds appropriated for this specific purpose, the office of the superintendent of public instruction shall contract on a competitive basis with a Washington state-based qualified 501(c)(3) nonprofit community-based organization to integrate the state learning standards in English language arts, mathematics, and science with outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resources, and agricultural sectors.

(b) The selected Washington state nonprofit organization must work collaboratively with the office of the

superintendent of public instruction and educational service districts to:

(i) Build systemic programming that connects administrators, school boards, and communities to support teacher practice and student opportunities for the strengthened delivery of environmental and sustainability education;

(ii) Support K-12 educators to teach students integrated, equitable, locally relevant, real-world environmental science and engineering outdoors, aligned to Washington science and environmental and sustainability education standards, and provide opportunities to engage students in renewable natural resource career awareness; and

(iii) Deliver learning materials, opportunities, and resources including, but not limited to:

(A) Providing opportunities outside the classroom to connect transdisciplinary content, concepts, and skills in the context of the local community;

(B) Encouraging application of critical and creative thinking skills to identify and analyze issues, seek answers, and engineer solutions;

(C) Creating community-connected, local opportunities to engage students in stewardship projects that enhance their interest in sustaining the ecosystem and respecting natural resources;

(D) Providing work-based learning opportunities for careers in the environmental science and engineering, natural resources, sustainability, renewable energy, agriculture, and outdoor recreation sectors and build skills for completion of industry recognized certifications; and

(E) Providing models for integrating since time immemorial in teaching materials so that students learn the unique heritage, history, culture, and government of the nearest federally recognized Indian tribe or tribes.

(c) Priority focus 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, tribal nations including tribal 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.

(3) For the purposes of this section, a "qualified 501(c)(3) nonprofit community-based organization" means a nonprofit organization physically located in Washington state that:

(a) Has multiple years of experience collaborating with school districts across the state to provide high quality professional development to kindergarten through twelfth grade educators to teach students real-world environmental science and engineering outside the classroom;

(b) Whose materials and instructional practices align with Washington's environmental and sustainability learning

standards and the Washington state learning standards, including the common core standards for mathematics and English language arts;

(c) Whose materials and instructional practices emphasize the next generation science standards to support local, relevant, and field-based learning experiences; and

(d) Delivers project-based learning materials and resources that incorporate career connections to local businesses and community-based organizations, contain professional development support for classroom teachers, have measurable assessment objectives, and have demonstrated community support."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "adding a new section to chapter 28A.300 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2811 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

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

Representative Steele spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2811, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 2811, 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 Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Calder, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude,

Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Excused: Representative Paul.

ENGROSSED HOUSE BILL NO. 2811, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2905 with the following amendment:

2.0.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 3.** The legislature recognizes that oral disease is the most common childhood chronic disease, yet is almost entirely preventable, impacting school readiness, future employability, and overall well-being and quality of life. The access to baby and child dentistry program has made Washington a leader in oral health care access across the nation, providing greater levels of access and utilization for medicaid eligible children under six years old. The legislature further recognizes that the access to baby and child dentistry program connects children to a dental home in their communities, enabling children to get off to a healthy start. While the state has made great strides, children of color continue to experience higher rates of tooth decay than their peers and children under the age of two are not accessing care at the same rate as older children. Therefore, it is the legislature's intent to expand on the program investments the state has already made to provide additional outreach and support to eligible families and providers, increase very young children's access to care, and further reduce racial and ethnic disparities in access to care and oral health outcomes.

**NEW SECTION. Sec. 4.** A new section is added to chapter 74.09 RCW to read as follows:

(1) The authority, in consultation with the office of equity, created in chapter . . . (Engrossed Second Substitute House Bill No. 1783), Laws of 2020, shall work with the statewide managing partner of the access to baby and child dentistry program to develop a local access to baby and child dentistry program fund allocation formula, key deliverables, and target metrics for increased outreach and provider engagement and support with the goal of reducing racial and ethnic disparities.

(2) The authority, in consultation with the office of equity, created in chapter . . . (Engrossed Second Substitute House Bill No. 1783), Laws of 2020, shall collaborate with stakeholders to monitor progress toward the goals articulated in subsection (1) of this section and provide support to local access to baby and child dentistry programs and providers."

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "adding a new section to chapter 74.09 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2905 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Johnson and Caldier spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2905, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2905, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SUBSTITUTE HOUSE BILL NO. 2905, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2926 with the following amendment:

4.0.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 5.** A new section is added to chapter 43.101 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission shall conduct outreach and coordinate with local law enforcement agencies, fire departments, and other first responder service providers for the purpose of expanding critical incident stress management programs to law enforcement personnel, firefighters, and other first responders statewide. The commission shall conduct an inventory of the current critical incident stress management programs in the state, including an assessment of underserved agencies and regions. The commission shall coordinate with law enforcement agencies, law enforcement organizations, community partners, fire departments, and other first response service organizations to provide greater access to critical incident stress management programs, including peer support group counselors under RCW 5.60.060, and may further assist agencies with establishing interagency and regional service agreements to facilitate expansion of these programs.

(2) The commission shall submit a preliminary report by July 1, 2021, and submit a final report, including a summary of the inventory and efforts to expand programs, by July 1, 2022, to the governor and the appropriate committees of the legislature.

(3) This section expires January 1, 2023."

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "adding a new section to chapter 43.101 RCW; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2926 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2926, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2926, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba,

Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

HOUSE BILL NO. 2926, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### **RECONSIDERATION**

There being no objection, the House immediately reconsidered the vote by which ENGROSSED HOUSE BILL NO. 1390 as amended by the Senate passed the House.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1390, as amended by the Senate, on reconsideration.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1390, as amended by the Senate, on reconsideration, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

ENGROSSED HOUSE BILL NO. 1390, as amended by the Senate, on reconsideration, having received the necessary constitutional majority, was declared passed.

#### **MESSAGE FROM THE SENATE**

March 6, 2020

Mme. SPEAKER:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2816, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 6.** The legislature finds that each school community member should be treated with dignity, should have the opportunity to learn, work, interact, and socialize in physically, emotionally, and intellectually safe, respectful, and positive school environments, and should have the opportunity to experience high quality relationships. The legislature recognizes that schools have the responsibility to promote conditions designed to create, maintain, and nurture a positive social and emotional school and classroom climate. Therefore, the legislature intends to require the Washington state school directors' association to develop a model policy and procedure for nurturing a positive social and emotional school and classroom climate for all students. The legislature intends to require school districts to adopt elements of the model policy and procedure that protect the integrity of learning environments and allow school districts to adopt other elements of the model.

**NEW SECTION. Sec. 7.** A new section is added to chapter 28A.345 RCW to read as follows:

(1) The Washington state school directors' association shall develop a model policy and procedure for nurturing a positive social and emotional school and classroom climate. The goal of the policy and procedure is to support and promote school and school district action plans that create, maintain, and nurture physically, emotionally, and intellectually safe, respectful, and positive school and classroom environments that foster equitable, ethical, social, emotional, and academic education for all students. The association shall update the model policy and procedure periodically to align with the work of the social-emotional learning committee created under RCW 28A.300.477.

(2) The model policy and procedure must include the following elements:

(a) Recognize that there is not one best way to create, maintain, and nurture a positive social and emotional school and classroom climate and consider each school's history, strengths, needs, and goals;

(b) Define and describe the essential elements of a positive social and emotional school and classroom climate, which must align with the social-emotional learning standards and benchmarks adopted by the office of the superintendent of public instruction under RCW 28A.300.478;

(c) Recognize the important role that students' families play in collaborating with the school and school district in creating, maintaining, and nurturing a positive social and emotional school and classroom climate; and

(d) Describe a framework for an effective and informed positive social and emotional school and classroom climate improvement process that includes a continuous cycle of planning and preparation, evaluation, action planning, and implementation.

(3)(a) The model policy and procedure must also protect the integrity of learning environments with the following elements:

(i) School districts must provide information to the parents and guardians of enrolled students regarding students' rights to a free public education, regardless of immigration status or religious beliefs.

(ii) School districts must provide meaningful access to this information for families with limited English proficiency.

(b) The elements described in this subsection (3) may be included in a separate model policy and procedure.

(4) In developing the model policy and procedure described in this section, the Washington state school directors' association must:

(a) Consult with staff at the office of the superintendent of public instruction and organizations with expertise in social and emotional health and in equity, race, and inclusive learning environments;

(b) Work with the social-emotional learning committee created under RCW 28A.300.477 to align the climate improvement framework with the statewide framework for social-emotional learning;

(c) Consider the relationship between the model policy and procedure and policies related to student behaviors and student discipline; and

(d) Review research on, and examples of effective implementation of, restorative practices, collaborative and proactive practices, trauma-sensitive and trauma-informed practices, classroom management, and other topics related to the goal of the policy as identified in subsection (1) of this section.

(5) The model policy and procedure developed under this section must be posted publicly on the Washington state school directors' association's web site by March 1, 2021. Updates to the model policy and procedure must be posted publicly within a reasonable time of development.

(6)(a) By the beginning of the 2021-22 school year, each school district must adopt or amend if necessary policies and procedures that, at a minimum, incorporate all the elements described in subsection (3) of this section. School districts must periodically review their policies and procedures for consistency with updated versions of the model policy.

(b) By the beginning of the 2021-22 school year, each school district may adopt or amend if necessary policies and procedures that incorporate the elements described in subsection (2) of this section. School districts may periodically review their policies and procedures for consistency with updated versions of the model policy."

On page 1, line 2 of the title, after "climates;" strike the remainder of the title and insert "adding a new section to chapter 28A.345 RCW; and creating a new section."

and the same are herewith transmitted.

Sarah Bannister, Deputy 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. 2816 and asked the Senate to recede therefrom.

**MESSAGE FROM THE SENATE**

March 6, 2020

Mme. SPEAKER:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2320, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that human trafficking is a serious problem in the United States and in the state of Washington. Polaris project, the largest anti-human trafficking organization in the United States, hosts the national human trafficking hotline. Since the hotline's inception in 2007, over fifty thousand human trafficking cases have been discovered. In 2018, the hotline identified over twenty-three thousand survivors of human trafficking nationally. Human trafficking is an international problem that will continue to exploit the most vulnerable individuals in a community if proper training and identification support is not provided to the community at large.

(2) The legislature also recognizes that human trafficking is prevalent within hotels and motels across the country and in Washington. In 2018, eighty-one percent of the active sex trafficking cases in the United States involved a victim who was compelled to provide a commercial sexual act at a hotel. In 2017, forty-five percent of youth victims surveyed reported having been exploited in hotels. There is evidence to suggest that training can be an effective way of raising awareness about human trafficking. According to the Washington-based anti-trafficking group businesses ending slavery and trafficking, hoteliers who received human trafficking awareness training reported a significant increase in the likelihood that they would call law enforcement if they suspected trafficking.

(3) It is the intent of the legislature to work toward the goal of ridding hotels and other places of accommodation in Washington of human trafficking.

**NEW SECTION. Sec. 2.** A new section is added to chapter 70.62 RCW to read as follows:

(1) A transient accommodation shall provide annual training regarding human trafficking to each of its employees.

(2) Training must be provided to all employees no later than January 1, 2021, and to new employees no later than ninety days after they begin their employment.

(3) The training required under this section must include, at a minimum, the following:

(a) The definition of human trafficking and commercial exploitation of children, and the difference between sex trafficking and labor trafficking;

(b) Content that is culturally responsive;

(c) Guidance specific to the public lodging sector concerning how to identify individuals who may be victims of human trafficking based on behaviors and traits of trafficking regardless of race, creed, color, national origin, sex, sexual orientation, or class;

(d) Guidance concerning the role of the employees in appropriately responding to suspected human trafficking; and

(e) The contact information of appropriate agencies, including a national human trafficking hotline telephone number and the telephone numbers of appropriate local law enforcement agencies.

(4) By January 1, 2021, every operator of a transient accommodation shall post in a location conspicuous to employees signage regarding human trafficking awareness, printed in an easily legible font in English and any other language spoken by at least ten percent of the employees.

(5) By January 1, 2021, every operator of a transient accommodation shall implement procedures for the voluntary reporting of suspected human trafficking to the national human trafficking hotline or to a local law enforcement agency, and a policy to act as a guide for all employees on human trafficking prevention.

(6) Contents of the training and copies of the signage must be made available for inspection, upon request by the department.

**Sec. 3.** RCW 70.62.260 and 2004 c 162 s 1 are each amended to read as follows:

(1)(a) No person shall operate a transient accommodation as defined in this chapter without having a valid license issued by the department. Applications for a transient accommodation license shall be filed with the department sixty days or more before initiating business as a transient accommodation. All licenses issued under the provisions of this chapter shall expire one year from the effective date.

(b) The department may not renew or issue a license to an applicant without first receiving written certification from the applicant that the human trafficking training requirements under section 2 of this act regarding training, signage, and procedures for reporting have been met.

(2) All applications for renewal of licenses shall be either: (a) Postmarked no later than midnight on the date the license expires; or (b) if personally presented to the department or sent by electronic means, received by the department by 5:00 p.m. on the date the license expires.

(3) A licensee that submits a license renewal application in accordance with this section and the rules and fee schedule adopted under this chapter shall be deemed to

possess a valid license for the year following the expiration date of the expiring license, or until the department suspends or revokes the license pursuant to RCW 70.62.270.

(4) The license of a licensee that fails to submit a license renewal application in accordance with this section, and the rules and fee schedule adopted under this chapter, shall become invalid on the thirty-fifth day after the expiration date, unless the licensee shall have corrected any and all deficiencies in the renewal application and paid a penalty fee as established by rule by the department before the thirty-fifth day following the expiration date. An invalid license may be reinstated upon reapplication as an applicant for a new license under subsection (1) of this section.

(5) Each license shall be issued only for the premises and persons named in the application."

On page 1, line 1 of the title, after "trafficking;" strike the remainder of the title and insert "amending RCW 70.62.260; adding a new section to chapter 70.62 RCW; and creating a new section."

and the same are herewith transmitted.

Sarah Bannister, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2320 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

March 7, 2020

Madame Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 6189 and asks the House to recede therefrom,

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

#### HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment. The rules were suspended and ENGROSSED SUBSTITUTE SENATE BILL NO. 6189 was returned to second reading for the purpose of amendment.

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

#### SECOND READING

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6189, by Senators Wellman, Mullet, Pedersen, Zeiger, Kuderer, Das, Short, Wilson and C.**

**Clarifying eligibility for school employees' benefits board coverage. Revised for 1st Substitute: Concerning**

#### **eligibility for school employees' benefits board coverage.**

Representative Bergquist moved the adoption of the amendment (2177):

3.0. On page 3, after line 18, insert the following:

**"NEW SECTION. Sec. 5.** A new section is added to chapter 41.05 RCW to read as follows:

(1) A school employee eligible as of February 29, 2020, for the employer contribution towards benefits offered by the school employees' benefits board shall maintain their eligibility for the employer contribution under the following circumstances directly related or in response to the governor's February 29, 2020, proclamation of a state of emergency existing in all counties in the state of Washington related to the novel coronavirus (COVID-19):

(a) During any school closures or changes in school operations for the school employee;

(b) While the school employee is quarantined or required to care for a family member, as defined by RCW 49.46.210(2), who is quarantined; and

(c) In order to take care of a child as defined by RCW 49.46.210(2), when the child's:

(i) School is closed;

(ii) Regular day care facility is closed; or

(iii) Regular child care provider is unable to provide services.

(2) Requirements in subsection (1) of this section expires when the governor's state of emergency related to the novel coronavirus (COVID-19) ends.

(3) When regular school operations resume, school employees shall continue to maintain their eligibility for the employer contribution for the remainder of the school year so long as their work schedule returns to the schedule in place before February 29, 2020, or, if there is a change in schedule, so long as the new schedule, had it been in effect at the start of the school year, would have resulted in the employee being anticipated to work the minimum hours to meet benefits eligibility.

(4) Quarantine, as used in subsection (1)(b) includes only periods of isolation required by the federal government, a foreign national government, a state or local public health official, a health care provider, or an employer.

**NEW SECTION. Sec. 6.** 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 Bergquist and Caldier spoke in favor of the adoption of the amendment.

Amendment (2177) was adopted.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6189, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6189, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6189, 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.

### MESSAGE FROM THE SENATE

March 9, 2020

Madame Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 6404 and asks the House to recede therefrom,

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

### HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment. The rules were suspended and ENGROSSED SUBSTITUTE SENATE BILL NO. 6404 was returned to second reading for the purpose of amendment.

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

### SECOND READING

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6404, by Senators Frockt, O'Ban, Dhingra, Becker, Kuderer, Rivers, Lovelett, Wellman, Pedersen, Nguyen, Darneille, Hasegawa, McCoy, Wilson, C., Das, Conway and Saldaña**

**Adopting prior authorization and appropriate use criteria in patient care.**

Representative Cody moved the adoption of the striking amendment (2179):

3.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 4.** A new section is added to chapter 48.43 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, by October 1, 2020, and annually thereafter, for individual and group health plans issued by a carrier that has written at least one percent of the total accident and health insurance premiums written by all companies authorized to offer accident and health insurance in Washington in the most recently available year, the carrier shall report to the commissioner the following aggregated and deidentified data related to the carrier's prior authorization practices and experience for the prior plan year:

(a) Lists of the ten inpatient medical or surgical codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; and

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(b) Lists of the ten outpatient medical or surgical codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; and

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(c) Lists of the ten inpatient mental health and substance use disorder service codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(d) Lists of the ten outpatient mental health and substance use disorder service codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved;

(e) Lists of the ten durable medical equipment codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(f) Lists of the ten diabetes supplies and equipment codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(g) The average determination response time in hours for prior authorization requests to the carrier with respect to each code reported under (a) through (f) of this subsection for each of the following categories of prior authorization:

(i) Expedited decisions;

(ii) Standard decisions; and

(iii) Extenuating circumstances decisions.

(2) For the October 1, 2020, reporting deadline, a carrier is not required to report data pursuant to subsection (1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), (e)(iii), or (f)(iii) of this section until April 1, 2021, if the commissioner determines that doing so constitutes a hardship.

(3) By January 1, 2021, and annually thereafter, the commissioner shall aggregate and deidentify the data collected under subsection (1) of this section into a standard report and may not identify the name of the carrier that submitted the data. The initial report due on January 1, 2021, may omit data for which a hardship determination is made by the commissioner under subsection (2) of this section. Such data must be included in the report due on January 1, 2022. The commissioner must make the report available to interested parties.

(4) The commissioner may request additional information from carriers reporting data under this section.

(5) The commissioner may adopt rules to implement this section. In adopting rules, the commissioner must consult stakeholders including carriers, health care practitioners, health care facilities, and patients.

(6) For the purpose of this section, "prior authorization" means a mandatory process that a carrier or its designated or contracted representative requires a provider or facility to follow before a service is delivered, to

determine if a service is a benefit and meets the requirements for medical necessity, clinical appropriateness, level of care, or effectiveness in relation to the applicable plan, including any term used by a carrier or its designated or contracted representative to describe this process."

Correct the title.

Representatives Cody and Schmick spoke in favor of the adoption of the striking amendment.

The striking amendment (2179) was adopted.

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

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6404 as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6404, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6404, 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.

### MESSAGE FROM THE SENATE

March 3, 2020

Madame Speaker:

The Senate has passed THIRD SUBSTITUTE HOUSE BILL NO. 1504 with the following amendment:

4.0.

Strike everything after the enacting clause and insert the following:

"Sec. 5. RCW 9.94A.533 and 2018 c 7 s 8 are each amended to read as follows:

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by seventy-five percent.

(3) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) Three years for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Eighteen months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory,

shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun or bump-fire stock, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun or bump-fire stock in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) One year for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Six months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun or bump-fire stock, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun or bump-fire stock in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(2) (a) or (b) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(2) (c), (d), or (e);

(c) Twelve months for offenses committed under RCW 69.50.4013.

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435 or 9.94A.827. All enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

Notwithstanding any other provision of law, all impaired driving enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other impaired driving enhancements, for all offenses sentenced under this chapter.

An offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c).

(8)(a) The following additional times shall be added to the standard sentence range for felony crimes committed on or after July 1, 2006, if the offense was committed with sexual motivation, as that term is defined in RCW 9.94A.030. If the offender is being sentenced for more than one offense, the sexual motivation enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to a sexual motivation enhancement. If the offender committed the offense with sexual motivation and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(i) Two years for any felony defined under the law as a class A felony or with a statutory maximum sentence of at least twenty years, or both;

(ii) Eighteen months for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both;

(iii) One year for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both;

(iv) If the offender is being sentenced for any sexual motivation enhancements under (a)(i), (ii), and/or (iii) of this subsection and the offender has previously been sentenced for any sexual motivation enhancements on or after July 1, 2006, under (a)(i), (ii), and/or (iii) of this subsection, all sexual motivation enhancements under this subsection shall be twice the amount of the enhancement listed;

(b) Notwithstanding any other provision of law, all sexual motivation enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other sexual motivation enhancements, for all

offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(c) The sexual motivation enhancements in this subsection apply to all felony crimes;

(d) If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a sexual motivation enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced;

(e) The portion of the total confinement sentence which the offender must serve under this subsection shall be calculated before any earned early release time is credited to the offender;

(f) Nothing in this subsection prevents a sentencing court from imposing a sentence outside the standard sentence range pursuant to RCW 9.94A.535.

(9) An additional one-year enhancement shall be added to the standard sentence range for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on or after July 22, 2007, if the offender engaged, agreed, or offered to engage the victim in the sexual conduct in return for a fee. If the offender is being sentenced for more than one offense, the one-year enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to the enhancement. If the offender is being sentenced for an anticipatory offense for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the offender attempted, solicited another, or conspired to engage, agree, or offer to engage the victim in the sexual conduct in return for a fee, an additional one-year enhancement shall be added to the standard sentence range determined under subsection (2) of this section. For purposes of this subsection, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

(10)(a) For a person age eighteen or older convicted of any criminal street gang-related felony offense for which the person compensated, threatened, or solicited a minor in order to involve the minor in the commission of the felony offense, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by one hundred twenty-five percent. If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence is the presumptive sentence unless the offender is a persistent offender.

(b) This subsection does not apply to any criminal street gang-related felony offense for which involving a minor in the commission of the felony offense is an element of the offense.

(c) The increased penalty specified in (a) of this subsection is unavailable in the event that the prosecution gives notice that it will seek an exceptional sentence based on an aggravating factor under RCW 9.94A.535.

(11) An additional twelve months and one day shall be added to the standard sentence range for a conviction of attempting to elude a police vehicle as defined by RCW 46.61.024, if the conviction included a finding by special allegation of endangering one or more persons under RCW 9.94A.834.

(12) An additional twelve months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.831.

(13) An additional twelve months shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.520 or for vehicular assault committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.522, or for any felony driving under the influence (RCW 46.61.502(6)) or felony physical control under the influence (RCW 46.61.504(6)) for each child passenger under the age of sixteen who is an occupant in the defendant's vehicle. These enhancements shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other minor child enhancements, for all offenses sentenced under this chapter. If the addition of a minor child enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement (~~may not be reduced~~) shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions.

(14) An additional twelve months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.832.

**Sec. 6.** RCW 9.94A.729 and 2015 c 134 s 4 are each amended to read as follows:

(1)(a) The term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and adopted by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits.

(b) Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county

jail facility shall certify to the department the amount of time spent in custody at the facility and the number of days of early release credits lost or not earned. The department may approve a jail certification from a correctional agency that calculates early release time based on the actual amount of confinement time served by the offender before sentencing when an erroneous calculation of confinement time served by the offender before sentencing appears on the judgment and sentence. The department must adjust an offender's rate of early release listed on the jail certification to be consistent with the rate applicable to offenders in the department's facilities. However, the department is not authorized to adjust the number of presentence early release days that the jail has certified as lost or not earned.

(2)(a) An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.

(b) An offender whose sentence includes any impaired driving enhancements under RCW 9.94A.533(7), minor child enhancements under RCW 9.94A.533(13), or both, shall not receive any good time credits or earned release time for any portion of his or her sentence that results from those enhancements.

(3) An offender may earn early release time as follows:

(a) In the case of an offender sentenced pursuant to RCW 10.95.030(3) or 10.95.035, the offender may not receive any earned early release time during the minimum term of confinement imposed by the court; for any remaining portion of the sentence served by the offender, the aggregate earned release time may not exceed ten percent of the sentence.

(b) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed fifteen percent of the sentence.

(c) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ten percent of the sentence.

(d) An offender is qualified to earn up to fifty percent of aggregate earned release time if he or she:

(i) Is not classified as an offender who is at a high risk to reoffend as provided in subsection (4) of this section;

(ii) Is not confined pursuant to a sentence for:

(A) A sex offense;

(B) A violent offense;

(C) A crime against persons as defined in RCW 9.94A.411;

(D) A felony that is domestic violence as defined in RCW 10.99.020;

(E) A violation of RCW 9A.52.025 (residential burglary);

(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(iii) Has no prior conviction for the offenses listed in (d)(ii) of this subsection;

(iv) Participates in programming or activities as directed by the offender's individual reentry plan as provided under RCW 72.09.270 to the extent that such programming or activities are made available by the department; and

(v) Has not committed a new felony after July 22, 2007, while under community custody.

(e) In no other case shall the aggregate earned release time exceed one-third of the total sentence.

(4) The department shall perform a risk assessment of each offender who may qualify for earned early release under subsection (3)(d) of this section utilizing the risk assessment tool recommended by the Washington state institute for public policy. Subsection (3)(d) of this section does not apply to offenders convicted after July 1, 2010.

(5)(a) A person who is eligible for earned early release as provided in this section and who will be supervised by the department pursuant to RCW 9.94A.501 or 9.94A.5011, shall be transferred to community custody in lieu of earned release time;

(b) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with community custody terms eligible for release to community custody in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;

(c) The department may deny transfer to community custody in lieu of earned release time if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. The department's authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody;

(d) If the department is unable to approve the offender's release plan, the department may do one or more of the following:

(i) Transfer an offender to partial confinement in lieu of earned early release for a period not to exceed three months. The three months in partial confinement is in

addition to that portion of the offender's term of confinement that may be served in partial confinement as provided in RCW 9.94A.728(~~(5)~~) (1)(e);

(ii) Provide rental vouchers to the offender for a period not to exceed three months if rental assistance will result in an approved release plan.

A voucher must be provided in conjunction with additional transition support programming or services that enable an offender to participate in services including, but not limited to, substance abuse treatment, mental health treatment, sex offender treatment, educational programming, or employment programming;

(e) The department shall maintain a list of housing providers that meets the requirements of RCW 72.09.285. If more than two voucher recipients will be residing per dwelling unit, as defined in RCW 59.18.030, rental vouchers for those recipients may only be paid to a housing provider on the department's list;

(f) For each offender who is the recipient of a rental voucher, the department shall gather data as recommended by the Washington state institute for public policy in order to best demonstrate whether rental vouchers are effective in reducing recidivism.

(6) An offender serving a term of confinement imposed under RCW 9.94A.670(5)(a) is not eligible for earned release credits under this section.

**Sec. 7.** RCW 10.21.055 and 2016 c 203 s 16 are each amended to read as follows:

(1)(a) When any person charged with a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, in which the person has a prior offense as defined in RCW 46.61.5055 and the current offense involves alcohol, is released from custody at arraignment or trial on bail or personal recognizance, the court authorizing the release shall require, as a condition of release that person comply with one of the following four requirements:

(i) Have a functioning ignition interlock device installed on all motor vehicles operated by the person, with proof of installation filed with the court by the person or the certified interlock provider within five business days of the date of release from custody or as soon thereafter as determined by the court based on availability within the jurisdiction; or

(ii) Comply with 24/7 sobriety program monitoring, as defined in RCW 36.28A.330; or

(iii) Have an ignition interlock device on all motor vehicles operated by the person pursuant to (a)(i) of this subsection and submit to 24/7 sobriety program monitoring pursuant to (a)(ii) of this subsection, if available, or alcohol monitoring, at the expense of the person, as provided in RCW 46.61.5055(5) (b) and (c); or

(iv) Have an ignition interlock device on all motor vehicles operated by the person and that such person agrees not to operate any motor vehicle without an ignition interlock device as required by the court. Under this subsection (1)(a)(iv), the person must file a sworn statement

with the court upon release at arraignment that states the person will not operate any motor vehicle without an ignition interlock device while the ignition interlock restriction is imposed by the court. Such person must also submit to 24/7 sobriety program monitoring pursuant to (a)(ii) of this subsection, if available, or alcohol monitoring, at the expense of the person, as provided in RCW 46.61.5055(5) (b) and (c).

(b) The court shall immediately notify the department of licensing when an ignition interlock restriction is imposed ~~((i) As)~~ as a condition of release ~~((pursuant to (a) of this subsection;))~~ or ~~((iii))~~ after conviction in instances where a person is charged with, or convicted of, a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522 ~~((; and the offense involves alcohol))~~. If the court imposes an ignition interlock restriction, the department of licensing shall attach or imprint a notation on the driving record of any person restricted under this section stating that the person may operate only a motor vehicle equipped with a functioning ignition interlock device.

(2)(a) Upon acquittal or dismissal of all pending or current charges relating to a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, or equivalent local ordinance, the court shall authorize removal of the ignition interlock device and lift any requirement to comply with electronic alcohol/drug monitoring imposed under subsection (1) of this section. Nothing in this section limits the authority of the court or department under RCW 46.20.720.

(b) If the court authorizes removal of an ignition interlock device imposed under this section, the court shall immediately notify the department of licensing regarding the lifting of the ignition interlock restriction and the department of licensing shall release any attachment, imprint, or notation on such person's driving record relating to the ignition interlock requirement imposed under this section.

(3) When an ignition interlock restriction imposed as a condition of release is canceled, the court shall provide a defendant with a written order confirming release of the restriction. The written order shall serve as proof of release of the restriction until which time the department of licensing updates the driving record.

**Sec. 8.** RCW 38.52.430 and 2012 c 183 s 6 are each amended to read as follows:

A person whose intoxication causes an incident resulting in an appropriate emergency response, and who, in connection with the incident, has been found guilty of or has had their prosecution deferred for (1) driving while under the influence of intoxicating liquor or any drug, RCW 46.61.502; (2) physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, RCW 46.61.504; (3) operating an aircraft under the influence of intoxicants or drugs, RCW 47.68.220; ~~((3))~~ (4) use of a vessel while under the influence of alcohol or drugs, RCW 79A.60.040; ~~((4))~~ (5) vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a); or ~~((5))~~ (6) vehicular assault while under the influence of intoxicating liquor or any drug, RCW

46.61.522(1)(b), is liable for the expense of an emergency response by a public agency to the incident.

The expense of an emergency response is a charge against the person liable for expenses under this section. The charge constitutes a debt of that person and is collectible by the public agency incurring those costs in the same manner as in the case of an obligation under a contract, expressed or implied. Following a conviction of an offense listed in this section, and prior to sentencing, the prosecution may present to the court information setting forth the expenses incurred by the public agency for its emergency response to the incident. Upon a finding by the court that the expenses are reasonable, the court shall order the defendant to reimburse the public agency. The cost reimbursement shall be included in the sentencing order as an additional monetary obligation of the defendant and may not be substituted for any other fine or cost required or allowed by statute. The court may establish a payment schedule for the payment of the cost reimbursement, separate from any payment schedule imposed for other fines and costs. All payments for the cost reimbursement must be remitted directly to the public agency or agencies that incurred the cost associated with the emergency response.

In no event shall a person's liability under this section for the expense of an emergency response exceed two thousand five hundred dollars for a particular incident.

If more than one public agency makes a claim for payment from an individual for an emergency response to a single incident under the provisions of this section, and the sum of the claims exceeds the amount recovered, the division of the amount recovered shall be determined by an interlocal agreement consistent with the requirements of chapter 39.34 RCW.

**Sec. 9.** RCW 46.20.245 and 2005 c 288 s 1 are each amended to read as follows:

(1) Whenever the department proposes to withhold the driving privilege of a person or disqualify a person from operating a commercial motor vehicle and this action is made mandatory by the provisions of this chapter or other law, the department must give notice to the person in writing by posting in the United States mail, appropriately addressed, postage prepaid, or by personal service. Notice by mail is given upon deposit in the United States mail. Notice given under this subsection must specify the date upon which the driving privilege is to be withheld which shall not be less than forty-five days after the original notice is given.

(2) For persons subject to suspension, revocation, or denial of a driver's license who are eligible for full credit under RCW 46.61.5055(9)(b)(ii), the notice in subsection (1) of this section must also notify the person of the obligation to complete the requirements under RCW 46.20.311 and pay the probationary license fee under RCW 46.20.355 by the date specified in the notice in order to avoid license suspension.

(3) Within fifteen days after notice has been given to a person under subsection (1) of this section, the person may request in writing an administrative review before the

department. If the request is mailed, it must be postmarked within fifteen days after the date the department has given notice. If a person fails to request an administrative review within fifteen days after the date the department gives notice, the person is considered to have defaulted and loses his or her right to an administrative review unless the department finds good cause for a request after the fifteen-day period.

(a) An administrative review under this subsection shall consist solely of an internal review of documents and records submitted or available to the department, unless the person requests an interview before the department, in which case all or any part of the administrative review may, at the discretion of the department, be conducted by telephone or other electronic means.

(b) The only issues to be addressed in the administrative review are:

(i) Whether the records relied on by the department identify the correct person; and

(ii) Whether the information transmitted from the court or other reporting agency or entity regarding the person accurately describes the action taken by the court or other reporting agency or entity.

(c) For the purposes of this section, the notice received from a court or other reporting agency or entity, regardless of form or format, is prima facie evidence that the information from the court or other reporting agency or entity regarding the person is accurate. A person requesting administrative review has the burden of showing by a preponderance of the evidence that the person is not subject to the withholding of the driving privilege.

(d) The action subject to the notification requirements of subsection (1) of this section shall be stayed during the administrative review process.

(e) Judicial review of a department order affirming the action subject to the notification requirements of subsection (1) of this section after an administrative review shall be available in the same manner as provided in RCW 46.20.308~~((4))~~ (8). The department shall certify its record to the court within thirty days after service upon the department of the petition for judicial review. The action subject to the notification requirements of subsection (1) of this section shall not automatically be stayed during the judicial review. If judicial relief is sought for a stay or other temporary remedy from the department's action, the court shall not grant relief unless the court finds that the appellant is likely to prevail in the appeal and that without a stay the appellant will suffer irreparable injury.

~~((3))~~ (4) The department may adopt rules that are considered necessary or convenient by the department for purposes of administering this section, including, but not limited to, rules regarding expedited procedures for issuing orders and expedited notice procedures.

~~((4))~~ (5) This section does not apply where an opportunity for an informal settlement, driver improvement interview, or formal hearing is otherwise provided by law or rule of the department.

**Sec. 10.** RCW 46.20.3101 and 2016 c 203 s 18 are each amended to read as follows:

Pursuant to RCW 46.20.308, the department shall suspend, revoke, or deny the arrested person's license, permit, or privilege to drive as follows:

(1) In the case of a person who has refused a test or tests:

(a) For a first refusal within seven years, where there has not been a previous incident within seven years that resulted in administrative action under this section, revocation or denial for one year;

(b) For a second or subsequent refusal within seven years, or for a first refusal where there has been one or more previous incidents within seven years that have resulted in administrative action under this section, revocation or denial for two years or until the person reaches age twenty-one, whichever is longer.

(2) In the case of an incident where a person has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was 0.08 or more, or that the THC concentration of the person's blood was 5.00 or more:

(a) For a first incident within seven years, where there has not been a previous incident within seven years that resulted in administrative action under this section, suspension for ninety days, unless the person successfully completes or is enrolled in a pretrial 24/7 sobriety program;

(b) For a second or subsequent incident within seven years, revocation or denial for two years.

(3) In the case of an incident where a person under age twenty-one has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was 0.02 or more, or that the THC concentration of the person's blood was above 0.00:

(a) For a first incident within seven years, suspension or denial for ninety days;

(b) For a second or subsequent incident within seven years, revocation or denial for one year or until the person reaches age twenty-one, whichever is longer.

(4) The department shall grant credit on a day-for-day basis for ~~((any portion of))~~ a suspension, revocation, or denial ~~((already served))~~ imposed under this section for any portion of a suspension, revocation, or denial ((imposed)) already served under RCW 46.61.5055 arising out of the same incident. If a person has already served a suspension, revocation, or denial under RCW 46.61.5055 for a period equal to or greater than the period imposed under this section, the department shall provide notice of full credit, shall provide for no further suspension or revocation under this section, and shall impose no additional reissue fees for this credit.

**Sec. 11.** RCW 46.20.311 and 2016 c 203 s 12 are each amended to read as follows:

(1)(a) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public

highways for a fixed period of more than one year, except as specifically permitted under RCW 46.20.267, 46.20.342, or other provision of law.

(b) Except for a suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), 46.61.740, or 74.20A.320, whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(c) If the suspension is the result of a nonfelony violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the ~~((alcoholism))~~ substance use disorder agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502(6) or 46.61.504(6), the department shall determine the person's eligibility for licensing based upon the reports provided by the ~~((alcohol or drug dependency))~~ substance use disorder agency required under RCW 46.61.524 and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person seeking reinstatement. The department may waive the requirement for written verification under this subsection if it determines to its satisfaction that a device previously verified as having been installed on a vehicle owned or operated by the person is still installed and functioning or as permitted by RCW 46.20.720(8). If, based upon notification from the interlock provider or otherwise, the department determines that an interlock required under RCW 46.20.720 is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle owned or operated by the person is equipped with a functioning ignition interlock device.

(d) Whenever the license or driving privilege of any person is suspended as a result of certification of noncompliance with a child support order under chapter 74.20A RCW, the suspension shall remain in effect until the person provides a release issued by the department of social and health services stating that the person is in compliance with the order.

(e)(i) The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of seventy-five dollars.

(ii) ~~((H))~~ Except as provided in subsection (4) of this section, if the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be one hundred ~~((fifty))~~ seventy dollars.

(2)(a) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (i) After the expiration of one year from the date the license or privilege to drive was revoked; (ii) after the expiration of the applicable revocation period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the expiration of two years for persons convicted of vehicular homicide; or (iv) after the expiration of the applicable revocation period provided by RCW 46.20.265.

(b)(i) After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of seventy-five dollars.

(ii) ~~((H))~~ Except as provided in subsection (4) of this section, if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one hundred ~~((fifty))~~ seventy dollars. If the revocation is the result of a nonfelony violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the ~~((alcoholism))~~ substance use disorder agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502(6) or 46.61.504(6), the department shall determine the person's eligibility for licensing based upon the reports provided by the ~~((alcohol or drug dependency))~~ substance use disorder agency required under RCW 46.61.524 and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person applying for a new license. The department may waive the requirement for written verification under this subsection if it determines to its satisfaction that a device previously verified as having been installed on a vehicle owned or operated by the person is still installed and functioning or as permitted by RCW 46.20.720(8). If, following issuance of a new license, the department determines, based upon notification from the interlock provider or otherwise, that an interlock required under RCW 46.20.720 is no longer

functioning, the department shall suspend the person's license or privilege to drive until the department has received written verification from an interlock provider that a functioning interlock is installed.

(c) Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3)(a) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of seventy-five dollars.

(b) ~~((f))~~ Except as provided in subsection (4) of this section, if the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (i) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (ii) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be one hundred ~~((fifty))~~ seventy dollars.

(4) When the department reinstates a person's driver's license following a suspension, revocation, or denial under RCW 46.20.3101 or 46.61.5055, and the person is entitled to full day-for-day credit under RCW 46.20.3101(4) or 46.61.5055(9)(b)(ii) for an additional restriction arising from the same incident, the department shall impose no additional reissue fees under subsection (1)(e)(ii), (2)(b)(ii), or (3)(b) of this section associated with the additional restriction.

**Sec. 12.** RCW 46.20.355 and 1998 c 209 s 3 and 1998 c 41 s 5 are each reenacted and amended to read as follows:

(1) Upon receipt of an abstract indicating a deferred prosecution has been granted under RCW 10.05.060, or upon receipt of a notice of conviction of RCW 46.61.502 or 46.61.504, the department of licensing shall order the person to surrender any nonprobationary Washington state driver's license that may be in his or her possession. The department shall revoke the license, permit, or privilege to drive of any person who fails to surrender it as required by this section for one year, unless the license has been previously surrendered to the department, a law enforcement officer, or a court, or the person has completed an affidavit of lost, stolen, destroyed, or previously surrendered license, such revocation to take effect thirty days after notice is given of the requirement for license surrender.

(2) The department shall place a person's driving privilege in probationary status as required by RCW

10.05.060 or 46.61.5055 for a period of five years from the date the probationary status is required to go into effect.

(3) Following receipt of an abstract indicating a deferred prosecution has been granted under RCW 10.05.060, or upon reinstatement or reissuance of a driver's license suspended or revoked as the result of a conviction of RCW 46.61.502 or 46.61.504, the department shall require the person to obtain a probationary license in order to operate a motor vehicle in the state of Washington, except as otherwise exempt under RCW 46.20.025. The department shall not issue the probationary license unless the person is otherwise qualified for licensing, and the person must renew the probationary license on the same cycle as the person's regular license would have been renewed until the expiration of the five-year probationary status period imposed under subsection (2) of this section.

(4) If a person is eligible for full credit under RCW 46.61.5055(9)(b)(ii) and, by the date specified in the notice issued under RCW 46.20.245, has completed the requirements under RCW 46.20.311 and paid the fee under subsection (5) of this section, the department shall issue a probationary license on the date specified in the notice with no further action required of the person.

(5) For each original issue or renewal of a probationary license under this section, the department shall charge a fee of fifty dollars in addition to any other licensing fees required. Except for when renewing a probationary license, the department shall waive the requirement to obtain an additional probationary license and the fifty dollar fee if the person has a probationary license in his or her possession at the time a new probationary license is required.

~~((5))~~ (6) A probationary license shall enable the department and law enforcement personnel to determine that the person is on probationary status. The fact that a person's driving privilege is in probationary status or that the person has been issued a probationary license shall not be a part of the person's record that is available to insurance companies.

**Sec. 13.** RCW 46.20.385 and 2017 c 336 s 4 are each amended to read as follows:

(1)(a) Any person licensed under this chapter or who has a valid driver's license from another state, who is convicted of: (i) A violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance, or (ii) a violation of RCW 46.61.520(1)(a) or an equivalent local or out-of-state statute or ordinance, or (iii) a conviction for a violation of RCW 46.61.520(1) (b) or (c) if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520(1)(a), or (iv) RCW 46.61.522(1)(b) or an equivalent local or out-of-state statute or ordinance, or (v) RCW 46.61.522(1) (a) or (c) if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522(1)(b) committed while under the influence of intoxicating liquor or any drug, or (vi) who has had or will have his or her license suspended, revoked, or denied under RCW 46.20.3101, or who is otherwise permitted under subsection (8) of this section, may submit to the department an application for an ignition interlock driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner

is eligible to receive the license, may issue an ignition interlock driver's license.

(b) A person may apply for an ignition interlock driver's license anytime, including immediately after receiving the notices under RCW 46.20.308 or after his or her license is suspended, revoked, or denied.

(c) An applicant under this subsection shall provide proof to the satisfaction of the department that a functioning ignition interlock device has been installed on all vehicles operated by the person.

(i) The department shall require the person to maintain the device on all vehicles operated by the person and shall restrict the person to operating only vehicles equipped with the device, for the remainder of the period of suspension, revocation, or denial, unless otherwise permitted under RCW 46.20.720(6).

(ii) Subject to any periodic renewal requirements established by the department under this section and subject to any applicable compliance requirements under this chapter or other law, an ignition interlock driver's license granted upon a suspension or revocation under RCW 46.61.5055 or 46.20.3101 extends through the remaining portion of any concurrent or consecutive suspension or revocation that may be imposed as the result of administrative action and criminal conviction arising out of the same incident.

(2) An applicant for an ignition interlock driver's license who qualifies under subsection (1) of this section is eligible to receive a license only if the applicant files satisfactory proof of financial responsibility under chapter 46.29 RCW.

(3) Upon receipt of evidence that a holder of an ignition interlock driver's license granted under this subsection no longer has a functioning ignition interlock device installed on all vehicles operated by the driver, the director shall give written notice by first-class mail to the driver that the ignition interlock driver's license shall be canceled. If at any time before the cancellation goes into effect the driver submits evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new ignition interlock driver's license upon submittal of evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver.

(4) A person aggrieved by the decision of the department on the application for an ignition interlock driver's license may request a hearing as provided by rule of the department.

(5) The director shall cancel an ignition interlock driver's license after receiving notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, no longer meets the eligibility requirements, or has been convicted of or found to have committed a separate offense or any other act or omission that under this chapter would warrant suspension or

revocation of a regular driver's license. The department must give notice of the cancellation as provided under RCW 46.20.245. A person whose ignition interlock driver's license has been canceled under this section may reapply for a new ignition interlock driver's license if he or she is otherwise qualified under this section and pays the fee required under RCW 46.20.380.

(6)(a) Unless costs are waived by the ignition interlock company or the person is indigent under RCW 10.101.010, the applicant shall pay the cost of installing, removing, and leasing the ignition interlock device and shall pay an additional fee of (~~twenty~~) twenty-one dollars per month. Payments shall be made directly to the ignition interlock company. The company shall remit the additional fee to the department, except that the company may retain twenty-five cents per month of the additional fee to cover the expenses associated with administering the fee.

(b) The department shall deposit the proceeds of the (~~twenty~~) twenty-one dollar fee into the ignition interlock device revolving account. Expenditures from the account may be used only to administer and operate the ignition interlock device revolving account program. The department shall adopt rules to provide monetary assistance according to greatest need and when funds are available.

(7) The department shall adopt rules to implement ignition interlock licensing. The department shall consult with the administrative office of the courts, the state patrol, the Washington association of sheriffs and police chiefs, ignition interlock companies, and any other organization or entity the department deems appropriate.

(8)(a) Any person licensed under this chapter who is convicted of a violation of RCW 46.61.500 when the charge was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, may submit to the department an application for an ignition interlock driver's license under this section.

(b) A person who does not have any driver's license under this chapter, but who would otherwise be eligible under this section to apply for an ignition interlock license, may submit to the department an application for an ignition interlock license. The department may require the person to take any driver's licensing examination under this chapter and may require the person to also apply and qualify for a temporary restricted driver's license under RCW 46.20.391.

**Sec. 14.** RCW 46.20.720 and 2019 c 232 s 22 are each amended to read as follows:

(1) **Ignition interlock restriction.** The department shall require that a person may drive only a motor vehicle equipped with a functioning ignition interlock device:

(a) **Pretrial release.** Upon receipt of notice from a court that an ignition interlock device restriction has been imposed under RCW 10.21.055;

(b) **Ignition interlock driver's license.** As required for issuance of an ignition interlock driver's license under RCW 46.20.385;

(c) **Deferred prosecution.** Upon receipt of notice from a court that the person is participating in a deferred prosecution program under RCW 10.05.020 for a violation of:

(i) RCW 46.61.502 or 46.61.504 or an equivalent local ordinance; or

(ii) RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance if the person would be required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an ignition interlock device on all vehicles operated by the person in the event of a conviction;

(d) **Post conviction.** After any applicable period of mandatory suspension, revocation, or denial of driving privileges, or upon fulfillment of day-for-day credit under RCW 46.61.5055(9)(b)(ii) for a suspension, revocation, or denial of driving privileges:

(i) Due to a conviction of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance; or

(ii) Due to a conviction of a violation of RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance if the person is required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an ignition interlock device on all vehicles operated by the person; or

(e) **Court order.** Upon receipt of an order by a court having jurisdiction that a person charged or convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle may drive only a motor vehicle equipped with a functioning ignition interlock. The court shall establish a specific (~~calibration setting~~) alcohol set point at which the ignition interlock will prevent the vehicle from being started. The court shall also establish the period of time for which ignition interlock use will be required.

(2) (~~Calibration~~) Alcohol set point. Unless otherwise specified by the court for a restriction imposed under subsection (1)(e) of this section, the ignition interlock device shall (~~be calibrated to prevent~~) have an alcohol set point that prevents the motor vehicle from being started when the breath sample provided has an alcohol concentration of (~~0.025~~) 0.020 or more.

(3) **Duration of restriction.** A restriction imposed under:

(a) Subsection (1)(a) of this section shall remain in effect until:

(i) The court has authorized the removal of the device under RCW 10.21.055; or

(ii) The department has imposed a restriction under subsection (1)(b), (c), or (d) of this section arising out of the same incident.

(b) Subsection (1)(b) of this section remains in effect during the validity of any ignition interlock driver's license that has been issued to the person.

(c) Subsection (1)(c)(i) or (d)(i) of this section shall be for no less than:

(i) For a person who has not previously been restricted under this subsection, a period of one year;

(ii) For a person who has previously been restricted under (c)(i) of this subsection, a period of five years;

(iii) For a person who has previously been restricted under (c)(ii) of this subsection, a period of ten years.

The restriction of a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and who committed the offense while (~~a passenger~~) one or more passengers under the age of sixteen (~~was~~) were in the vehicle shall be extended for an additional (~~six-month~~) period as required by RCW 46.61.5055(6)(a).

(d) Subsection (1)(c)(ii) or (d)(ii) of this section shall be for a period of no less than six months.

(e) The period of restriction under (c) or (d) of this subsection shall be extended by one hundred eighty days whenever the department receives notice that the restricted person has been convicted under RCW 46.20.740 or 46.20.750. If the period of restriction under (c) or (d) of this subsection has been fulfilled and cannot be extended, the department must add a new one hundred eighty-day restriction that is imposed from the date of conviction and is subject to the requirements for removal under subsection (4) of this section.

(f) Subsection (1)(e) of this section shall remain in effect for the period of time specified by the court.

(g) The period of restriction under (c) and (d) of this subsection based on incidents occurring on or after June 9, 2016, must be tolled for any period in which the person does not have an ignition interlock device installed on a vehicle owned or operated by the person unless the person receives a determination from the department that the person is unable to operate an ignition interlock device due to a physical disability. The department's determination that a person is unable to operate an ignition interlock device must be reasonable and be based upon good and substantial evidence. This determination is subject to review by a court of competent jurisdiction. The department may charge a person seeking a medical exemption under this subsection a reasonable fee for the assessment.

(4) **Requirements for removal.** A restriction imposed under subsection (1)(c) or (d) of this section shall remain in effect until the department receives a declaration from the person's ignition interlock device vendor, in a form provided or approved by the department, certifying (~~that~~) the following:

(a) That there have been none of the following incidents in the one hundred eighty consecutive days prior to the date of release:

(~~that~~) (i) Any attempt to start the vehicle with a breath alcohol concentration of 0.04 or more unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than 0.04 and the digital image confirms the same person provided both samples;

~~((b))~~ (ii) Failure to take any random test unless a review of the digital image confirms that the vehicle was not occupied by the driver at the time of the missed test;

~~((c))~~ (iii) Failure to pass any random retest with a breath alcohol concentration of ~~((0.025 or))~~ lower than 0.020 unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than ~~((0.025))~~ 0.020, and the digital image confirms the same person provided both samples; ~~((e))~~

~~((d))~~ (iv) Failure of the person to appear at the ignition interlock device vendor when required for maintenance, repair, calibration, monitoring, inspection, or replacement of the device; or

(v) Removal of the ignition interlock device by a person other than an ignition interlock technician certified by the Washington state patrol; and

(b) That the ignition interlock device was inspected at the conclusion of the one hundred eighty-day period by an ignition interlock technician certified by the Washington state patrol and no evidence was found that the device was tampered with in the manner described in RCW 46.20.750.

(5) **Day-for-day credit.** (a) The time period during which a person has an ignition interlock device installed in order to meet the requirements of subsection (1)(b) of this section shall apply on a day-for-day basis toward satisfying the period of time the ignition interlock device restriction is imposed under subsection (1)(c) or (d) of this section arising out of the same incident.

(b) The department must also give the person a day-for-day credit for any time period, beginning from the date of the incident, during which the person kept an ignition interlock device installed on all vehicles the person operates, other than those subject to the employer exemption under subsection (6) of this section.

(c) If the day-for-day credit granted under this subsection equals or exceeds the period of time the ignition interlock device restriction is imposed under subsection (1)(c) or (d) of this section arising out of the same incident, and the person has already met the requirements for removal of the device under subsection (4) of this section, the department may waive the requirement that a device be installed or that the person again meet the requirements for removal.

(6) **Employer exemption.** (a) Except as provided in (b) of this subsection, the installation of an ignition interlock device is not necessary on vehicles owned, leased, or rented by a person's employer and on those vehicles whose care and/or maintenance is the temporary responsibility of the employer, and driven at the direction of a person's employer as a requirement of employment during working hours. The person must provide the department with a declaration pursuant to chapter 5.50 RCW from his or her employer stating that the person's employment requires the person to operate a vehicle owned by the employer or other persons during working hours. When the department receives a declaration under this subsection, it shall attach or imprint a

notation on the person's driving record stating that the employer exemption applies.

(b) The employer exemption does not apply when the employer's vehicle is assigned exclusively to the restricted driver and used solely for commuting to and from employment.

(7) **Ignition interlock device revolving account.** In addition to any other costs associated with the use of an ignition interlock device imposed on the person restricted under this section, the person shall pay an additional fee of ~~((twenty))~~ twenty-one dollars per month. Payments must be made directly to the ignition interlock company. The company shall remit the additional fee to the department to be deposited into the ignition interlock device revolving account, except that the company may retain twenty-five cents per month of the additional fee to cover the expenses associated with administering the fee. The department may waive the monthly fee if the person is indigent under RCW 10.101.010.

(8) **Foreign jurisdiction.** For a person restricted under this section who is residing outside of the state of Washington, the department may accept verification of installation of an ignition interlock device by an ignition interlock company authorized to do business in the jurisdiction in which the person resides, provided the device meets any applicable requirements of that jurisdiction. The department may waive one or more requirements for removal under subsection (4) of this section if compliance with the requirement or requirements would be impractical in the case of a person residing in another jurisdiction, provided the person is in compliance with any equivalent requirement of that jurisdiction. The department may waive the monthly fee required by subsection (7) of this section if collection of the fee would be impractical in the case of a person residing in another jurisdiction.

**Sec. 15.** RCW 46.20.740 and 2015 2nd sp.s. c 3 s 4 are each amended to read as follows:

(1) The department shall attach or imprint a notation on the driving record of any person restricted under RCW 46.20.720, 46.61.5055, or 10.05.140 stating that the person may operate only a motor vehicle equipped with a functioning ignition interlock device. The department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person seeking reinstatement. If, based upon notification from the interlock provider or otherwise, the department determines that an ignition interlock required under this section is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle owned or operated by the person is equipped with a functioning ignition interlock device.

(2) It is a gross misdemeanor for a person with such a notation on his or her driving record to operate a motor

vehicle that is not so equipped, unless the notation resulted from a restriction imposed as a condition of release and the restriction has been released by the court prior to driving. Any time a person is convicted under this section, the court shall immediately notify the department for purposes of RCW 46.20.720(3)(e).

(3) Any sentence imposed for a violation of subsection (2) of this section shall be served consecutively with any sentence imposed under RCW 46.20.750, 46.61.502, 46.61.504, or 46.61.5055.

**Sec. 16.** RCW 46.20.750 and 2015 2nd sp.s. c 3 s 6 are each amended to read as follows:

(1) A person who is restricted to the use of a vehicle equipped with an ignition interlock device is guilty of a gross misdemeanor if the restricted driver:

(a) Tampers with the device or any components of the device, or otherwise interferes with the proper functionality of the device, by modifying, detaching, disconnecting, or otherwise disabling it to allow the restricted driver to operate the vehicle;

(b) Uses or requests another person to use a filter or other device to circumvent the ignition interlock or to start or operate the vehicle to allow the restricted driver to operate the vehicle;

(c) Has, directs, authorizes, or requests another person to tamper with the device or any components of the device, or otherwise interfere with the proper functionality of the device, by modifying, detaching, disconnecting, or otherwise disabling it to allow the restricted driver to operate the vehicle; or

(d) Has, allows, directs, authorizes, or requests another person to blow or otherwise exhale into the device in order to circumvent the device to allow the restricted driver to operate the vehicle.

(2) A person who knowingly assists another person who is restricted to the use of a vehicle equipped with an ignition interlock device to circumvent the device or any components of the device, or otherwise interfere with the proper functionality of the device, or to start and operate that vehicle is guilty of a gross misdemeanor. The provisions of this subsection do not apply if the starting of a motor vehicle, or the request to start a motor vehicle, equipped with an ignition interlock device is done for the purpose of safety or mechanical repair of the device or the vehicle and the person subject to the court order does not operate the vehicle.

(3) Any sentence imposed for a violation of subsection (1) of this section shall be served consecutively with any sentence imposed under RCW 46.20.740, 46.61.502, 46.61.504, 46.61.5055, 46.61.520(1)(a), or 46.61.522(1)(b).

(4) Any time a person is convicted under subsection (1) of this section, the court shall immediately notify the department for purposes of RCW 46.20.720(3)(e).

**Sec. 17.** RCW 46.55.113 and 2011 c 167 s 6 are each amended to read as follows:

(1) Whenever the driver of a vehicle is arrested for a violation of RCW 46.20.342 or 46.20.345, the vehicle is subject to summary impoundment, pursuant to the terms and conditions of an applicable local ordinance or state agency rule at the direction of a law enforcement officer.

(2) In addition, a police officer may take custody of a vehicle, at his or her discretion, and provide for its prompt removal to a place of safety under any of the following circumstances:

(a) Whenever a police officer finds a vehicle standing upon the roadway in violation of any of the provisions of RCW 46.61.560, the officer may provide for the removal of the vehicle or require the driver or other person in charge of the vehicle to move the vehicle to a position off the roadway;

(b) Whenever a police officer finds a vehicle unattended upon a highway where the vehicle constitutes an obstruction to traffic or jeopardizes public safety;

(c) Whenever a police officer finds an unattended vehicle at the scene of an accident or when the driver of a vehicle involved in an accident is physically or mentally incapable of deciding upon steps to be taken to protect his or her property;

(d) Whenever the driver of a vehicle is arrested and taken into custody by a police officer;

(e) Whenever a police officer discovers a vehicle that the officer determines to be a stolen vehicle;

(f) Whenever a vehicle without a special license plate, placard, or decal indicating that the vehicle is being used to transport a person with disabilities under RCW 46.19.010 is parked in a stall or space clearly and conspicuously marked under RCW 46.61.581 which space is provided on private property without charge or on public property;

(g) Upon determining that a person is operating a motor vehicle without a valid and, if required, a specially endorsed driver's license or with a license that has been expired for ninety days or more;

(h) When a vehicle is illegally occupying a truck, commercial loading zone, restricted parking zone, bus, loading, hooded-meter, taxi, street construction or maintenance, or other similar zone where, by order of the director of transportation or chiefs of police or fire or their designees, parking is limited to designated classes of vehicles or is prohibited during certain hours, on designated days or at all times, if the zone has been established with signage for at least twenty-four hours and where the vehicle is interfering with the proper and intended use of the zone. Signage must give notice to the public that a vehicle will be removed if illegally parked in the zone;

(i) When a vehicle with an expired registration of more than forty-five days is parked on a public street;

(j) Upon determining that a person restricted to use of only a motor vehicle equipped with a functioning ignition interlock device is operating a motor vehicle that is not equipped with such a device in violation of RCW 46.20.740(2).

(3) When an arrest is made for a violation of RCW 46.20.342, if the vehicle is a commercial vehicle or farm transport vehicle and the driver of the vehicle is not the owner of the vehicle, before the summary impoundment directed under subsection (1) of this section, the police officer shall attempt in a reasonable and timely manner to contact the owner of the vehicle and may release the vehicle to the owner if the owner is reasonably available, as long as the owner was not in the vehicle at the time of the stop and arrest and the owner has not received a prior release under this subsection or RCW 46.55.120(1)((~~a~~)) (b)(ii).

(4) Nothing in this section may derogate from the powers of police officers under the common law. For the purposes of this section, a place of safety may include the business location of a registered tow truck operator.

(5) For purposes of this section "farm transport vehicle" means a motor vehicle owned by a farmer and that is being actively used in the transportation of the farmer's or another farmer's farm, orchard, aquatic farm, or dairy products, including livestock and plant or animal wastes, from point of production to market or disposal, or supplies or commodities to be used on the farm, orchard, aquatic farm, or dairy, and that has a gross vehicle weight rating of 7,258 kilograms (16,001 pounds) or more.

**Sec. 18.** RCW 46.61.500 and 2012 c 183 s 11 are each amended to read as follows:

(1) Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving. Violation of the provisions of this section is a gross misdemeanor punishable by imprisonment for up to three hundred sixty-four days and by a fine of not more than five thousand dollars.

(2)(a) Subject to (b) of this subsection, the license or permit to drive or any nonresident privilege of any person convicted of reckless driving shall be suspended by the department for not less than thirty days.

(b) When a reckless driving conviction is a result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, the department shall grant credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under an administrative action arising out of the same incident. In the case of a person whose day-for-day credit is for a period equal to or greater than the period of suspension required under this section, the department shall provide notice of full credit, shall provide for no further suspension under this section, and shall impose no additional reissue fees for this credit. During any period of suspension, revocation, or denial due to a conviction for reckless driving as the result of a charge originally filed as a violation of RCW 46.61.502 or 46.61.504, any person who has obtained an ignition interlock driver's license under RCW 46.20.385 may continue to drive a motor vehicle pursuant to the provision of the ignition interlock driver's license without obtaining a separate temporary restricted driver's license under RCW 46.20.391.

(3)(a) Except as provided under (b) of this subsection, a person convicted of reckless driving who has one or more

prior offenses as defined in RCW 46.61.5055(14) within seven years shall be required, under RCW 46.20.720, to install an ignition interlock device on all vehicles operated by the person if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance.

(b) A person convicted of reckless driving shall be required, under RCW 46.20.720, to install an ignition interlock device on all vehicles operated by the person if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug or RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug.

**Sec. 19.** RCW 46.61.5055 and 2018 c 201 s 9009 are each amended to read as follows:

(1) **No prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ~~((one day))~~ twenty-four consecutive hours nor more than three hundred sixty-four days. ~~((Twenty-four consecutive hours of the imprisonment may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based.))~~ In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court, in its discretion, may order not less than fifteen days of electronic home monitoring or a ninety-day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device or other separate alcohol monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to

take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ~~((two days))~~ forty-eight consecutive hours nor more than three hundred sixty-four days. ~~((Forty-eight consecutive hours of the imprisonment may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based.))~~ In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court, in its discretion, may order not less than thirty days of electronic home monitoring or a one hundred twenty day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program testing as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer or other separate alcohol monitoring device, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(2) **One prior offense in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than three hundred sixty-four days and sixty days of electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory term of imprisonment and electronic home monitoring under this subsection (2)(a)(i), the court may order a minimum of ~~((four days in jail and))~~ either one hundred eighty days of electronic home monitoring or a one hundred twenty-day period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is

suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The court shall order an expanded ~~((alcohol))~~ substance use disorder assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring~~((Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based))~~; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than three hundred sixty-four days and ninety days of electronic home monitoring. ~~((~~45~~))~~ Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory term of imprisonment and electronic home monitoring under this subsection (2)(b)(i), the court may order a minimum of ~~((six days in jail and))~~ either six months of electronic home monitoring or a one hundred twenty-day period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The court shall order an expanded ~~((alcohol))~~ substance use disorder assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's

electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring (~~Forty five days of imprisonment and ninety days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based~~); and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(3) **Two prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two prior offenses within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.**

In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred twenty days of electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory minimum term of ninety days of imprisonment and one hundred twenty days of electronic home monitoring, the court may order ((at least an additional eight days in jail)) three hundred sixty days of electronic home monitoring or a three hundred sixty-day period of 24/7 sobriety monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The court shall order an expanded ((~~alcohol~~)) substance use disorder assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time

the offender is on electronic home monitoring (~~Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based~~); and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.**

In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred fifty days of electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory minimum term of one hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring, the court may order ((at least an additional ten days in jail)) three hundred sixty days of electronic home monitoring or a three hundred sixty-day period of 24/7 sobriety monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The offender shall pay for the cost of the electronic monitoring. The court shall order an expanded ((~~alcohol~~)) substance use disorder assessment and treatment, if deemed appropriate by the assessment. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring (~~One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based~~); and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(4) **Three or more prior offenses in ten years.** A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished under chapter 9.94A RCW if:

(a) The person has three or more prior offenses within ten years; or

(b) The person has ever previously been convicted of:

(i) A violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(ii) A violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of RCW 46.61.502(6) or 46.61.504(6).

(5) **Monitoring.** (a) **Ignition interlock device.** The court shall require any person convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to comply with the rules and requirements of the department regarding the installation and use of a functioning ignition interlock device installed on all motor vehicles operated by the person.

(b) **Monitoring devices.** If the court orders that a person refrain from consuming any alcohol, the court may order the person to submit to alcohol monitoring through an alcohol detection breathalyzer device, transdermal sensor device, or other technology designed to detect alcohol in a person's system. The person shall pay for the cost of the monitoring, unless the court specifies that the cost of monitoring will be paid with funds that are available from an alternative source identified by the court. The county or municipality where the penalty is being imposed shall determine the cost.

(c) **24/7 sobriety program monitoring.** In any county or city where a 24/7 sobriety program is available and verified by the Washington association of sheriffs and police chiefs, the court shall:

(i) Order the person to install and use a functioning ignition interlock or other device in lieu of such period of 24/7 sobriety program monitoring;

(ii) Order the person to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section; or

(iii) Order the person to install and use a functioning ignition interlock or other device in addition to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section.

(6) **Penalty for having a minor passenger in vehicle.** If a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed the offense while ((a)) one or more passengers under the age of sixteen ((was)) were in the vehicle, the court shall:

(a) Order the use of an ignition interlock or other device for an additional ((six)) twelve months for each passenger under the age of sixteen when the person is subject to the penalties under subsection (1)(a), (2)(a), or (3)(a) of this section; and order the use of an ignition interlock device for an additional eighteen months for each passenger under the age of sixteen when the person is subject to the penalties under subsection (1)(b), (2)(b), (3)(b), or (4) of this section;

(b) In any case in which the person has no prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional twenty-four hours of imprisonment to be served consecutively for each passenger under the age of sixteen, and a fine of not less than one thousand dollars and not more than five thousand dollars for each passenger under the age of sixteen. One thousand dollars of the fine for each passenger under the age of sixteen may not be suspended unless the court finds the offender to be indigent;

(c) In any case in which the person has one prior offense within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional five days of imprisonment to be served consecutively for each passenger under the age of sixteen, and a fine of not less than two thousand dollars and not more than five thousand dollars for each passenger under the age of sixteen. One thousand dollars of the fine for each passenger under the age of sixteen may not be suspended unless the court finds the offender to be indigent;

(d) In any case in which the person has two prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional ten days of imprisonment to be served consecutively for each passenger under the age of sixteen, and a fine of not less than three thousand dollars and not more than ten thousand dollars for each passenger under the age of sixteen. One thousand dollars of the fine for each passenger under the age of sixteen may not be suspended unless the court finds the offender to be indigent.

(7) **Other items courts must consider while setting penalties.** In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property;

(b) Whether at the time of the offense the person was driving or in physical control of a vehicle with one or more passengers;

(c) Whether the driver was driving in the opposite direction of the normal flow of traffic on a multiple lane highway, as defined by RCW 46.04.350, with a posted speed limit of forty-five miles per hour or greater; and

(d) Whether a child passenger under the age of sixteen was an occupant in the driver's vehicle.

(8) **Treatment and information school.** An offender punishable under this section is subject to the ((alcohol))

substance use disorder assessment and treatment provisions of RCW 46.61.5056.

**(9) Driver's license privileges of the defendant. (a)**

The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:

~~((a))~~ **(i) Penalty for alcohol concentration less than 0.15.** If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

~~((i))~~ **(A)** Where there has been no prior offense within seven years, be suspended or denied by the department for ninety days or until the person is evaluated by ~~((an alcoholism))~~ a substance use disorder agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a ninety-day period of 24/7 sobriety program monitoring. In no circumstances shall the license suspension be for fewer than two days;

~~((ii))~~ **(B)** Where there has been one prior offense within seven years, be revoked or denied by the department for two years or until the person is evaluated by ~~((an alcoholism))~~ a substance use disorder agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a six-month period of 24/7 sobriety program monitoring. In no circumstances shall the license suspension be for less than one year; or

~~((iii))~~ **(C)** Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

~~((b))~~ **(ii) Penalty for alcohol concentration at least 0.15.** If the person's alcohol concentration was at least 0.15:

~~((i))~~ **(A)** Where there has been no prior offense within seven years, be revoked or denied by the department for one year or until the person is evaluated by ~~((an alcoholism))~~ a substance use disorder agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a one hundred twenty day period of 24/7 sobriety program monitoring. In no circumstances shall the license revocation be for fewer than four days;

~~((ii))~~ **(B)** Where there has been one prior offense within seven years, be revoked or denied by the department for nine hundred days; or

~~((iii))~~ **(C)** Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years; or

~~((c))~~ **(iii) Penalty for refusing to take test.** If by reason of the person's refusal to take a test offered under RCW 46.20.308, there is no test result indicating the person's alcohol concentration:

~~((i))~~ **(A)** Where there have been no prior offenses within seven years, be revoked or denied by the department for two years;

~~((ii))~~ **(B)** Where there has been one prior offense within seven years, be revoked or denied by the department for three years; or

~~((iii))~~ **(C)** Where there have been two or more previous offenses within seven years, be revoked or denied by the department for four years.

~~(b)~~**(i)** The department shall grant credit on a day-for-day basis for ~~((any portion of))~~ a suspension, revocation, or denial ~~((already served))~~ imposed under this subsection **(9)** for any portion of a suspension, revocation, or denial ~~((imposed))~~ already served under RCW 46.20.3101 arising out of the same incident.

**(ii)** If a person has already served a suspension, revocation, or denial under RCW 46.20.3101 for a period equal to or greater than the period imposed under this subsection (9), the department shall provide notice of full credit, shall provide for no further suspension or revocation under this subsection provided the person has completed the requirements under RCW 46.20.311 and paid the probationary license fee under RCW 46.20.355 by the date specified in the notice under RCW 46.20.245, and shall impose no additional reissue fees for this credit.

**(c)** Upon receipt of a notice from the court under RCW 36.28A.390 that a participant has been removed from a 24/7 sobriety program, the department must resume any suspension, revocation, or denial that had been terminated early under this subsection due to participation in the program, granting credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under RCW 46.20.3101 or this section arising out of the same incident.

**(d)** Upon its own motion or upon motion by a person, a court may find, on the record, that notice to the department under RCW 46.20.270 has been delayed for three years or more as a result of a clerical or court error. If so, the court may order that the person's license, permit, or nonresident privilege shall not be revoked, suspended, or denied for that offense. The court shall send notice of the finding and order to the department and to the person. Upon receipt of the notice from the court, the department shall not revoke, suspend, or deny the license, permit, or nonresident privilege of the person for that offense.

**(e)** For purposes of this subsection (9), the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

**(10) Probation of driving privilege.** After expiration of any period of suspension, revocation, or denial of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

**(11) Conditions of probation.** (a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes up to three hundred sixty-four days in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state

without a valid license to drive; (ii) not driving a motor vehicle within this state without proof of liability insurance or other financial responsibility for the future pursuant to RCW 46.30.020; (iii) not driving or being in physical control of a motor vehicle within this state while having an alcohol concentration of 0.08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher, within two hours after driving; (iv) not refusing to submit to a test of his or her breath or blood to determine alcohol or drug concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drug; and (v) not driving a motor vehicle in this state without a functioning ignition interlock device as required by the department under RCW 46.20.720. The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock device on the probationer's motor vehicle, ~~((alcohol or drug))~~ substance use disorder treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i), (ii), (iii), (iv), or (v) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

**(12) Waiver of electronic home monitoring.** A court may waive the electronic home monitoring requirements of this chapter when:

(a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system. However, if a court determines that an alcohol monitoring device utilizing wireless reporting technology is reasonably available, the court may require the person to obtain such a device during the period of required electronic home monitoring;

(b) The offender does not reside in the state of Washington; or

(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The alternative sentence

may include, but is not limited to, use of an ignition interlock device, the 24/7 sobriety program monitoring, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed three hundred sixty-four days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed three hundred sixty-four days.

**(13) Extraordinary medical placement.** An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.728(1)(c).

**(14) Definitions.** For purposes of this section and RCW 46.61.502 and 46.61.504:

(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.25.110 or an equivalent local ordinance;

(iv) A conviction for a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(v) A conviction for a violation of RCW 79A.60.040(1) or an equivalent local ordinance committed in a reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(vi) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed while under the influence of intoxicating liquor or any drug;

(vii) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed in a careless or reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 47.68.220 or an equivalent local ordinance while under the influence of intoxicating liquor or any drug;

(viii) A conviction for a violation of RCW 46.09.470(2) or an equivalent local ordinance;

(ix) A conviction for a violation of RCW 46.10.490(2) or an equivalent local ordinance;

(x) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.520 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(xi) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.522 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(xii) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xiii) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (x), (xi), or (xii) of this subsection if committed in this state;

(xiv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance;

(xv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xvi) A deferred prosecution granted in another state for a violation of driving or having physical control of a vehicle while under the influence of intoxicating liquor or any drug if the out-of-state deferred prosecution is equivalent to the deferred prosecution under chapter 10.05 RCW, including a requirement that the defendant participate in a chemical dependency treatment program; or

(xvii) A deferred sentence imposed in a prosecution for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent local ordinance, if the charge under which the deferred sentence was imposed was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or a violation of RCW 46.61.520 or 46.61.522;

If a deferred prosecution is revoked based on a subsequent conviction for an offense listed in this subsection (14)(a), the subsequent conviction shall not be treated as a prior offense of the revoked deferred prosecution for the purposes of sentencing;

(b) "Treatment" means substance use disorder treatment licensed or certified by the department of health;

(c) "Within seven years" means that the arrest for a prior offense occurred within seven years before or after the arrest for the current offense; and

(d) "Within ten years" means that the arrest for a prior offense occurred within ten years before or after the arrest for the current offense.

(15) All fines imposed by this section apply to adult offenders only.

**Sec. 20.** RCW 46.61.5056 and 2018 c 201 s 9010 are each amended to read as follows:

(1) A person subject to (~~alcohol~~) substance use disorder assessment and treatment under RCW 46.61.5055 shall be required by the court to complete a course in an alcohol and drug information school licensed or certified by the department of health or to complete more intensive treatment in a substance use disorder treatment program licensed or certified by the department of health, as determined by the court. The court shall notify the department of licensing whenever it orders a person to complete a course or treatment program under this section.

(2) A diagnostic evaluation and treatment recommendation shall be prepared under the direction of the court by a substance use disorder treatment program licensed or certified by the department of health or a qualified probation department approved by the department of social and health services. A copy of the report shall be forwarded to the court and the department of licensing. Based on the diagnostic evaluation, the court shall determine whether the person shall be required to complete a course in an alcohol and drug information school licensed or certified by the department of health or more intensive treatment in an approved substance use disorder treatment program licensed or certified by the department of health.

(3) Standards for approval for (~~alcohol~~) substance use disorder treatment programs shall be prescribed by the department of health. The department of health shall periodically review the costs of alcohol and drug information schools and treatment programs.

(4) Any agency that provides treatment ordered under RCW 46.61.5055, shall immediately report to the appropriate probation department where applicable, otherwise to the court, and to the department of licensing any noncompliance by a person with the conditions of his or her ordered treatment. The court shall notify the department of licensing and the department of health of any failure by an agency to so report noncompliance. Any agency with knowledge of noncompliance that fails to so report shall be fined two hundred fifty dollars by the department of health. Upon three such failures by an agency within one year, the department of health shall revoke the agency's license or certification under this section.

(5) The department of licensing and the department of health may adopt such rules as are necessary to carry out this section.

**Sec. 21.** RCW 46.61.524 and 2008 c 231 s 46 are each amended to read as follows:

As provided for under RCW 46.20.285, the department shall revoke the license, permit to drive, or a nonresident privilege of a person convicted of vehicular homicide under RCW 46.61.520 or vehicular assault under RCW 46.61.522. The department shall determine the eligibility of a person convicted of vehicular homicide under RCW 46.61.520(1)(a) or vehicular assault under RCW 46.61.522(1)(b) to receive a license based upon the report provided by the designated (~~alcoholism~~) substance use disorder treatment facility or probation department

designated pursuant to RCW 9.94A.703(4)(b), and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified.

**Sec. 18.** RCW 46.68.041 and 2004 c 95 s 15 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the department shall forward all funds accruing under the provisions of chapter 46.20 RCW together with a proper identifying, detailed report to the state treasurer who shall deposit such moneys to the credit of the highway safety fund.

(2) (~~Sixty-three~~) Fifty-six percent of each fee collected by the department under RCW 46.20.311 (1)(e)(ii), (2)(b)(ii), and (3)(b) shall be deposited in the impaired driving safety account.

**NEW SECTION. Sec. 19.** RCW 43.43.3951 (Ignition interlock devices—Limited exemption for companies not using devices employing fuel cell technology) and 2010 c 268 s 3 are each repealed.

**NEW SECTION. Sec. 20.** Sections 2, 3, 5 through 12, and 14 through 18 of this act take effect January 1, 2022."

On page 1, line 1 of the title, after "driving;" strike the remainder of the title and insert "amending RCW 9.94A.533, 9.94A.729, 10.21.055, 38.52.430, 46.20.245, 46.20.3101, 46.20.311, 46.20.385, 46.20.720, 46.20.740, 46.20.750, 46.55.113, 46.61.500, 46.61.5055, 46.61.5056, 46.61.524, and 46.68.041; reenacting and amending RCW 46.20.355; repealing RCW 43.43.3951; prescribing penalties; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to THIRD SUBSTITUTE HOUSE BILL NO. 1504 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Third Substitute House Bill No. 1504, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Third Substitute House Bill No. 1504, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers,

Chandler, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Chapman.

Excused: Representative Paul.

THIRD SUBSTITUTE HOUSE BILL NO. 1504, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### **MESSAGE FROM THE SENATE**

March 9, 2020

Madame Speaker:

The Senate insists on its position on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2421 and asks the House to concur.

20.0. and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2421 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Tarleton and Caldier spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2421, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2421, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman,

Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Walsh.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2421, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 7, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2645 with the following amendment:  
20.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.355.010 and 2017 3rd sp.s. c 36 s 12 are each amended to read as follows:

(1) ~~((Findings.))~~ The legislature finds that a convenient, safe, and environmentally sound system for the recycling of photovoltaic modules, minimization of hazardous waste, and recovery of commercially valuable materials must be established. The legislature further finds that the responsibility for this system must be shared among all stakeholders, with manufacturers financing the takeback and recycling system.

(2) ~~((Definitions. For purposes of this section the following definitions apply.))~~ The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Consumer electronic device" means any device containing an electronic circuit board that is intended for everyday use by individuals, such as a watch or calculator.

(b) "Department" means the department of ecology.

(c) "Distributor" means a person who markets and sells photovoltaic modules to retailers in Washington.

(d) "Installer" means a person who assembles, installs, and maintains photovoltaic module systems.

(e) "Manufacturer" means any person in business or no longer in business but having a successor in interest who, irrespective of the selling technique used, including by means of distance or remote sale:

(i) Manufactures or has manufactured a photovoltaic module under its own brand names for use or sale in or into this state;

(ii) Assembles or has assembled a photovoltaic module that uses parts manufactured by others for use or sale in or into this state under the assembler's brand names;

(iii) Resells or has resold in or into this state under its own brand names a photovoltaic module produced by other suppliers, including retail establishments that sell photovoltaic modules under their own brand names;

(iv) Manufactures or has manufactured a cobranded photovoltaic module product for use or sale in or into this state that carries the name of both the manufacturer and a retailer;

(v) Imports or has imported a photovoltaic module into the United States that is used or sold in or into this state. However, if the imported photovoltaic module is manufactured by any person with a presence in the United States meeting the criteria of manufacturer under ~~((a))~~ (e)(i) through ~~((d))~~ (vi) of this subsection, that person is the manufacturer;

(vi) Sells at retail a photovoltaic module acquired from an importer that is the manufacturer and elects to register as the manufacturer for those products; or

(vii) Elects to assume the responsibility and register in lieu of a manufacturer as defined under ~~((b))~~ (e)(i) through (vi) of this subsection.

~~((d))~~ (f) "Photovoltaic module" means the smallest nondivisible, environmentally protected assembly of photovoltaic cells or other photovoltaic collector technology and ancillary parts intended to generate electrical power under sunlight, except that "photovoltaic module" does not include a photovoltaic cell that is part of a consumer electronic device for which it provides electricity needed to make the consumer electronic device function. "Photovoltaic module" includes but is not limited to interconnections, terminals, and protective devices such as diodes that:

(i) Are installed on, connected to, or integral with buildings; ~~((e))~~

(ii) Are used as components of freestanding, off-grid, power generation systems, such as for powering water pumping stations, electric vehicle charging stations, fencing, street and signage lights, and other commercial or agricultural purposes; or

(iii) Are part of a system connected to the grid or utility service.

~~((e))~~ (g) "Predecessor" means an entity from which a manufacturer purchased a photovoltaic module brand, its warranty obligations, and its liabilities. "Predecessor" does not include entities from which a manufacturer purchased only manufacturing equipment.

(h) "Rare earth element" means lanthanum, cerium, praseodymium, neodymium, promethium, samarium, europium, gadolinium, terbium, dysprosium, holmium, erbium, thulium, ytterbium, lutetium, yttrium, or scandium.

~~((f))~~ (i) "Reuse" means any operation by which a photovoltaic module or a component of a photovoltaic module changes ownership and is used for the same purpose for which it was originally purchased.

~~((g))~~ (j) "Retailer" means a person who offers photovoltaic modules for retail sale in the state through any means including, but not limited to, remote offerings such as sales outlets, catalogs, or internet sales.

(k) "Stewardship plan" means the plan developed by a manufacturer or its designated stewardship organization for a self-directed stewardship program.

~~((h))~~ (l) "Stewardship program" means the activities conducted by a manufacturer or a stewardship organization to fulfill the requirements of this chapter and implement the activities described in its stewardship plan.

(3) ~~((Program guidance, review, and approval.))~~  
The department must develop guidance for a photovoltaic module stewardship and takeback program to guide manufacturers in preparing and implementing a self-directed program to ensure the convenient, safe, and environmentally sound takeback and recycling of photovoltaic modules and their components and materials. By January 1, 2018, the department must establish a process to develop guidance for photovoltaic module stewardship plans by working with manufacturers, stewardship organizations, and other stakeholders on the content, review, and approval of stewardship plans. The department's process must be fully implemented and stewardship plan guidance completed by July 1, 2019.

(4) ~~((Stewardship organization as agent of manufacturer.))~~ A stewardship organization may be designated to act as an agent on behalf of a manufacturer or manufacturers in operating and implementing the stewardship program required under this chapter. Any stewardship organization that has obtained such designation must provide to the department a list of the manufacturers and brand names that the stewardship organization represents within sixty days of its designation by a manufacturer as its agent, or within sixty days of removal of such designation.

(5) ~~((Stewardship plans.))~~ Each manufacturer must prepare and submit a stewardship plan to the department by the later of ~~((January 1, 2020))~~ July 1, 2022, or within thirty days of its first sale of a photovoltaic module in or into the state.

(a) A stewardship plan must, at a minimum:

(i) Describe how manufacturers will finance the takeback and recycling system, and include an adequate funding mechanism to finance the costs of collection, management, and recycling of photovoltaic modules and residuals sold in or into the state by the manufacturer with a mechanism that ensures that photovoltaic modules can be delivered to takeback locations without cost to the last owner or holder;

(ii) Accept all of their photovoltaic modules sold in or into the state after July 1, 2017;

(iii) Describe how the program will minimize the release of hazardous substances into the environment and maximize the recovery of other components, including rare earth elements and commercially valuable materials;

(iv) Provide for takeback of photovoltaic modules at locations that are within the region of the state in which ~~((the))~~ their photovoltaic modules were used and are as convenient as reasonably practicable, and if no such location within the region of the state exists, include an explanation for the lack of such location;

(v) Identify how relevant stakeholders, including consumers, installers, building demolition firms, and recycling and treatment facilities, will receive information required in order for them to properly dismantle, transport, and treat the end-of-life photovoltaic modules in a manner consistent with the objectives described in (a)(iii) of this subsection;

(vi) Establish performance goals, including a goal for the rate of combined reuse and recycling of collected photovoltaic modules as a percentage of the total weight of photovoltaic modules collected, which rate must be no less than eighty-five percent.

(b) A manufacturer must implement the stewardship plan.

(c) A manufacturer may periodically amend its stewardship plan. The department must approve the amendment if it meets the requirements for plan approval outlined in the department's guidance. When submitting proposed amendments, the manufacturer must include an explanation of why such amendments are necessary.

(6) ~~((Plan approval.))~~ The department must approve a stewardship plan if it determines the plan addresses each element outlined in the department's guidance.

(7) ~~((Annual report.))~~ (a) Beginning April 1, ~~((2022))~~ 2024, and by April 1st in each subsequent year, a manufacturer, or its designated stewardship organization, must provide to the department a report for the previous calendar year that documents implementation of the plan and assesses achievement of the performance goals established in subsection (5)(a)(vi) of this section.

(b) The report may include any recommendations to the department or the legislature on modifications to the program that would enhance the effectiveness of the program, including management of program costs and mitigation of environmental impacts of photovoltaic modules.

(c) The manufacturer or stewardship organization must post this report on a publicly accessible web site.

(8) ~~((Enforcement.))~~ Beginning ~~((January 1, 2021))~~ July 1, 2023, no manufacturer, distributor, retailer, or installer may sell or offer for sale a photovoltaic module in or into the state unless the manufacturer of the photovoltaic module has submitted to the department a stewardship plan and received plan approval.

(a) The department must send a written warning to a manufacturer that is not participating in a plan. The written

warning must inform the manufacturer that it must submit a plan or participate in a plan within thirty days of the notice. The department may assess a penalty of up to ten thousand dollars upon a manufacturer for each sale that occurs in or into the state of a photovoltaic module ((in or into the state that occurs)) for which a stewardship plan has not been submitted by the manufacturer and approved by the department after the initial written warning. A manufacturer may appeal a penalty issued under this section to the superior court of Thurston county within one hundred eighty days of receipt of the notice.

(b) The department must send a written warning to a distributor, retailer, or installer that sells or installs a photovoltaic module made by a manufacturer that is not participating in a plan. The written warning must inform the distributor, retailer, or installer that they may no longer sell or install a photovoltaic module if a stewardship plan for that brand has not been submitted by the manufacturer and approved by the department within thirty days of the notice.

(9) ~~((Fee.))~~ The department may collect a flat fee from participating manufacturers to recover costs associated with the plan guidance, review, and approval process described in subsection (3) of this section. Other administrative costs incurred by the department for program implementation activities, including stewardship plan review and approval, enforcement, and any rule making, may be recovered by charging every manufacturer an annual fee calculated by dividing department administrative costs by the manufacturer's pro rata share of the Washington state photovoltaic module sales in the most recent preceding calendar year, based on best available information. The sole purpose of assessing the fees authorized in this subsection is to predictably and adequately fund the department's costs of administering the photovoltaic module recycling program.

(10) ~~((Account.))~~ The photovoltaic module recycling account is created in the custody of the state treasurer. All fees collected from manufacturers under this chapter must be deposited in the account. Expenditures from the account may be used only for administering this chapter. Only the director of the department 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. Funds in the account may not be diverted for any purpose or activity other than those specified in this section.

(11) ~~((Rule-making.))~~ The department may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

(12) ~~((National program.))~~ In lieu of preparing a stewardship plan and as provided by subsection (5) of this section, a manufacturer may participate in a national program for the convenient, safe, and environmentally sound takeback and recycling of photovoltaic modules and their components and materials, if substantially equivalent to the intent of the state program. The department may determine substantial equivalence if it determines that the national program adequately addresses and fulfills each of the elements of a stewardship plan outlined in subsection (5)(a) of this section and includes an enforcement mechanism

reasonably calculated to ensure a manufacturer's compliance with the national program. Upon issuing a determination of substantial equivalence, the department must notify affected stakeholders including the manufacturer. If the national program is discontinued or the department determines the national program is no longer substantially equivalent to the state program in Washington, the department must notify the manufacturer and the manufacturer must provide a stewardship plan as described in subsection (5)(a) of this section to the department for approval within thirty days of notification.

NEW SECTION. Sec. 2. (1) Subject to the availability of amounts appropriated for this specific purpose, the Washington State University extension energy program must convene a photovoltaic module recovery, reuse, and recycling work group to review and provide recommendations on potential methodologies for the management of end-of-life photovoltaic modules, including modules from utility scale solar projects.

(2) The membership of the work group convened under this section must include, but is not limited to, members representing:

(a) A manufacturer of photovoltaic modules located in the state;

(b) A manufacturer of photovoltaic modules located outside the state;

(c) A national solar industry group;

(d) Solar installers in the state;

(e) A utility scale solar project;

(f) A nonprofit environmental organization with expertise in waste minimization;

(g) A city solid waste program;

(h) A county solid waste program;

(i) An organization with expertise in photovoltaic module recycling;

(j) A community-based environmental justice group; and

(k) The department of ecology.

(3) Participation in the work group convened under this section is strictly voluntary and without compensation or reimbursement.

(4) The Washington State University extension energy program must submit its findings and recommendations in a final report to the legislature and the governor, consistent with RCW 43.01.036, by December 1, 2021.

(5) This section expires January 31, 2022."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 70.355.010; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2645 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representatives Smith, Shewmake and DeBolt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2645, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2645, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives McCaslin, Shea and Sutherland.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2645, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

March 6, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2669 with the following amendment:

2.0.

Strike everything after the enacting clause and insert the following:

"Sec. 3. RCW 46.17.220 and 2019 c 384 s 2 and 2019 c 177 s 2 are each reenacted and amended to read as follows:

In addition to all fees and taxes required to be paid upon application for a vehicle registration in chapter 46.16A RCW, the holder of a special license plate shall pay the appropriate special license plate fee as listed in this section.

PLATE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
(1) 4-H	\$ 40.00	\$ 30.00	RCW 46.68.420
(2) Amateur radio license	\$ 5.00	N/A	RCW 46.68.070
(3) Armed forces	\$ 40.00	\$ 30.00	RCW 46.68.425
(4) Breast cancer awareness	\$ 40.00	\$ 30.00	RCW 46.68.425
(5) Collector vehicle	\$ 35.00	N/A	RCW 46.68.030
(6) Collegiate	\$ 40.00	\$ 30.00	RCW 46.68.430
(7) Endangered wildlife	\$ 40.00	\$ 30.00	RCW 46.68.425
(8) Fred Hutch	\$ 40.00	\$ 30.00	RCW 46.68.420
(9) Gonzaga University alumni association	\$ 40.00	\$ 30.00	RCW 46.68.420
(10) Helping kids speak	\$ 40.00	\$ 30.00	RCW 46.68.420
(11) Horseless carriage	\$ 35.00	N/A	RCW 46.68.030
(12) Keep kids safe	\$ 45.00	\$ 30.00	RCW 46.68.425
(13) Law enforcement memorial	\$ 40.00	\$ 30.00	RCW 46.68.420
(14) Military affiliate system	\$ 5.00	N/A	RCW 46.68.070
(15) Music matters	\$ 40.00	\$ 30.00	RCW 46.68.420
(16) Professional firefighters and paramedics	\$ 40.00	\$ 30.00	RCW 46.68.420
(17) Purple Heart	\$ 40.00	\$ 30.00	RCW 46.68.425
(18) Ride share	\$ 25.00	N/A	RCW 46.68.030
(19) San Juan Islands	\$ 40.00	\$ 30.00	RCW 46.68.420

(20)	Seattle	\$ 40.00	\$ 30.00	RCW 46.68.420
	Mariners			
(21)	Seattle NHL hockey	\$ 40.00	\$ 30.00	RCW 46.68.420
(22)	Seattle	\$ 40.00	\$ 30.00	RCW 46.68.420
	Seahawks			
<del>((22))</del>	(23) Seattle	\$ 40.00	\$ 30.00	RCW 46.68.420
	Sounders FC			
<del>((23))</del>	(24) Seattle	\$ 40.00	\$ 30.00	RCW 46.68.420
	Storm			
<del>((24))</del>	(25) Seattle	\$ 40.00	\$ 30.00	RCW 46.68.420
	University			
<del>((25))</del>	(26) Share	\$ 40.00	\$ 30.00	RCW 46.68.420
	the road			
<del>((26))</del>	(27) Ski & ride	\$ 40.00	\$ 30.00	RCW 46.68.420
	Washington			
<del>((27))</del>	(28) Square	\$ 40.00	N/A	RCW 46.68.070
	dancer			
<del>((28))</del>	(29) State	\$ 40.00	\$ 30.00	RCW 46.68.420
	flower			
<del>((29))</del>	(30)	\$ 40.00	\$ 30.00	RCW 46.68.420
	Volunteer firefighters			
<del>((30))</del>	(31)	\$ 40.00	\$ 30.00	RCW 46.68.420
	Washington farmers and ranchers			
<del>((31))</del>	(32)	\$ 40.00	\$ 30.00	RCW 46.68.420
	Washington lighthouses			
<del>((32))</del>	(33)	\$ 40.00	\$ 30.00	RCW 46.68.420
	Washington state aviation			
<del>((33))</del>	(34)	\$ 40.00	\$ 30.00	RCW 46.68.425
	Washington state parks			
<del>((34))</del>	(35)	\$ 40.00	\$ 30.00	RCW 46.68.420
	Washington state wrestling			
<del>((35))</del>	(36)	\$ 40.00	\$ 30.00	RCW 46.68.420
	Washington tennis			
<del>((36))</del>	(37)	\$ 40.00	\$ 30.00	RCW 46.68.425
	Washington's fish collection			

<del>((37))</del>	(38)	\$ 40.00	\$ 30.00	RCW 46.68.420	
	Washington's national parks				
<del>((38))</del>	(39)	\$ 40.00	\$ 30.00	RCW 46.68.425	
	Washington's wildlife collection				
<del>((39))</del>	(40)	We	\$ 40.00	\$ 30.00	RCW 46.68.420
	love our pets				
<del>((40))</del>	(41)	Wild	\$ 40.00	\$ 30.00	RCW 46.68.425
	on Washington				

**Sec. 4.** RCW 46.18.200 and 2019 c 384 s 1 and 2019 c 177 s 1 are each reenacted and amended to read as follows:

(1) Special license plate series reviewed and approved by the department:

(a) May be issued in lieu of standard issue or personalized license plates for vehicles required to display one and two license plates unless otherwise specified;

(b) Must be issued under terms and conditions established by the department;

(c) Must not be issued for vehicles registered under chapter 46.87 RCW; and

(d) Must display a symbol or artwork approved by the department.

(2) The department approves and shall issue the following special license plates, subject to subsection (5) of this section:

LICENSE PLATE	DESCRIPTION, SYMBOL, OR ARTWORK
4-H	Displays the "4-H" logo.
Armed forces collection	Recognizes the contribution of veterans, active duty military personnel, reservists, and members of the national guard, and includes six separate designs, each containing a symbol representing a different branch of the armed forces to include army, navy, air force, marine corps, coast guard, and national guard.
Breast cancer awareness	Displays a pink ribbon symbolizing breast cancer awareness.
Endangered wildlife	Displays a symbol or artwork symbolizing

	endangered wildlife in Washington state.	Ski & ride Washington	Recognizes the Washington snowsports industry.
Fred Hutch	Displays the Fred Hutch logo.	State flower	Recognizes the Washington state flower.
Gonzaga University alumni association	Recognizes the Gonzaga University alumni association.	Volunteer firefighters	Recognizes volunteer firefighters.
Helping kids speak	Recognizes an organization that supports programs that provide no-cost speech pathology programs to children.	Washington farmers and ranchers	Recognizes farmers and ranchers in Washington state.
Keep kids safe	Recognizes efforts to prevent child abuse and neglect.	Washington lighthouses	Recognizes an organization that supports selected Washington state lighthouses and provides environmental education programs.
Law enforcement memorial	Honors law enforcement officers in Washington killed in the line of duty.	Washington state aviation	Displays a Stearman biplane in the foreground with an image of Mount Rainier in the background.
Music matters	Displays the "Music Matters" logo.	Washington state parks	Recognizes Washington state parks as premier destinations of uncommon quality that preserve significant natural, cultural, historical, and recreational resources.
Professional firefighters and paramedics	Recognizes professional firefighters and paramedics who are members of the Washington state council of firefighters.	Washington state wrestling	Promotes and supports college wrestling in the state of Washington.
San Juan Islands	Displays a symbol or artwork recognizing the San Juan Islands.	Washington tennis	Builds awareness and year-round opportunities for tennis in Washington state. Displays a symbol or artwork recognizing tennis in Washington state.
Seattle Mariners	Displays the "Seattle Mariners" logo.	Washington's fish collection	Recognizes Washington's fish.
<u>Seattle NHL hockey</u>	<u>Displays the logo of the Seattle NHL hockey team.</u>	Washington's national park fund	Builds awareness of Washington's national parks and supports priority park programs and projects in Washington's national parks, such as enhancing visitor experience, promoting volunteerism, engaging communities, and providing educational opportunities related to Washington's national parks.
Seattle Seahawks	Displays the "Seattle Seahawks" logo.		
Seattle Sounders FC	Displays the "Seattle Sounders FC" logo.		
Seattle Storm	Displays the "Seattle Storm" logo.		
Seattle University	Recognizes Seattle University.		
Share the road	Recognizes an organization that promotes bicycle safety and awareness education.		

Washington's wildlife Recognizes Washington's collection wildlife.  
 We love our pets Recognizes an organization that assists local member agencies of the federation of animal welfare and control agencies to promote and perform spay/neuter surgery on Washington state pets to reduce pet overpopulation.  
 Wild on Washington Symbolizes wildlife viewing in Washington state.

for the cost of implementing the special license plate. Upon determination by the department that the state has been reimbursed, the state treasurer shall credit the remaining special license plate fee amounts for each special license plate to the following appropriate account as created in this section in the custody of the state treasurer:

ACCOUNT	CONDITIONS FOR USE OF FUNDS
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4-H programs	Support Washington 4-H programs
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Fred Hutch	Support cancer research at the Fred Hutchinson cancer research center
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Gonzaga University alumni association	Scholarship funds to needy and qualified students attending or planning to attend Gonzaga University
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Helping kids speak	Provide free diagnostic and therapeutic services to families of children who suffer from a delay in language or speech development
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Law enforcement memorial	Provide support and assistance to survivors and families of law enforcement officers in Washington killed in the line of duty and to organize, finance, fund, construct, utilize, and maintain a memorial on the state capitol grounds to honor those fallen officers
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Lighthouse environmental programs	Support selected Washington state lighthouses that are accessible to the public and staffed by volunteers; provide environmental education programs; provide grants for other Washington lighthouses to assist in funding infrastructure preservation and restoration; encourage and support interpretive programs by lighthouse docents
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Music matters awareness	Promote music education in schools throughout Washington
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(3) Applicants for initial and renewal professional firefighters and paramedics special license plates must show proof of eligibility by providing a certificate of current membership from the Washington state council of firefighters.

(4) Applicants for initial volunteer firefighters special license plates must (a) have been a volunteer firefighter for at least ten years or be a volunteer firefighter for one or more years and (b) have documentation of service from the district of the appropriate fire service. If the volunteer firefighter leaves firefighting service before ten years of service have been completed, the volunteer firefighter shall surrender the license plates to the department on the registration renewal date. If the volunteer firefighter stays in service for at least ten years and then leaves, the license plate may be retained by the former volunteer firefighter and as long as the license plate is retained for use the person will continue to pay the future registration renewals. A qualifying volunteer firefighter may have no more than one set of license plates per vehicle, and a maximum of two sets per applicant, for their personal vehicles. If the volunteer firefighter is convicted of a violation of RCW 46.61.502 or a felony, the license plates must be surrendered upon conviction.

(5) The department shall not issue the Seattle NHL hockey special license plate until the department receives signature sheets satisfying the requirements identified in RCW 46.18.110(2)(f).

**Sec. 5.** RCW 46.68.420 and 2019 c 384 s 3 and 2019 c 177 s 3 are each reenacted and amended to read as follows:

(1) The department shall:

(a) Collect special license plate fees established under RCW 46.17.220;

(b) Deduct an amount not to exceed twelve dollars for initial issue and two dollars for renewal issue for administration and collection expenses incurred by it; and

(c) Remit the remaining proceeds to the custody of the state treasurer with a proper identifying detailed report.

(2) The state treasurer shall credit the proceeds to the motor vehicle ((~~account~~ ~~H:\DATA\2020 JOURNAL\Journal2020\LegDay058\fund.doc~~) fund) until the department determines that the state has been reimbursed

San Juan Islands programs	Provide funds to the Madrona institute	encourage secondary students who have economic needs to stay in school, return to school, or get involved within their learning community; and (b) twenty-five percent to the office of the lieutenant governor solely to administer the Washington world fellows program, including the provision of fellowships
Seattle Mariners	Provide funds to the sports mentoring program and to support the Washington world fellows program in the following manner: (a) Seventy-five percent to the office of the lieutenant governor solely to administer the sports mentoring program established under RCW 43.15.100, to encourage youth who have economic needs or face adversities to experience spectator sports or get involved in youth sports, and (b) up to twenty-five percent to the office of the lieutenant governor solely to administer the Washington world fellows program, an equity focused program	Provide funds to Washington state mentors and the association of Washington generals created in RCW 43.15.030 in the following manner: (a) Seventy percent and the remaining proceeds, if any, to Washington state mentors, to increase the number of mentors in the state by offering mentoring grants throughout Washington state that foster positive youth development and academic success, with up to twenty percent of these proceeds authorized for program administration costs; and (b) up to thirty percent, not to exceed forty-thousand dollars annually as adjusted for inflation by the office of financial management, to the association of Washington generals, to develop Washington state educational, veterans, international relations, and civics projects and to recognize the outstanding public service of individuals or groups in the state of Washington
<u>Seattle NHL hockey</u>	<u>Provide funds to the NHL Seattle foundation and to support the boundless Washington program in the following manner: (a) Fifty percent to the NHL Seattle foundation, or its successor organization, to help marginalized youth succeed in life through increased access to sports and other opportunities; (b) twenty-five percent to the office of the lieutenant governor solely to administer the boundless Washington program to facilitate opportunities for young people with physical and sensory disabilities to enjoy and experience the outdoors; and (c) twenty-five percent to the NHL Seattle foundation, or its successor organization, for providing financial support to allow youth to participate in hockey</u>	Provide funds to the Washington state legislative youth advisory council and the association of Washington generals created in RCW 43.15.030 in the following manner: Twenty-five thousand dollars per year of the net proceeds to the legislative youth advisory council, or
Seattle Seahawks	Provide funds to InvestED and to support the Washington world fellows program in the following manner: (a) Seventy-five percent, to InvestED, to	
		Seattle Sounders FC
		Seattle Storm

	its successor organization; and the remaining net proceeds on an annual basis, to the association of Washington generals for the purpose of providing grants to support and enhance athletic, recreational, and other opportunities for women and girls, and especially those with disabilities	Washington state council of firefighters benevolent fund	Receive and disseminate funds for charitable purposes on behalf of members of the Washington state council of firefighters, their families, and others deemed in need
Seattle University	Fund scholarships for students attending or planning to attend Seattle University	Washington state wrestling	Provide funds to the Washington state wrestling foundation to fund new and existing college wrestling programs
Share the road	Promote bicycle safety and awareness education in communities throughout Washington	Washington tennis	Provide funds to cities to assist in the construction and maintenance of a public tennis facility with at least four indoor tennis courts. A city is eligible for construction funds if the city does not already have a public or private facility with at least four indoor tennis courts. Funds for construction must first be made available to the most populous eligible city, according to the most recent census, for a time period not to exceed five years after January 1, 2017. After the five-year time period, the funds for construction must be made available to the next most populous eligible city. Funds for the maintenance of a public tennis facility with at least four indoor tennis courts must first be made available to the first eligible city that utilizes funds for construction provided by chapter 16, Laws of 2016
Ski & ride Washington	Promote winter snowsports, such as skiing and snowboarding, and related programs, such as ski and ride safety programs, underprivileged youth ski and ride programs, and active, healthy lifestyle programs		
State flower	Support Meerkerk Rhododendron Gardens and provide for grants to other qualified nonprofit organizations' efforts to preserve rhododendrons		
Volunteer firefighters	Receive and disseminate funds for purposes on behalf of volunteer firefighters, their families, and others deemed in need		
Washington farmers and ranchers	Provide funds to the Washington FFA Foundation for educational programs in Washington state	Washington's national park fund	Build awareness of Washington's national parks and support priority park programs and projects in Washington's national parks, such as enhancing visitor experience, promoting volunteerism, engaging communities, and providing educational opportunities related to Washington's national parks
Washington state aviation	Provide funds to the department of transportation to support infrastructure improvements at public use airports in Washington state		

We love our pets

Support and enable the Washington federation of animal welfare and control agencies to promote and perform spay/neuter surgery of Washington state pets in order to reduce pet population

(3) Except as otherwise provided in this section, only the director or the director's designee may authorize expenditures from the accounts described in subsection (2) of this section. The accounts are subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(4) Except as otherwise provided in this section, funds in the special license plate accounts described in subsection (2) of this section must be disbursed subject to the conditions described in subsection (2) of this section and under contract between the department and qualified nonprofit organizations that provide the services described in subsection (2) of this section.

(5) Funds from the Seattle Seahawks account may be provided to the lieutenant governor solely for the purpose of administering the Washington world fellows program. Of the amounts received by the lieutenant governor's office under this subsection, at least ninety percent must be provided as fellowships under the program.

(6) Beginning January 1, 2019, funds from the Seattle Mariners account may be provided to the office of lieutenant governor solely for the purpose of administering the sports mentoring program. Of the amounts received by the office of lieutenant governor, at least ninety percent must be applied towards services directly provided to youth participants.

(7) For the purposes of this section, a "qualified nonprofit organization" means a not-for-profit corporation operating in Washington that has received a determination of tax exempt status under 26 U.S.C. Sec. 501(c)(3). The qualified nonprofit organization must meet all the requirements under RCW 46.18.100(1).

**NEW SECTION. Sec. 6.** A new section is added to chapter 46.04 RCW to read as follows:

"Seattle NHL hockey special license plates" means special license plates issued under RCW 46.18.200 that display the logo of the national hockey league team based in Seattle.

**NEW SECTION. Sec. 7.** This act takes effect October 1, 2020."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "certain sports-related special license plates; reenacting and amending RCW 46.17.220, 46.18.200, and 46.68.420; adding a new section to chapter 46.04 RCW; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

## SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2669 and advanced the bill as amended by the Senate to final passage.

## FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2669, as amended by the Senate.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2669, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Schmick, Sells, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Leavitt, Rude and Senn.

Excused: Representative Paul.

HOUSE BILL NO. 2669, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

## MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2676 with the following amendment:

7.0.

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 8.** A new section is added to chapter 46.30 RCW to read as follows:

(1) No entity may test an autonomous motor vehicle on any public roadway under the department's autonomous vehicle self-certification testing pilot program unless:

(a) The entity holds an umbrella liability insurance policy that covers the entity in an amount not less than five million dollars per occurrence for damages by reason of bodily injury or death or property damage, caused by the operation of an autonomous motor vehicle for which information is provided under the autonomous vehicle self-certification testing pilot program; and

(b) The entity maintains proof of this policy with the department in a form and manner specified by the department.

(2) Requirements related to proof of motor vehicle insurance under RCW 46.30.020 and penalties for providing false evidence of motor vehicle insurance under RCW 46.30.040 are applicable to this section.

**NEW SECTION. Sec. 9.** (1) In order to test an autonomous motor vehicle on any public roadway under the department's autonomous vehicle self-certification testing pilot program, the following information must be provided by the self-certifying entity testing the autonomous motor vehicle:

(a) Contact information specified by the department;

(b) Local jurisdictions where testing is planned;

(c) The vehicle identification numbers of the autonomous vehicles being tested, provided that one is required by state or federal law; and

(d) Proof of an insurance policy that meets the requirements of section 1 of this act.

(2) Any autonomous motor vehicle to which subsection (1) of this section is applicable and that does not have a vehicle identification number and is not otherwise required under state or federal law to have a vehicle identification number assigned to it must be assigned a unique identification number that is provided to the department and that is displayed in the vehicle in a manner similar to the display of vehicle identification numbers in motor vehicles.

(3)(a) The self-certifying entity testing the autonomous motor vehicle on any public roadway must notify the department of:

(i) Any collisions that are required to be reported to law enforcement under RCW 46.52.030, involving an autonomous motor vehicle during testing on any public roadway; and

(ii) Any moving violations, as defined in administrative rule as authorized under RCW 46.20.2891, for which a citation or infraction was issued, involving an autonomous motor vehicle during testing on any public roadway.

(b) By February 1st of each year, the self-certifying entity must submit a report to the department covering reportable events from the prior calendar year.

(c) The self-certifying entity shall provide the information required by the department under (a) of this subsection. The information provided must include whether the autonomous driving system was operating the vehicle at

the time of or immediately prior to the collision or moving violation, and in the case of a collision, details regarding the collision, including any loss of life, injury, or property damage that resulted from the collision.

(d) The provisions of this section are supplemental to all other rights and duties under law applicable in the event of a motor vehicle collision.

(4) The self-certifying entity testing the autonomous motor vehicle on public roadways under the department's autonomous vehicle self-certification testing pilot program must provide written notice in advance of testing to local and state law enforcement agencies with jurisdiction over any of the public roadways on which testing will occur that includes the expected period of time during which testing will occur in the applicable jurisdictions, including city police departments within city limits where testing will occur, county sheriff departments outside of city limits in counties where testing will occur, and the Washington state patrol when testing will occur on limited access highways, as defined in RCW 47.52.010. However, for testing primarily on limited access highways that travels through multiple local jurisdictions, which may include the limited incidental use of other roadways, the self-certifying entity must only provide written notice as specified in this subsection to the Washington state patrol. Written notice provided under this subsection must: (a) Be provided not less than fourteen and not more than sixty days in advance of testing; (b) include contact information where the law enforcement agency can communicate with the self-certifying entity testing the autonomous vehicle regarding the testing planned in that jurisdiction; and (c) provide the physical description of the motor vehicle or vehicles being tested, including make, model, color, and license plate number.

(5) The department may adopt a fee to be charged by the department for self-certification in an amount sufficient to offset administration by the department of the self-certification testing pilot program.

(6) The department shall provide public access to the information self-certifying entities provide to it, and shall provide an annual report to the house and senate transportation committees of the legislature summarizing the information reported by self-certifying entities under this section.

(7) An autonomous motor vehicle may not be operated on any public roadway for the purposes of testing in Washington state until the department is provided with the information required under subsection (1) of this section.

**NEW SECTION. Sec. 10.** Section 2 of this act constitutes a new chapter in Title 46 RCW.

**NEW SECTION. Sec. 11.** Section 2 of this act takes effect October 1, 2021."

On page 1, line 2 of the title, after "vehicles;" strike the remainder of the title and insert "adding a new section to chapter 46.30 RCW; adding a new chapter to Title 46 RCW; and providing an effective date."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2676 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2676, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2676, 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 Appleton, Barkis, Bergquist, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, DeBolt, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Blake, Corry, Dent, Hoff, Jenkin, Klippert, Kraft, McCaslin, Mosbrucker, Shea, Smith, Sutherland and Walsh.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2676, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

March 6, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2728 with the following amendment:

11.0.

Strike everything after the enacting clause and insert the following:

"Sec. 12. RCW 71.24.061 and 2019 c 325 s 1009 are each amended to read as follows:

(1) The authority shall provide flexibility to encourage licensed or certified community behavioral health agencies to subcontract with an adequate, culturally competent, and qualified children's mental health provider network.

(2) To the extent that funds are specifically appropriated for this purpose or that nonstate funds are available, a children's mental health evidence-based practice institute shall be established at the University of Washington (~~division of public behavioral health and justice policy~~) department of psychiatry and behavioral sciences. The institute shall closely collaborate with entities currently engaged in evaluating and promoting the use of evidence-based, research-based, promising, or consensus-based practices in children's mental health treatment, including but not limited to the University of Washington department of psychiatry and behavioral sciences, Seattle children's hospital, the University of Washington school of nursing, the University of Washington school of social work, and the Washington state institute for public policy. To ensure that funds appropriated are used to the greatest extent possible for their intended purpose, the University of Washington's indirect costs of administration shall not exceed ten percent of appropriated funding. The institute shall:

(a) Improve the implementation of evidence-based and research-based practices by providing sustained and effective training and consultation to licensed children's mental health providers and child-serving agencies who are implementing evidence-based or researched-based practices for treatment of children's emotional or behavioral disorders, or who are interested in adapting these practices to better serve ethnically or culturally diverse children. Efforts under this subsection should include a focus on appropriate oversight of implementation of evidence-based practices to ensure fidelity to these practices and thereby achieve positive outcomes;

(b) Continue the successful implementation of the "partnerships for success" model by consulting with communities so they may select, implement, and continually evaluate the success of evidence-based practices that are relevant to the needs of children, youth, and families in their community;

(c) Partner with youth, family members, family advocacy, and culturally competent provider organizations to develop a series of information sessions, literature, and online resources for families to become informed and engaged in evidence-based and research-based practices;

(d) Participate in the identification of outcome-based performance measures under RCW 71.36.025(2) and partner in a statewide effort to implement statewide outcomes monitoring and quality improvement processes; and

(e) Serve as a statewide resource to the authority and other entities on child and adolescent evidence-based, research-based, promising, or consensus-based practices for children's mental health treatment, maintaining a working knowledge through ongoing review of academic and professional literature, and knowledge of other evidence-based practice implementation efforts in Washington and other states.

(3)(a) To the extent that funds are specifically appropriated for this purpose, the authority in collaboration with the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital shall:

(i) Implement a ~~((program))~~ partnership access line to support primary care providers in the assessment and provision of appropriate diagnosis and treatment of children with mental and behavioral health disorders and track outcomes of this program;

(ii) Beginning January 1, 2019, implement a two-year pilot program ~~((called the partnership access line for moms and kids))~~ to:

(A) ~~((Support))~~ Create the partnership access line for moms to support obstetricians, pediatricians, primary care providers, mental health professionals, and other health care professionals providing care to pregnant women and new mothers through same-day telephone consultations in the assessment and provision of appropriate diagnosis and treatment of depression in pregnant women and new mothers; and

(B) ~~((Facilitate))~~ Create the partnership access line for kids referral and assistance service to facilitate referrals to children's mental health services and other resources for parents and guardians with concerns related to the mental health of the parent or guardian's child. Facilitation activities include assessing the level of services needed by the child; within seven days of receiving a call from a parent or guardian, identifying mental health professionals who are in-network with the child's health care coverage who are accepting new patients and taking appointments; coordinating contact between the parent or guardian and the mental health professional; and providing postreferral reviews to determine if the child has outstanding needs. In conducting its referral activities, the program shall collaborate with existing databases and resources to identify in-network mental health professionals.

(b) The program activities described in (a)(i) and (a)(ii)(A) of this subsection shall be designed to promote more accurate diagnoses and treatment through timely case consultation between primary care providers and child psychiatric specialists, and focused educational learning collaboratives with primary care providers.

(4) The authority, in collaboration with the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital, shall report on the following:

(a) The number of individuals who have accessed the resources described in subsection (3) of this section;

(b) The number of providers, by type, who have accessed the resources described in subsection (3) of this section;

(c) Demographic information, as available, for the individuals described in (a) of this subsection. Demographic information may not include any personally identifiable information and must be limited to the individual's age, gender, and city and county of residence;

(d) A description of resources provided;

(e) Average time frames from receipt of call to referral for services or resources provided; and

(f) Systemic barriers to services, as determined and defined by the health care authority, the University of Washington department of psychiatry and behavioral sciences, and Seattle children's hospital.

(5) Beginning December 30, 2019, and annually thereafter, the authority must submit, in compliance with RCW 43.01.036, a report to the governor and appropriate committees of the legislature with findings and recommendations for improving services and service delivery from subsection (4) of this section.

(6) The authority shall enforce requirements in managed care contracts to ensure care coordination and network adequacy issues are addressed in order to remove barriers to access to mental health services identified in the report described in subsection (4) of this section.

(7) Subsections (4) through (6) of this section expire January 1, 2021.

NEW SECTION. Sec. 13. A new section is added to chapter 71.24 RCW to read as follows:

(1) To the extent that funds are specifically appropriated for this purpose or nonstate funds are available, the authority in collaboration with the University of Washington department of psychiatry and behavioral sciences shall implement a psychiatric consultation call center to provide emergency department providers, primary care providers, and county and municipal correctional facility providers with on-demand access to psychiatric and substance use disorder clinical consultation for adult patients.

(2) When clinically appropriate and technically feasible, the clinical consultation may occur via telemedicine.

(3) Beginning in fiscal year 2021, to the extent that adequate funds are appropriated, the service shall be available seven days a week, twenty-four hours a day.

NEW SECTION. Sec. 14. A new section is added to chapter 71.24 RCW to read as follows:

(1) The University of Washington department of psychiatry and behavioral health sciences shall collect the following information for the partnership access line described in RCW 71.24.061(3)(a)(i), partnership access line for moms described in RCW 71.24.061(3)(a)(ii)(A), and the psychiatric consultation line described in section 2 of this act, in coordination with any hospital that it collaborates with to administer the programs:

(a) The number of individuals served;

(b) Demographic information regarding the individuals served, as available, including the individual's age, gender, and city and county of residence. Demographic information may not include any personally identifiable information;

(c) Demographic information regarding the providers placing the calls, including type of practice, and city and county of practice;

(d) Insurance information, including health plan and carrier, as available;

(e) A description of the resources provided; and

(f) Provider satisfaction.

(2) The University of Washington department of psychiatry and behavioral health sciences shall collect the following information for the program called the partnership access line for kids referral and assistance service described in RCW 71.24.061(3)(a)(ii)(B), in coordination with any hospital that it collaborates with to administer the program:

(a) The number of individuals served;

(b) Demographic information regarding the individuals served, as available, including the individual's age, gender, and city and county of residence. Demographic information may not include any personally identifiable information;

(c) Demographic information regarding the parents or guardians placing the calls, including family location;

(d) Insurance information, including health plan and carrier, as available;

(e) A description of the resources provided;

(f) Average time frames from receipt of the call to referral for services or resources provided;

(g) The most frequently requested issues that parents and guardians are asking for assistance with;

(h) The most frequently requested issues that families are asking for referral assistance with;

(i) The number of individuals that receive an appointment based on referral assistance; and

(j) Parent or guardian satisfaction.

**NEW SECTION. Sec. 15.** A new section is added to chapter 71.24 RCW to read as follows:

(1) Beginning July 1, 2021, the partnership access lines described in RCW 71.24.061(3)(a), and the psychiatric consultation line described in section 2 of this act, shall be funded as follows:

(a) The authority, in consultation with the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital shall determine the annual costs of operating each program, as well as the authority's costs for administering the programs.

(b) For each program, the authority shall calculate the proportion of clients that are covered by programs administered pursuant to chapter 74.09 RCW. The state must cover the cost for programs administered pursuant to chapter 74.09 RCW through state and federal funds, as appropriated.

(c)(i) The authority shall collect a proportional share of program costs from each of the following entities that are

not for covered lives under contract with the authority as medicaid managed care organizations:

(A) Health carriers, as defined in RCW 48.43.005;

(B) Self-funded multiple employer welfare arrangements, as defined in RCW 48.125.010;

(C) Employers or other entities that provide health care in this state, including self-funding entities or employee welfare benefit plans.

(ii) For entities listed in (c)(i) of this subsection, a proportional share of the entity's annual program costs for each program must be calculated by determining the annual cost of operating the program not covered under (b) of this subsection and multiplying it by a fraction that in which the numerator is the entity's total number of resident insured persons among the population served by the program and the denominator is the total number of residents in the state who are served by the program and not covered by programs administered pursuant to chapter 74.09 RCW. The total number of resident insured persons among the population served by the program shall be determined according to the covered lives per calendar year determined by covered person months.

(iii) The entities listed in (c)(i) of this subsection shall provide information needed to calculate the proportional share of program costs under this section to the authority.

(d) The authority's administrative costs for these programs may not be included in the assessments.

(2) The authority may contract with a third-party administrator to calculate and administer the assessments of the entities identified in subsection (1)(c)(i) of this section.

(3) The authority shall develop separate performance measures for the partnership access lines described in RCW 71.24.061(3)(a), and the psychiatric consultation line described in section 2 of this act.

(4) The University of Washington department of psychiatry and behavioral sciences, in coordination with any hospital that it collaborates with to administer the programs, shall provide quarterly reports to the authority on the demographic data collected by each program, as described in section 3 (1) and (2) of this act, any performance measures specified by the authority, and systemic barriers to services, as determined and defined by the authority, the University of Washington, and Seattle children's hospital.

**NEW SECTION. Sec. 16.** A new section is added to chapter 71.24 RCW to read as follows:

Using data from the reports required in RCW 71.24.061(5), the legislature shall decide whether to make the partnership access line for moms and the partnership access line for kids referral and assistance programs, as described in RCW 71.24.061(3)(a)(ii), permanent programs. If the legislature decides to make the programs permanent, the programs shall be funded in the same manner as in section 2 of this act beginning July 1, 2021.

**NEW SECTION. Sec. 17.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The joint legislative audit and review committee shall conduct a review, in consultation with the authority, the University of Washington department of psychiatry and behavioral science and Seattle children's hospital, of the programs as described in RCW 71.24.061(3)(a) and section 2 of this act, covering the period from January 1, 2019, through December 30, 2021. The review shall evaluate the programs' success at addressing patients' issues related to access to mental health and substance use disorder services.

(2) The joint legislative audit and review committee shall submit the review, including its findings and recommendations, to the legislature by December 1, 2022.

**NEW SECTION. Sec. 18.** A new section is added to chapter 71.24 RCW to read as follows:

The telebehavioral health access account is created in the state treasury. All receipts from collections under section 4 of this act must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for supporting telebehavioral health programs identified in RCW 71.24.061(3)(a) and section 2 of this act.

**Sec. 19.** RCW 70.290.060 and 2010 c 174 s 6 are each amended to read as follows:

In addition to the duties and powers enumerated elsewhere in this chapter:

(1) The association may, pursuant to either vote of its board of directors or request of the secretary, audit compliance with reporting obligations established under the association's plan of operation. Upon failure of any entity that has been audited to reimburse the costs of such audit as certified by vote of the association's board of directors within forty-five days of notice of such vote, the secretary shall assess a civil penalty of one hundred fifty percent of the amount of such costs.

(2) The association may establish an interest charge for late payment of any assessment under this chapter. The secretary shall assess a civil penalty against any health carrier or third-party administrator that fails to pay an assessment within three months of notification under RCW 70.290.030. The civil penalty under this subsection is one hundred fifty percent of such assessment.

(3) The secretary and the association are authorized to file liens and seek judgment to recover amounts in arrears and civil penalties, and recover reasonable collection costs, including reasonable attorneys' fees and costs. Civil penalties so levied must be deposited in the universal vaccine purchase account created in RCW 43.70.720.

(4) The secretary may adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this section.

(5) Upon request of the health care authority, the secretary and the association must provide the health care authority with any available information maintained by the association needed to calculate the proportional share of program costs under section 4 of this act.

On page 1, line 4 of the title, after "center;" strike the remainder of the title and insert "amending RCW 71.24.061

and 70.290.060; adding new sections to chapter 71.24 RCW; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2728 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Slatter and Harris spoke in favor of the passage of the bill.

Representative Caldier spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2728, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2728, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Callan, Chandler, Chapman, Chopp, Cody, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Caldier, Chambers, Corry, Kraft, McCaslin, Shea and Young.

Excused: Representative Paul.

SUBSTITUTE HOUSE BILL NO. 2728, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 10, 2020

Mme. SPEAKER:

The Senate receded from its amendment(s) to HOUSE BILL NO. 2739, and under suspension of the rules returned HOUSE BILL NO. 2739 to second reading for purpose of amendment(s). The Senate further adopted amendment 2739 AMS HUNT S7626.2 and passed the measure as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 20. RCW 41.04.655 and 2018 c 39 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 41.04.650 through 41.04.670, 28A.400.380, and section 7, chapter 93, Laws of 1989.

(1) "Domestic violence" means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault, between family or household members as defined in RCW 26.50.010; (b) sexual assault of one family or household member by another family or household member; or (c) stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.

(2) "Employee" means any employee of the state, including employees of school districts and educational service districts, who are entitled to accrue sick leave or annual leave and for whom accurate leave records are maintained.

(3) "Parental leave" means leave to bond and care for a newborn child after birth or to bond and care for a child after placement for adoption or foster care (~~for a period of up to sixteen weeks after the birth or placement~~).

(4) "Pregnancy disability" means a pregnancy-related medical condition or miscarriage.

(5) "Program" means the leave sharing program established in RCW 41.04.660.

(6) "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time national guard duty including state-ordered active duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

(7) "Sexual assault" has the same meaning as set forth in RCW 70.125.030.

(8) "Stalking" has the same meaning as set forth in RCW 9A.46.110.

(9) "State agency" or "agency" means departments, offices, agencies, or institutions of state government, the legislature, institutions of higher education, school districts, and educational service districts.

(10) "Uniformed services" means the armed forces, the army national guard, and the air national guard of any state,

territory, commonwealth, possession, or district when engaged in active duty for training, inactive duty training, full-time national guard duty, or state active duty, the commissioned corps of the public health service, the coast guard, and any other category of persons designated by the president of the United States in time of war or national emergency.

(11) "Victim" means a person against whom domestic violence, sexual assault, or stalking has been committed as defined in this section.

Sec. 21. RCW 41.04.665 and 2019 c 64 s 17 are each amended to read as follows:

(1) An agency head may permit an employee to receive leave under this section if:

(a)(i) The employee suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature;

(ii) The employee has been called to service in the uniformed services;

(iii) The employee is a current member of the uniformed services or is a veteran as defined under RCW 41.04.005, and is attending medical appointments or treatments for a service connected injury or disability;

(iv) The employee is a spouse of a current member of the uniformed services or a veteran as defined under RCW 41.04.005, who is attending medical appointments or treatments for a service connected injury or disability and requires assistance while attending appointment or treatment;

(v) A state of emergency has been declared anywhere within the United States by the federal or any state government and the employee has needed skills to assist in responding to the emergency or its aftermath and volunteers his or her services to either a governmental agency or to a nonprofit organization engaged in humanitarian relief in the devastated area, and the governmental agency or nonprofit organization accepts the employee's offer of volunteer services;

(vi) The employee is a victim of domestic violence, sexual assault, or stalking;

(vii) The employee needs the time for parental leave; or

(viii) The employee is sick or temporarily disabled because of pregnancy disability;

(b) The illness, injury, impairment, condition, call to service, emergency volunteer service, or consequence of domestic violence, sexual assault, temporary layoff under section 3(5), chapter 32, Laws of 2010 1st sp. sess., or stalking has caused, or is likely to cause, the employee to:

(i) Go on leave without pay status; or

(ii) Terminate state employment;

(c) The employee's absence and the use of shared leave are justified;

(d) The employee has depleted or will shortly deplete his or her:

(i) Annual leave and sick leave reserves if he or she qualifies under (a)(i) of this subsection;

(ii) Annual leave and paid military leave allowed under RCW 38.40.060 if he or she qualifies under (a)(ii) of this subsection;

(iii) Annual leave if he or she qualifies under (a) (v) or (vi) of this subsection; or

(iv) Annual leave and sick leave reserves if the employee qualifies under (a)(vii) or (viii) of this subsection (~~(- However, the employee is not required to deplete all of his or her annual leave and sick leave and can maintain up to forty hours of annual leave and forty hours of sick leave in reserve);~~);

(e) The employee has abided by agency rules regarding:

(i) Sick leave use if he or she qualifies under (a)(i), (vi), (vii), or (viii) of this subsection; or

(ii) Military leave if he or she qualifies under (a)(ii) of this subsection; and

(f) (~~The employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW if he or she qualifies under (a)(i) of this subsection~~) (i) Until the expiration of proclamation 20-05, issued February 29, 2020, by the governor and declaring a state of emergency in the state of Washington, or any amendment thereto, whichever is later, an agency head may permit an employee to receive shared leave under this section if the employee, or a relative or household member, is isolated or quarantined as recommended, requested, or ordered by a public health official or health care provider as a result of suspected or confirmed infection with or exposure to the 2019 novel coronavirus (COVID-19). An agency head may permit use of shared leave under this subsection (1)(f) without considering the requirements of (a) through (e) of this subsection.

(ii) The office of the governor must provide notice of the expiration of proclamation 20-05, or any amendment thereto, whichever is later, to 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 office of the governor.

(2)(a) The agency head shall determine the amount of leave, if any, which an employee may receive under this section. However, the agency head may not prevent an employee from using shared leave intermittently or on nonconsecutive days so long as the leave has not been returned under subsection (10) of this section. In addition, an employee shall not receive a total of more than five hundred twenty-two days of leave, except that, a supervisor may authorize leave in excess of five hundred twenty-two days in extraordinary circumstances for an employee qualifying for the shared leave program because he or she is suffering from

an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature. Shared leave received under the uniformed service shared leave pool in RCW 41.04.685 is not included in this total.

(b) An employee receiving industrial insurance wage replacement benefits may not receive greater than twenty-five percent of his or her base salary from the receipt of shared leave under this section.

(3) The agency head must allow employees who are veterans, as defined under RCW 41.04.005, and their spouses, to access shared leave from the veterans' in-state service shared leave pool upon employment.

(4) An employee may transfer annual leave, sick leave, and his or her personal holiday, as follows:

(a) An employee who has an accrued annual leave balance of more than ten days may request that the head of the agency for which the employee works transfer a specified amount of annual leave to another employee authorized to receive leave under subsection (1) of this section. In no event may the employee request a transfer of an amount of leave that would result in his or her annual leave account going below ten days. For purposes of this subsection (4)(a), annual leave does not accrue if the employee receives compensation in lieu of accumulating a balance of annual leave.

(b) An employee may transfer a specified amount of sick leave to an employee requesting shared leave only when the donating employee retains a minimum of one hundred seventy-six hours of sick leave after the transfer.

(c) An employee may transfer, under the provisions of this section relating to the transfer of leave, all or part of his or her personal holiday, as that term is defined under RCW 1.16.050, or as such holidays are provided to employees by agreement with a school district's board of directors if the leave transferred under this subsection does not exceed the amount of time provided for personal holidays under RCW 1.16.050.

(5) An employee of an institution of higher education under RCW 28B.10.016, school district, or educational service district who does not accrue annual leave but does accrue sick leave and who has an accrued sick leave balance of more than twenty-two days may request that the head of the agency for which the employee works transfer a specified amount of sick leave to another employee authorized to receive leave under subsection (1) of this section. In no event may such an employee request a transfer that would result in his or her sick leave account going below twenty-two days. Transfers of sick leave under this subsection are limited to transfers from employees who do not accrue annual leave. Under this subsection, "sick leave" also includes leave accrued pursuant to RCW 28A.400.300(1)(b) or 28A.310.240(1) with compensation for illness, injury, and emergencies.

(6) Transfers of leave made by an agency head under subsections (4) and (5) of this section shall not exceed the requested amount.

(7) Leave transferred under this section may be transferred from employees of one agency to an employee of the same agency or, with the approval of the heads of both agencies, to an employee of another state agency.

(8) While an employee is on leave transferred under this section, he or she shall continue to be classified as a state employee and shall receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using accrued annual leave or sick leave.

(a) All salary and wage payments made to employees while on leave transferred under this section shall be made by the agency employing the person receiving the leave. The value of leave transferred shall be based upon the leave value of the person receiving the leave.

(b) In the case of leave transferred by an employee of one agency to an employee of another agency, the agencies involved shall arrange for the transfer of funds and credit for the appropriate value of leave.

(i) Pursuant to rules adopted by the office of financial management, funds shall not be transferred under this section if the transfer would violate any constitutional or statutory restrictions on the funds being transferred.

(ii) The office of financial management may adjust the appropriation authority of an agency receiving funds under this section only if and to the extent that the agency's existing appropriation authority would prevent it from expending the funds received.

(iii) Where any questions arise in the transfer of funds or the adjustment of appropriation authority, the director of financial management shall determine the appropriate transfer or adjustment.

(9) Leave transferred under this section shall not be used in any calculation to determine an agency's allocation of full time equivalent staff positions.

(10)(a) The value of any leave transferred under this section which remains unused shall be returned at its original value to the employee or employees who transferred the leave when the agency head finds that the leave is no longer needed or will not be needed at a future time in connection with the illness or injury for which the leave was transferred or for any other qualifying condition. Unused shared leave may not be returned until one of the following occurs:

(i) The agency head receives from the affected employee a statement from the employee's doctor verifying that the illness or injury is resolved; or

(ii) The employee is released to full-time employment; has not received additional medical treatment for his or her current condition or any other qualifying condition for at least six months; and the employee's doctor has declined, in writing, the employee's request for a statement indicating the employee's condition has been resolved.

(b) If a shared leave account is closed and an employee later has a need to use shared leave due to the same condition listed in the closed account, the agency head must approve a new shared leave request for the employee.

(c) To the extent administratively feasible, the value of unused leave which was transferred by more than one employee shall be returned on a pro rata basis.

(11) An employee who uses leave that is transferred to him or her under this section may not be required to repay the value of the leave that he or she used.

(12) The director of financial management may adopt rules as necessary to implement subsection (2) of this section.

(13) For the purposes of this section, "shortly deplete" means that the employee will have forty hours or less of the applicable leave types under subsection (1)(d) of this section. However, the employee is not required to deplete all of the employee's leave and can maintain up to forty hours of the applicable leave types in reserve.

**NEW SECTION. Sec. 22.** A new section is added to chapter 41.04 RCW to read as follows:

(1) Parental leave received under RCW 41.04.665 must be used within the sixteen weeks immediately after birth or placement, except as provided in subsection (2) of this section.

(2) If a person receiving parental leave also receives leave due to a pregnancy disability, the parental leave may be taken in the sixteen weeks immediately after the pregnancy disability leave. However, parental leave may not be used more than one year after birth.

**NEW SECTION. Sec. 23.** Section 2 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 immediately."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 41.04.655 and 41.04.665; adding a new section to chapter 41.04 RCW; and declaring an emergency."

And the same is herewith transmitted,

Sarah Bannister, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2739 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kloba and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2739, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2739, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

HOUSE BILL NO. 2739, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 9, 2020

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2870 with the following amendment:

23.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 24.** (1) The legislature finds that additional efforts are necessary to reduce barriers to entry to the cannabis industry for individuals and communities most adversely impacted by the enforcement of cannabis-related laws. In the interest of establishing a cannabis industry that is equitable and accessible to those most adversely impacted by the enforcement of drug-related laws, including cannabis-related laws, the legislature finds a social equity program should be created.

(2) The legislature finds that individuals who have been arrested or incarcerated due to drug laws, and those who have resided in areas of high poverty, suffer long-lasting adverse consequences, including impacts to employment, business ownership, housing, health, and long-term financial well-being. The legislature also finds that family members, especially children, and communities of those who have been arrested or incarcerated due to drug laws, suffer from emotional, psychological, and financial harms as a result of such arrests and incarceration. The legislature further finds that individuals in disproportionately impacted areas suffered the harms of enforcement of cannabis-related laws. Those communities

face greater difficulties accessing traditional banking systems and capital for establishing businesses.

(3) The legislature therefore finds that in the interest of remedying harms resulting from the enforcement of cannabis-related laws in disproportionately impacted areas, creating a social equity program will further an equitable cannabis industry by promoting business ownership among individuals who have resided in areas of high poverty and high enforcement of cannabis-related laws. The social equity program should offer, among other things, financial and technical assistance and license application benefits to individuals most directly and adversely impacted by the enforcement of cannabis-related laws who are interested in starting cannabis business enterprises. It is the intent of the legislature that implementation of the social equity program authorized by this act not result in an increase in the number of marijuana retailer licenses above the limit on the number of marijuana retailer licenses in the state established by the board before January 1, 2020.

**NEW SECTION. Sec. 25.** A new section is added to chapter 69.50 RCW to read as follows:

(1) Beginning December 1, 2020, and until July 1, 2028, marijuana retailer licenses that have been subject to forfeiture, revocation, or cancellation by the board, or marijuana retailer licenses that were not previously issued by the board but could have been issued without exceeding the limit on the statewide number of marijuana retailer licenses established before January 1, 2020, by the board, may be issued or reissued to an applicant who meets the marijuana retailer license requirements of this chapter.

(2)(a) In order to be considered for a retail license under subsection (1) of this section, an applicant must be a social equity applicant and submit a social equity plan along with other marijuana retailer license application requirements to the board. If the application proposes ownership by more than one person, then at least fifty-one percent of the proposed ownership structure must reflect the qualifications of a social equity applicant.

(b) Persons holding an existing marijuana retailer license or title certificate for a marijuana retailer business in a local jurisdiction subject to a ban or moratorium on marijuana retail businesses may apply for a license under this section.

(3)(a) In determining the issuance of a license among applicants, the board may prioritize applicants based on the extent to which the application addresses the components of the social equity plan.

(b) The board may deny any application submitted under this subsection if the board determines that:

(i) The application does not meet social equity goals or does not meet social equity plan requirements; or

(ii) The application does not otherwise meet the licensing requirements of this chapter.

(4) The board may adopt rules to implement this section. Rules may include strategies for receiving advice on the social equity program from individuals the program is

intended to benefit. Rules may also require that licenses awarded under this section be transferred or sold only to individuals or groups of individuals who comply with the requirements for initial licensure as a social equity applicant with a social equity plan under this section.

(5) The annual fee for issuance, reissuance, or renewal for any license under this section must be equal to the fee established in RCW 69.50.325.

(6) For the purposes of this section:

(a) "Disproportionately impacted area" means a census tract or comparable geographic area that satisfies the following criteria, which may be further defined in rule by the board after consultation with the commission on African American affairs and other agencies and stakeholders as determined by the board:

- (i) The area has a high poverty rate;
- (ii) The area has a high rate of participation in income-based federal or state programs;
- (iii) The area has a high rate of unemployment; and
- (iv) The area has a high rate of arrest, conviction, or incarceration related to the sale, possession, use, cultivation, manufacture, or transport of marijuana.

(b) "Social equity applicant" means:

(i) An applicant who has at least fifty-one percent ownership and control by one or more individuals who have resided for at least five of the preceding ten years in a disproportionately impacted area; or

(ii) An applicant who has at least fifty-one percent ownership and control by at least one individual who has been convicted of a marijuana offense or is a family member of such an individual.

(c) "Social equity goals" means:

(i) Increasing the number of marijuana retailer licenses held by social equity applicants from disproportionately impacted areas; and

(ii) Reducing accumulated harm suffered by individuals, families, and local areas subject to severe impacts from the historical application and enforcement of marijuana prohibition laws.

(d) "Social equity plan" means a plan that addresses at least some of the elements outlined in this subsection (6)(d), along with any additional plan components or requirements approved by the board following consultation with the task force created in section 5 of this act. The plan may include:

(i) A statement that the social equity applicant qualifies as a social equity applicant and intends to own at least fifty-one percent of the proposed marijuana retail business or applicants representing at least fifty-one percent of the ownership of the proposed business qualify as social equity applicants;

(ii) A description of how issuing a marijuana retail license to the social equity applicant will meet social equity goals;

(iii) The social equity applicant's personal or family history with the criminal justice system including any offenses involving marijuana;

(iv) The composition of the workforce the social equity applicant intends to hire;

(v) Neighborhood characteristics of the location where the social equity applicant intends to operate, focusing especially on disproportionately impacted areas; and

(vi) Business plans involving partnerships or assistance to organizations or residents with connection to populations with a history of high rates of enforcement of marijuana prohibition.

**NEW SECTION. Sec. 26.** A new section is added to chapter 43.330 RCW to read as follows:

(1) The marijuana social equity technical assistance competitive grant program is established and is to be administered by the department.

(2) The marijuana social equity technical assistance competitive grant program must award grants on a competitive basis to marijuana retailer license applicants who are social equity applicants submitting social equity plans under section 2 of this act. The department must award grants primarily based on the strength of the social equity plans submitted by applicants but may also consider additional criteria if deemed necessary or appropriate by the department. Technical assistance activities eligible for funding under the marijuana social equity technical assistance competitive grant program include, but are not limited to:

(a) Assistance navigating the marijuana retailer licensure process;

(b) Marijuana-business specific education and business plan development;

(c) Regulatory compliance training;

(d) Financial management training and assistance in seeking financing; and

(e) Connecting social equity applicants with established industry members and tribal marijuana enterprises and programs for mentoring and other forms of support approved by the board.

(3) Funding for the marijuana social equity technical assistance competitive grant program must be provided through the dedicated marijuana account under RCW 69.50.540. Additionally, the department may solicit, receive, and expend private contributions to support the grant program.

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

**Sec. 27.** RCW 69.50.540 and 2019 c 415 s 978 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 this subsection (1), the legislature must appropriate to the respective agencies amounts sufficient to make the following expenditures on a quarterly basis or as 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 ~~((state liquor and cannabis))~~ 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 ~~((state liquor and cannabis))~~ board for administration of this chapter as appropriated in the omnibus appropriations act;

(ii) Two million six hundred fifty-one thousand seven hundred fifty dollars for fiscal year 2018 and three hundred fifty-one thousand seven hundred fifty dollars for fiscal year 2019 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 seven hundred twenty-three thousand dollars for fiscal year 2020 and two million five hundred twenty-three thousand dollars for fiscal year 2021 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 and four hundred sixty-four thousand dollars for fiscal year 2021 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 fiscal year 2020 and eight hundred eight thousand dollars for fiscal year 2021 to the department of health for the administration of the marijuana authorization database; ~~((and))~~

(h) ~~(((\$635,000 H:\DATA\2020 JOURNAL\Journal2020\LegDay058\six hundred thirty five thousand dollars.doc)) Six hundred thirty-five thousand dollars for fiscal year 2020 and (((\$635,000 H:\DATA\2020 JOURNAL\Journal2020\LegDay058\six hundred thirty five thousand dollars.doc)) six hundred thirty-five thousand dollars for fiscal year 2021 to the department of agriculture for compliance-based laboratory analysis of pesticides in marijuana((-); and~~

(i) One million one hundred thousand dollars annually to the department of commerce to fund the marijuana social equity technical assistance competitive grant program under section 3 of this act: 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 2017-2019 and 2019-2021 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 2017-2019 and 2019-2021 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 2019-2021 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 ~~((state liquor and cannabis))~~ 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. It is the intent of the legislature that the policy for the maximum distributions in the subsequent fiscal biennia will be no more than fifteen million dollars per fiscal year.

~~((For the purposes of this section, "marijuana products" means "useable marijuana," "marijuana concentrates," and "marijuana infused products" as those terms are defined in RCW 69.50.101-))~~

**NEW SECTION. Sec. 28.** A new section is added to chapter 69.50 RCW to read as follows:

(1) A legislative task force on social equity in marijuana is established. The purpose of the task force is to make recommendations to the board including but not limited to establishing a social equity program for the issuance and reissuance of existing retail marijuana licenses, and to advise the governor and the legislature on policies that will facilitate development of a marijuana social equity program.

(2) The members of the task force are as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The president of the senate and the speaker of the house of representatives shall jointly appoint:

(i) One member from each of the following:

(A) The commission on African American affairs;

(B) The commission on Hispanic affairs;

(C) The governor's office of Indian affairs;

(D) An organization representing the African American community;

(E) An organization representing the Latinx community;

(F) A labor organization involved in the marijuana industry;

(G) The liquor and cannabis board;

(H) The department of commerce;

(I) The office of the attorney general; and

(J) The association of Washington cities;

(ii) Two members that currently hold a marijuana retail license; and

(iii) Two members that currently hold a producer or processor license or both.

(3) In addition to the members appointed to the task force under subsection (2) of this section, individuals representing other sectors may be invited by the chair of the task force, in consultation with the other appointed members of the task force, to participate in an advisory capacity in meetings of the task force.

(a) Individuals participating in an advisory capacity under this subsection are not members of the task force, may not vote, and are not subject to the appointment process established in this section.

(b) There is no limit to the number of individuals who may participate in task force meetings in an advisory capacity under this subsection.

(c) A majority of the task force members constitutes a quorum. If a member has not been designated for a position

set forth in this section, that position may not be counted for the purpose of determining a quorum.

(4) The task force shall hold its first meeting by July 1, 2020. The task force shall elect a chair from among its legislative members at the first meeting. The election of the chair must be by a majority vote of the task force members who are present at the meeting. The chair of the task force is responsible for arranging subsequent meetings and developing meeting agendas.

(5) Staff support for the task force, including arranging the first meeting of the task force and assisting the chair of the task force in arranging subsequent meetings, must be provided by the health equity council of the governor's interagency council on health disparities. If Engrossed Second Substitute House Bill No. 1783 is enacted by June 30, 2020, then responsibility for providing staff support for the task force must be transferred to the office of equity created by Engrossed Second Substitute House Bill No. 1783 when requested by the office of equity.

(6) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(7) Legislative members of the task force may be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(8) The task force is a class one group under chapter 43.03 RCW.

(9) A public comment period must be provided at every meeting of the task force.

(10) The task force shall submit one or more reports on recommended policies that will facilitate the development of a marijuana social equity program in Washington to the governor, the board, and the appropriate committees of the legislature. The task force is encouraged to submit individual recommendations, as soon as possible, to facilitate the board's early work to implement the recommendations. The final recommendations must be submitted by December 1, 2020. The recommendations must include:

(a) Factors the board must consider in distributing the licenses currently available from marijuana retailer licenses that have been subject to forfeiture, revocation, or cancellation by the board, or marijuana retailer licenses that were not previously issued by the board but could have been issued without exceeding the limit on the statewide number of marijuana retailer licenses established by the board before January 1, 2020; and

(b) Whether any additional marijuana licenses should be issued beyond the total number of marijuana licenses that have been issued as of the effective date of this section. For purposes of determining the total number of licenses issued

as of the effective date of this section, the total number includes licenses that have been forfeited, revoked, or canceled.

(11) The board may adopt rules to implement the recommendations of the task force. However, any recommendation to increase the number of retail outlets above the current statewide limit of retail outlets, established by the board before January 1, 2020, must be approved by the legislature.

(12) This section expires June 30, 2022.

**Sec. 29.** RCW 69.50.325 and 2018 c 132 s 3 are each amended to read as follows:

(1) There shall be a marijuana producer's license regulated by the ~~((state liquor and cannabis))~~ board and subject to annual renewal. The licensee is authorized to produce: (a) Marijuana for sale at wholesale to marijuana processors and other marijuana producers; (b) immature plants or clones and seeds for sale to cooperatives as described under RCW 69.51A.250; and (c) immature plants or clones and seeds for sale to qualifying patients and designated providers as provided under RCW 69.51A.310. The production, possession, delivery, distribution, and sale of marijuana in accordance with the provisions of this chapter and the rules adopted to implement and enforce it, by a validly licensed marijuana producer, shall not be a criminal or civil offense under Washington state law. Every marijuana producer's license shall be issued in the name of the applicant, shall specify the location at which the marijuana producer intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a marijuana producer's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana producer's license shall be one thousand three hundred eighty-one dollars. A separate license shall be required for each location at which a marijuana producer intends to produce marijuana.

(2) There shall be a marijuana processor's license to process, package, and label marijuana concentrates, useable marijuana, and marijuana-infused products for sale at wholesale to marijuana processors and marijuana retailers, regulated by the ~~((state liquor and cannabis))~~ board and subject to annual renewal. The processing, packaging, possession, delivery, distribution, and sale of marijuana, useable marijuana, marijuana-infused products, and marijuana concentrates in accordance with the provisions of this chapter and chapter 69.51A RCW and the rules adopted to implement and enforce these chapters, by a validly licensed marijuana processor, shall not be a criminal or civil offense under Washington state law. Every marijuana processor's license shall be issued in the name of the applicant, shall specify the location at which the licensee intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a marijuana processor's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana processor's license shall be one thousand three hundred eighty-one dollars. A separate license shall be required for

each location at which a marijuana processor intends to process marijuana.

(3)(a) There shall be a marijuana retailer's license to sell marijuana concentrates, useable marijuana, and marijuana-infused products at retail in retail outlets, regulated by the ~~((state liquor and cannabis))~~ board and subject to annual renewal. The possession, delivery, distribution, and sale of marijuana concentrates, useable marijuana, and marijuana-infused products in accordance with the provisions of this chapter and the rules adopted to implement and enforce it, by a validly licensed marijuana retailer, shall not be a criminal or civil offense under Washington state law. Every marijuana retailer's license shall be issued in the name of the applicant, shall specify the location of the retail outlet the licensee intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a marijuana retailer's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana retailer's license shall be one thousand three hundred eighty-one dollars. A separate license shall be required for each location at which a marijuana retailer intends to sell marijuana concentrates, useable marijuana, and marijuana-infused products.

(b) An individual retail licensee and all other persons or entities with a financial or other ownership interest in the business operating under the license are limited, in the aggregate, to holding a collective total of not more than five retail marijuana licenses.

(c)(i) A marijuana retailer's license is subject to forfeiture in accordance with rules adopted by the ~~((state liquor and cannabis))~~ board pursuant to this section.

(ii) The ~~((state liquor and cannabis))~~ board shall adopt rules to establish a license forfeiture process for a licensed marijuana retailer that is not fully operational and open to the public within a specified period from the date of license issuance, as established by the ~~((state liquor and cannabis))~~ board, subject to the following restrictions:

(A) No marijuana retailer's license may be subject to forfeiture within the first nine months of license issuance; and

(B) The ~~((state liquor and cannabis))~~ board must require license forfeiture on or before twenty-four calendar months of license issuance if a marijuana retailer is not fully operational and open to the public, unless the board determines that circumstances out of the licensee's control are preventing the licensee from becoming fully operational and that, in the board's discretion, the circumstances warrant extending the forfeiture period beyond twenty-four calendar months.

(iii) The ~~((state liquor and cannabis))~~ board has discretion in adopting rules under this subsection (3)(c).

(iv) This subsection (3)(c) applies to marijuana retailer's licenses issued before and after July 23, 2017. However, no license of a marijuana retailer that otherwise meets the conditions for license forfeiture established

pursuant to this subsection (3)(c) may be subject to forfeiture within the first nine calendar months of July 23, 2017.

(v) The ~~((state liquor and cannabis))~~ board may not require license forfeiture if the licensee has been incapable of opening a fully operational retail marijuana business due to actions by the city, town, or county with jurisdiction over the licensee that include any of the following:

(A) The adoption of a ban or moratorium that prohibits the opening of a retail marijuana business; or

(B) The adoption of an ordinance or regulation related to zoning, business licensing, land use, or other regulatory measure that has the effect of preventing a licensee from receiving an occupancy permit from the jurisdiction or which otherwise prevents a licensed marijuana retailer from becoming operational.

(d) The board may issue marijuana retailer licenses pursuant to this chapter and section 2 of this act.

**NEW SECTION. Sec. 30.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2020, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "purposes;" strike the remainder of the title and insert "amending RCW 69.50.540 and 69.50.325; adding new sections to chapter 69.50 RCW; adding a new section to chapter 43.330 RCW; creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2870 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

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

Representative MacEwen spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2870, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2870, 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 Appleton, Bergquist, Blake, Callan, Chandler, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Shewmake, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Excused: Representative Paul.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2870, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

With the consent of the House, the bills previously acted upon were immediately transmitted to the Senate.

The Speaker (Representative Lovick 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 10, 2020

Mme. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6574,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6617,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 10, 2020

Mme. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5395,

SENATE BILL NO. 6049,  
ENGROSSED SUBSTITUTE SENATE BILL NO.

6141

SUBSTITUTE SENATE BILL NO. 6191  
 ENGROSSED SENATE BILL NO. 6313  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6440  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6473  
 SUBSTITUTE SENATE BILL NO. 6632

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 10, 2020

Mme. SPEAKER:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 2250,  
 HOUSE BILL NO. 2271,  
 SUBSTITUTE HOUSE BILL NO. 2338,  
 HOUSE BILL NO. 2380,  
 HOUSE BILL NO. 2491,  
 ENGROSSED HOUSE BILL NO. 2819,  
 HOUSE BILL NO. 2826,  
 HOUSE BILL NO. 2833,  
 HOUSE BILL NO. 2858,  
 HOUSE BILL NO. 2860,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 10, 2020

Mme. SPEAKER:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1251,  
 SUBSTITUTE HOUSE BILL NO. 1293,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 1622,  
 ENGROSSED HOUSE BILL NO. 1694,  
 HOUSE BILL NO. 1702,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 1754,  
 ENGROSSED HOUSE BILL NO. 2040,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 2099,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 2231,  
 HOUSE BILL NO. 2315,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 2318,  
 SUBSTITUTE HOUSE BILL NO. 2343,  
 SUBSTITUTE HOUSE BILL NO. 2384,  
 HOUSE BILL NO. 2402,  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
 BILL NO. 2405,  
 HOUSE BILL NO. 2449,  
 HOUSE BILL NO. 2497,

HOUSE BILL NO. 2524,  
 SUBSTITUTE HOUSE BILL NO. 2527,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 2535,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 2565,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 2588,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 2638,  
 HOUSE BILL NO. 2701,  
 SUBSTITUTE HOUSE BILL NO. 2787,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 10, 2020

Mme. SPEAKER:

The President has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1645,  
 SUBSTITUTE HOUSE BILL NO. 1847,  
 ENGROSSED HOUSE BILL NO. 2188,  
 HOUSE BILL NO. 2217,  
 HOUSE BILL NO. 2229,  
 SUBSTITUTE HOUSE BILL NO. 2246,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2277,  
 SUBSTITUTE HOUSE BILL NO. 2308,  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
 BILL NO. 2311,  
 SUBSTITUTE HOUSE BILL NO. 2419,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 2455,  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
 BILL NO. 2467,  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
 BILL NO. 2518,  
 SUBSTITUTE HOUSE BILL NO. 2544,  
 SUBSTITUTE HOUSE BILL NO. 2555,  
 SUBSTITUTE HOUSE BILL NO. 2556,  
 HOUSE BILL NO. 2579,  
 SUBSTITUTE HOUSE BILL NO. 2607,  
 HOUSE BILL NO. 2624,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 2731,  
 SUBSTITUTE HOUSE BILL NO. 2758,  
 HOUSE BILL NO. 2763,  
 SUBSTITUTE HOUSE BILL NO. 2803,  
 HOUSE BILL NO. 2853,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2864,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 10, 2020

Mme. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

March 9, 2020

ENGROSSED SENATE BILL NO. 5402,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
5473,  
SECOND SUBSTITUTE SENATE BILL NO. 5488,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6288,  
SENATE BILL NO. 6359,  
SUBSTITUTE SENATE BILL NO. 6397,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6442,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 10, 2020

Mme. SPEAKER:

The Senate has granted the request of the House for a Conference on SECOND SUBSTITUTE SENATE BILL NO. 6281. The President has appointed the following members as Conferees: Carlyle, Rivers, Dhingra

Brad Hendrickson, Secretary

March 10, 2020

Mme. SPEAKER:

The Senate receded from its amendment(s) to SUBSTITUTE HOUSE BILL NO. 2456, and passed the bill without said amendments.

Brad Hendrickson, Secretary

March 10, 2020

Mme. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

THIRD SUBSTITUTE SENATE BILL NO. 5164,  
ENGROSSED SENATE BILL NO. 5282,  
ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 5291,  
SUBSTITUTE SENATE BILL NO. 6065,  
SUBSTITUTE SENATE BILL NO. 6158,  
ENGROSSED SENATE BILL NO. 6180,  
ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 6205,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

Mme. SPEAKER:

The President has signed:

SENATE BILL NO. 5197,  
SECOND SUBSTITUTE SENATE BILL NO. 5572,  
SUBSTITUTE SENATE BILL NO. 5976,  
ENGROSSED SENATE BILL NO. 6032,  
SENATE BILL NO. 6045,  
SUBSTITUTE SENATE BILL NO. 6058,  
SENATE BILL NO. 6066,  
SUBSTITUTE SENATE BILL NO. 6074,  
SUBSTITUTE SENATE BILL NO. 6084,  
SUBSTITUTE SENATE BILL NO. 6086,  
SUBSTITUTE SENATE BILL NO. 6091,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6095,  
SENATE BILL NO. 6123,  
SUBSTITUTE SENATE BILL NO. 6135,  
SENATE BILL NO. 6212,  
SENATE BILL NO. 6236,  
SUBSTITUTE SENATE BILL NO. 6319,  
SENATE BILL NO. 6357,  
SUBSTITUTE SENATE BILL NO. 6415,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6419,  
SENATE BILL NO. 6430,  
SUBSTITUTE SENATE BILL NO. 6499,  
SENATE BILL NO. 6567,  
SUBSTITUTE SENATE JOINT MEMORIAL NO.  
8017,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 9, 2020

Mme. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
5006,  
ENGROSSED SENATE BILL NO. 5450,  
ENGROSSED SENATE BILL NO. 5457,  
ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 5481,  
SENATE BILL NO. 5519,  
SUBSTITUTE SENATE BILL NO. 5900,  
SUBSTITUTE SENATE BILL NO. 6072,  
SENATE BILL NO. 6078,  
SENATE BILL NO. 6102,  
SENATE BILL NO. 6103,  
SENATE BILL NO. 6119,  
SENATE BILL NO. 6120,  
SUBSTITUTE SENATE BILL NO. 6142,  
SENATE BILL NO. 6143,  
SECOND SUBSTITUTE SENATE BILL NO. 6181,  
SENATE BILL NO. 6187,

SUBSTITUTE SENATE BILL NO. 6206,  
SUBSTITUTE SENATE BILL NO. 6256,  
SUBSTITUTE SENATE BILL NO. 6257,  
SUBSTITUTE SENATE BILL NO. 6306,  
    SENATE BILL NO. 6383,  
SUBSTITUTE SENATE BILL NO. 6392,  
    SENATE BILL NO. 6423,  
SUBSTITUTE SENATE BILL NO. 6476,  
SUBSTITUTE SENATE BILL NO. 6521,  
SECOND SUBSTITUTE SENATE BILL NO. 6528,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
    6540,  
ENGROSSED SENATE JOINT RESOLUTION NO.  
    8212,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House adjourned until  
10:00 a.m., March 11, 2020, the 59th Day of the Regular  
Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

**SIXTY SIXTH LEGISLATURE - REGULAR SESSION****FIFTY NINTH DAY**

House Chamber, Olympia, Wednesday, March 11, 2020

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 flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Wyatt Johnson and Amy Kaur. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor David Wright, University Chaplain, University of Puget Sound, Washington.

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

**RESOLUTION****HOUSE RESOLUTION NO. 2020-4681, by Representative Dufault**

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, Mike Leita emigrated to the United States from Italy with his father when he was only six years old and settled in the Yakima area where he was raised; and

WHEREAS, Mike Leita was educated through the local public school system, graduating from Eisenhower High School in Yakima; and

WHEREAS, Mike Leita attended Washington State University, graduating in 1969 with a degree in marketing; and

WHEREAS, Mike Leita returned to Yakima and followed in his father's footsteps, taking over his family's road construction business; and

WHEREAS, With the slogan "New Leadership," Mike Leita was elected in November 2004 to serve as Yakima County Commissioner and served four four-year terms; and

WHEREAS, Mike Leita became known as a "fearless leader" who helped get the county's finances in order, guiding the county out of challenges from a jail contract with King County that had been negotiated before he took office; and

WHEREAS, Mike Leita led the county through difficult financial times, implementing "zero-based budgeting" in his first year of office, which required every department and every program to prove itself every year and set in place a "priorities of government" system with county officials identifying the most important programs to fully fund; and

reducing, consolidating, or eliminating programs that were not working for the good of the taxpayers; and

WHEREAS, Mike Leita modeled his proven leadership style from the James Freeman Clarke quote: "A politician thinks of the next election. A statesman, of the next generation"; and

WHEREAS, Mike Leita and his wife, DeAnn, have been married for forty-seven years and are blessed with a son, Todd, and a daughter, Traci, and four grandchildren; and

WHEREAS, Mike Leita is the embodiment of the American Dream, coming to Yakima from humble beginnings, working hard to become successful, and giving back to his community through public service; and

WHEREAS, After fifteen years as a dedicated Yakima County Commissioner, Mike Leita retired from office in January to spend more time with his beloved family;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize Mike Leita for his outstanding achievements and contributions to the citizens of Yakima County and Washington state; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Mike Leita and his family.

There being no objection, HOUSE RESOLUTION NO. 4681 was adopted.

**RESOLUTION****HOUSE RESOLUTION NO. 2020-4683, by Representative Rude**

WHEREAS, The Walla Walla Noon Rotary Club has served the Walla Walla community for 100 years; and

WHEREAS, The club has an outstanding history of service in the Walla Walla Valley and globally from its chartering on November 1, 1919; and

WHEREAS, Rotary's motto "Service Above Self" continues to inspire members to be generous and active participants in communities across the world; and

WHEREAS, Rotary supports people all over the world by promoting peace, fighting disease, and providing clean water to those in need; and

WHEREAS, Rotary has worked to eradicate polio for more than 30 years as a founding partner of the Global Polio Eradication Initiative; and

WHEREAS, Rotary is committed to growing local communities and their economies across the globe through the Rotary foundation; and

WHEREAS, Rotary's numerous youth programs have helped to shape the next generation of global leaders; and

WHEREAS, Rotary's community local involvement ranges from growing the Tour of Walla Walla bike race to tree planting, creating and funding local scholarships, and supporting local food banks;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives express appreciation for the hard work and charity of the Walla Walla Noon Rotary Club and its dedicated members.

There being no objection, HOUSE RESOLUTION NO. 4683 was adopted.

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

#### MESSAGES FROM THE SENATE

March 10, 2020

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5628,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 10, 2020

Mme. SPEAKER:

The Senate has passed:

HOUSE BILL NO. 2189,  
HOUSE BILL NO. 2505,  
SUBSTITUTE HOUSE BILL NO. 2634,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2723,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 10, 2020

Mme. SPEAKER:

The Senate has granted the request of the House for a Conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 6280. The President has appointed the following members as Conferees: Nguyen, Brown, Wellman

Brad Hendrickson, Secretary

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

#### INTRODUCTION & FIRST READING

There being no objection, SUBSTITUTE SENATE BILL NO. 5628 was read the first time, and under suspension of the rules was placed on the second reading calendar.

There being no objection, ENGROSSED SENATE BILL NO. 6690 was read the first time, and under suspension of the rules was placed on the second reading calendar.

The Speaker assumed the chair.

#### SIGNED BY THE SPEAKER

The Speaker signed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1023  
SECOND SUBSTITUTE HOUSE BILL NO. 1191  
ENGROSSED SECOND SUBSTITUTE HOUSE  
BILL NO. 1521  
ENGROSSED HOUSE BILL NO. 1552  
HOUSE BILL NO. 1590  
ENGROSSED SECOND SUBSTITUTE HOUSE  
BILL NO. 1783  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1793  
SECOND SUBSTITUTE HOUSE BILL NO. 1888  
HOUSE BILL NO. 2051  
HOUSE BILL NO. 2230  
SUBSTITUTE HOUSE BILL NO. 2302  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2327  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2342  
SUBSTITUTE HOUSE BILL NO. 2374  
SUBSTITUTE HOUSE BILL NO. 2393  
SUBSTITUTE HOUSE BILL NO. 2394  
SUBSTITUTE HOUSE BILL NO. 2409  
HOUSE BILL NO. 2412  
SUBSTITUTE HOUSE BILL NO. 2426  
SUBSTITUTE HOUSE BILL NO. 2456  
SECOND SUBSTITUTE HOUSE BILL NO. 2457  
SUBSTITUTE HOUSE BILL NO. 2464  
ENGROSSED SECOND SUBSTITUTE HOUSE  
BILL NO. 2528  
SUBSTITUTE HOUSE BILL NO. 2543  
HOUSE BILL NO. 2545  
ENGROSSED HOUSE BILL NO. 2584  
HOUSE BILL NO. 2587  
HOUSE BILL NO. 2601  
SUBSTITUTE HOUSE BILL NO. 2622  
HOUSE BILL NO. 2640  
HOUSE BILL NO. 2641  
ENGROSSED SECOND SUBSTITUTE HOUSE  
BILL NO. 2662  
HOUSE BILL NO. 2691  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2713  
SUBSTITUTE HOUSE BILL NO. 2794  
SUBSTITUTE HOUSE BILL NO. 2889

ENGROSSED SUBSTITUTE SENATE BILL NO.  
5395  
SENATE BILL NO. 6049  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6141  
SUBSTITUTE SENATE BILL NO. 6191  
ENGROSSED SENATE BILL NO. 6313  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6440  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6473  
SUBSTITUTE SENATE BILL NO. 6632

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 10, 2020

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SENATE BILL NO. 6690,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

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

**THIRD READING**

**MESSAGE FROM THE SENATE**

March 4, 2020

Mme. SPEAKER:

The Senate has passed ENGROSSED HOUSE BILL NO. 2965, with the following amendments:

**2965.E AMS BIL MURR 493:**

On page 1, line 15, after "account" insert "and the sum of twenty five million dollars is appropriated from the general fund-federal"

On page 1, line 17, strike "is" and insert "are"

On page 2, line 1, strike "appropriation" and insert "appropriations"

On page 2, line 2, strike "is" and insert "are"

On page 2, line 7, after "state," insert "tribal,"

On page 2, line 9, after "Agencies" insert ", federally recognized tribes,"

On page 2, line 12, after "agency" insert ", federally recognized tribe,"

On page 2, line 14, after "agency" insert ", federally recognized tribe,"

**2965.E AMS BRAU S7516.2:**

On page 3, beginning on line 5, strike all of section 4 and insert the following:

**"NEW SECTION. Sec. 4.** (1) The department of social and health services is authorized to determine nursing facility payments to adequately resource facilities responding to the novel coronavirus outbreak pursuant to the gubernatorial declaration of emergency of February 29, 2020. The medicaid payments provided to nursing facilities in response to this state of emergency shall be determined by the department as appropriate to address the immediate safety needs of Washington state citizens and shall not be subject to this chapter's medicaid methodology. Any nursing facility payment made under this section shall not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(2) This section expires June 30, 2021.

**Sec. 5.** RCW 50.20.010 and 2019 c 50 s 1 are each amended to read as follows:

(1) An unemployed individual shall be eligible to receive waiting period credits or benefits with respect to any week in his or her eligibility period only if the commissioner finds that:

(a) He or she has registered for work at, and thereafter has continued to report at, an employment office in accordance with such regulation as the commissioner may prescribe, except that the commissioner may by regulation waive or alter either or both of the requirements of this subdivision as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which the commissioner finds that the compliance with such requirements would be oppressive, or would be inconsistent with the purposes of this title;

(b) He or she has filed an application for an initial determination and made a claim for waiting period credit or for benefits in accordance with the provisions of this title;

(c) He or she is able to work, and is available for work in any trade, occupation, profession, or business for which he or she is reasonably fitted.

(i) To be available for work, an individual must be ready, able, and willing, immediately to accept any suitable work which may be offered to him or her and must be actively seeking work pursuant to customary trade practices and through other methods when so directed by the commissioner or the commissioner's agents. If a labor agreement or dispatch rules apply, customary trade practices must be in accordance with the applicable agreement or rules.

(ii) Until June 30, 2021, an individual under quarantine or isolation, as defined by the department of health, as directed by a public health official during the novel coronavirus outbreak pursuant to the gubernatorial declaration of emergency of February 29, 2020, does not need to meet the requirements of this subsection (1)(c).

(iii) For the purposes of this subsection, "customary trade practices" includes compliance with an electrical apprenticeship training program that includes a recognized referral system under apprenticeship program standards approved by the Washington state apprenticeship and training council;

(d) He or she has been unemployed for a waiting period of one week;

(e) He or she participates in reemployment services if the individual has been referred to reemployment services pursuant to the profiling system established by the commissioner under RCW 50.20.011, unless the commissioner determines that:

(i) The individual has completed such services; or

(ii) There is justifiable cause for the claimant's failure to participate in such services; and

(f) As to weeks beginning after March 31, 1981, which fall within an extended benefit period as defined in RCW 50.22.010, the individual meets the terms and conditions of RCW 50.22.020 with respect to benefits claimed in excess of twenty-six times the individual's weekly benefit amount.

(2) An individual's eligibility period for regular benefits shall be coincident to his or her established benefit year. An individual's eligibility period for additional or extended benefits shall be the periods prescribed elsewhere in this title for such benefits.

**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 or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is inoperative solely to the extent of the conflict, and the finding or determination does not affect the operation of the remainder of this act. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state."

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

**EHB 2965 - S AMD 1258**

By Senator Braun

**ADOPTED 03/04/2020**

On page 1, line 2 of the title, after "38.52.105" strike "; adding a new section to chapter 74.46 RCW;" and insert "and 50.20.010; creating new sections;" and on line 3, after "appropriations;" insert "providing an expiration date;"

and the same are herewith transmitted.

Sarah Bannister, Deputy Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED HOUSE BILL NO. 2965 and asked the Senate to recede therefrom.

**MOTION**

On motion of Representative Mead, Representative Paul was excused.

**THIRD READING**

**MESSAGE FROM THE SENATE**

March 10, 2020

Mme. SPEAKER:

The Senate refuses to concur in the House amendment(s) to SECOND SUBSTITUTE SENATE BILL NO. 6478 and asks the House to recede therefrom.

Brad Hendrickson, Secretary

**HOUSE AMENDMENT TO SENATE BILL**

There being no objection, the House receded from its amendment. The rules were suspended and SECOND SUBSTITUTE SENATE BILL NO. 6478 was returned to second reading for the purpose of amendment.

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

**SECOND READING**

**SECOND SUBSTITUTE SENATE BILL NO. 6478, by Senate Committee on Ways & Means (originally sponsored by Nguyen, Darneille, Stanford, Saldaña, Dhingra, Das and Hasegawa)**

**Revising economic assistance programs.**

Representative Entenman moved the adoption of the striking amendment (2181):

6.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 7.** RCW 74.08A.010 and 2019 c 343 s 2 are each amended to read as follows:

(1) A family that includes an adult who has received temporary assistance for needy families for sixty months after July 27, 1997, shall be ineligible for further temporary assistance for needy families assistance.

(2) For the purposes of applying the rules of this section, the department shall count any month in which an adult family member received a temporary assistance for needy families cash assistance grant unless the assistance was provided when the adult family member was a minor child and not the head of the household or married to the head of the household.

(3) The department shall adopt regulations to apply the sixty-month time limit to households in which a parent is in the home and ineligible for temporary assistance for needy families. Any regulations shall be consistent with federal funding requirements.

(4) The department shall refer recipients who require specialized assistance to appropriate department programs, crime victims' programs through the department of commerce, or the crime victims' compensation program of the department of labor and industries.

(5)(a) The department shall add to adopted rules related to temporary assistance for needy families time limit extensions, the following criteria by which the department shall exempt a recipient and the recipient's family from the application of subsection (1) of this section:

(i) By reason of hardship, including ~~((if the recipient is a homeless person as described in RCW 43.185C.010))~~ when the recipient's family includes a child or youth who is without a fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119, subchapter VI, part B) as it existed on January 1, 2020; or

(ii) If the family includes an individual who meets the family violence options of section 402(A)(7) of Title IVA of the federal social security act as amended by P.L. 104-193.

(b) Policies related to circumstances under which a recipient will be exempted from the application of subsection (1) or (3) of this section shall treat adults receiving benefits on their own behalf, and parents receiving benefits on behalf of their child similarly, unless required otherwise under federal law.

(6) The department shall not exempt a recipient and his or her family from the application of subsection (1) or (3) of this section until after the recipient has received fifty-two months of assistance under this chapter.

(7) The department shall provide transitional food assistance for a period of five months to a household that ceases to receive temporary assistance for needy families assistance and is not in sanction status. If necessary, the department shall extend the household's basic food certification until the end of the transition period.

**NEW SECTION. Sec. 8.** A new section is added to chapter 74.08A RCW to read as follows:

(1) Annually by December 31st, the department must report to the governor and the appropriate policy and fiscal committees of the legislature disaggregated data identifying the race of individuals whose temporary assistance for needy families benefits were reduced or terminated during the preceding year due to:

(a) Sanction as described in RCW 74.08A.260; or

(b) Reaching the sixty-month time limit under RCW 74.08A.010.

(2) If the disaggregated data for terminated or sanctioned individuals shows a disproportionate representation of any racial group that has experienced historic disparities or discrimination, the department must describe steps it is taking to address and remedy the racial disproportionality.

**NEW SECTION. Sec. 9.** Section 1 of this act takes effect July 1, 2021."

Correct the title.

Representatives Entenman and Dent spoke in favor of the adoption of the striking amendment.

The striking amendment (2181) was adopted.

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

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

Representative Dent 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 Senate Bill No. 6478 as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6478, as amended by the House, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Calder, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Paul.

SECOND SUBSTITUTE SENATE BILL NO. 6478, as amended by the House, having received the necessary constitutional majority, was declared passed.

### THIRD READING

#### MESSAGE FROM THE SENATE

March 10, 2020

Mme. SPEAKER:

The Senate refuses to concur in the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 6641 and asks the House to recede therefrom.

Brad Hendrickson, Secretary

#### HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment. The rules were suspended and ENGROSSED SUBSTITUTE SENATE BILL NO. 6641 was returned to second reading for the purpose of amendment.

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

### SECOND READING

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6641, by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by O'Ban, Conway, Wilson and C.)**

#### **Increasing the availability of certified sex offender treatment providers.**

Representative Cody moved the adoption of the striking amendment (2182):

9.0.

Strike everything after the enacting clause and insert the following:

**"Sec. 10.** RCW 18.155.020 and 2004 c 38 s 3 are each amended to read as follows:

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

(1) "Advisory committee" means the sex offender treatment providers advisory committee established under section 5 of this act.

(2) "Certified sex offender treatment provider" means ((a licensed, certified, or registered health professional)) an individual who is a licensed psychologist, licensed marriage and family therapist, licensed social worker, licensed mental health counselor, or psychiatrist as defined in RCW 71.05.020, who is certified to examine and treat sex offenders pursuant to chapters 9.94A and 13.40 RCW and sexually violent predators under chapter 71.09 RCW.

~~((2))~~ (3) "Certified affiliate sex offender treatment provider" means ((a licensed, certified, or registered health professional)) an individual who is a licensed psychologist, licensed marriage and family therapist, licensed social worker, licensed mental health counselor, or psychiatrist as defined in RCW 71.05.020, who is certified as an affiliate to examine and treat sex offenders pursuant to chapters 9.94A and 13.40 RCW and sexually violent predators under chapter 71.09 RCW under the supervision of a ((certified sex offender treatment provider)) qualified supervisor.

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

~~((4))~~ (5)(a) "Qualified supervisor" means:

(i) A person who meets the requirements for certification as a sex offender treatment provider;

(ii) A person who meets a lifetime experience threshold of having provided at least two thousand hours of direct sex offender specific treatment and assessment services and who continues to maintain professional involvement in the field; or

(iii) A person who meets a lifetime experience threshold of at least two years of full-time work in a state-run facility or state-run treatment program providing direct sex offender specific treatment and assessment services and who continues to maintain professional involvement in the field.

(b) A qualified supervisor not credentialed by the department as a sex offender treatment provider must sign and submit to the department an attestation form provided by the department stating under penalty of perjury that the qualified supervisor has met the requisite education, training, or experience requirements and that the qualified supervisor is able to substantiate the qualified supervisor's claim to have met the requirements for education, training, or experience.

(6) "Secretary" means the secretary of health.

~~((5))~~ (7) "Sex offender treatment provider" or "affiliate sex offender treatment provider" means a person who counsels or treats sex offenders accused of or convicted of a sex offense as defined by RCW 9.94A.030.

**Sec. 11.** RCW 18.155.030 and 2004 c 38 s 4 are each amended to read as follows:

(1) No person shall represent himself or herself as a certified sex offender treatment provider or certified affiliate sex offender treatment provider without first applying for and receiving a certificate pursuant to this chapter.

(2) Only a certified sex offender treatment provider, or certified affiliate sex offender treatment provider who has completed at least fifty percent of the required hours under the supervision of a ~~((certified sex offender treatment provider))~~ qualified supervisor, may perform or provide the following services:

(a) ~~((Evaluations conducted for the purposes of and pursuant to RCW 9.94A.670 and 13.40.160;~~

~~(b))~~ Treatment or evaluation of convicted level III sex offenders who are sentenced and ordered into treatment pursuant to chapter 9.94A RCW and adjudicated level III juvenile sex offenders who are ordered into treatment pursuant to chapter 13.40 RCW; or

~~((e))~~ (b) Except as provided under subsection (3) of this section, treatment of sexually violent predators who are conditionally released to a less restrictive alternative pursuant to chapter 71.09 RCW.

(3) A certified sex offender treatment provider, or certified affiliate sex offender treatment provider who has completed at least fifty percent of the required hours under the supervision of a ~~((certified sex offender treatment provider))~~ qualified supervisor, may not perform or provide treatment of sexually violent predators under subsection (2)~~((e))~~ (b) of this section if the treatment provider has been:

(a) Convicted of a sex offense, as defined in RCW 9.94A.030;

(b) Convicted in any other jurisdiction of an offense that under the laws of this state would be classified as a sex offense as defined in RCW 9.94A.030; or

(c) Suspended or otherwise restricted from practicing any health care profession by competent authority in any state, federal, or foreign jurisdiction.

(4) Certified sex offender treatment providers and certified affiliate sex offender treatment providers may perform or provide the following service: Treatment or evaluation of convicted level I and level II sex offenders who are sentenced and ordered into treatment pursuant to chapter 9.94A RCW and adjudicated juvenile level I and level II sex offenders who are sentenced and ordered into treatment pursuant to chapter 13.40 RCW.

(5) Employees of state-run facilities or state-run treatment programs are not required to be a certified sex offender treatment provider or a certified affiliate sex offender treatment provider to do the work described in this section as part of their job duties if not pursuing certification under this chapter.

(6) Individuals credentialed by the department of health as a certified sex offender treatment provider or a certified affiliate sex offender treatment provider prior to the effective date of this section are considered to have met the requirement of holding an underlying health license or credential described in RCW 18.155.020 (2) and (3), provided the underlying license or credential remains active and in good standing.

**Sec. 12.** RCW 18.155.075 and 2006 c 134 s 2 are each amended to read as follows:

(1) The department shall issue an affiliate certificate to any applicant who meets the following requirements:

~~((4))~~ (a) Successful completion of an educational program approved by the secretary or successful completion of alternate training which meets the criteria of the secretary;

~~((2))~~ (b) Successful completion of an examination administered or approved by the secretary;

~~((3))~~ (c) Proof of supervision by a ~~((certified sex offender treatment provider))~~ qualified supervisor;

~~((4))~~ (d) Not having engaged in unprofessional conduct or being unable to practice with reasonable skill and safety as a result of a physical or mental impairment;

~~((5))~~ (e) Not convicted of a sex offense, as defined in RCW 9.94A.030 or convicted in any other jurisdiction of an offense that under the laws of this state would be classified as a sex offense as defined in RCW 9.94A.030; and

~~((6))~~ (f) Other requirements as may be established by the secretary that impact the competence of the sex offender treatment provider.

(2) Individuals credentialed by the department of health as a certified affiliate sex offender treatment provider prior to the effective date of this section are considered to have met the requirement of holding an underlying health license or credential described in RCW 18.155.020(3), provided the underlying license or credential remains active and in good standing.

**Sec. 13.** RCW 18.155.080 and 2004 c 38 s 7 are each amended to read as follows:

The secretary shall establish standards and procedures for approval of the following:

(1) Educational programs and alternate training, which must consider credit for experience obtained through work in a state-run facility or state-run treatment program in Washington or in another state or territory of the United States where the applicant demonstrates having provided at least two thousand hours of direct sex offender specific treatment and assessment services, or two years full-time experience working in a state-run facility or state-run treatment program providing direct sex offender specific treatment and assessment services, and continue to maintain professional involvement in the field;

(2) Examination procedures;

(3)(a) Certifying applicants who have a comparable certification in another jurisdiction, who must be allowed to receive consideration of certification if:

(i) They hold or have held within the past thirty-six months a credential in good standing from another state or territory of the United States that the secretary, with advice from the advisory committee, deems to be substantially equivalent to sex offender treatment provider certification in Washington; or

(ii) They meet a lifetime experience threshold of having provided at least two thousand hours of direct sex offender specific treatment and assessment services, or two years full-time experience working in a state-run facility or state-run treatment program providing direct sex offender specific treatment and assessment services, and continue to maintain professional involvement in the field;

(b) Nothing in (a) of this subsection prohibits the secretary from requiring background checks as a condition of receiving a credential;

(4) Application method and forms;

(5) Requirements for renewals of certificates;

(6) Requirements of certified sex offender treatment providers and certified affiliate sex offender treatment providers who seek inactive status;

(7) Other rules, policies, administrative procedures, and administrative requirements as appropriate to carry out the purposes of this chapter.

(8) In construing the requirements of this section, the applicant may sign attestation forms under penalty of perjury indicating that the applicant has participated in the required training and that the applicant is able to substantiate the applicant's claim to have met the requirements for hours of training if such substantiation is requested. Substantiation may include letters of recommendation from experts in the field with personal knowledge of the applicant's qualifications and experience to treat sex offenders in the community.

(9) Employees of a state-run facility or state-run treatment program may obtain the necessary experience to qualify for this certification through their work and do not need to be certified as an affiliate sex offender treatment provider to obtain the necessary experience requirements upon demonstrating proof of supervision by a qualified supervisor.

**NEW SECTION. Sec. 14.** A new section is added to chapter 18.155 RCW to read as follows:

(1) The sex offender treatment providers advisory committee is established to advise the secretary concerning the administration of this chapter.

(2) The secretary shall appoint the members of the advisory committee, which shall consist of the following persons:

(a) One superior court judge;

(b) Three sex offender treatment providers;

(c) One mental health practitioner who specializes in treating victims of sexual assault;

(d) One defense attorney with experience in representing persons charged with sexual offenses;

(e) One representative from a statewide association representing prosecuting attorneys;

(f) The secretary of the department of social and health services or the secretary's designee;

(g) The secretary of the department of corrections or the secretary's designee; and

(h) The secretary of the department of children, youth, and families or the secretary's designee.

(3) The advisory committee shall be a permanent body. The members shall serve staggered six-year terms, to

be set by the secretary. No person other than the members representing the departments of social and health services, children, youth, and families, and corrections may serve more than two consecutive terms.

(4) The secretary may remove any member of the advisory committee for cause as specified by rule. In the case of a vacancy, the secretary shall appoint a person to serve for the remainder of the unexpired term.

(5) The advisory committee shall provide advice to the secretary concerning:

(a) Certification procedures under this chapter and their implementation;

(b) Standards maintained under RCW 18.155.080, and advice on individual applications for certification;

(c) Issues pertaining to maintaining a healthy workforce of certified sex offender treatment providers to meet the needs of the state of Washington. In considering workforce issues, the advisory committee must evaluate options for reducing or eliminating some or all of the certification-related fees, including the feasibility of requiring that the cost of regulation of persons certified under this chapter be borne by the professions that are identified as eligible to be an underlying credential for certification; and

(d) Recommendations for reform of regulatory or administrative practices of the department, the department of social and health services, or the department of corrections that are within the purview and expertise of the advisory committee. The advisory committee may submit recommendations requiring statutory reform to the office of the governor, the secretary of the senate, and the chief clerk of the house of representatives.

(6) Committee members shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) The advisory committee shall elect officers as deemed necessary to administer its duties. A simple majority of the advisory committee members currently serving shall constitute a quorum of the advisory committee.

(8) Members of the advisory committee shall be residents of the state of Washington.

(9) Members of the advisory committee who are sex offender treatment providers must have a minimum of five years of extensive work experience in treating sex offenders to qualify for appointment to the advisory committee. The sex offender treatment providers on the advisory committee must be certified under this chapter.

(10) The advisory committee shall meet at times as necessary to conduct advisory committee business.

**NEW SECTION. Sec. 15.** A new section is added to chapter 71.09 RCW to read as follows:

To facilitate the equitable geographic distribution of conditional releases under this chapter, the department shall notify the secretary of health, or the secretary's designee, whenever a sex offender treatment provider in an underserved county has been contracted to provide treatment

services to persons on conditional release under this chapter, in which case the secretary of health shall waive any fees for the initial issue, renewal, and reissuance of a credential for the provider under chapter 18.155 RCW. An underserved county is any county identified by the department as having an inadequate supply of qualified sex offender treatment providers to achieve equitable geographic distribution of conditional releases under this chapter.

**Sec. 16.** RCW 18.155.040 and 2004 c 38 s 5 are each amended to read as follows:

In addition to any other authority provided by law, the secretary shall have the following authority:

(1) To set administrative procedures, administrative requirements, and fees in accordance with RCW 43.70.250 ~~((and))~~, 43.70.280, and section 6 of this act;

(2) To establish forms necessary to administer this chapter;

(3) To issue a certificate or an affiliate certificate to any applicant who has met the education, training, and examination requirements for certification or an affiliate certification and deny a certificate to applicants who do not meet the minimum qualifications for certification or affiliate certification. Proceedings concerning the denial of certificates based on unprofessional conduct or impaired practice shall be governed by the uniform disciplinary act, chapter 18.130 RCW;

(4) To hire clerical, administrative, and investigative staff as needed to implement and administer this chapter and to hire individuals including those certified under this chapter to serve as examiners or consultants as necessary to implement and administer this chapter;

(5) To maintain the official department record of all applicants and certifications;

(6) To conduct a hearing on an appeal of a denial of a certificate on the applicant's failure to meet the minimum qualifications for certification. The hearing shall be conducted pursuant to chapter 34.05 RCW;

(7) To issue subpoenas, statements of charges, statements of intent to deny certificates, and orders and to delegate in writing to a designee the authority to issue subpoenas, statements of charges, and statements of intent to deny certificates;

(8) To determine the minimum education, work experience, and training requirements for certification or affiliate certification, including but not limited to approval of educational programs;

(9) To prepare and administer or approve the preparation and administration of examinations for certification;

(10) To establish by rule the procedure for appeal of an examination failure;

(11) To adopt rules implementing a continuing competency program;

(12) To adopt rules in accordance with chapter 34.05 RCW as necessary to implement this chapter.

**NEW SECTION. Sec. 17.** The following sections are decodified:

(1) RCW 18.155.900 (Index, part headings not law—1990 c 3);

(2) RCW 18.155.901 (Severability—1990 c 3); and

(3) RCW 18.155.902 (Effective dates—Application—1990 c 3)."

Correct the title.

Representatives Cody and Schmick spoke in favor of the adoption of the striking amendment.

The striking amendment (2182) was adopted.

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

Representatives Cody 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 Senate Bill No. 6641 as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6641, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Thai.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6641, as amended by the House, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 9, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 1368 with the following amendment:

17.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 18.** (1) This section is the tax preference performance statement for the tax preference contained in section 2, chapter . . . , Laws of 2020 (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 provide tax relief for certain businesses or individuals, as indicated in RCW 82.32.808(2)(e).

(3) It is the legislature's specific public policy objective to reduce the tax burden on individuals and businesses imposed by the existing business and occupation tax rates.

(4) If the review finds that at least one cooperative finance organization in this state used the deduction, then the legislature intends to extend the expiration date of this tax deduction.

(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.

**NEW SECTION. Sec. 19.** A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing tax there may be deducted from the measure of tax, amounts received by a cooperative finance organization where the amounts are derived from loans to rural electric cooperatives or other nonprofit or governmental providers of utility services organized under the laws of this state.

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

(a) "Cooperative finance organization" means a nonprofit organization with the primary purpose of providing, securing, or otherwise arranging financing for rural electric cooperatives.

(b) "Rural electric cooperative" means a nonprofit, customer-owned organization that provides utility services to rural areas.

(3) This section expires January 1, 2030.

**NEW SECTION. Sec. 20.** This act takes effect July 1, 2020."

On page 1, line 2 of the title, after "organizations;" strike the remainder of the title and insert "adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1368 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Springer and Orcutt 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. 1368, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1368, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

HOUSE BILL NO. 1368, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 10, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2632 with the following amendment:

20.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 21.** The legislature recognizes that false reporting laws criminalize the knowingly false reporting of certain occurrences that are likely to cause unwarranted evacuations, public inconvenience, or alarm.

Recently, however, false reporting and the 911 system have been weaponized, resulting in serious dangers and even lost lives. The term "swatting" describes the false reporting of an emergency with the goal of having a police unit or special weapons and tactics team deployed. The reckless act of swatting, often motivated by the perpetrator's bias towards protected classes, has caused death and trauma in some cases. As such, the legislature finds that a gross misdemeanor is insufficient as a legal response and hereby create felony false reporting punishments when the false reporting leads to injury or death.

**Sec. 22.** RCW 9A.84.040 and 2011 c 336 s 411 are each amended to read as follows:

(1) A person (~~is guilty of~~) commits false reporting if, with knowledge that the information reported, conveyed, or circulated is false, he or she initiates or circulates a false report or warning of an alleged occurrence or impending occurrence (~~(of a fire, explosion, crime, catastrophe, or emergency)~~) knowing that such false report is likely to cause ~~((evacuation))~~; Evacuation of a building, place of assembly, or transportation facility(~~(, or to cause))~~; public inconvenience or alarm; or an emergency response.

(2)(a) A person is guilty of false reporting in the first degree if the report was made with reckless disregard for the safety of others, the false reporting caused an emergency response, and death is sustained by any person as a proximate result of an emergency response. False reporting in the first degree is a class B felony.

(b) A person is guilty of false reporting in the second degree if the report was made with reckless disregard for the safety of others, the false reporting caused an emergency response, and substantial bodily harm is sustained by any person as a proximate result of an emergency response. False reporting in the second degree is a class C felony.

(c) A person is guilty of false reporting in the third degree if he or she commits false reporting under circumstances not constituting false reporting in the first or second degree. False reporting in the third degree is a gross misdemeanor.

(3) Any criminal offense committed under this section may be deemed to have been committed either at the place from which the false report was made, at the place where the false report was received by law enforcement, or at the place where an evacuation, public inconvenience or alarm, or emergency response occurred.

(4) Where a case is legally sufficient to charge a person under the age of eighteen with the crime of false reporting and the alleged offense is the offender's first violation of this section, the prosecutor may divert the case.

(5) For the purposes of this section, "emergency response" means any action to protect life, health, or property by:

(a) A peace officer or law enforcement agency of the United States, the state, or a political subdivision of the state;  
or

(b) An agency of the United States, the state, or a political subdivision of the state, or a private not-for-profit organization that provides fire, rescue, or emergency medical services.

(6) Nothing in this section will be construed to: (a) Impose liability on a person who contacts law enforcement for the purpose of, or in connection with, the reporting of unlawful conduct; (b) conflict with Title 47 U.S.C. Sec. 230 of the communication decency act; or (c) conflict with Title 42 U.S.C. Sec. 1983 of the civil rights act.

**NEW SECTION. Sec. 23.** A new section is added to chapter 4.24 RCW to read as follows:

(1)(a) An individual who is a victim of an offense under RCW 9A.84.040 may bring a civil action against the person who committed the offense or against any person who knowingly benefits, financially or by receiving anything of value, from participation in a venture that the person knew or should have known has engaged in an act in violation of RCW 9A.84.040, and may recover damages and any other appropriate relief, including reasonable attorneys' fees.

(b) A person who is found liable under RCW 9A.84.040 shall be jointly and severally liable with each other person, if any, who is found liable under RCW 9A.84.040 for damages arising from the same violation of RCW 9A.84.040.

(2) Any person convicted of violating RCW 9A.84.040 and that resulted in an emergency response may be liable to a public agency for the reasonable costs of the emergency response by, and at the discretion of, the public agency that incurred the costs.

**Sec. 24.** RCW 9.94A.515 and 2019 c 271 s 7, 2019 c 243 s 5, 2019 c 64 s 3, and 2019 c 46 s 5009 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI	Aggravated Murder	1	(RCW 10.95.020)
XV	Homicide by abuse		(RCW 9A.32.055)
	Malicious explosion	1	(RCW 70.74.280(1))
	Murder 1		(RCW 9A.32.030)
XIV	Murder 2		(RCW 9A.32.050)
	Trafficking 1		(RCW 9A.40.100(1))
XIII	Malicious explosion	2	(RCW 70.74.280(2))

	Malicious placement of an explosive 1 (RCW 70.74.270(1))	Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
XII	Assault 1 (RCW 9A.36.011)	Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
	Assault of a Child 1 (RCW 9A.36.120)	Malicious placement of an explosive 2 (RCW 70.74.270(2))
	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))	Robbery 1 (RCW 9A.56.200)
	Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)	Sexual Exploitation (RCW 9.68A.040)
	Rape 1 (RCW 9A.44.040)	VIII Arson 1 (RCW 9A.48.020)
	Rape of a Child 1 (RCW 9A.44.073)	Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
	Trafficking 2 (RCW 9A.40.100(3))	Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
XI	Manslaughter 1 (RCW 9A.32.060)	Manslaughter 2 (RCW 9A.32.070)
	Rape 2 (RCW 9A.44.050)	Promoting Prostitution 1 (RCW 9A.88.070)
	Rape of a Child 2 (RCW 9A.44.076)	Theft of Ammonia (RCW 69.55.010)
	Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)	VII Air bag diagnostic systems (causing bodily injury or death) (RCW 46.37.660(2)(b))
	Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)	Air bag replacement requirements (causing bodily injury or death) (RCW 46.37.660(1)(b))
X	Child Molestation 1 (RCW 9A.44.083)	Burglary 1 (RCW 9A.52.020)
	Criminal Mistreatment 1 (RCW 9A.42.020)	Child Molestation 2 (RCW 9A.44.086)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))	Civil Disorder Training (RCW 9A.48.120)
	Kidnapping 1 (RCW 9A.40.020)	Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
	Leading Organized Crime (RCW 9A.82.060(1)(a))	Drive-by Shooting (RCW 9A.36.045)
	Malicious explosion 3 (RCW 70.74.280(3))	<u>False Reporting 1 (RCW 9A.84.040(2)(a))</u>
	Sexually Violent Predator Escape (RCW 9A.76.115)	Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
IX	Abandonment of Dependent Person 1 (RCW 9A.42.060)	Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
	Assault of a Child 2 (RCW 9A.36.130)	
	Explosive devices prohibited (RCW 70.74.180)	
	Hit and Run—Death (RCW 46.52.020(4)(a))	

	Introducing Contraband 1 (RCW 9A.76.140)	V	Abandonment of Dependent Person 2 (RCW 9A.42.070)
	Malicious placement of an explosive 3 (RCW 70.74.270(3))		Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
	Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (causing bodily injury or death) (RCW 46.37.650(1)(b))		Air bag diagnostic systems (RCW 46.37.660(2)(c))
	Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)		Air bag replacement requirements (RCW 46.37.660(1)(c))
	Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(b))		Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
	Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))		Child Molestation 3 (RCW 9A.44.089)
	Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))		Criminal Mistreatment 2 (RCW 9A.42.030)
	Use of a Machine Gun or Bump-fire Stock in Commission of a Felony (RCW 9.41.225)		Custodial Sexual Misconduct 1 (RCW 9A.44.160)
	Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)		Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))
VI	Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))		Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.50.110, 26.52.070, or 74.34.145)
	Bribery (RCW 9A.68.010)		Extortion 1 (RCW 9A.56.120)
	Incest 1 (RCW 9A.64.020(1))		Extortionate Extension of Credit (RCW 9A.82.020)
	Intimidating a Judge (RCW 9A.72.160)		Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
	Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)		Incest 2 (RCW 9A.64.020(2))
	Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))		Kidnapping 2 (RCW 9A.40.030)
	Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))		Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (RCW 46.37.650(1)(c))
	Rape of a Child 3 (RCW 9A.44.079)		Perjury 1 (RCW 9A.72.020)
	Theft of a Firearm (RCW 9A.56.300)		Persistent prison misbehavior (RCW 9.94.070)
	Theft from a Vulnerable Adult 1 (RCW 9A.56.400(1))		Possession of a Stolen Firearm (RCW 9A.56.310)
	Unlawful Storage of Ammonia (RCW 69.55.020)		Rape 3 (RCW 9A.44.060)
			Rendering Criminal Assistance 1 (RCW 9A.76.070)

	Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(c))	Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
	Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))	Influencing Outcome of Sporting Event (RCW 9A.82.070)
	Sexual Misconduct with a Minor 1 (RCW 9A.44.093)	Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
	Sexually Violating Human Remains (RCW 9A.44.105)	Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))
	Stalking (RCW 9A.46.110)	Residential Burglary (RCW 9A.52.025)
	Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)	Robbery 2 (RCW 9A.56.210)
IV	Arson 2 (RCW 9A.48.030)	Theft of Livestock 1 (RCW 9A.56.080)
	Assault 2 (RCW 9A.36.021)	Threats to Bomb (RCW 9.61.160)
	Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))	Trafficking in Stolen Property 1 (RCW 9A.82.050)
	Assault 4 (third domestic violence offense) (RCW 9A.36.041(3))	Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
	Assault by Watercraft (RCW 79A.60.060)	Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
	Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)	Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
	Cheating 1 (RCW 9.46.1961)	Unlawful transaction of insurance business (RCW 48.15.023(3))
	Commercial Bribery (RCW 9A.68.060)	Unlicensed practice as an insurance professional (RCW 48.17.063(2))
	Counterfeiting (RCW 9.16.035(4))	Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
	Driving While Under the Influence (RCW 46.61.502(6))	Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))
	Endangerment with a Controlled Substance (RCW 9A.42.100)	Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
	Escape 1 (RCW 9A.76.110)	Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))
	Hate Crime (RCW 9A.36.080)	
	Hit and Run—Injury (RCW 46.52.020(4)(b))	
	Hit and Run with Vessel—Injury Accident (RCW 79A.60.200(3))	
	Identity Theft 1 (RCW 9.35.020(2))	

	Willful Failure to Return from Furlough (RCW 72.66.060)	Perjury 2 (RCW 9A.72.030)
III	Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))	Possession of Incendiary Device (RCW 9.40.120)
	Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))	Possession of Machine Gun, Bump-Fire Stock, Undetectable Firearm, or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
	Assault of a Child 3 (RCW 9A.36.140)	Promoting Prostitution 2 (RCW 9A.88.080)
	Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))	Retail Theft with Special Circumstances 1 (RCW 9A.56.360(2))
	Burglary 2 (RCW 9A.52.030)	Securities Act violation (RCW 21.20.400)
	Communication with a Minor for Immoral Purposes (RCW 9.68A.090)	Tampering with a Witness (RCW 9A.72.120)
	Criminal Gang Intimidation (RCW 9A.46.120)	Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
	Custodial Assault (RCW 9A.36.100)	Theft of Livestock 2 (RCW 9A.56.083)
	Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))	Theft with the Intent to Resell 1 (RCW 9A.56.340(2))
	Escape 2 (RCW 9A.76.120)	Trafficking in Stolen Property 2 (RCW 9A.82.055)
	Extortion 2 (RCW 9A.56.130)	Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))
	<u>False Reporting 2 (RCW 9A.84.040(2)(b))</u>	Unlawful Imprisonment (RCW 9A.40.040)
	Harassment (RCW 9A.46.020)	Unlawful Misbranding of Fish or Shellfish 1 (RCW 77.140.060(3))
	Intimidating a Public Servant (RCW 9A.76.180)	Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
	Introducing Contraband 2 (RCW 9A.76.150)	Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))
	Malicious Injury to Railroad Property (RCW 81.60.070)	Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))
	Manufacture of Untraceable Firearm with Intent to Sell (RCW 9.41.190)	Unlawful Use of a Nondesignated Vessel (RCW 77.15.530(4))
	Manufacture or Assembly of an Undetectable Firearm or Untraceable Firearm (RCW 9.41.325)	Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
	Mortgage Fraud (RCW 19.144.080)	Willful Failure to Return from Work Release (RCW 72.65.070)
	Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)	
	Organized Retail Theft 1 (RCW 9A.56.350(2))	

- II Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))
- Computer Trespass 1 (RCW 9A.90.040)
- Counterfeiting (RCW 9.16.035(3))
- Electronic Data Service Interference (RCW 9A.90.060)
- Electronic Data Tampering 1 (RCW 9A.90.080)
- Electronic Data Theft (RCW 9A.90.100)
- Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))
- Escape from Community Custody (RCW 72.09.310)
- Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132)
- Health Care False Claims (RCW 48.80.030)
- Identity Theft 2 (RCW 9.35.020(3))
- Improperly Obtaining Financial Information (RCW 9.35.010)
- Malicious Mischief 1 (RCW 9A.48.070)
- Organized Retail Theft 2 (RCW 9A.56.350(3))
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Possession of a Stolen Vehicle (RCW 9A.56.068)
- Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3))
- Scrap Processing, Recycling, or Supplying Without a License (second or subsequent offense) (RCW 19.290.100)
- Theft 1 (RCW 9A.56.030)
- Theft of a Motor Vehicle (RCW 9A.56.065)
- Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at five thousand dollars or more) (RCW 9A.56.096(5)(a))
- Theft with the Intent to Resell 2 (RCW 9A.56.340(3))
- Trafficking in Insurance Claims (RCW 48.30A.015)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
- Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))
- Unlawful Practice of Law (RCW 2.48.180)
- Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))
- Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))
- Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
- Voyeurism 1 (RCW 9A.44.115)
- I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- False Verification for Welfare (RCW 74.08.055)
- Forgery (RCW 9A.60.020)
- Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
- Malicious Mischief 2 (RCW 9A.48.080)
- Mineral Trespass (RCW 78.44.330)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Reckless Burning 1 (RCW 9A.48.040)
- Spotlighting Big Game 1 (RCW 77.15.450(3)(b))
- Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))
- Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)

Theft 2 (RCW 9A.56.040)

Theft from a Vulnerable Adult 2 (RCW 9A.56.400(2))

Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at seven hundred fifty dollars or more but less than five thousand dollars) (RCW 9A.56.096(5)(b))

Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)

Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Possession of Fictitious Identification (RCW 9A.56.320)

Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)

Unlawful Possession of Payment Instruments (RCW 9A.56.320)

Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)

Unlawful Production of Payment Instruments (RCW 9A.56.320)

Unlawful Releasing, Planting, Possessing, or Placing Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))

Unlawful Trafficking in Food Stamps (RCW 9.91.142)

Unlawful Use of Food Stamps (RCW 9.91.144)

Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))

Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3))

Vehicle Prowl 1 (RCW 9A.52.095)

Violating Commercial Fishing Area or Time 1 (RCW 77.15.550(3)(b))"

On page 1, line 1 of the title, after "emergency;" strike the remainder of the title and insert "amending RCW 9A.84.040; reenacting and amending RCW 9.94A.515; adding a new section to chapter 4.24 RCW; creating a new section; and prescribing penalties."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2632 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

Representative Klippert 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. 2632, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2632, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dent, Dufault, Jenkin, Klippert, Kraft, Smith and Walsh.

Excused: Representative Paul.

SUBSTITUTE HOUSE BILL NO. 2632, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 10, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2722 with the following amendment:  
24.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 25.** (1) Sustainable and resilient markets for recycled materials are essential to any successful recycling system. For many years, Washington has depended on foreign markets to accept the recyclable materials that are collected for recycling in the state. Developing domestic markets for recycled materials benefits the environment and the state's economy and is critical due to the loss of foreign markets.

(2) China's 2018 national sword policy bans the importation of recycled mixed paper and certain types of recycled plastic and imposes a stringent one-half of one percent contamination limit on all other recycled material imports. Washington's recycling facilities are struggling to find markets for recycled materials, resulting in the stockpiling of these materials. Washington must reduce its reliance on unpredictable foreign markets for its recycled materials.

(3) Plastic bottles can be recycled and can contain recycled content in order to close the loop in the recycling stream. Many companies have already taken the initiative at closing the loop by using plastic bottles that contain one hundred percent recycled content. Since November 2010, one national juice company has been using bottles made with one hundred percent postconsumer recycled content for all of its juices and juice smoothies. In January 2018, an international beverage producer announced that it will make all its bottles from one hundred percent recycled plastic by 2025.

(4) The requirements imposed by this act are reasonable and are achievable at minimal cost relative to the burden imposed by the continued excessive use of virgin materials in beverage containers in Washington.

(5) The legislature encourages beverage manufacturers to use plastic beverage containers that exceed the standards set forth in this act.

**NEW SECTION. Sec. 26.** The definitions in this section apply throughout sections 3 through 8 of this act unless the context clearly requires otherwise.

(1) "Beverage manufacturer" means a manufacturer of one or more beverages described in section 3(1) of this act, that are sold, offered for sale, or distributed in Washington.

(2) "Beverage manufacturing industry" means an association that represents companies that manufacture beverages.

(3) "Department" means the department of ecology.

**NEW SECTION. Sec. 27.** (1) Beginning January 1, 2022, beverage manufacturers that offer for sale, sell, or distribute in Washington beverages, intended for human or animal consumption and in a quantity more than or equal to two fluid ounces and less than or equal to one gallon, must meet minimum postconsumer recycled content as required under section 4 of this act, on average for the total number of plastic beverage containers for the following beverages:

(a) Water and flavored water;

(b) Beer or other malt beverages;

(c) Wine;

(d) Mineral waters, soda water, and similar carbonated soft drinks; and

(e) Any beverage other than those specified in this subsection, except infant formula.

(2) The following containers are exempt from sections 3 through 6 of this act:

(a) Refillable plastic beverage containers;

(b) Rigid plastic containers or rigid plastic bottles that are medical devices, medical products that are required to be sterile, prescription medicine, and packaging used for those products; and

(c) Bladders or pouches that contain wine.

(3) The department may adopt rules to exempt beverages.

**NEW SECTION. Sec. 28.** (1) Every year, a beverage manufacturer must meet the following minimum postconsumer recycled plastic content on average for the total number of plastic beverage containers for beverages as established in section 3 of this act that are sold, offered for sale, or distributed in Washington effective:

(a) January 1, 2022, through December 31, 2024: No less than ten percent postconsumer recycled plastic;

(b) January 1, 2025, through December 31, 2029: No less than twenty-five percent postconsumer recycled plastic;

(c) On and after January 1, 2030: No less than fifty percent postconsumer recycled plastic.

(2)(a) Beginning in 2021, and every other year thereafter, or at the petition of the beverage manufacturing industry but not more than annually, the department shall consider whether the minimum postconsumer recycled content requirements established under subsection (1) of this section should be waived or reduced. The department must consider a petition from the beverage manufacturing industry within sixty days of receipt.

(b) If the department determines that a minimum postconsumer recycled content requirement should be adjusted, the adjusted rate must be in effect until a new determination is made or upon the expiration of the minimum postconsumer recycled content requirement's effective period, whichever occurs first. The department may not adjust the minimum postconsumer recycled content requirements above the minimum postconsumer recycled plastic content percentages, as established under subsection (1) of this section. In making a determination to adjust the minimum postconsumer recycled content requirements the department must at least consider the following:

(i) Changes in market conditions, including supply and demand for postconsumer recycled plastics, collection rates, and bale availability;

(ii) Recycling rates;

(iii) The availability of recycled plastic suitable to meet the minimum postconsumer recycled content requirements, including the availability of high quality recycled plastic, and food grade recycled plastic from beverage container recycling programs;

(iv) The capacity of recycling or processing infrastructure;

(v) The progress made by beverage manufacturers in meeting the requirements of this section; and

(vi) The carbon footprint of the transportation of the recycled resin.

(3) The beverage manufacturing industry or a beverage manufacturer may appeal adjustments to the requirement for minimum postconsumer recycled content as determined under subsection (1) of this section to the pollution control hearings board within thirty days of the department's determination.

(4) The department may grant extensions of time for beverage manufacturers to meet the minimum postconsumer recycled plastic content requirements established under subsection (1) of this section if the department determines that a beverage manufacturer has made a substantial effort but has failed to meet the minimum recycled plastic content requirements due to extenuating circumstances beyond the beverage manufacturer's control.

(5) A beverage manufacturer that does not meet the minimum postconsumer recycled plastic content requirements established in subsection (1) of this section is subject to a fee established in section 6 of this act.

**NEW SECTION. Sec. 29.** (1)(a) On or before March 1, 2022, and annually thereafter, a beverage manufacturer, under penalty of perjury, must report to the department, in pounds and by resin type, the amount of virgin plastic and postconsumer recycled plastic used for plastic beverage containers containing a beverage as established under section 3 of this act sold, offered for sale, or distributed in Washington in the previous calendar year.

(b) The department must post the information reported under this subsection on its web site.

(2) The department may: (a) Conduct audits and investigations for the purpose of ensuring compliance with this section based on the information reported under subsection (1) of this section; and (b) adopt rules to implement, administer, and enforce the requirements of this act.

(3) The department shall keep confidential all business trade secrets and proprietary information about manufacturing processes and equipment that the department gathers or becomes aware of through the course of conducting audits or investigations pursuant to this chapter.

**NEW SECTION. Sec. 30.** (1) Beginning January 1, 2022, a beverage manufacturer that does not meet the minimum postconsumer recycled plastic content requirements as established under section 4 of this act, based upon the amount in pounds and in the aggregate, is subject to an annual fee.

(2) The following violation levels are based on a beverage manufacturer's overall compliance rate of the minimum postconsumer recycled plastic content requirements.

(a) Level one violation: At least seventy-five percent but less than one hundred percent of the minimum recycled plastic content requirements;

(b) Level two violation: At least fifty percent but less than seventy-five percent of the minimum recycled plastic content requirements;

(c) Level three violation: At least twenty-five percent but less than fifty percent of the minimum recycled plastic content requirements;

(d) Level four violation: At least fifteen percent but less than twenty-five percent of the minimum recycled plastic content requirements; and

(e) Level five violation: Less than fifteen percent of the minimum recycled plastic content requirements.

(3) Beginning March 1, 2023, the department may assess fees for violations as follows:

(a) Level one violation, the fee range is five cents to fifteen cents per pound;

(b) Level two violation, the fee range is ten cents to twenty cents per pound;

(c) Level three violation, the fee range is fifteen cents to twenty-five cents per pound;

(d) Level four violation, the fee range is twenty cents to thirty cents per pound;

(e) Level five violation, the fee range is twenty-five cents to thirty cents per pound.

(4) In lieu of or in addition to assessing a fee under subsection (3) of this section, the department may require a beverage manufacturer to submit a corrective action plan detailing how the beverage manufacturer plans to come into compliance with section 4 of this act.

(5) The department shall consider equitable factors in determining whether to assess a fee under subsection (3) of this section and the amount of the fee including, but not limited to: The nature and circumstances of the violation; actions taken by the beverage manufacturer to correct the violation; the beverage manufacturer's history of compliance; the size and economic condition of the beverage manufacturer; and whether the violation or conditions giving rise to the violation were due to circumstances beyond the reasonable control of the beverage manufacturer or were otherwise unavoidable under the circumstances including, but not limited to, unforeseen changes in market conditions.

(6) A beverage manufacturer must:

(a) Pay to the department assessed fees in quarterly installments; or

(b) Arrange an alternative payment schedule subject to the approval of the department.

(7) A beverage manufacturer may appeal fees assessed under this section to the pollution control hearings board within thirty days of assessment.

(8)(a) The department shall consider waiving or reducing the fees or extending the time frame for assessing fees established under subsection (3) of this section for a beverage manufacturer that has demonstrated progress toward meeting the minimum postconsumer recycled content requirements, as established under section 4 of this act, if the beverage manufacturer:

(i) Has failed to meet the minimum postconsumer recycled content requirements; or

(ii) Anticipates it will not be able to meet the minimum postconsumer recycled content requirements.

(b) In determining whether to grant a waiver of, or reduce a fee, or extend the time frame for assessing a fee, the department shall consider, at a minimum, all of the following:

(i) Anomalous market conditions;

(ii) Disruption in, or lack of supply of, recycled plastics; and

(iii) Other factors that have prevented a beverage manufacturer from meeting the requirements.

(9) A beverage manufacturer shall pay the fees assessed pursuant to this section, as applicable, based on the information reported to the department as required under section 5(1) of this act in the form and manner prescribed by the department.

**NEW SECTION. Sec. 31.** The recycling enhancement fee account is created in the state treasury. All fees collected by the department pursuant to section 6 of this act must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used by the department only for providing funding to the recycling development center created in RCW 70.370.030 for the purpose of furthering the development of recycling infrastructure in this state.

**NEW SECTION. Sec. 32.** (1) A city, town, county, or municipal corporation may not implement local recycled content requirements for plastic beverage containers that must meet minimum postconsumer recycled content as required under sections 3 and 4 of this act.

(2) Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of this act, may not be enacted and are preempted.

**NEW SECTION. Sec. 33.** A new section is added to chapter 42.56 RCW to read as follows:

Information submitted to the department of ecology under chapter 70.--- RCW (the new chapter created in section 14 of this act), that contains business trade secrets or proprietary information about manufacturing processes and equipment, is exempt from disclosure under this chapter.

**Sec. 34.** RCW 43.21B.110 and 2019 c 344 s 16, 2019 c 292 s 10, and 2019 c 290 s 12 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 70.94 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, 70.94.431, 70.105.080, 70.107.050, 70.365.070, 70.375.060, 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, 70.94.211, 70.94.332, 70.105.095, 70.365.070, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) A final decision by the department or director made under chapter 183, Laws of 2009.

(d) 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 70.95.300.

(e) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(f) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(g) 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 70.95.205.

(h) 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.

(i) 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.

(j) 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).

(k) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(l) 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.

(m) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(n) 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.

(o) Decisions of the department that are appealable under sections 4 and 6 of this act, to set recycled minimum postconsumer content for plastic beverage containers and to assess fees.

(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 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, 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. 35.** RCW 43.21B.110 and 2019 c 344 s 16, 2019 c 292 s 10, and 2019 c 290 s 12 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 70.94 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, 70.94.431, 70.105.080, 70.107.050, 70.365.070, 70.375.060, 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, 70.94.211, 70.94.332, 70.105.095, 70.365.070, 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 70.95.300.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(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 70.95.205.

(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 that are appealable under sections 4 and 6 of this act, to set recycled minimum postconsumer content for plastic beverage containers and to assess fees.

(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 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, 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.

NEW SECTION. **Sec. 36.** Section 10 of this act expires June 30, 2021.

NEW SECTION. **Sec. 37.** Section 11 of this act takes effect June 30, 2021.

NEW SECTION. **Sec. 38.** Sections 2 through 8 of this act constitute a new chapter in Title 70 RCW."

On page 1, line 1 of the title, after "requirements;" strike the remainder of the title and insert "reenacting and amending RCW 43.21B.110 and 43.21B.110; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 70 RCW; creating a new section; prescribing penalties; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2722 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

Representative DeBolt 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. 2722, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2722, 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 Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2722, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 5, 2020

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2737 with the following amendment:

38.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 39.** RCW 74.09.4951 and 2019 c 360 s 2 are each amended to read as follows:

(1) (~~(A children's mental)~~) The children and youth behavioral health work group is established to identify barriers to and opportunities for accessing (~~(mental)~~) behavioral health services for children and their families, and to advise the legislature on statewide (~~(mental)~~) 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. (~~(Members of the children's mental health work group created in chapter 96, Laws of 2016, and serving on the work group as of December 1, 2017, may continue to serve as members of the work group without reappointment.)~~)

(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 ~~((one member representing each of))~~ the following members:

(i) ~~((Behavioral))~~ One representative of behavioral health administrative services organizations;

(ii) ~~((Community))~~ One representative of community mental health agencies;

(iii) ~~((Medicaid))~~ One representative of medicaid managed care organizations;

(iv) ~~((A))~~ One regional provider of co-occurring disorder services;

(v) ~~((Pediatricians))~~ One pediatrician or primary care provider((s));

(vi) ~~((Providers))~~ One provider specializing in infant or early childhood mental health;

(vii) ~~((Child health advocacy groups))~~ One representative who advocates for behavioral health issues on behalf of children and youth;

(viii) ~~((Early))~~ One representative of early learning and child care providers;

(ix) ~~((The))~~ One representative of the evidence-based practice institute;

(x) ~~((Parents))~~ Two parents or caregivers of children who have ~~((been the recipient of early childhood mental))~~ received behavioral health services, one of which must have a child under the age of six;

(xi) ~~((A))~~ One representative of an education or teaching institution that provides training for mental health professionals;

(xii) ~~((Foster))~~ One foster parent((s));

(xiii) ~~((Providers))~~ One representative of providers of culturally and linguistically appropriate health services to traditionally underserved communities;

(xiv) ~~((Pediatricians))~~ One pediatrician located east of the crest of the Cascade mountains; ~~((and))~~

(xv) ~~((Child))~~ One child psychiatrist((s));

(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, 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's mental))~~ children and youth behavioral health, including provider payment for ~~((depression screenings for youth and new mothers;))~~ 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; ~~((and))~~

(c) Identify opportunities to remove barriers to treatment and strengthen ~~((mental))~~ 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)((a)) The work group shall convene an advisory group (to develop a funding model for:~~

~~(i) The partnership access line activities described in RCW 71.24.061, including the partnership access line for moms and kids and community referral facilitation;~~

~~(ii) Delivering partnership access line services to educational service districts for the training and support of school staff managing children with challenging behaviors; and~~

~~(iii) Expanding partnership access line consultation services to include consultation for health care professionals serving adults.~~

~~(b) The work group cochairs shall invite representatives from the following organizations and interests to participate as advisory group members under this subsection:~~

~~(i) Private insurance carriers;~~

~~(ii) Medicaid managed care plans;~~

~~(iii) Self-insured organizations;~~

~~(iv) Seattle children's hospital;~~

~~(v) The partnership access line;~~

~~(vi) The office of the insurance commissioner;~~

~~(vii) The University of Washington school of medicine; and~~

~~(viii) Other organizations and individuals, as determined by the cochairs.~~

~~(c) The funding model must build upon previous funding model efforts by the health care authority, including work completed pursuant to chapter 288, Laws of 2018. The funding model must:~~

~~(i) Determine the annual cost of operating the partnership access line and its various components and collect a proportional share of program cost from each health insurance carrier; and~~

~~(ii) Differentiate between partnership access line activities eligible for medicaid funding and activities that are nonmedicaid eligible.~~

~~(d) By December 1, 2019, the advisory group formed under this subsection must deliver the funding model and any associated recommendations to the work 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) Staff support for the work group, including administration of work group meetings and preparation of ((the updated)) full work group recommendations and reports required under ((subsection (8) of)) 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) Legislative members of the work group are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW. 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, 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.~~

~~(9) This section expires December 30, ((2020)) 2026."~~

~~On page 1, line 2 of the title, after "group;" strike the remainder of the title and insert "amending RCW 74.09.4951; and providing an expiration date."~~

~~and the same is herewith transmitted.~~

~~Sarah Bannister, Deputy, Secretary~~

#### **SENATE AMENDMENT TO HOUSE BILL**

~~There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2737 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. 2737, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2737, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SECOND SUBSTITUTE HOUSE BILL NO. 2737, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

With the consent of the House, the bills previously acted upon were immediately transmitted to the Senate.

Speaker Jenkins assumed the chair.

### RESOLUTION

**HOUSE RESOLUTION NO. 2020-4685**, by Representatives Jenkins, Wilcox, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wylie, Ybarra, and Young

WHEREAS, Representative Sherry Appleton has ably and proudly served the people of Washington's 23rd

legislative district since taking the oath of office as a state representative on January 10, 2005; and

WHEREAS, During her sixteen years in the Legislature, she has been an unswervingly progressive voice, with a fierce commitment to her constituents in Kitsap County and a deep compassion for society's underdogs; and

WHEREAS, As a proud Navy widow with thousands of active-duty sailors and retired Naval personnel in her district, Sherry has been a staunch and effective advocate for the military, serving on related boards, commissions, and legislative committees, and was named "Outstanding Legislator of the Year" by the Department of Veterans Affairs and the governor's Veterans Affairs Advisory Committee for her years of often behind-the-scenes work on behalf of the state's approximately seven hundred thousand military veterans; and

WHEREAS, During her tenure in the Legislature, Sherry has chaired two standing House panels, the Committee on Local Government and the Committee on Community Development, Housing & Tribal Affairs, facilitating the passage of scores of bills designed to make Washington a better place to live, work, do business, and raise a family; and

WHEREAS, Sherry's commitment to seniors, especially those living with dementia, earned her the title of Mother of the Silver Alert for her multiyear effort to create a public safety law that has saved countless lives since its passage in 2015; and

WHEREAS, Living amid the natural beauty and bounty of the Kitsap Peninsula helped Sherry become a conservationist before conservation was cool, and her consistency in advancing this cause led the nonpartisan Washington Conservation Voters to induct her into its "Lifetime 100 Club," an honor based on how consistently an elected official votes to "protect our clean air, water and forests, while accelerating the transition to a good-job, clean-energy economy"; and

WHEREAS, Our four-footed or feathered friends have no greater legislative ally than Sherry, who includes them in the category of the voiceless for whom she is privileged to speak, a fact obvious in the wide range of animal-welfare bills that she has sponsored over the years, including the breed-ban bill that she pursued for years, and her successful efforts to secure funding in the capital budget for much-needed improvements to the puppy room at Kitsap Humane Society; and

WHEREAS, This continuing dedication to animals and animal rights led the Washington state chapter of the Humane Society of the United States to name Sherry "Humane Legislator of the Year" in 2018, prompting her to say at the award ceremony, "A society, a culture, can be judged by how it treats those with the least power: Children, seniors, persons living with disabilities, and yes, our animals. I'm grateful to have colleagues in the Legislature on both sides of the party aisle who recognize this and work with me to make this a better place for all of us"; and

WHEREAS, Sherry has fought hard for her beloved 23rd legislative district, bringing home victories for the people of Kitsap County, its cities and towns, and its valuable institutions, including Martha & Mary, Olympic College, the Marine Science Center (SEA Discovery Center), Village Green Community Center, and Fishline Food Bank, among many, many others during her legislative tenure; and

WHEREAS, Sherry's commitment to public service is evident in her work outside of and prior to her election to the Legislature, including her appointments by Presidents George H.W. Bush and Bill Clinton to serve on the Washington State Advisory Committee to the U.S. Commission on Civil Rights, and her service on the board of directors of the Association of Washington Cities, on the Northwest Women's Law Center Legislative Committee, on the board of NARAL, and as vice-chair of the Washington State Women's Political Caucus; and

WHEREAS, Last, but certainly not least, Sherry has continually called the Legislature's attention to the fact that the people she represents live on a peninsula and an island, and that the Washington state ferry system is their economic and recreational lifeline, and she has been a fierce and tireless advocate for safer, more affordable, and more dependable ferry service for Kitsap County;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor Representative Sherry Appleton upon her retirement from the Legislature for her sixteen years of service to her constituents in the 23rd legislative district, to the House of Representatives, and to the entire State of Washington.

Representative Pettigrew moved adoption of HOUSE RESOLUTION NO. 4685.

Representative Pettigrew: "Thank you Madam Speaker, I am incredibly honored to be allowed to speak on behalf of this resolution and urge the body to support it. You know when I think of the good member from the 23<sup>rd</sup>, I think of two words – feisty and fun. Feisty, one of the first arguments I ever had in the Legislature was with Sherry Appleton. In the wings, not in the wings, actually in the hallway there, we were talking about some education stuff and I was like "Who in the world is this person yelling and screaming at me about this particular issue. But it was at that moment that I realized that I was completely and totally just head over heels in love with Sherry Appleton. She is the one person that I know, and you probably are aware of, who has coined the phrase "I will not vote for that" which I appreciate that, and has been an incredible friend and leader. You know, Sherry and I, when I first got here, we sat on the floor together and she sat next to me and believe it or not, when I first got to the Legislature, I was a little playful, and maybe a little immature as far as being a prankster; I did things like snakes in a can and throwing the football across the floor with the good member from the 26<sup>th</sup> but Sherry was my partner that sat next to me and one particular time, I just remember, I was going to play a joke on Sherry; I was going to play this prank on her and so I got a message from the security that had on it to Sherry to call this number right away, this is from this constituent that wants to talk to you Right Now! You've got

to call them Right Now, and I kept going "Sherry, your LA called again; you've got to call them right now!" and it was from, the constituent's name was Alley, her last name was Gator, and she actually resided at the Woodland Park Zoo. And so of course, Sherry picked up the phone in her urgency and called to speak to Miss Alley Gator and of course the Woodland Park Zoo. She eventually figured it out but she was, it was just an absolute blast to have her sit next to me and she's always been just the one person, one of the people, that I have absolutely loved when I come to the Legislature, whenever we have our advances or anything else that I will love to see. It just does my heart so good to be in the caucus and seeing her sit to my left and being able to, we make eyes at each other and make fun of each other while we're sitting up there and even though I'm not going to be here and you're not going to be here, I'm just going to so, just so, so so sincerely just truly miss you. I so appreciate your honesty, and I always knew exactly where you were on everything, including how you felt about me and I so appreciate it, thank you."

Representative Klippert: "Thank you Madam Speaker. *Hums the Odd Couple theme.* Ladies and gentlemen, how the, as stated in the resolution, the most unswervingly progressive and the most to the right conservative, ever passed bills off this House floor I don't know but I want to let you know that Appleton-Klippert bills passed off this floor almost unanimously at least twice, so Madam Appleton, thank you very much for the honor and pleasure of being number two on bills that you prime-sponsored. One of my favorite things, memories, of Sherry Appleton – the gentledady from the 23<sup>rd</sup> is her floor speeches in committee that were questions "wouldn't you agree" As someone who has served in the military for over 30 years now and the commander of the State Guards, Sherry Appleton, thank you for your love of our military, thank you for honoring our veterans and especially those who serve in the Navy even though they are squids and we thank you for that. How a pitbull like Sherry Appleton ever got a breed ban bill passed through this Legislature I don't know because everyone knows as was previously stated what a pitbull; you don't want to get in her way, she will take you out on her way to success. So ladies and gentlemen, without any further ado, the mother of Silver Alert, my honored associate, I want to give praise to Sherry Veterlene Appleton. Thank you Sherry, for your service to our state; you are loved by myself and the members of this body. Thank you very much.

Representative Gregerson: I stand here really spending a lot of time thinking about all the years that we spent together, Sherry, and a few things that come to mind as I stand here to give you so much thanks on behalf of so many of us is that you've been travelling this campus for over almost three decades. You know every place in this place and you are an unshakable moral compass for us; you are going to be missed. You also are loved by your district and I don't know if any of us are as loved by our district as much as you are and I think that speaks to who you are, the depth of your kindness and your thoughtfulness and the things that you stand for and that people trust you. On a personal note, when I first got here, I was scared to death of you actually. I would come in a little bit late and you would yell at me as

a chair; or if I were typing on my computer too loud, you'd look at me and yell at me but hopefully you think better thoughts of me now. But on a more serious note, I'm going to miss you, especially in the member's cafeteria; I love coming downstairs and seeking you out and trying to figure out what part of the menu you grabbed and how much you like it and how kind you are to the staff and you're always so complimentary to them about how great of a job they are doing and how the food that they're cooking and they're making is just made with love and this is the best part of your day. I also want to remind you how thankful we all are of all the years of service you've given us and the time away from your pup Bear and reading all those mystery novels and the times that you weren't feeling well but we needed you for that vote and you stayed up late. So I hope that now that you go on to the next parts of your life that you don't miss us too much and that you spend more time having a good time and come back."

Representative Griffey: "Thank you Madam Speaker. It is an honor for me to stand in support of this resolution. Madam Chair, I know you always laugh at me when I do that but my background from the fire services we respect an earned title and Madam Chair, you've earned that. We had a good time sitting next to each other. We did a lot of fun things, and yes I was chastised for how loud I was in committee many times but we got through it, didn't we Madam Chair, we made a good team. The one thing about Sherry I think is unique, at least from the minority side is you never really knew in committee which way she was going to vote. We sometimes would get a bump out of Sherry and that was great, thank you for that. You know, there's a lot of sad times when you're in the minority, you lose most of those but a lot of times you went our way because you thought we were being picked on, thank you Sherry for that. I'm always going to fondly remember her floor speeches because you never knew how those were going to go either and quite often in committee how she could just in the end have to wrap it up by "don't you agree" because she had to get her point out and by goodness, nobody was going to stop Sherry from getting her point out. It is an honor to have worked with you Sherry, you have a good retirement, you will always have friends in this Legislature. Thank you so much Madam Speaker."

Representative Goodman: "Thank you very much Madam Speaker. I rise in honor of Representative Larry Haler. So Sherry, you, many people don't know that you and I were born in the same hospital in Providence Rhode Island, 19 years apart, of course. I've always felt like you're my big sister and we've eaten in the cafeteria together and the gentelady from the 33<sup>rd</sup> is so right, you really cared about everyone, including those who prepared our food and I just, really, we are the two longest serving members of the Jewish caucus in the Legislature and we believe in furthering policy that reflects, that our society should be based on compassion and justice and you have articulated that probably better than anyone. I have highly valued you sitting on my committee, protecting public safety, but also protecting individual rights and you have never hesitated to speak up for those who don't have a voice, including animals and the most vulnerable and our veterans, and we could go

on and on. But I think there's no one more principled who was undaunted in standing up and speaking up, even though we didn't really feel comfortable listening to it, we needed to hear it and on the floor as well. And so on behalf of the body, I just want to thank you for your service and for, we hope we can name swimming pools and elementary schools after you, but we really value your service here and thank you so much."

Representative Caldier: "Thank you Madam Speaker. So Representative Appleton, when I first got elected, I wasn't quite sure what to think of you. I remember I had a whole bunch of great ideas and I had all these blue sheets and I brought them to former Representative Norm Johnson and he looked at them and he said "Oh my goodness, just because you're from Kitsap County doesn't mean you need to run a bunch of bills like Sherry Appleton." And so I thought ok, alrighty and I'd listen to the long marijuana floor speeches and I'd sit there and hear you lobby, you know, some of the members, about the horse meat bill and I was thinking I don't know if we have a whole lot in common. And then I lost my vision and it was a really low point in my life and I couldn't drive anymore and you came to me across the floor and you said "I heard that you were having some problems and I want to give you a ride." And we hadn't had much to say to each other for the first couple of years and I thought, wow, Wow, that's pretty amazing, and throughout those rides, we developed a friendship that only the odd couple could ever understand. And I got to know you really well. I learned a couple things about you. First of all I learned how calm you are in crisis and when the car would veer off the road and I would say "Oh my God we're driving by braille!" and you're like "Calm down Michelle, calm down." I learned how much you care about animals and you know you didn't care just about any animals I mean even about the ones that were most vulnerable and I remember the day that you got Bear and we had a forum and everyone was waiting for Sherry and so I called you and you said "Oh I can't go to a forum, I have a dog, his name is Bear and I'm going to love him and I'm going to take care of him so tell them I'm not coming." And I was like "Ok" and most of all I learned about how kind you are and what a big heart you have. I mean it takes an awful big heart to voluntarily sit in the car with me for a couple hundred hours – not many people would do that and I really appreciate you personally. I know that you are going to be missed, not only by myself, but the entire body here, but also by your feathered friends, by your furry friends, by your silver friends and all of our friends at Kitsap County, so thank you very much for your service."

HOUSE RESOLUTION NO. 4685 was adopted.

## RESOLUTION

**HOUSE RESOLUTION NO. 2020-4684, by Representatives Jinkins, Wilcox, Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey,**

**Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wylie, Ybarra, and Young**

WHEREAS, Representative Norma Smith was born in Pensacola, Florida, to Chapman and Alice Creighton, who influenced the lives of so many simply by loving God and loving others; and

WHEREAS, Representative Norma Smith graduated from: Woodham High School in Pensacola, Florida; Pensacola Junior College; and later Puget Sound Christian College; and

WHEREAS, Representative Norma Smith married Stephen Smith, the love of her life, and was married for 34 years and had four beautiful children; and

WHEREAS, Stephen Smith, an incredible husband, father, and Marine, lost his life in the service of his community and since his passing she has credited him with such an abundant love that it would last enough for two lifetimes; and

WHEREAS, Representative Norma Smith has four loving in-law children and 11 wonderful grandchildren who lovingly refer to her as "Nana"; and

WHEREAS, Representative Norma Smith's children and in-law children have served in the Air Force, Army, and Navy, respectively; and

WHEREAS, Representative Norma Smith loved and cared for her mother-in-law, Margaret, until her passing; and

WHEREAS, Representative Norma Smith was a Special Assistant to United States Representative Jack Metcalf and led a successful effort to recognize – and provide benefits to – veterans who suffered illnesses as a result of the first Gulf War; and

WHEREAS, Representative Norma Smith served on the South Whidbey School Board; and

WHEREAS, Representative Norma Smith was appointed State Representative in the 10th Legislative District in January 2008 and went on to win the election in November 2008, and has served for 13 years; and

WHEREAS, Representative Norma Smith has hired, mentored, and encouraged personal growth in three House legislative assistants who were all promoted to House Republican Caucus staff; and

WHEREAS, Representative Norma Smith has been a leader for her constituents, communities, and state for years; and

WHEREAS, Representative Norma Smith has had numerous pieces of legislation signed into law and has been recognized for her leadership in: Enhancing the state's behavioral and mental health systems; protecting consumer privacy; establishing environmental programs – including the creation of the Joint Center for Deployment and Research in Earth Abundant Materials (JCDREAM); and improving the regulatory environment for job creators; and

WHEREAS, Representative Norma Smith is a devoted Christian and active in her church, and her fellow legislative members know her to be true to her word, an outstanding listener, confidant, woman of grace and inspiring faithfulness; and

WHEREAS, On March 3, 2020, Representative Norma Smith announced she would not seek reelection and would begin a new, important chapter of her life in service to God by teaching and mentoring the next generation at home and abroad;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize Representative Norma Smith for her devoted service to Washington state and for representing the people of the 10th Legislative District with integrity, honor, and passion; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be transmitted by the Chief Clerk of the House of Representatives to the Honorable Norma Smith.

Representative DeBolt moved adoption of HOUSE RESOLUTION NO. 4684.

Speaker Jenkins: “Before I call on you, Representative Debolt, I would just like to acknowledge that Representative Smith’s children and grandchildren are joining us from across the globe remotely and we would like to welcome them.”

Representative DeBolt: “Thank you Madam Speaker, and it’s funny because I feel like she’s part of my family too so hello to all of my relatives out there. It was interesting, Norma and I have had a wonderful career together; she’s one of my best friends in the building; she’s one of my best advisors; she’s made me a better person. You know, when I stepped away from leadership, I had the opportunity to go and work on policy and Norma would always get upset when I was leader because I would always do politics first and they sent me to Norma’s committees – I think it was for her to keep an eye on me and she taught me a lot about how to be gracious, how to be a good listener, about how to put the people of Washington first and the other thing that Norma did was that she led with kindness in her heart. So often we get so upset here about such trivial things and Norma’s kindness would always shine through. Even when she was really mad at you. So, she was the Ranking, I was the Assistant Ranking on ITED and I was the Ranking and she was the Assistant Ranking on Capital and we spent, for the last three years, an exorbitant amount of time together, which is a curse and a blessing. She is one of those people, though, that you can’t help but be in a good mood when you’re with Norma Smith and I will tell you, Norma, this institution is better because you’ve been here and if it’s not

just your kindness and your spirituality, because you're one of the most spiritual women I've ever met, well nix that, spiritual person I've ever met because you're up there with my pastor and I look to you for spiritual guidance all the time. You prayed for me when I was sick, you've taught me to pray for myself, you've done so much to make me a better person but this institution is better because you're here and your citizens were better because you're here and you actually taught us about consumption which is a really hard thing to take a group of people and have them stop and think about what they consume and how they consume and where it comes from. So often it's so easy for us to think that we're driving an electric car and we're ok, but you remembered the children in the Congo and the batteries, and the rare-earth minerals and we always used to, during the legislature, go "Ok, here comes Norma. It's going to be a speech on rare-earth minerals." But you know, by the time we were done, we would just be like "Oh, we need to think about that." And the last thing, though, is I love how much you love your kids and your grandkids and, you know, my wife and I would come up and visit you over the summer and I appreciate all your hospitality and if you haven't gone on a tour of Norma's island, you need to because it's her island and meet her donkey and spend time with her and see the places that she values and holds dear and you are such an inspirational woman and I know why you're leaving, to go make the world a better place and to teach spirituality and to give people hope and inspiration in other parts of the world and I know how much you're going to change the world – even more than you ever changed it here but from one heart that's a better heart and a better Christian for knowing you, I just wanted to thank you and I am so sorry you're leaving but thank you."

Representative Mosbrucker: "Thank you Madam Speaker. I stand in full support and it's an honor to be here today for this resolution. So, not all angels live in heaven and some of our angels here are on earth and I would say that Norma's one of them. Permission to read? This is by Janet McCauley and this fits my love and affection for Norma. So, *Angels sent by God. Some angels live among us in an ordinary way. To carry out their mission, and with all of that they're ok. They do the work that glorifies the Father from above and every step they take on earth is filled with God's own love. They redirect the wayward and they comfort others still, they rescue and they enlighten, they share with us all, goodwill. So be careful who you talk to for you never really know that if you're talking with an angel sent by God to help you grow.* And Norma's helped me to grow. She's helped me to grow from the day I met her, from pizza at Vic's Pizzeria to pictures of her perfect grandchildren to just sitting next to her in the prayer group every Tuesday morning. It's a blessing to have her – she is the heartbeat of our caucus. I have no idea what it's going to be like without her in there, and she continued to bring faith to the Capitol, and for that I am grateful.

Representative Tharinger: Thank you, Madam Speaker. I'm honored to be able to speak to this resolution honoring Norma Smith. I think in the resolution I heard the words "loving" and "caring" many times, and that's very fitting. Norma brought loving and caring to our work and I work

with her probably most closely on the Capital Budget and her viewpoint on children's issues, mental health issues, behavioral health issues was loving and caring and I think our budgets were better for that. I will say, as Chair of the Capital Budget I had to negotiate the number of questions Representative Smith could ask at certain times because as people know, she has a lot of questions. They're good questions but they tend to be numerous and so we sometimes would negotiate how many questions she would get at any particular time. It was a gentle, friendly negotiation but I think it did move our committee along faster to not let Norma dominate the question periods with her questions because she's very involved, very engaged and has a lot of questions. But, we have, as you know, we've worked hard at having a Capital Budget team that is very bipartisan and Norma really brought that loving caring voice to our capital budget decisions and our capital budgets are more humane and more caring because of her Norma, so thank you."

Representative Wilcox: "Thank you Madam Speaker. Madam Speaker, some people come and go from the chamber and they're remembered for a while. We've got an analogy that gets used in our caucus quite a bit that talks about how easy it is to just slide that nameplate out and it is true. We've all seen members leave and, you know, I know we all want to be remembered but this is a place that's built around change and there's a new person that comes in, sits at their desk and pretty soon, you know, it's a whole new Legislature and the past is just forgotten. I'm pretty sure that that's not going to be the case with Norma. Norma has had, it turns out, maybe you've noticed this Madam Speaker, that we have a little bit of idle time on our hands here so we get to visit with people, sometimes late at night and so you learn an awful lot about people and I know that Norma is one of those people who've had several different lives. I know that one of those periods came to an end in a hard way and Norma has shared that with us. Norma's the kind of person that all of us share with too. I can think of many things that have troubled me that I probably haven't shared with anybody but Norma because you know that you can trust Norma. Boy, what a rare thing to say in the House of Representatives that here's a person that you can trust every second of the day. We know that that's a lot more common among politicians than people think but those watching on TVW may be surprised to hear that. There's a lot of words that you can associate with Norma: Obviously, sincerity – nobody here would ever question Norma's sincerity. Honesty, is always there, sometimes when it's painful and I'll tell you a little bit more about how my different roles in the Legislature has changed, given me different perspectives on Norma, and every one of them has been valuable. Nobody, that I've ever known in my life is both so sweet, nice and determined. People talk about Norma as if she's sort of this caricature of the person that you would always go to but they forget that the best way to describe her determination is that it is steely. You cannot divert Norma from her path when she knows that she's right. And that steely determination is driven by compassion. Nobody here is as undeviating when it comes to pursuing compassion in politics and in policy and I'm sure it's because these important human characteristics are behind all of her decisions that she is so determined. When I was the floor leader, the best arrow in the quiver of the

House Republican Caucus, I think, was Norma as a closer. I have never known anybody that just packs up the moral high-ground, puts it in her purse and carries it around and unpack it in a speech, because, Norma, when you're done with a speech that you believe in to and by the way, you can't ask Norma to give every speech. You can't ask Norma to close every debate. It's got to be a debate that she believes in but as the last speaker, in something we thought was important, when she was a believer, even though the votes go against us, the House Republicans go off feeling like winners. I don't mean this to diminish anybody else, but that's the power of Norma Smith to all of us. I think the last thing that I want to talk about when it comes to, maybe the second to last thing I want to talk about when it comes to Norma is all of those qualities put together. Some of you know that she has recently been on a different side on an important issue from most of our caucus; it's not easy to accommodate that in a caucus, especially as leader where you feel like you have to balance a lot of different issues. What made this such a great life lesson for me is that we were able to approach this from a position of perfect honesty and perfect openness and I learned more about how to do politics, you know in the inside the building way, and in the best possible way in the last two years from engaging with Norma in this and figuring out how can we do this with the greatest possible integrity and engaging with a person you know is unflinchingly honest and has unflinching integrity. What a great experience for me and I hope that it was plain to other people that that's the way Norma approaches this and what a great thing if we can all be more like Norma when it comes to politics inside this building. The last thing that I think is so critical, I think I mentioned that Norma has had a series of different segments in her life. Some people say I've lived a lot of different lives, or, that person's lived a million lives to my one. Norma's got at least one more, I know, and when you talk to Norma about this day, it's painful to lose her but she's excited. She's not someone that's looking back with regret, she's looking forward because one more time, Norma Smith is on a mission and I am so happy for you Norma. I am sad for us, like Richard said, but I am so happy because there are a bunch of people whose lives are going to be way way better because you're leaving here and moving on to that life. So thanks for your life here, we won't forget you."

Representative Peterson: "Thank you Speaker Jenkins. Start off by saying I think it's ok that if you're speaking about Norma Smith and you get a little choked up, I think that's acceptable. I was honored to be asked to speak today and I've heard some great words about her compassion and her caring, all true. She's also a bit of a troublemaker. To the gentlemen from the 20<sup>th</sup> and 24<sup>th</sup> who spoke before me, yeah, she would really pull one over on you guys. As you might be arguing about oh, what's the other body doing with their Capital Budget, Norma would lean over to me and say "What kind of trouble can we cause" and it was really that attitude of causing trouble that probably 90% of us put in our newsletter that the Washington State Legislature has spent record amounts of money on mental health. That's the kind of trouble she would cause. She was still causing trouble but it was trouble for the people of Washington and really the people of the world. We love to bring things back to our

districts, here especially in the Capital Budget, that's some of the fun, but Norma never worried about what was going back to the 10<sup>th</sup> Legislative district, she was worried about what was going back to the people of Washington and it was great to watch and an honor to be a part of, an honor to be her partner in crime, at times, and cause trouble, and as has been said before, this is a better place because of you, Norma. This is a better state because of you. I am a better person because of you, and while I very much look forward to the ribbon cutting of the firelight toilet and coming up and meeting your miniature donkey, I will miss you every day that I am here. Thank you so much."

Representative Hansen: "Thank you Madam Speaker. Fortunately I got a heads-up about Representative Smith's announcement last week from the former Representative from the 10<sup>th</sup> district, Representative Hayes, before it happened, otherwise you would have to carry me out of here. So, this is very bad news. I know everyone says this is good news and good this will happen; for me this is very bad news. It is horrible to lose Representative Smith as a colleague and to that end, you may think we are done with introducing bills, I'd like you all to know that that is not correct, House Bill 2997 by Representative Hansen says that there will be mandatory run for reelection for anyone from the 10<sup>th</sup> district, position 1 who's name rhymes with Smorma Smith. We already have 97 co-sponsors, so I'm sorry, you will be staying with us for a little while. I've worked very closely with Representative Smith. We have this bad habit in politics of saying on the floor "my friend" or "my good friend" when really this just means someone else who serves in this body with me. Representative Smith actually is my good friend. We worked together for two years on derelict vessels; we both represent island communities and it's no small thing if a boat goes down and pollutes the sea floor and you have to shut down shellfish harvesting. We spent two years putting together a series of bipartisan proposals to totally re-write that area of environmental law and we passed them with overwhelming bipartisan support. We spent a year on net neutrality; the Representative and I co-wrote the first state level net-neutrality bill in the country that passed, as newspapers later said, with "rare bipartisanship." Maybe more importantly than all, we co-chaired the Governor's prayer breakfast for two years and that's really where we got to know each other first. When I walked in here for the first time, that was one of the first things I did was join the prayer fellowship where Norma was every Tuesday, reliably, and you know, look, people have been talking about her deep faith, that's really where Representative Smith and I kind of align most closely. Our politics, there's a little bit of a Ven diagram where we cross but our faith in the risen Lord is the complete overlap. I know in our faith, at least, everyone is equal in the eyes of the Lord and the Lord hears everyone's prayers and the Lord loves everyone; I am totally convinced that the Lord really really particularly loves Norma because there is, as I've said about her publicly before, there's a line in the psalms about blessed are the pure in heart for they shall see God in Jesus' teachings in the Beatitudes and that is Representative Smith. When I have needed prayer, I have pulled her out of her caucus to ask for prayer and when the Lord has put her on my heart, I have texted her and let her know and we end up speaking and praying together not

infrequently, more frequently than you would think for a Republican and a Democrat. But I think Norma's faith is not just something about her personal relationship with Jesus Christ, it deeply affects her policy positions; repeatedly and, as been mentioned before, she will be on the side of people who doesn't seem like has anyone to speak up for them as loudly as maybe they should and she is always the reminder that we do not serve in this body to represent a particular powerful interest whoever that may be. We serve in this body to represent people who may not feel like they have anyone to be their voice; that's fundamental to our shared faith and fundamental to Representative Smith's policies. So, it is horrible, obviously, to lose you as a colleague and I feel like I'm still learning new things about you, even today; I didn't know you had a donkey - this confirms for me what I always suspected, that you are truly a secret Democrat. But I've now had enough time to grieve and realize that ok, for now, we will have to say good bye but it is not forever and it is very hard, even for now, to say good bye to my good friend and my colleague and my sister in the Lord, but that we will be together again when we sing the song that never ends in the presence of the Savior. Thank you."

Representative Tarleton: "Well, thank you, Madam Speaker. A lot of you on this floor may or may not know I have been a roommate of Norma Smith for seven years. It is an astonishing experience to share stories that have nothing to do with this place when you know that what you're trying to figure out every morning is who takes a shower first, but we have sorted that out. Norma and I share, and we didn't know this until we started talking, we both have this really odd interest in national security policy going back to the very first parts of our careers. She was ahead of me but we overlapped in Washington DC and found that regardless of our different views, perhaps on politics, we shared very similar views on U.S. Congress. Norma and I also share an intense desire to tell stories about our dogs and we've shared many photos about dogs and our families and we've shared many fears about our colleagues here and family members who are suffering from all kinds of illness and concerns and we've also managed to cheer together even when we have just finished 14 hours on this floor when there was a well fought floor debate - whether or not we were on the same side of the debate. Norma, I just want to honor your love of music and family and community with quoting a song that has surrounded me my whole life from my family and my friends and, Madam Speaker, if you will allow me to recite this song, I'm not going to sing it but I can recite it from memory but I don't want to take credit for it. It is a Crosby, Stills, Nash & Young song, may I recite? Thank you Madam Speaker. This is for you Norma: *You who are on the road must have a code that you can live by and so become yourself because the past is just a good-bye. Teach your children well, their father's hell did slowly go by, and feed them on your dreams the one they picks, the one you'll know by. Don't you ever ask them why, if they told you, you would cry, so just look at them and sigh and know they love you. And you, of tender years, can't know the fears that your elders grew by, and so please feed them on your dreams the one you picks, the one they'll know by. And don't you ever ask them why, if they told you, you would cry, So just look at*

*them and sigh and know they love you.* Thank you Norma for all of your service to our state."

Representative Appleton: "Thank you Madam Speaker. Oh they changed it. They had Appleton up there this whole time and I though oh geeze, we're inexplicably tied together and when I say that, I got on a plane for Florida, who do I see but Norma and I went "Huh" and she was visiting her son and grandchildren, right? Anyway, it was wonderful having someone I know on the plane. The other thing is, is that we did a widow's dinner at Marcia Fromhold's and there were six of us who went and it was a joyous time. It wasn't a sad time but it was really something to know that your fellow ladies, six of them, were widows at the same time. It seemed like our husbands all died around the same year. So, we won't go back to 2006, please. The last thing I have to say is Norma, you are terrific. I can't say the same things that everybody else said but I can tell you that I have respected and loved you since the beginning and I wish you Godspeed."

HOUSE RESOLUTION NO. 4684 was adopted.

The Speaker called upon Representative Orwall to preside.

### THIRD READING

#### MESSAGE FROM THE SENATE

March 6, 2020

Mme. SPEAKER:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1154, with the following amendment:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 40.** (1) The legislature finds that the office of the Chehalis basin, established in RCW 43.21A.730, is faithfully carrying out one of the prime directives of legislative intent from chapter 194, Laws of 2016, by drafting a strategic plan and accompanying environmental assessments, as the legislation called for a Chehalis basin strategy that "must include an implementation schedule and quantified measures for evaluating the success of implementation."

(2) The legislature also finds that the office of Chehalis basin has been successful in its initial work to secure both state and federal funds for projects in the near term. However, specificity is needed for consideration of the long-term funding needs.

**NEW SECTION. Sec. 41.** A new section is added to chapter 43.21A RCW to read as follows:

The office of Chehalis basin shall, based on the anticipation of completing the strategic plan with an implementation schedule, submit agency decision packages in preparation for the 2021-2023 fiscal biennium omnibus

capital appropriations act, with a report of out-biennia detail, containing:

- (1) A specific list of projects;
- (2) Project costs and suggested fund sources;
- (3) Location information; and
- (4) A time frame, including initiation and completion.

**NEW SECTION. Sec. 42.** A new section is added to chapter 43.21A RCW to read as follows:

The office of Chehalis basin shall submit a report by January 1, 2021, to the legislature that meets the requirement of a finalized strategic plan containing an implementation schedule and quantified measures for evaluating the success of implementation, and the appropriate policy and fiscal committees of the legislature shall, within one hundred twenty days of the receipt, conduct a joint hearing for the purposes of: (1) Receiving a report from the office of Chehalis basin; and (2) considering potential funding strategies to achieve the implementation schedule."

On page 1, line 2 of the title, after "projects;" strike the remainder of the title and insert "adding new sections to chapter 43.21A RCW; and creating a new section."

and the same are herewith transmitted.

Sarah Bannister, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1154 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

March 10, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2848 with the following amendment:

42.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** It is the intent of the legislature to retain and grow family wage jobs in rural, economically distressed areas; to promote healthy forests; and to utilize Washington's abundant natural resources to promote diversified renewable energy use in the state.

**Sec. 2.** RCW 82.08.956 and 2013 2nd sp.s. c 13 s 1002 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of hog fuel used to produce electricity, steam, heat, or biofuel. This exemption is available only if the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

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

(a) "Hog fuel" means wood waste and other wood residuals including forest derived biomass. "Hog fuel" does not include firewood or wood pellets; and

(b) "Biofuel" (~~has the same meaning as provided in RCW 43.325.010~~) 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.

(3) If a taxpayer who claimed an exemption under this section closes a facility in Washington for which employment positions were reported under RCW 82.32.605, resulting in a loss of jobs located within the state, the department must declare the amount of the tax exemption claimed under this section for the previous two calendar years to be immediately due.

(4) This section expires June 30, ~~((2024))~~ 2034.

**Sec. 3.** RCW 82.12.956 and 2013 2nd sp.s. c 13 s 1003 are each amended to read as follows:

(1) The provisions of this chapter do not apply with respect to the use of hog fuel for production of electricity, steam, heat, or biofuel.

(2) For the purposes of this section:

(a) "Hog fuel" has the same meaning as provided in RCW 82.08.956; and

(b) "Biofuel" has the same meaning as provided in RCW ~~((43.325.010))~~ 82.08.956.

(3) This section expires June 30, ~~((2024))~~ 2034.

**Sec. 4.** RCW 82.32.605 and 2017 c 135 s 5 are each amended to read as follows:

(1) Every taxpayer claiming an exemption under RCW 82.08.956 or 82.12.956 must file with the department a complete annual tax performance report under RCW 82.32.534, except that the taxpayer must file a separate tax performance report for each facility owned or operated in the state of Washington.

(2) This section expires June 30, ~~((2024))~~ 2034.

**NEW SECTION. Sec. 5.** (1) This section is the tax preference performance statement for the tax preferences contained in sections 2 and 3, chapter . . . , Laws of 2020 (sections 2 and 3 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes these tax preferences as ones 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 extend the expiration date of these tax preferences in order to increase the ability of beneficiary facilities to provide at least seventy-five percent of their

employees with medical and dental insurance and a retirement plan. For the purposes of this tax preference performance statement, retirement plans may include defined benefit plans, defined contribution plans, or an employee investment plan whereby the employer offers a contribution to the employee plan.

(4) In order to obtain the data necessary to measure the effectiveness of these tax preferences in achieving the public policy objective described in subsection (3) of this section, the joint legislative audit and review committee may refer to:

(a) The annual tax performance report that a taxpayer is required to file with the department of revenue per RCW 82.32.605; and

(b) Employment data available from the employment security department."

On page 1, line 5 of the title, after "communities;" strike the remainder of the title and insert "amending RCW 82.08.956, 82.12.956, and 82.32.605; creating new sections; and providing expiration dates."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2848 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Chapman and Orcutt 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. 2848, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2848, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van

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

Excused: Representative Paul.

HOUSE BILL NO. 2848, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 10, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2919 with the following amendment:

5.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 6.** RCW 82.45.180 and 2013 c 251 s 11 are each amended to read as follows:

(1)(a) For taxes collected by the county under this chapter, the county treasurer shall collect a five dollar fee on all transactions required by this chapter where the transaction does not require the payment of tax. A total of five dollars shall be collected in the form of a tax and fee, where the calculated tax payment is less than five dollars. ~~((Through June 30, 2006, the county treasurer shall place one percent of the taxes collected by the county under this chapter and the treasurer's fee in the county current expense fund to defray costs of collection. After June 30, 2006))~~

(b)(i) Except as otherwise provided in (b)(ii) and (c) of this subsection, the county treasurer shall place one and three-tenths percent of the taxes collected by the county under this chapter and the treasurer's fee in the county current expense fund to defray costs of collection. ~~((For taxes collected by the county under this chapter before July 1, 2006, the county treasurer shall pay over to the state treasurer and account to the department of revenue for the proceeds at the same time the county treasurer remits funds to the state under RCW 84.56.280.))~~

(ii) In a county with a population greater than two million, the county treasurer shall retain one and three-tenths percent of the taxes collected by the county under this chapter. Seventy-five percent of the one and three-tenths percent of the taxes collected and retained and the treasurer's fee must be deposited in the county current expense fund to defray costs of collection. The remaining twenty-five percent of the one and three-tenths percent of the taxes collected and retained may be used for operations and maintenance of permanent supportive housing programs in the county.

(c) For counties with a population of less than four hundred thousand, the county treasurer shall retain one and forty-eight hundredths percent of the taxes collected by the county under this chapter and the treasurer's fee in the county current expense fund to defray costs of collection.

(d) For taxes collected by the county under this chapter ~~((after June 30, 2006))~~, on a monthly basis the county treasurer shall pay over to the state treasurer the month's

transmittal. The month's transmittal must be received by the state treasurer by 12:00 p.m. on the last working day of each month. The county treasurer shall account to the department for the month's transmittal by the twentieth day of the month following the month in which the month's transmittal was paid over to the state treasurer. The state treasurer shall deposit the proceeds in the general fund.

~~((b))~~ (e) For purposes of this subsection, the definitions in this subsection apply.

(i) "Close of business" means the time when the county treasurer makes his or her daily deposit of proceeds.

(ii) "Month's transmittal" means all proceeds deposited by the county through the close of business of the day that is two working days before the last working day of the month. This definition of "month's transmittal" shall not be construed as requiring any change in a county's practices regarding the timing of its daily deposits of proceeds.

(iii) "Proceeds" means moneys collected and receipted by the county from the taxes imposed by this chapter, less the county's share of the proceeds used to defray the county's costs of collection allowable in ~~((a))~~ (b) and (c) of this subsection.

(iv) "Working day" means a calendar day, except Saturdays, Sundays, and all legal holidays as provided in RCW 1.16.050.

(2) For taxes collected by the department of revenue under this chapter, the department shall remit the tax to the state treasurer who shall deposit the proceeds of any state tax in the general fund. The state treasurer shall deposit the proceeds of any local taxes imposed under chapter 82.46 RCW in the local real estate excise tax account hereby created in the state treasury. Moneys in the local real estate excise tax account may be spent only for distribution to counties, cities, and towns imposing a tax under chapter 82.46 RCW. Except as provided in RCW 43.08.190, all earnings of investments of balances in the local real estate excise tax account shall be credited to the local real estate excise tax account and distributed to the counties, cities, and towns monthly. Monthly the state treasurer shall make distribution from the local real estate excise tax account to the counties, cities, and towns the amount of tax collected on behalf of each taxing authority. The state treasurer shall make the distribution under this subsection without appropriation.

(3)(a) ~~((Through June 30, 2010, the))~~ The county treasurer shall collect an additional five dollar fee on all transactions required by this chapter, regardless of whether the transaction requires the payment of tax. The county treasurer shall remit this fee to the state treasurer at the same time the county treasurer remits funds to the state under subsection (1) of this section. The state treasurer shall place money from this fee in the general fund. By the twentieth day of the subsequent month, the state treasurer shall distribute to each county treasurer according to the following formula: Three-quarters of the funds available shall be equally distributed among the thirty-nine counties; and the balance shall be ratably distributed among the counties in direct proportion to their population as it relates to the total

state's population based on most recent statistics by the office of financial management.

(b) When received by the county treasurer, the funds shall be placed in a special real estate excise tax electronic technology fund held by the county treasurer to be used exclusively for the development, implementation, and maintenance of an electronic processing and reporting system for real estate excise tax affidavits. Funds may be expended to make the system compatible with the automated real estate excise tax system developed by the department and compatible with the processes used in the offices of the county assessor and county auditor. Any funds held in the account that are not expended by the earlier of: July 1, 2015, or at such time that the county treasurer is utilizing an electronic processing and reporting system for real estate excise tax affidavits compatible with the department and compatible with the processes used in the offices of the county assessor and county auditor, revert to the special real estate and property tax administration assistance account in accordance with subsection ~~((5))~~ (4)(c) of this section.

~~(4) ((Beginning July 1, 2010, through December 31, 2013, the county treasurer shall continue to collect the additional five dollar fee in subsection (3) of this section on all transactions required by this chapter, regardless of whether the transaction requires the payment of tax. During this period, the county treasurer shall remit this fee to the state treasurer at the same time the county treasurer remits funds to the state under subsection (1) of this section. The state treasurer shall place money from this fee in the annual property revaluation grant account created in RCW 84.41.170.~~

~~(5))~~(a) The real estate and property tax administration assistance account is created in the custody of the state treasurer. An appropriation is not required for expenditures and the account is not subject to allotment procedures under chapter 43.88 RCW.

(b) Beginning January 1, 2014, the county treasurer must continue to collect the additional five dollar fee in subsection (3) of this section on all transactions required by this chapter, regardless of whether the transaction requires the payment of tax. The county treasurer shall deposit one-half of this fee in the special real estate and property tax administration assistance account in accordance with (c) of this subsection and remit the balance to the state treasurer at the same time the county treasurer remits funds to the state under subsection (1) of this section. The state treasurer must place money from this fee in the real estate and property tax administration assistance account. By the twentieth day of the subsequent month, the state treasurer must distribute the funds to each county treasurer according to the following formula: One-half of the funds available must be equally distributed among the thirty-nine counties; and the balance must be ratably distributed among the counties in direct proportion to their population as it relates to the total state's population based on most recent statistics by the office of financial management.

(c) When received by the county treasurer, the funds must be placed in a special real estate and property tax

administration assistance account held by the county treasurer to be used for:

(i) Maintenance and operation of an annual revaluation system for property tax valuation; and

(ii) Maintenance and operation of an electronic processing and reporting system for real estate excise tax affidavits."

On page 1, line 2 of the title, after "tax;" strike the remainder of the title and insert "and amending RCW 82.45.180."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2919 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Chopp and Orcutt 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. 2919, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2919, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2919, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

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

**SECOND READING**

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6248, by Senate Committee on Ways & Means (originally sponsored by Frockt and Honeyford)**

**Concerning the capital budget.**

The bill was read the second time.

Representative Tharinger moved the adoption of striking amendment (2183):

6.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 7.** 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, 2021, out of the several funds specified in this act.

**PART 1**

**GENERAL GOVERNMENT**

**Sec. 1001.** 2019 c 413 s 1009 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Building Communities Fund Program (30000803)

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

(1) \$1,455,000 of the amount reappropriated in this section is provided solely for the Byrd Barr place, formerly known as Centerstone, building renovation project.

(2) \$220,000 of the amount reappropriated in this section is provided solely for El Centro de la Raza boiler fan and master plan for rehabilitation. This amount is not subject to the match requirements, pursuant to RCW 43.63A.125.

Reappropriation:

State Building Construction Account—State	\$1,675,000
Prior Biennia (Expenditures) .....	(( <del>\$19,184,000</del> ))
	<u>\$17,990,000</u>
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	<u>\$20,859,000</u>
	<u>\$19,665,000</u>

**Sec. 1002.** 2019 c 413 s 1026 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Dental Clinic Capacity Grants (40000007)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1006, chapter 298, Laws of 2018, except that funding may not be directed to the Valley View Health Center.

Reappropriation:

State Building Construction Account—State	(( <del>\$10,000,000</del> ))
	<u>\$9,000,000</u>
Prior Biennia (Expenditures).....	\$6,534,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	<u>\$16,534,000</u>
	<u>\$15,534,000</u>

**Sec. 1003.** 2019 c 413 s 1029 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2019-21 Housing Trust Fund Program (40000036)

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

(1) ~~((~~\$129,050,000~~))~~ \$132,666,000 of the state taxable building construction account—state appropriation ~~((~~and~~ ~~\$45,950,000~~))~~, \$44,084,000 of the state building construction account—state appropriation are provided solely for production and preservation of affordable housing. Of the amounts in this subsection:

(a) \$35,000,000 of the appropriation is provided solely for housing projects that provide supportive housing and case-management services to persons with ~~((behavioral or))~~ chronic mental illness. When evaluating applications for this population, the department must prioritize low-income supportive housing unit proposals that show:

(i) Evidence that the application was developed in collaboration with one or more health care entities that provide behavioral health care services to individuals eligible for the housing provided under this subsection;

(ii) A commitment by the applicant to provide, directly or through a formal partnership, necessary treatment and supportive services to the tenants and maintain the beds or housing units for at least a forty-year period;

(iii) Readiness to begin structural modifications or construction resulting in a fast project completion;

(iv) Program requirements that adhere to the key elements of permanent supportive housing programs including choice in housing and living arrangements, functional separation of housing and services, community integration, rights of tenancy, and voluntary recovery-focused services; and

(v) To achieve geographic distribution, the department must prioritize projects in rural areas as defined by the

department per RCW 43.185.050 and unserved communities with the goal of maximizing the investment and increasing the number of supportive housing units in rural, unserved communities.

(b) \$10,000,000 of the appropriation in this section is provided solely for competitive grant awards for modular housing which includes high quality affordable housing projects that will quickly move people from homelessness into secure housing and are significantly less expensive to construct than traditional housing. These funds must be awarded to projects with a total project development cost per housing unit of less than ~~((~~\$125,000~~))~~ \$200,000, excluding the value of land, off-site infrastructure costs, and any capitalized reserves, compliant with the Americans with disabilities act, and with a commitment by the applicant to maintain the housing units for at least a fifty year period.

(c) \$10,000,000 of the appropriation in this section is provided solely for a state match or state matches on private contributions that fund the production and preservation of affordable housing. Awards must be made using a competitive process. If any funding remains unallocated after the first fiscal year during the 2019-2021 fiscal biennium, the department may allocate the remaining funding through its annual competitive process for affordable housing projects that serve and benefit low-income and special needs populations in need of housing.

(d)(i) \$10,000,000 of the appropriation in this section 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 to 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 fifteen 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.

(e)(i) \$7,000,000 of the appropriation in this section is provided solely for loans or grants to design and construct ultra-high energy efficient affordable housing projects.

(ii) To receive funding, a project must provide a life-cycle cost analysis report to the department and must demonstrate energy-saving and renewable energy systems either designed to reach net-zero energy use after housing is fully occupied or designed to achieve the most recent building standard of the passive house institute US as of the effective date of this section.

(iii) The department must consider, at a minimum and in any order, the following factors in assigning a numerical ranking to a project:

(A) Whether the proposed design has demonstrated that the project will achieve either net-zero energy use when fully occupied or will achieve the most recent building standard of the passive house institute US as of the effective date of this section;

(B) The life-cycle cost of the project;

(C) That the project demonstrates a design, use of materials, and construction process that can be replicated by the Washington building industry;

(D) The extent to which the project leverages nonstate funds;

(E) The extent to which the project is ready to proceed to construction;

(F) Whether the project promotes sustainable use of resources and environmental quality;

(G) Whether the project is being well managed to fund maintenance and capital depreciation;

(H) Reduction of housing and utilities carbon footprint; and

(I) Other criteria that the department considers necessary to achieve the purpose of this program.

(iv) The department must monitor and track the results of the housing projects that receive ultra-high energy efficiency funding under this section.

(f) (~~(\$45,950,000)~~) \$44,084,000 of the appropriation in this section is provided solely for the following list of housing projects:

Bellwether Housing (Seattle) .....	\$6,000,000
Capitol Hill Housing Broadway (Seattle) ..	\$6,000,000
Crosswalk Teen Shelter and Transitional Housing Project (Spokane) .....	\$1,000,000
Ethiopian Community Affordable Housing (Seattle) .....	\$3,000,000
<u>FFC New Construction (Statewide) .....</u>	<u>\$1,384,000</u>
FUSION Emergency Housing for Homeless Families (Federal Way).....	\$3,000,000
Highland Village (Airway Heights) .....	\$5,500,000
Home At Last (Tacoma).....	( <del>(\$1,500,000)</del> )
<u>\$2,250,000</u>	

Interfaith Works Shelter (Olympia) .....	\$3,000,000
( <del>(NorthHaven Affordable Senior Housing Campus (Seattle).....</del>	<del>\$1,000,000))</del>
Pateros Gardens (Pateros) .....	\$1,400,000
( <del>(Roslyn Housing Project (Roslyn).....</del>	<del>\$2,000,000))</del>
SCIDpda North Lot (Seattle) .....	\$9,000,000
( <del>(Seattle Indian Health Board — Low Income Housing (Seattle).....</del>	<del>\$1,000,000))</del>
Tenny Creek Assisted Living (Vancouver)	\$1,750,000
THA Arlington Drive (Tacoma) .....	\$800,000

(g) \$6,000,000 of the appropriation for Capitol Hill Housing Broadway (Seattle) in (f) of this subsection is provided solely for the purchase of the three south annex properties. The state board for community and technical colleges must transfer the three south annex properties located at 1500 Broadway, 1534 Broadway, and 909 East Pine street in Seattle to Capitol Hill Housing to provide services and housing for homeless youth or young adults at the 1500 Broadway and 909 East Pine street properties for a minimum of fifty years. The transfer agreement between the state board for community and technical colleges and Capitol Hill Housing must specify a mutually agreed transfer date and require Capitol Hill Housing to cover any closing costs with a total purchase price of nine million dollars for the three properties. The contract between the department and Capitol Hill Housing must:

(i) Provide that Capitol Hill Housing is responsible for maintaining and securing the 1500 Broadway and 909 East Pine properties until the site is redeveloped;

(ii) Specify that, if Capitol Hill Housing does not construct at least seventy affordable housing units on the site by 2028, this funding must be fully repaid to the state or the land must revert back to the state; and

(iii) Require that Capitol Hill Housing transfer the 1534 Broadway property to YouthCare Service Center for the purpose of developing a youth community center.

(h) \$5,000,000 of the state taxable building construction account—state appropriation is provided solely for competitive grant awards for the development of community housing and cottage communities to shelter individuals or households experiencing homelessness. 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.

(i) ~~(\$57,050,000)~~ \$55,666,000 of the appropriation in this section is provided solely for affordable housing projects that serve and benefit low-income and special needs populations in need of housing. Of the amounts appropriated in this subsection, the department must allocate the funds as follows:

(i) \$5,000,000 of the appropriation in this section is provided solely for housing for veterans;

(ii) ~~(\$5,000,000)~~ \$3,616,000 of the appropriation in this section is provided solely for housing that serves people with developmental disabilities;

(iii) \$5,000,000 of the appropriation in this section is provided solely for housing that serves people who are employed as farmworkers; and

(iv)(A) \$5,000,000 of the appropriation in this section is provided solely for housing projects that benefit homeownership.

(B) During the 2019-2021 fiscal biennium, the department must use a separate application form for applications to provide homeownership opportunities and evaluate homeownership project applications as allowed under chapter 43.185A RCW.

(C) In addition to the definition of "first-time home buyer" in RCW 43.185A.010, for the purposes of awarding homeownership projects during the 2019-2021 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 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.

(2) 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).

(3)(a) The department must strive to allocate all of the amounts appropriated in this section within the 2019-2021

fiscal biennium in the manner prescribed in subsection (1) of this section. However, if upon review of applications the department determines there are not adequate suitable projects in a category, the department may allocate funds 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.

(b) By June 30, 2021, the department must report on its web site 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 eighty percent of the area median income, up to fifty percent of the area median income, and up to thirty percent of the area median income, for both homeownership and multifamily rental projects.

(4)(a) The department, in cooperation with the housing finance commission, must develop and implement a process for the collection of certified final development cost data from each grant or loan recipient under this section. The department must use this data as part of its cost containment policy.

(b) Beginning December 1, 2019, 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.

Appropriation:

State Building Construction Account—State .....	Account—State	(\$45,950,000)
		<u>\$44,084,000</u>
State Taxable Building Construction Account—State.....	Account—State.....	(\$129,050,000)
		<u>\$132,666,000</u>
Subtotal Appropriation .....	Subtotal Appropriation .....	(\$175,000,000)
		<u>\$176,750,000</u>
Prior Biennia (Expenditures) .....	Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	Future Biennia (Projected Costs) .....	\$480,000,000
TOTAL .....	TOTAL .....	<u>\$655,000,000</u>
		<u>\$656,750,000</u>

**Sec. 1004.** 2019 c 413 s 1030 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Pacific Tower Capital Improvements (40000037)

Appropriation:

State Taxable Building Construction Account—State  
 .....((\$1,020,000))

\$1,376,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs).....\$5,311,000

TOTAL.....\$6,331,000

\$6,687,000

**Sec. 1005.** 2019 c 413 s 1035 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Clean Energy Transition 4 (40000042)

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

(1) The appropriations 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, including tribes and communities with high environmental or energy burden.

(2) 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.

(3)(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 twenty-four 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.

(4) The requirements in subsections (2) and (3) of this section must be specified in funding agreements issued by the department.

(5) \$6,107,000 of the state building construction account—state appropriation is provided solely for grid modernization grants for projects that: Advance 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 increase utility customer options for energy sources, energy efficiency, energy equipment, and utility services.

(a) Projects must be implemented by public and private electrical utilities that serve retail customers in the state. Priority must be given to: (i) Projects that benefit vulnerable populations, including tribes and communities with high environmental or energy burden; and (ii) projects that have a partner that is a tribe or nonprofit organization that serves community eligible entities. Utilities may partner with other public and private sector research organizations, businesses, tribes, and nonprofit organizations in applying for funding.

(b) 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, allow smaller utilities or consortia of small utilities to apply for funding.

(c) Applications for grants must disclose all sources of public funds invested in a project.

(d) \$4,400,000 of the state building construction account—state appropriation is provided solely for providing shore power electrification at terminal five for the northwest seaport alliance. In order to receive this grant, the northwest seaport alliance must demonstrate that they applied to the VW settlement for this project and were denied.

(6)(a) \$8,100,000 of the state building construction account—state appropriation is provided solely for competitive grants for strategic research and development for new and emerging clean energy technologies. These grants will be used to match federal or other nonstate funds to research, develop, and demonstrate clean energy technologies.

(b) The department shall consult and coordinate with the University of Washington, Washington State University, the Pacific Northwest national laboratory and other clean energy organizations to design the grant program. Clean energy organizations who compete for grants from the program may not participate in the design of the grant program. Criteria for the grant program must include life cycle cost analysis for projects that are part of the competitive process.

(c) 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, battery components recycling, and new renewable energy and energy efficiency technologies.

(d) \$1,000,000 of the state building construction account—state appropriation is provided solely for grants that enhance the viability of dairy digester bioenergy projects, energy efficiency, and resource recovery to demonstrate advanced nutrient recovery systems that produce value added biofertilizers, reduce trucking of lagoon water, and improve soil health and air and water quality. Grants shall include at least one project east of the Cascades and one project west of the Cascades. State agencies must promote and demonstrate the use of such recovered biofertilizers through state procurement and contracts.

(7)(a) \$3,000,000 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 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 will provide at least fifteen percent matching private capital and will administer the loan fund. The department must 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.

(8) \$5,000,000 of the state building construction account—state appropriation is provided solely for the Washington Maritime Innovation Center. The center must be used to support technology acceleration and incubation, and act as a focal point for maritime sustainability, including, but not limited to, supporting technology development for maritime decarbonization and electrification.

(9) \$8,300,000 of the state taxable construction account—state appropriation is provided solely for scientific instruments to help accelerate research in grid-scale energy storage at the proposed grid-scale energy storage research, development, and testing facility at the Pacific Northwest national laboratory. The state funds are contingent on securing federal funds for the new facility, and are provided as a match to the federal funding. The instruments will support collaborations with the University of Washington and the Washington State University.

(10) \$593,000 of the state building construction account—state appropriation is provided solely to the port of Grays Harbor for an offshore ocean wave renewable energy demonstration project.

(11) \$1,500,000 of the state building construction account—state appropriation is provided solely to the ~~(Port of)~~ Skagit county public works department for the Guemes ferry dock shore power charging infrastructure.

Appropriation:

State Building Construction Account—State .....	\$21,300,000
State Taxable Building Construction Account—State .....	\$11,300,000
Subtotal Appropriation .....	\$32,600,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$160,000,000
TOTAL .....	\$192,600,000

**Sec. 1006.** 2019 c 413 s 1037 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2019-21 Early Learning Facilities (40000044)

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

(1) ~~(\$200,000)~~ \$300,000 of the state building construction account—state appropriation is provided solely for the department of children, youth, and families to provide technical assistance to the department for the early learning facilities grants in this section.

(2) ~~(\$6,100,000)~~ \$9,062,000 of the state building construction account—state appropriation is provided solely for the following list of early learning facility projects in the following amounts:

Proclaim Liberty Early Learning Facility ..	\$1,000,000
Roosevelt Child Care Center .....	\$1,500,000
City of Monroe, Boys & Girls Club ECEAP Facility .....	\$1,000,000
Family Support Center Olympia .....	\$600,000
Centralia-Chehalis Early Learning Conversion Project .....	<del>(\$2,000,000)</del>
	<u>\$3,000,000</u>
<u>Club Discovery Early Learning</u> .....	\$100,000
<u>Anacortes Family Center</u> .....	\$309,000
<u>Boys &amp; Girls Club Daycare</u> .....	\$773,000
<u>Issaquah School District Early Learning Center</u> .....	\$155,000
<u>Opportunity Council Early Learning Central Kitchen</u> .....	\$52,000
<u>Samish Longhouse Early Learning Center Expansion</u> .....	\$273,000
<u>Triumph Treatment Services Child Care</u> .....	\$300,000

(3) \$4,186,000 of the early learning facilities development account—state appropriation in this section is provided solely for the following list of early learning facility projects for school districts, subject to the provisions of RCW 43.31.573 through 43.31.583 and 43.84.092, in the following amounts:

Toppenish School District .....	\$111,000
Manson School District .....	\$400,000
Kettle Falls School District .....	\$395,000
North Thurston School District .....	\$324,000
Ellensburg School District .....	\$800,000
Everett School District .....	\$800,000
Tukwila School District.....	\$196,000
Richland School District .....	\$800,000
Lake Quinault School District.....	\$360,000

(4) The remaining portion of the appropriation in this section is provided solely for early learning facility grants and loans 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.

(5) 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 of commerce 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.

(6) 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 of commerce pursuant to RCW 43.31.581 must first consider those areas at risk of not meeting the entitlement in accordance with RCW 43.216.556.

(7) The department of commerce 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.

(8) When prioritizing applications for projects, pursuant to subsection (4) of this section, within the boundaries of a regional transit authority in a county that has received distributions or appropriations under RCW 43.79.520, the department must give priority to applications

for which at least ten percent of the total project cost is supported by those distributions or appropriations.

(9) The department, in consultation with the office of the superintendent of public instruction and the department of children, youth, and families must identify buildings in the inventory and condition of schools database that are no longer included in the inventory of K-12 instructional space for purposes of calculating school construction assistance pursuant to chapter 28A.515 RCW, but that could be repurposed as early learning facilities and made available to eligible organizations. The department must report its findings and the list of buildings identified in this section to the office of financial management and the appropriate fiscal committees of the legislature by January 15, 2020.

Appropriation:

State Building Construction Account—State .....	<del>(\$6,300,000)</del>
	<u>\$9,362,000</u>
Early Learning Facilities Revolving Account—State.....	<del>(\$18,014,000)</del>
	<u>\$22,248,000</u>
Early Learning Facilities Development Account—State.....	\$4,186,000
Subtotal Appropriation .....	<del>(\$28,500,000)</del>
	<u>\$35,796,000</u>
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$80,000,000
TOTAL .....	<u>\$108,500,000</u>
	<u>\$115,796,000</u>

**Sec. 1007.** 2019 c 413 s 1028 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

**Behavioral Health Community Capacity (40000018)**

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6004 of this act.

Reappropriation:

State Building Construction Account—State .....	<del>(\$84,500,000)</del>
	<u>\$77,223,000</u>
Prior Biennia (Expenditures) .....	\$5,876,000
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	<u>\$90,376,000</u>
	<u>\$83,099,000</u>

**Sec. 1008.** 2019 c 413 s 1033 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2019-21 Community Economic Revitalization Board  
(40000040)

Appropriation:

Public Facility Construction Loan Revolving	
Account—State .....	<del>(\$8,600,000)</del>
	<u>\$18,600,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$34,400,000
TOTAL.....	<u>\$43,000,000</u>
	<u>\$53,000,000</u>

**NEW SECTION. Sec. 1009.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF COMMERCE**

Seattle Vocational Institute (40000136)

It is the intent of the legislature that this funding be provided for the Seattle Vocational Institute no later than June 30, 2021, once the community preservation and development authority has selected board members and the title of the Seattle Vocational Institute building has been transferred to the board.

Appropriation:

State Building Construction Account—State .....	\$1,300,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$1,300,000

**Sec. 1010.** 2019 c 413 s 1041 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2019-21 Behavioral Health Capacity Grants  
(40000114)

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

(1) The appropriation in this section is provided solely for the department of commerce to issue grants to community hospitals or other community providers to expand and establish new capacity for behavioral health services in communities. The department of commerce 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 of commerce may approve funding for the acquisition of a facility or land if the project results in increased 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 fifteen-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) (~~(\$47,000,000)~~) \$73,231,000 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) (~~(\$4,000,000)~~) \$11,277,000 is provided solely for at least (~~two~~) 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. The department may award the amounts provided

in this subsection (5)(a) to eligible applicants that applied in the first round;

(b) \$10,000,000 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) \$4,000,000 is provided solely for at least two facilities 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 is provided solely for one or more crisis diversion or stabilization facilities to add sixteen beds in the Spokane region that will address both urban and rural needs, consistent with the settlement agreement in *A.B. by and through Trueblood, et al., v. DSHS, et al.* and that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(e) \$5,000,000 is provided solely for at least four 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;

(f) \$8,000,000 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 ninety-day or one hundred eighty-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 omnibus operating appropriations act for these purposes.

(g) \$4,000,000 is provided solely for competitive community behavioral health grants to address regional needs;

(h) \$8,000,000 is provided solely for at least four 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

(i) ~~(\$2,000,000)~~ \$20,954,000 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. The department may award the amounts provided in this subsection (5)(i) to eligible applicants that applied in the first round.

(6) \$1,000,000 of the state taxable building construction account—state is provided solely for deposit into the revolving fund established in Second Substitute House Bill No. 1528 (recovery support services) for capital improvements. ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(7) ~~(\$49,543,000)~~ (a) \$47,935,000 is provided solely for the following list of projects and is subject to the criteria in subsection (1) of this section:

CHAS Spokane Behavioral Health .....	\$400,000
<del>((Chelan SUD Design .....</del>	<del>\$206,000</del>
<del>Columbia Valley Community Health Remodel .....</del>	<del>\$31,000))</del>
Colville SUD Facility .....	\$4,523,000
<del>((Community Health of Snohomish County Edmonds .....</del>	<del>\$1,000,000))</del>
DESC Health Clinic.....	\$6,000,000
Detox/Inpatient SUD Building (Centralia) ...	\$750,000
Evergreen RC Addiction Treatment Facility for Mothers (Everett).....	\$2,000,000
HealthPoint Behavioral Health Expansion (Auburn) .....	\$1,030,000
Issaquah Opportunity Center (Issaquah) ....	\$3,000,000
Jamestown S'Klallam Behavioral Health ...	\$7,200,000
Lynnwood Sea Mar Behavioral Health Expansion .....	\$1,000,000
Nexus Youth and Families.....	\$535,000
North Sound SUD Treatment Facility (Everett) .....	\$1,500,000
Oak Harbor Tri-County Behavioral Health	\$1,000,000
Peninsula Community Health Services Behavioral Health Expansion (Bremerton) .....	\$1,700,000
Providence Regional Medical Center .....	\$4,700,000
<del>((Sea Mar Community Health Centers Seattle BH</del>	<del>.....</del>

<del>(Seattle)</del> .....	<del>\$371,000))</del>
Sedro-Woolley North Sound E&T .....	\$6,600,000
Spokane Crisis Stabilization.....	\$2,000,000
Virginia Mason Acute Stabilization .....	\$2,200,000
Yakima Neighborhood Health Services .....	\$488,000
Yakima Valley Farm Workers Clinic .....	\$309,000
YVFWC Children's Village.....	\$1,000,000

(b) \$3,577,000 is provided solely for the following list of projects and is subject to the criteria in subsection (1) of this section, except that the following projects are not required to establish new capacity:

<u>Chelan SUD Design</u> .....	<u>\$206,000</u>
<u>Community Health of Snohomish County Edmonds</u> .....	<u>\$1,000,000</u>
<u>The Parkside Place Project (Wenatchee)</u> ...	<u>\$2,000,000</u>
<u>Sea Mar Community Health Centers Seattle BH</u> <u>(Seattle)</u> .....	<u>\$371,000</u>

~~(8)((a) \$20,000,000 of the appropriation in this section is provided solely for a contract with MultiCare to provide a mixed use psychiatric care facility in Auburn. The facility must include twelve to eighteen crisis stabilization beds, sixty commitment beds for short term stays, and sixty long term involuntary commitment beds for persons on a ninety day or one hundred eighty day civil commitment.~~

~~(b) The funding in this subsection is subject to the recipient maintaining and operating the beds for at least thirty years to serve (i) persons who are publicly funded and (ii) persons who are detained under the involuntary treatment act under chapter 71.05 RCW.~~

~~(9))~~ \$408,000 is provided solely for the department for the purpose of providing technical assistance for the community behavioral health grants.

~~((40))~~ (9) The department of commerce must notify all applicants that they may be required to have a construction review performed by the department of health.

~~((44))~~ (10) To accommodate the emergent need for behavioral health services, the department of health and the department of commerce, 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.

~~((42))~~ (11) 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, the department may allocate funds to other behavioral health capacity project categories within subsection (5) of this section, prioritizing projects in unserved areas of the state.

~~((43))~~ (12) The department must provide a progress report by November 1, 2020. 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	.....	<del>((117,951,000))</del>
		\$125,151,000
State Taxable Building Construction Account—State	.....	\$1,000,000
<u>Subtotal Appropriation</u> .....		<u>\$126,151,000</u>
Prior Biennia (Expenditures) .....		\$0
Future Biennia (Projected Costs) .....		\$360,000,000
TOTAL .....		<u>\$477,951,000</u>
		<u>\$486,151,000</u>

**Sec. 1011.** 2019 c 413 s 1042 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2020 Local and Community Projects (40000116)

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

(1) The department shall not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten 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 shall not be advanced under any circumstances.

(5) In contracts for grants authorized under this section the department shall include provisions which 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 appropriation is provided solely for the following list of projects:

Al?al "Home" in Lushootseed (Seattle) .....	\$947,000
4th Ave. Street Enhancement (White Center) .....	\$670,000
Abigail Stuart House (Olympia).....	\$250,000
Aging in PACE Washington (AiPACE) (Seattle) .....	\$1,500,000
Airport Utility Extension (Pullman) .....	\$1,626,000
Aquatic and Recreation Center (King County) .....	\$1,050,000
Arivva Community Center (Tacoma).....	\$1,000,000
Arlington B&G Club Parking Safety (Arlington) .....	\$530,000
Asotin Masonic Lodge (Asotin) .....	\$62,000
Auburn Arts & Culture Center (Auburn).....	\$500,000
Audubon Center (Sequim).....	\$1,000,000
B&GC of Olympic Peninsula (Port Angeles) .....	\$500,000
B&GC of Thurston County (Lacey).....	\$98,000
Ballard Food Bank (Seattle) .....	\$750,000
<del>((Battle Ground YMCA (Battle Ground) ..</del>	<del>\$500,000))</del>
Beacon Center Renovation (Tacoma).....	\$1,000,000
Bellevue HERO House (Bellevue) .....	\$46,000
Benton Co. Museum Building Improvements (Prosser).....	\$103,000
Big Brothers Big Sisters Learning Lab (Olympia) .....	\$56,000

Blue Mountain Action Council Comm. Services Center (Walla Walla) .....	\$1,000,000
Bothell Downtown Revitalization (Bothell) .....	\$1,500,000
Bowers Field Airport (Ellensburg) .....	\$275,000
Boys & Girls Club of Thurston Co. Upgrades (Rochester) .....	\$31,000
Boys & Girls Club Roof and Flooring Repairs (Federal Way).....	\$319,000
Breeze Creek Culvert Replacement/East 4th St. Widening (La Center).....	\$1,500,000
Browns Park Project (Spokane Valley).....	\$536,000
Buffalo Soldiers' Museum (Seattle) .....	\$200,000
Camas Washougal Nature Play Area (Washougal) .....	\$103,000
Campus Towers (Longview).....	\$228,000
Carbonado Water Source Protection Acquisition (Carbonado).....	\$1,500,000
Carl Maxey Center (Spokane) .....	\$350,000
Carlisle Lake Park Improvements (Onalaska) .....	\$213,000
Carlyle Housing Facility Upgrades (Spokane) .....	\$400,000
Cathlamet Pioneer Center Restoration (Cathlamet) .....	\$165,000
Centerville Fire Dept. (Centerville) .....	\$216,000
Centerville Grange (Centerville).....	\$90,000
Centralia Fox Theater (Centralia) .....	\$1,000,000
Chehalis River Bridge Ped Safety Lighting Ph2 (Aberdeen) .....	\$323,000
Cheney Reclaimed Water Project (Cheney) .....	\$2,000,000
Chief Kitsap Education and Community Resource Center (Poulsbo).....	\$1,000,000
Chief Leschi Schools Facilities & Safety Project (Puyallup) .....	\$250,000
Chief Leschi Schools Safety & Security (Puyallup) .....	\$250,000
<del>((Children's Center Design &amp; Feasibility Study (Vancouver) .....</del>	<del>\$400,000))</del>
Clymer Museum Remodel Ph2 (Ellensburg)	\$258,000

Colfax Pantry Building (Colfax) .....	\$247,000	FISH Food Bank (Ellensburg) .....	\$772,000
Community Services of Moses Lake Food Bank Facility (Moses Lake).....	\$2,000,000	Fishtrap Creek Habitat Improvement (Lynden) .....	\$258,000
Conconully Community Services Complex (Conconully).....	\$515,000	Flood Plain Stabilization, Habitat Enhancement (Kent).....	\$1,000,000
Cosmopolis Elem. Energy & Safety (Cosmopolis) .....	\$206,000	Food Lifeline (Seattle) .....	\$1,004,000
Coulee City Medical Clinic (Coulee City) ...	\$150,000	Foothills Trail Extension (Wilkeson).....	\$500,000
Curran House Museum (University Place).....	\$43,000	Fort Steilacoom Park Artificial Turf Infields (Lakewood).....	\$1,015,000
Dakota Homestead (Seattle).....	\$155,000	Fourth Plain Community Commons (Vancouver) .....	\$800,000
Dawson Park Improvements (Tacoma) ...( <del>\$258,000</del> )	<u>\$515,000</u>	Garfield Co. Hospital HVAC (Pomeroy).....	\$250,000
Dayton Pump Station (Edmonds).....	\$515,000	Gateway Center (Grays Harbor) .....	\$500,000
( <del>Dock and Marine Terminal (Seattle) .....</del> )	( <del>\$750,000</del> )	Gene Coulon Memorial Beach Park Play Equipment Upgrade (Renton) .....	\$618,000
Downtown Park Gateway (Bellevue) .....	\$1,030,000	George Community Hall Roof (George).....	\$201,000
Dungeness River Audubon Center Expansion (Sequim) .....	\$500,000	George Davis Creek Fish Passage Project (Sammamish) .....	\$515,000
East Blaine Infrastructure (Blaine) .....	\$500,000	Gig Harbor Food Bank (Gig Harbor).....	\$180,000
Ejido Community Farm (Whatcom).....	\$250,000	Goldendale Airport (Goldendale) .....	\$550,000
El Centro de la Raza Federal Way Office (Federal Way) .....	\$1,000,000	( <del>Grand Connection Downtown Park Gateway (Bellevue).....</del> )	( <del>\$1,000,000</del> )
Enumclaw Aquatic Center (Enumclaw) .....	\$258,000	Granger Historical Museum Construction (Granger) .....	\$150,000
Enumclaw Expo Center Roof (Enumclaw) ..	\$250,000	Granite Falls Police Dept. Renovation Project (Granite Falls).....	\$412,000
Everett TOD Study (Everett).....	\$200,000	Grays Harbor and Willapa Bay Sedimentation (Grays Harbor).....	\$464,000
Everett YMCA (Everett) .....	\$1,000,000	Grays Harbor YMCA (Grays Harbor) .....	\$293,000
Evergreen High School Health Center (Vancouver) .....	\$388,000	Greater Maple Valley Veterans Memorial (Maple Valley).....	\$102,000
Evergreen Speedway Capital Improvement (Monroe) .....	\$150,000	Green Bridges, Healthy Communities; Aurora Bridge I-5 (Seattle).....	\$1,500,000
Excelsior Integrated Care Ctr. Sports Court (Spokane) .....	\$266,000	Greenwood Cemetery Restoration (Centralia) .....	\$402,000
Excelsior Roof & Gym Repair (Spokane) ....	\$263,000	Greenwood Cemetery Safety Upgrades (Centralia) .....	\$91,000
Excelsior Vocational Education Space (Spokane) .....	\$164,000	HealthPoint (Tukwila) .....	\$1,000,000
Expanding on Excellence Capital Campaign (White Salmon).....	\$500,000	HealthPoint Dental Expansion (SeaTac)....	\$1,545,000
Family Education and Support Services (Tumwater) .....	\$500,000	Heritage Senior Housing (Chelan) .....	\$52,000
Felts Field Gateway Improvement Phase 1 (Spokane) .....	\$100,000	High Dune Trail & Conservation Project (Ocean Shores) .....	\$140,000
Fennel Creek Trailhead (Bonney Lake) .....	\$258,000		
Filipino Hall Renovation (Wapato) .....	\$63,000		
Fircrest Pool (Fircrest).....	\$1,000,000		

Historic Downtown Chelan Revitalization (Chelan) .....\$52,000

Historic Olympic Stadium Preservation Project (Hoquiam).....\$515,000

Historical Museum & Community Center Roof Replacement  
 (Washtucna) .....\$24,000

Historical Society Energy Upgrades (Anderson Island) .....\$14,000

Hoh Tribe Broadband (Grays Harbor).....\$129,000

Horseshoe Lake ADA Upgrades (Woodland) \$82,000

Housing Needs Study (Statewide).....\$200,000

Howard Bowen Event Complex (Sumas)..\$1,712,000

Howe Farm Water Service (Port Orchard) .....\$52,000

ICHS Bellevue Clinic Renovation Project (Bellevue) .....\$1,600,000

Illahee Preserve's Lost Continent Acquisition (Bremerton) .....\$335,000

~~(Ilwaco Boatyard Modernization (Ilwaco) \$458,000)~~

Imagine Children's Museum Expansion and Renovation  
 (Everett) .....\$2,000,000

Index Water System Design (Index) .....\$23,000

Infrastructure for Economic Development (Port Townsend) .....\$675,000

Innovative Health Care Learning Center Phase 1 (Yakima).....\$500,000

Interactive Educ. Enh./Friends Issaquah Hatchery  
 (Issaquah) .....\$113,000

Intersection Improvements Juanita Dr. (Kirkland) .....\$750,000

Japanese American Exclusion Memorial (Bainbridge Island) .....\$155,000

Japanese Gulch Daylight Project (Mukilteo) \$400,000

Keller House and Carriage House Paint Restoration  
 (Colville) .....\$45,000

Key Kirkland Sidewalk Repairs (Kirkland) . \$537,000

Key Peninsula Elder Community (Gig Harbor) .....\$1,000,000

Ki-Be School Parking Lot Improvements (Benton City).....\$268,000

Kitsap Conservation Study (Kitsap) .....\$51,000

Kittitas Valley Event Center (Ellensburg)....\$206,000

Klickitat Co. Sheriff Office Training Bldg. (Goldendale) .....\$335,000

KNKX Radio Studio (Tacoma).....\$824,000

Lacey Veterans Services Hub Facility Renovation (Lacey) .....\$2,000,000

Lake Chelan Community Center (Lake Chelan) .....\$250,000

Lake Chelan Water Supply (Wenatchee).....\$464,000

Lake City Community Center Replacement (Seattle) .....\$2,000,000

Lake Stevens Civic Center Phase II (Lake Stevens) .....\$1,000,000

Lake Sylvia State Park Pavilion (Montesano) .....\$250,000

Lake Wilderness Park Improvements (Maple Valley) .....\$200,000

Land Use & Infrastructure Subarea Plan (Mill Creek) .....\$300,000

Larson Gallery Renovation (Yakima).....\$875,000

Leffler Park (Manson) .....\$265,000

Legacy in Motion (Puyallup) .....\$1,750,000

Legacy Site Utility Infrastructure (Maple Valley) .....\$154,000

Lewis Co. CHS Pediatric Clinic (Centralia) ...\$84,000

Little Badger Mountain Trailhead (Richland) .....\$464,000

Little Mountain Road Pipeline and Booster Station  
 (Mount Vernon).....\$1,300,000

Long Beach Police Department (Long Beach) .....\$705,000

Lopez Island Swim Center (Lopez Island).\$1,000,000

Lummi Hatchery Project (San Juan) .....\$1,000,000

Mabton City Park (Mabton).....\$54,000

Main Street Redevelopment Project - Phase 2  
 (University Place) .....\$985,000

Mariner Community Campus (Everett) .....\$2,250,000

Mary's Place (Burien) .....\$2,050,000

Marymount Museum/Spana-Park Senior Center (Spanaway).....\$1,000,000

McChord Airfield North Clear Zone (Lakewood) .....\$500,000

McCormick Woods Sewer Lift #2 Improvements (Port Orchard) .....\$800,000

Melanie Dressel Park (Tacoma).....\$500,000

Mercer Is/Aubrey Davis Park Trail Upgrade (Mercer Island) .....\$500,000

Missing & Murdered Indigenous Women Memorial (Toppenish).....	\$49,000	(Bremerton) .....	\$750,000
Monroe B&G Club ADA Improvements (Monroe) .....	\$464,000	Orting City Hall and Police Station (Orting)	\$600,000
Mountlake Terrace Main Street (Mountlake Terrace) .....	\$750,000	Orting Ped Evac Crossing (Orting).....	\$103,000
Mt. Adams Comm. Forest, Klickitat Canyon Rim Purchase		Othello Regional Water (Othello).....	\$425,000
(Glenwood) .....	\$400,000	Outdoors for All (Seattle) .....	\$1,000,000
Mt. Adams School District Athletic Fields (Harrah) .....	\$242,000	Pacific Co. Fairgrounds Roof (Menlo).....	\$210,000
Mt. Peak Fire Lookout Tower (Enumclaw)..	\$381,000	Packwood FEMA Floodplain Study (Packwood) .....	\$637,000
Mt. Spokane SP Ski Lift (Mead) .....	\$750,000	Pasco Farmers Market & Park (Pasco) .....	\$154,000
Mukilteo Promenade (Mukilteo) .....	\$500,000	Pendergast Regional Park Phase II (Bremerton) .....	\$50,000
Museum Storage Building (Steilacoom) .....	\$72,000	Peninsula Community Health Service Dental Mobile (Bremerton) .....	\$340,000
Naches Fire/Rescue, Yakima Co. #3 (Naches) .....	\$200,000	PenMet - Cushman Trail Enhancements (Gig Harbor) .....	\$52,000
Naselle HS Music/Vocational Wing (Naselle) .....	\$258,000	PenMet Community Rec Center (Gig Harbor) .....	\$173,000
Naselle Primary Care Clinic (Naselle) .....	\$216,000	Pet Overpopulation Prevention Vet Clinic Building (West Richland).....	\$300,000
Naselle SD Flooring (Naselle).....	\$237,000	Pine Garden Apartment Roof (Shelton).....	\$46,000
NCRA Maint. Bldg., Parking Lot, Event Space (Castle Rock) .....	\$283,000	Pioneer Park Fountain (Walla Walla) .....	\$9,000
NEW Health Programs, Colville Dental Clinic (Colville).....	\$1,250,000	Pomeroy Booster Pumping Station (Pomeroy) .....	<del>(\$96,000)</del>
Newman Lake Flood Control Zone District (Newman Lake).....	\$415,000	<u>\$112,000</u>	
North Elliott Bay Public Dock; Marine Transit Terminal		Port of Everett (Everett).....	\$300,000
(Seattle).....	<del>(\$1,000,000)</del>	Port of Ilwaco Boatyard Modernization (Ilwaco) .....	\$545,000
<u>\$1,750,000</u>		Port of Willapa Harbor Dredging Support Boat (Tokeland).....	\$180,000
<u>Northaven Affordable Senior Housing Campus (Seattle).....</u>	<u>\$1,000,000</u>	Poulsbo Historical Society (Poulsbo).....	\$400,000
Northshore Senior Center Rehabilitation Project (Bothell).....	\$500,000	Prairie View Schoolhouse Community Center (Waverly) .....	\$57,000
Northwest African American Museum (Seattle) .....	\$500,000	Protect Sewer Plant from Erosion (Ocean Shores) .....	\$155,000
Northwest Native Canoe Center (Seattle).....	\$986,000	Puyallup Culvert Replacement (Puyallup)....	\$515,000
NW School of Wooden Boatbuilding (Port Hadlock) .....	\$464,000	Puyallup Street Frontage Improvement (Puyallup) .....	\$258,000
Oak Harbor Marina (Oak Harbor) .....	\$400,000	Puyallup VFW Kitchen Renovation (Puyallup) .....	\$52,000
Oakville SD Kitchen Renovation (Oakville)	\$517,000	Quincy Hospital (Quincy).....	\$300,000
Oddfellows Ellensburg Bldg. Restoration (Ellensburg) .....	\$267,000	Quincy Square on 4th (Bremerton) .....	\$206,000
Opening Doors - Permanent Supportive Housing Facility		Recreation Park Renovation (Chehalis) .....	\$258,000
		Redmond Pool (Redmond) .....	\$1,000,000
		Renton Trail Connector (Renton) .....	\$500,000

Richmond Highland Recreation Center Repairs (Shoreline).....	\$500,000
Rise Together White Center Project (King County).....	\$1,000,000
Ritzville Business & Entrepreneurship Center (Ritzville).....	\$350,000
Rosalia Sewer Improvements (Rosalia).....	\$500,000
Roslyn Downtown Assoc. (Roslyn).....	\$480,000
<u>Roslyn Housing Project (Roslyn).....</u>	<u>\$2,000,000</u>
Royal Park & Rec Ctr. (Royal City).....	\$250,000
Sargent Oyster House Maritime Museum (Allyn).....	\$218,000
Schmid Ballfields Ph3 (Washougal).....	\$584,000
Scott Hill Park & Sports Complex (Woodland).....	\$500,000
Sea Mar Community Health Centers Tumwater Dental (Olympia).....	\$170,000
Seaport Landing (Aberdeen) ... <del>(\$349,000)</del>	<u>\$404,000</u>
Seattle Aquarium (Seattle).....	\$1,000,000
Seattle Goodwill (Seattle).....	\$2,000,000
<u>Seattle Indian Health Board (Seattle).....</u>	<u>\$1,000,000</u>
Sewage Lagoon Decommissioning (Concrete).....	\$255,000
Shelton Civic Center Parking Lot (Shelton).....	\$283,000
Shoreline Maintenance Facility - Brightwater Site (Shoreline).....	\$500,000
Skabob House Cultural Center (Shelton).....	\$350,000
Skagit County Sheriff Radios (Skagit).....	\$1,000,000
Skamania Courthouse Plaza (Stevenson).....	\$150,000
Snohomish Carnegie Project (Snohomish).....	\$500,000
Snohomish County Sheriff's Office South Precinct (Snohomish).....	\$1,000,000
Snohomish Fire District #26 Communications Project (Gold Bar).....	\$27,000
Snoqualmie Early Learning Center (Snoqualmie).....	\$500,000
Snoqualmie Valley Youth Activities Center (North Bend).....	\$412,000
South Fork Snoqualmie Levee Setback Project (North Bend).....	\$250,000
SOZO Sports Indoor Arena (Yakima).....	\$600,000
Spokane Sportsplex (Spokane).....	\$1,000,000

Springbrook Park Expansion & Clover Creek Restoration (Lakewood).....	\$773,000
SR 503 Ped/Bike Ph1&2 (Woodland).....	\$235,000
SR 530 "Oso" Slide Memorial (Arlington).....	\$300,000
Stan and Joan Cross Park (Tacoma).....	\$500,000
Starfire Sports STEM (Tukwila).....	\$250,000
<del>(Step by Step (Puyallup).....)</del>	<del>(\$500,000)</del>
Stevens Co. Disaster Response Communications (Colville).....	\$500,000
Sultan Water Treatment Plant Design (Sultan).....	\$246,000
Sumas History Themed Playground and Water Park (Sumas).....	\$288,000
Sunnyside Airport Hangar Maintenance Facility (Sunnyside).....	<del>(\$500,000)</del> <u>\$750,000</u>
Sunnyside Yakima Valley-TEC Welding Program (Yakima).....	\$26,000
Sunset Multi-Service & Career Development Center (Renton).....	\$1,000,000
SW WA Dance Center (Chehalis).....	\$62,000
SW WA Fairgrounds (Chehalis).....	\$103,000
SW Washington Regional Agriculture & Innovation Park (Tenino).....	\$1,500,000
Swede Hall Renovation (Rochester).....	\$196,000
<del>(Tacoma Beacon Center Renovation (Tacoma).....)</del>	<del>(\$1,000,000)</del>
Tacoma Community House (Tacoma).....	\$413,000
Tam O'Shanter Park Circulation & Parking Phase 2 (Kelso).....	\$1,030,000
Tehaleh Slopes Bike Trail (Bonney Lake).....	\$309,000
<del>(Telford Helipad (Creston).....)</del>	<del>(\$52,000)</del>
Tenino City Hall Renovation (Tenino).....	\$515,000
Terminal 1 Waterfront Development (Vancouver).....	\$4,700,000
The AMP: Aids Memorial Pathway (Seattle).....	\$600,000
The Morck Hotel (Aberdeen).....	\$500,000
Toledo Sewer & Water (Toledo).....	\$469,000
Tonasket Senior Citizen Ctr. (Tonasket).....	\$33,000
Town Center to Burke Gilman Trail Connector	

(Lake Forest Park).....	\$500,000
Tukwila Village Food Hall (Tukwila) .....	\$400,000
Twin Springs Park (Kenmore).....	\$155,000
Twisp Civic Building & EOC (Twisp).....	\$1,288,000
United Way of Pierce County HVAC (Tacoma)	
.....	\$206,000
University Place Arts (University Place).....	\$34,000
Vertical Evacuation (Ocean Shores).....	\$500,000
Veterans Memorial Museum (Chehalis).....	\$123,000
Veterans Supportive Housing (Yakima)....	\$2,500,000
VOA Lynnwood Center (Lynnwood)....( <del>\$1,000,000</del> )	
<u>\$1,050,000</u>	
Volunteer Park Amphitheater (Seattle) .....	\$500,000
West Kelso Affordable Housing & Community	
Facility Study	
(Kelso).....	\$258,000
WA Poison Control IT (Seattle).....	\$151,000
Waitsburg Taggart Road Waterline (Waitsburg)	
.....	\$456,000
Walla Dodd Water System Improvement (Walla	
Walla) .....	\$1,000,000
Wapato Creek Restoration (Fife).....	\$258,000
Warren Ave. Playfield (Bremerton) .....	\$206,000
Washington Park Boat Launch Storm Damage	
(Anacortes) .....	\$200,000
Wesley Homes (Des Moines).....	\$2,000,000
Westport Dredge Material Use (Westport)...	\$250,000
Whidbey Is. B&G Coupeville (Coupeville) .	\$849,000
Whidbey Is. B&G Oak Harbor (Oak Harbor)	
.....	\$743,000
( <del>White Center Community HUB (Seattle) \$500,000</del> )	
Wilkeson Water Protection (Wilkeson).....	\$36,000
Willapa BH - Long Beach Safety Improvement Project	
(Long Beach).....	\$225,000
William Shore Memorial Pool (Port Angeles)	
.....	\$840,000
Wing Luke Museum Homestead Home (Seattle)	
.....	\$500,000
Wisdom Ridge Business Park (Ridgefield)\$2,000,000	
Yakima Co. Veterans Dental Facility (Yakima)	
.....	\$469,000
Yakima Valley Fair & Rodeo Multi-Use Facility	
(Grandview) .....	\$200,000

Yelm Business Incubator Serving Thurston/Pierce	
Counties (Yelm).....	\$200,000
Yelm Water Tower (Yelm).....	\$303,000
YMCA Childcare Center Tenant Improvements	
(Woodinville).....	\$1,000,000

(8) \$400,000 of the appropriation in this section is provided solely to the city of Oak Harbor to enhance the fiscal sustainability and revenue generation of the city-owned marina through feasibility work, planning, development, and acquisition.

(9) \$200,000 of the appropriation in this section is provided solely for the department to contract for a study regarding both available and needed affordable housing for farmworkers and Native Americans in Washington state. The study must include data to inform policies related to affordable housing for farmworkers and Native Americans and supplement the housing assessment conducted by the affordable housing advisory board created in chapter 43.185B RCW.

(10) \$200,000 of the appropriation in this section is provided solely for a grant to the Tacoma buffalo soldiers' museum to conduct a feasibility study for the rehabilitation of building 734, the band barracks at Fort Lawton in Discovery park. The study will provide an assessment of general conditions of building 734 and cost estimates for a comprehensive rehabilitation of the building to meet current building codes including, but not limited to heating, ventilation, air conditioning, and mechanical systems, seismic retrofits, and compliance with the Americans with disabilities act.

(11) \$1,300,000 of the appropriation in this section is provided solely for a grant to the Skagit public utility district for the Little Mountain Road pipeline and booster station. \$1,000,000 of these funds are provided solely for the design phase of the project; \$150,000 of these funds are provided solely for land acquisition; and \$150,000 of these funds are provided solely to the district for a public outreach effort to solicit input on the project from residents and rate payers.

(12) \$1,500,000 of the appropriation in this section is provided solely for preconstruction activities by Aging in PACE (AiPACE) (Seattle).

(13) \$2,000,000 of the appropriation in this section for Roslyn Housing Project is provided solely for a grant to enable Forterra NW, or a wholly-owned subsidiary of Forterra NW, to begin work on a community development project in the city of Roslyn that includes housing, commercial, retail, or governmental uses. The work must include phased preacquisition due diligence, land acquisition or predevelopment engineering, design, testing, and permitting activities, including work done by both the appropriation recipient and third parties retained by the recipient.

Appropriation:

State Building Construction Account—State	
.....	( <del>\$162,793,000</del> )

	<u>\$163,011,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	<u>\$162,793,000</u>
	<u>\$163,011,000</u>

**Sec. 1012.** 2019 c 413 s 1043 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Washington Broadband Program (40000117)

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

(1) The appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5511 (broadband service). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this section shall lapse.))~~

(2) The funding in this section is provided solely for grants, loans, and administrative expenses related to implementation of the broadband program. Of the total funds:

(a) ~~(((\$14,440,000))~~ \$10,775,000 is provided solely for loans. Moneys attributable to appropriations of state bond proceeds may not be expended for loans to nongovernmental entities.

(b) ~~(((\$7,110,000))~~ \$10,775,000 is provided solely for grants.

~~((4))~~ (3) By January 1, 2021, in the first report to the legislature required under section 6 of Second Substitute Senate Bill No. 5511 (broadband service), the governor's statewide broadband office must include a list of potential regional projects that will accelerate broadband access by providing connections to local jurisdictions, with recommendations for how to fund such larger scale projects. This list must be developed within existing resources.

Appropriation:

Statewide Broadband Account—State ....	\$21,550,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$80,000,000
TOTAL.....	\$101,550,000

**NEW SECTION. Sec. 1013.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF COMMERCE**

2021 Local and Community Projects (40000130)

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 ten 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 appropriation is provided solely for the following list of projects:

Chief Seattle Club (Seattle) .....	\$200,000
92nd Ave. Sewer Ext. (Battle Ground) .....	\$258,000
Academy Smokestack Preservation (Vancouver) .....	\$103,000
African Refugee & Immigrant Housing (Tukwila) .....	\$200,000
AG Tour Train Ride (Reardan).....	\$125,000
Algona Wetland Preserve and Trail (Algona).\$50,000	
Anderson Island Historical Society (Anderson Island) .....	\$10,000
Anderson Road Infrastructure (Chelan) .....	\$258,000
Ashley House (Shoreline).....	\$100,000
Asotin County Library Meeting Space (Clarkston) .....	\$13,000
ASUW Shell House (WWI Hanger/Canoe House) (Seattle) .....	\$100,000
Auburn Family YMCA (Auburn) .....	\$128,000
Ballard P-Patch (Seattle).....	\$258,000

Ballinger Park-Hall Creek Restoration (Mountlake Terrace).....	\$200,000	(Lind).....	\$25,000
Bellevue Parks Changing Tables (Bellevue)	\$100,000	Everett Recovery Cafe Renovation Project (Everett)	\$200,000
Bethel High School Pierce College Annex Campus (Graham).....	\$300,000	Federal Way Little League Fields (Federal Way)	\$50,000
Brewery Park Visitor Center (Tumwater) .....	\$50,000	Federal Way Safety Cameras (Federal Way)	\$103,000
Brewing Malting & Distilling System (Tumwater)	\$112,000	Field Arts and Events Hall (Port Angeles).	\$1,500,000
Bridgeport Irrigation (Brewster).....	\$70,000	Filipino Community Center (Seattle).....	\$1,000,000
Cathlamet Pioneer Center Restoration (Cathlamet)	\$55,000	Filipino-American Community Center (Bremerton)	\$165,000
Centralia Chehalis Steam Train Repair (Chehalis)	\$154,000	Five Mile Roundabout Art Project (Spokane).\$25,000	
Centro Cultural Mexicano (Redmond).....	\$80,000	Fort Worden PDA - Sage Arts & Ed Center (Port Townsend) .....	\$560,000
City of Fircrest Meter Replacement (Fircrest)	\$200,000	Franklin Pierce Farm ARC (Tacoma) .....	\$1,070,000
Columbia Dance Down Payment for Building Purchase		Fusion Housing (Federal Way).....	\$62,000
(Vancouver).....	\$100,000	George Schmid Ball Field #3 and Lighting Phase 3 (Washougal).....	\$200,000
Columbia Heritage Museum Repairs (Ilwaco)	\$150,000	Gig Harbor Community Campus (Gig Harbor)	\$52,000
Communities of Concern Commission (Statewide)	\$250,000	Gig Harbor Peninsula FISH (Gig Harbor) ...	\$250,000
Community House on Broadway Kitchen Upgrades (Longview).....	\$41,000	Grant Co. Fairgrounds Lighting (Moses Lake)	\$290,000
Community Hub Public Safety Initiative (Walla Walla).....	\$200,000	Harlequin State Theater (Olympia).....	\$88,000
Community Pedestrian Safety (Tukwila) .....	\$100,000	Hilltop Housing (Tacoma) .....	\$500,000
Community Youth Services Renovation (Olympia)	\$155,000	Home At Last (Tacoma) .....	\$200,000
Conconully Fire & Rescue (Riverside).....	\$179,000	If You Could Save Just One (Spokane) .....	\$100,000
Creative Districts (Statewide).....	\$200,000	Index Water Line Replacement and Repair (Index)	\$105,000
Doris Morrison Environmental Learning Center (Greenacres) .....	\$500,000	Institute for Community Leadership (Kent)....	\$46,000
Downtown Pasco Revitalization (Pasco).....	\$350,000	Islands' Oil Spill Association (Friday Harbor)	\$232,000
Edmonds Carbon Recovery (Edmonds) .....	\$250,000	Jefferson County Food Preservation (Port Ludlow) .....	\$5,000
EL 79.2 Distribution System Design (Othello)	\$175,000	King County Emergency Training Facility (Fall City)	\$1,000,000
El Centro de la Raza (Seattle) .....	\$2,000,000	Kingston Coffee Oasis (Kingston).....	\$150,000
Emergency Lockdown Shelter for Outdoor Preschool (various) .....	\$24,000	Kitsap Humane Society (Silverdale).....	\$500,000
Emergency Shelter Project (Skykomish).....	\$20,000	Klickitat Co. Domestic Violence Shelter (Goldendale)	\$250,000
Emergency Structural Repairs 1902 Van Marter Building		Lacey Food Bank (Lacey).....	\$193,000
		Lake Stevens Early Learning Library (Lake Stevens)	\$150,000
		Lake WA Loop Trail Bicycle Safety Improvements (Kenmore).....	\$200,000

Lakebay Marina Acquisition & Preservation (Lakebay).....	\$100,000
Levee Repair (Starbuck).....	\$50,000
Levee Repair (Waitsburg) .....	\$100,000
LGBTQ Senior Center (Seattle).....	\$500,000
Lions Club Community Ctr. Generator (Lyle) .	\$5,000
Longview Police Dept. New Office (Longview) .....	\$250,000
Lower Yakima River Restoration (Richland) .....	\$258,000
Magnuson Park Center for Excellence Building 2 (Seattle).....	\$78,000
Mason Co./Shelton YMCA (Shelton) .....	\$750,000
Mini Mart City Park (Seattle).....	\$200,000
Morrow Manor (Poulsbo).....	\$250,000
Mount Zion Housing (Seattle).....	\$250,000
Mukilteo Solar Panels (Mukilteo) .....	\$40,000
New Arcadia (Auburn).....	\$100,000
New Beginnings House (Puyallup) .....	\$150,000
Non-motorized Bridge at Bothell Landing (Bothell) .....	\$155,000
Our Lady of Fatima Community Ctr. (Moses Lake) .....	\$128,000
Pataha Flour Mill Elevator (Pomeroy) .....	\$40,000
Pete's Pool Ball Field Renovation (Enumclaw) .....	\$77,000
Pike Place Market Public Access (Seattle).....	\$50,000
Point Wilson Lighthouse (Port Townsend) ....	\$60,000
Port Angeles Boys and Girls Club (Port Angeles) .....	\$400,000
Port of Quincy Intermodal Terminal Infrastructure (Quincy) .....	\$100,000
Port Susan Trail (Stanwood) .....	\$200,000
Puyallup Food Bank Facility Expansion (Puyallup) .....	\$217,000
Puyallup VFW Orting Civil War Medal of Honor Monument (Orting).....	\$7,000
Ramstead Regional Park (Everson).....	\$200,000
REACH Literacy Center (Lacey) .....	\$50,000
Redondo Fishing Pier (Des Moines) .....	\$350,000
Renewable Hydrogen Production Pilot (East Wenatchee) .....	\$250,000

Replacement Hospice House (Richland) .....	\$200,000
Restroom Renovation (Ilwaco) .....	\$35,000
Ridgefield Library Building Project (Ridgefield) .....	\$500,000
Roy Water Tower (Roy) .....	\$26,000
S. Kitsap HS NJROTC Equipment (Port Orchard) .....	\$24,000
Safety Driven Replacement (Lake Stevens)..	\$125,000
Salvation Army Community Resource Center (Yakima) .....	\$200,000
Sargent Oyster House Restoration (Allyn) .....	\$10,000
Satsop Business Park (Elma) .....	\$155,000
School and Transit Connector Sidewalk (Kirkland) .....	\$120,000
School District & Comm Emergency Preparedness Center (Carbonado) .....	\$200,000
Shelton-Mason County YMCA (Shelton).....	\$200,000
Shore Aquatic Center Expansion (Port Angeles) .....	\$200,000
Sign Reinstallation at Maplewood Elementary (Puyallup).....	\$5,000
Skagit Pump Station Modernization Design (Mount Vernon).....	\$52,000
Sky Valley Emergency Generators (Sultan) ...	\$75,000
Sky Valley Teen Center (Sultan) .....	\$103,000
Sno Valley Kiosk (North Bend).....	\$20,000
Snohomish Boys and Girls Club (Snohomish) .....	\$125,000
Snoqualmie Valley Shelter Service Resource (Snoqualmie) .....	\$200,000
South Yakima Conservation District Groundwater Mgmt (Yakima).....	\$45,000
Spokane Sportsplex (Spokane) .....	\$200,000
Spokane Valley Museum (Spokane Valley) ...	\$70,000
Star Park Shelter (Ferndale).....	\$180,000
Stevens Elementary Solar Panels (Seattle)....	\$120,000
Sullivan Park Waterline Installation (Spokane Valley) .....	\$130,000
Thurston Boys and Girls Club (Lacey) .....	\$50,000
Trail Lighting - Cross Kirkland Corridor (Kirkland) .....	\$200,000
Transitions TLC Transitional Housing Renovations	

(Spokane) .....	\$100,000
Vashon Food Bank Site Relocation (Vashon)	\$36,000
Vashon Youth and Family Services (Vashon)	\$86,000
WA Poison Center Emergency Response to COVID-19 (Seattle) .....	\$124,000
Waikiki Springs Nature Preserve (Spokane) .....	\$1,548,000
Washington State Horse Park and Covered Arena (Ellensburg).....	\$375,000
Wenatchee Valley Museum & Cultural Ctr. (Wenatchee).....	\$283,000
West Biddle Lake Dam Restoration (Vancouver) .....	\$412,000
William Shore Pool (Port Angeles).....	\$500,000
Yakima County Care Campus Conversion Project (Yakima).....	\$275,000
Yelm Lions Club Cabin Renovation (Yelm)	\$207,000

(8) It is the intent of the legislature that future applications for state funding for the ASUW Shell House be made through competitive grant programs.

(9) The Creative Districts program funded in this section shall be administered by the Washington state arts commission. The commission is authorized to use up to three percent of the funds to administer the program.

Appropriation:

State Building Construction Account—State .....	\$29,970,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$29,970,000

**Sec. 1014.** 2019 c 413 s 1051 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2017-19 Stormwater Pilot Project (91001099)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1010, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State .	\$50,000
Prior Biennia (Expenditures).....	<del>(\$200,000)</del>
	<u>\$171,000</u>
Future Biennia (Projected Costs).....	\$0
TOTAL.....	<del>\$250,000</del>
	<u>\$221,000</u>

**Sec. 1015.** 2019 c 413 s 1059 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Projects that Strengthen Youth & Families (92000227)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1079, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:

State Building Construction Account—State .....	<del>(\$300,000)</del>
	<u>\$0</u>
Prior Biennia (Expenditures) .....	<del>(\$19,377,000)</del>
	<u>\$18,465,000</u>
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	<del>\$19,677,000</del>
	<u>\$18,465,000</u>

**Sec. 1016.** 2019 c 413 s 1065 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Landlord Mitigation Account (92000722)

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

~~((1) The appropriation in this section is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5600 (residential tenants). If the bill is not enacted by June 30, 2019, the amounts provided in this section shall lapse.~~

~~(2) \$1,000,000)~~ \$1,700,000 of the appropriation in this section shall be deposited in the landlord mitigation program account.

Appropriation:

State Taxable Building Construction Account—State.....	<del>(\$1,000,000)</del>
	<u>\$1,700,000</u>
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	<del>\$1,000,000</del>
	<u>\$1,700,000</u>

**Sec. 1017.** 2019 c 413 s 1052 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2019 Local and Community Projects (91001157)

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

subject to the provisions of section 1012, chapter 298, Laws of 2018, except that no funding may be directed to the Yelm historic building.

Reappropriation:

State Building Construction Account—State	.....	(\$28,000,000)
		<u>\$27,961,000</u>
Prior Biennia (Expenditures).....	\$12,569,000	
Future Biennia (Projected Costs).....	\$0	
TOTAL.....	<u>\$40,569,000</u>	
		<u>\$40,530,000</u>

**Sec. 1018.** 2019 c 413 s 1054 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Rapid Response Community Preservation Pilot Program (91001278)

The appropriation in this section is subject to the following conditions and limitations: ~~(\$1,000,000)~~ \$2,000,000 is provided solely for a rapid response manufactured housing community preservation pilot program for the purpose of preserving manufactured and mobile home communities. To implement the program, the department of commerce must contract directly with the northwest cooperative development center—resident owned communities through a rapid contracting process, allowing the contractor to work with residents of one or more mobile home parks to engage in one or more purchase and sale agreements, with the purpose of preserving the mobile home community as a nonprofit, or co-op run affordable housing project and benefitting people and households at or below eighty percent of the area median income. The department of commerce, in collaboration with the contractor, must submit a report to the legislature by June 30, 2021, reporting how the funds were distributed, how many mobile home parks were purchased, and the demographics of the residents.

Appropriation:

State Building Construction Account—State	.....	(\$1,000,000)
		<u>\$2,000,000</u>
Prior Biennia (Expenditures).....	\$0	
Future Biennia (Projected Costs).....	\$0	
TOTAL.....	<u>\$1,000,000</u>	
		<u>\$2,000,000</u>

**NEW SECTION. Sec. 1019.** A new section is added to 2019 c 413 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

Port Hadlock Wastewater Facility Project (91001545)

Appropriation:

Public Works Assistance Account—State	.....	\$1,422,000
Prior Biennia (Expenditures).....	\$0	
Future Biennia (Projected Costs).....	\$0	
TOTAL.....		<u>\$1,422,000</u>

**Sec. 1020.** 2019 c 413 s 1031 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Public Works Board (40000038)

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

(1) During the 2019-2021 biennium, the public works board must prioritize water and sewer infrastructure projects.

~~(2) ((\$1,422,000 of the amounts in this section is provided solely for a grant for the port Hadlock wastewater facility project.~~

~~(3))~~ (3) \$1,400,000 of the amounts in this section is provided solely for a grant for the Eatonville water treatment plant project.

~~((4))~~ (4) \$1,000,000 of the amounts in this section is provided solely for a grant for the Ferndale wastewater treatment project. Additionally, the public works board must prioritize financing a loan of up to \$4,000,000 for project.

~~((5))~~ (5) \$4,000,000 of the amounts in this section is provided solely for a grant for the Wenatchi landing sewer extension – phase 1.

~~((6))~~ (6) \$2,000,000 of the amounts in this section is provided solely for a grant for the Belfair sewer extension project. Additionally, the public works board must prioritize financing a loan of up to \$9,000,000 for the project.

Appropriation:

Public Works Assistance Account—State	.....	(\$95,000,000)
		<u>\$93,578,000</u>
Prior Biennia (Expenditures).....	\$0	
Future Biennia (Projected Costs).....	\$0	
TOTAL.....	<u>\$95,000,000</u>	
		<u>\$93,578,000</u>

**NEW SECTION. Sec. 1021.** A new section is added to 2019 c 413 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

Pacific Hospital Preservation and Development Plan (91001544)

The appropriation in this section is subject to the following conditions and limitations: \$50,000 is provided to the department to contract with the Pacific hospital preservation and development authority to conduct a conceptual design and scoping for a master preservation and development plan of the Pacific hospital preservation and development authority property located at 1200 12th Avenue

South, Seattle, WA 98144. The master preservation and development plan must create a longer-range framework for future development of the campus, identify priorities for capital improvement, identify potential reuse of appropriate facilities for community needs, including behavioral health, and ensure the maximization of highest and best use of public resources while adhering to the Pacific hospital preservation and development authority's mission of addressing health equity disparities for disadvantaged populations.

Appropriation:

State Building Construction Account—State	\$50,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
<b>TOTAL</b>	<b>\$50,000</b>

**NEW SECTION. Sec. 1022.** A new section is added to 2019 c 413 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

Enhanced Shelter Capacity Grants (92000939)

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

(1) \$7,818,000 of the appropriation in this section is provided solely for a homeless shelter grant program for the following list of shelter projects:

Auburn Resource Center (Auburn)	\$1,500,000
Community House (Longview)	\$206,000
Crosswalk Teen Shelter (Spokane)	\$1,500,000
Harbor Hope Center Home for Girls (Gig Harbor)	\$294,000
Noah's Ark Homeless Shelter (Wapato)	\$100,000
Positive Adolescent Dev (PAD) Emergency Housing (Bellingham)	\$206,000
Rod's House Mixed Use Facility (Yakima)	\$2,000,000
ROOTS Young Adult Shelter (Seattle)	\$1,500,000
Snoqualmie Valley Resource Center (Snoqualmie)	\$206,000
St. Vincent de Paul Cold Weather Shelter (Renton)	\$206,000
YMCA Oasis Teen Shelter (Mount Vernon)	\$100,000

(2) In contracts for grants authorized under this section, the department of commerce must follow the guidelines and compliance requirements in the Housing Trust Fund program, including 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.

Appropriation:

State Building Construction Account—State	\$7,818,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
<b>TOTAL</b>	<b>\$7,818,000</b>

**Sec. 1023.** 2019 c 413 s 1039 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2019-21 Energy Efficiency and Solar Grants Program (40000049)

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

(1)(a) \$1,785,000 for fiscal year 2020 and \$1,785,000 for fiscal year 2021 is provided solely for grants to be awarded in competitive rounds to local agencies, public higher education institutions, school districts, federally recognized tribal governments, and state agencies for operational cost savings improvements to facilities and related projects that result in energy and operational cost savings.

(b) At least twenty percent of each competitive grant round must be awarded in small cities or towns with a population of five thousand or fewer residents.

(c) In each competitive round, the higher the leverage ratio of nonstate funding sources to state grant and the higher the energy savings, the higher the project ranking.

(d) For school district applicants, priority consideration must be given to school districts that demonstrate improved health and safety through reduced exposure to polychlorinated biphenyl. Priority consideration must be given to applicants that have not received grant awards for this purpose in prior biennia.

(2) \$3,573,000 is provided solely for grants to be awarded in competitive rounds to local agencies, public higher education institutions, school districts, federally recognized tribal governments, and state agencies for projects that involve the purchase and installation of solar energy systems, including solar modules and inverters, with a preference for products manufactured in Washington.

(3) \$5,357,000 is provided solely for the state efficiency and environmental performance improvements to minor works and stand-alone projects at state-owned facilities that repair or replace existing building systems including, but not limited to, HVAC, lighting, insulation, windows, and other mechanical systems. Eligibility for this funding is dependent on an analysis using the office of financial management's life-cycle cost tool that compares project design alternatives for initial and long-term cost-effectiveness. Assuming a reasonable return on investment,

the department shall provide grants in the amount required to improve the project's energy efficiency compared to the original project request. Prior to awarding funds, the department shall submit to the office of financial management a list of all proposed awards for review and approval.

(4) The department shall develop metrics that indicate the performance of energy efficiency efforts.

Appropriation:

State Building Construction Account—State	\$12,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$100,000,000
<b>TOTAL</b>	<b>\$112,500,000</b>

**Sec. 1024.** 2019 c 413 s 1071 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Emergency Repairs (90000041)

The appropriation in this section is subject to the following conditions and limitations: Emergency repair funding is provided solely to address unexpected building or grounds failures that will impact public health and safety and the day-to-day operations of the facility. To be eligible for funds from the emergency repair pool, a request letter for emergency funding signed by the affected agency director must be submitted to the office of financial management and the appropriate legislative fiscal committees. The request must include a statement describing the health and safety hazard and impacts to facility operations, the possible cause, the proposed scope of emergency repair work and related cost estimate, and identification of other funding that may be applied to the project. For emergencies occurring during a legislative session, an agency must notify the legislative fiscal committees before requesting emergency funds from the office of financial management. The office of financial management must notify the legislative evaluation and accountability program committee, the house capital budget committee, and the senate ways and means committee as emergency projects are approved for funding.

Appropriation:

State Building Construction Account—State	(( <del>\$5,000,000</del> ))
	<u>\$8,000,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
<b>TOTAL</b>	<b><u>\$25,000,000</u></b>
	<u>\$28,000,000</u>

**NEW SECTION. Sec. 1025.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Fircrest School Land Use Assessment (92000035)

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

(1) The appropriation is provided solely to contract with an independent consultant that is agreed to by both the department of social and health services and the department of natural resources to assess potential land development opportunities for the Fircrest residential habilitation center and submit recommendations to the governor, the house capital budget committee, and the senate ways and means committee by November 1, 2020. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.

(2) The consultant must work with the department of health, department of natural resources, the department of social and health services, and the city of Shoreline.

(3) The consultant recommendations must accomplish the following goals:

(a) Identify a site for a single-story nursing facility with a minimum of one hundred twenty beds and a site for a two-story nursing facility with a minimum of one hundred twenty beds, with an analysis of any corresponding staffing needs and the needs of the residents to ensure a sense of community and mobility;

(b) Identify potential sites for up to a forty-eight bed behavioral health facility; and

(c) Maximize the long-term revenue generating opportunities of the campus property while taking into consideration the infrastructure needs to accomplish the proposed development outlined in this subsection (3).

(4) A secondary recommendation may be submitted by the consultant that includes maximizing the long-term revenue generating opportunities of the campus property while taking into consideration the infrastructure needs to accomplish the proposed development outlined in subsections (3)(a) through (b) of this section and compatibility with the needs of the department of social and health services and the department of health, including the needs of the individuals they serve.

(5) It is the intent of the legislature to prioritize up to \$125,000,000 in funding for the nursing facility replacement on the Fircrest residential habilitation center campus in the 2021-2023 fiscal biennium.

Appropriation:

State Building Construction Account—State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
<b>TOTAL</b>	<b>\$500,000</b>

**Sec. 1026.** 2019 c 413 s 1073 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Capitol Lake Long-Term Management Planning  
(30000740)

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

(1) The appropriations in this section are provided solely for an environmental impact statement that includes the following alternatives, at a minimum:

- (a) Managed lake;
- (b) Hybrid lake; and
- (c) Estuary.

(2) A draft environmental impact statement with at least the three options in subsection (1) of this section must be submitted to legislative fiscal committees by June 30, 2021. It is the intent of the legislature that a final environmental impact statement that includes identification of a preferred alternative for Capitol Lake management must be submitted to legislative fiscal committees by June 30, 2022.

(3) The (~~reappropriation is~~) appropriations are subject to the provisions of section 1034, chapter 298, Laws of 2018.

(4) It is the intent of the legislature to fully fund future capital requests necessary to complete the Capitol Lake long-term management planning in accordance with the provisions of section 1034, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$3,369,000
.....	

Appropriation:

State Building Construction Account—State	\$1,450,000
.....	

General Fund—Private/Local.....	\$284,000
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Subtotal Appropriation.....	\$1,734,000
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Prior Biennia (Expenditures).....	\$881,000
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Future Biennia (Projected Costs).....	(((\$0))
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	<u>\$715,000</u>
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TOTAL.....	\$4,250,000
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	<u>\$6,699,000</u>
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**Sec. 1027.** 2019 c 413 s 1090 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

(~~Newhouse Replacement~~) Legislative Campus Modernization (92000020)

(1) The reappropriation in this section is subject to the following conditions and limitations: The final predesign for legislative campus modernization must be submitted to the office of financial management and legislative fiscal committees by September 1, 2020. The department must

consult with the senate facilities and operations committee or their designee(s) and the house of representatives executive rules committee or their designee(s) during the development of and prior to finalizing and submitting the final predesign on September 1, 2020.

(a) With respect to the Irv Newhouse building replacement on opportunity site six, the final predesign must include demolition of buildings on opportunity site six, with the exception of the visitor center. The predesign must include details and costs for temporary office space on Capitol Campus, for which modular space is an option, to be used at least during the construction of the building for Irv Newhouse occupants. The predesign must also consider an additional floor for the Irv Newhouse building, and this component of predesign must not delay nor impact the final predesign deliverable date. The predesign must assume the following:

(i) Necessary program space required to support senate offices and support functions;

(ii) A building facade similar to the American neoclassical style of existing legislative buildings on Capitol Campus;

(iii) Member offices of similar size as member offices in the John A. Cherberg building;

(iv) Design and construction of a high performance building that meets net-zero-ready energy standards, with an energy use intensity of no greater than thirty-five;

(v) Building construction that must be procured using a performance-based contracting method, such as design-build, and must include an energy performance guarantee comparing actual performance data with the energy design target;

(vi) Temporary office space on Capitol Campus, for which modular space is an option, to be used during the construction of the building. Maximizing efficient use of modular space with Pritchard renovation or replacement must be considered;

(vii) Demolition of the buildings, not including the visitor center, located on opportunity site six. Demolition costs must not exceed six hundred thousand dollars; and

(viii) At least bimonthly consultation with the senate facilities and operations committee or their designee(s).

(b) With respect to the Pritchard building replacement or renovation, and renovation of the third and fourth floors of the John L. O'Brien building, the predesign must assume the following:

(i) The necessary program space required to support house of representatives offices and support functions;

(ii) Building construction that must be procured using a performance-based contracting method, such as design-build, and must include an energy performance guarantee comparing actual performance data with the energy design target;

(iii) Design and construction that meets net-zero-ready energy standards, with an energy use intensity of no greater than thirty-five;

(iv) The detail and cost of temporary office space on Capitol Campus, for which modular space is an option, to be used during the construction of the buildings for state employed occupants of any impacted building. Maximizing efficient use of modular space with the Newhouse replacement must be considered; and

(v) At least bimonthly consultation with the leadership of the house of representatives, the chief clerk of the house of representatives, or their designee(s), and tenants of any impacted buildings.

(c) The legislative campus modernization predesign must assume:

(i) Preference for the completion of construction of the Irv Newhouse building before the renovation or replacement of the Pritchard building and before the renovation of the third and fourth floors of the John L. O'Brien building;

(ii) The amount of parking on the capitol campus remains the same or increases as a result of the legislative campus modernization construction projects; and

(iii) Options for relocation of the occupants of impacted buildings that are not employed by the state to alternative locations, including, but not limited to, the visitor center.

(d) The legislative campus modernization predesign must include an analysis of comparative costs and benefits of locations for needed space, to include the following considerations:

(i) An additional floor added to the Irv Newhouse building replacement, and this component of design must not delay nor impact the final predesign deliverable date;

(ii) Additional space added to the Pritchard replacement or renovation;

(iii) The impact to options to maintain, or increase, the amount of parking on Capitol Campus; and

(iv) Space needed for legislative support agencies.

(e) The final predesign must include an analysis of the relative costs and benefits of designing and constructing the projects authorized under this section under a single contract or individual subproject contracts, based on an evaluation of, at least, the following criteria:

(i) The interdependency and interaction of the design and construction phases of the subprojects;

(ii) Subproject phasing and sequencing, including the timing and utilization of modular temporary office space on Capitol Campus during the construction phases;

(iii) Potential cost efficiencies under each subproject;

(iv) Provide an evaluation for the most efficient and effective contracting method for subproject delivery, including design-bid-build, general contractor/construction manager, and design-build for each subproject; and

(v) Other collateral impacts.

(f) The department must have a check-in meeting by October 1, 2020, with the administrative office of the senate, the administrative office of the house of representatives, and the legislative capital budget leads. This check-in meeting must be after the predesign is submitted to the office of financial management and legislative fiscal committees.

(2) The appropriations in this section are subject to the following conditions and limitations: The new appropriations must be coded and tracked as separate discreet subprojects in the agency financial reporting system.

(a) \$3,370,000 of the appropriation is provided solely for the Irv Newhouse building replacement, and the appropriation in this subsection (2)(a) is provided solely for design and construction of the Irv Newhouse building replacement for the senate, located on opportunity site six. The design must assume:

(i) Necessary program space required to support senate offices and support functions;

(ii) A building facade similar to the American neoclassical style of existing legislative buildings on Capitol Campus;

(iii) Member offices of similar size as member offices in the John A. Cherberg building;

(iv) Design and construction of a high performance building that meets net-zero-ready energy standards, with an energy use intensity of no greater than thirty-five;

(v) Building construction that must be procured using a performance-based contracting method, such as design-build, and must include an energy performance guarantee comparing actual performance data with the energy design target;

(vi) Temporary office space on Capitol Campus, for which modular space is an option, to be used during the construction of the building. Maximizing efficient use of modular space with Pritchard renovation must be considered;

(vii) Demolition of the buildings, not including the visitor center, located on opportunity site six. Demolition costs must not exceed six hundred thousand dollars;

(viii) At least bimonthly consultation with the leadership of the senate, or their designee(s), and Irv Newhouse tenants; and

(ix) Procurement of the design solution will be completed by February 1, 2021, for the Irv Newhouse building replacement.

(b) \$6,530,000 of the appropriation is provided solely for the Pritchard building replacement or renovation, and the renovation of the third and fourth floors of the John L. O'Brien building. The appropriation in this subsection is provided solely for the design and construction and assumes:

(i) The necessary program space required to support house of representatives offices and support functions;

(ii) Additional office space necessary to offset house of representatives members and staff office space that may be eliminated in the renovation of the third and fourth floors of the John L. O'Brien building;

(iii) Design and construction of a high performance building that meets net-zero-ready energy standards, with an energy use intensity of no greater than thirty-five;

(iv) Building construction that must be procured using a performance-based contracting method, such as design-build, and must include an energy performance guarantee comparing actual performance data with the energy design target;

(v) Temporary office space on Capitol Campus, for which modular space is an option, to be used during the construction of the building. Maximizing efficient use of modular space with Newhouse replacement must be considered; and

(vi) At least bimonthly consultation with the leadership of the house of representatives, the chief clerk of the house of representatives, or their designee(s), and tenants of any impacted building.

(c) \$100,000 of the appropriation is provided solely for the completion of predesign efforts as described in subsection (1) of this section.

Reappropriation:

State Building Construction Account—State \$256,000

Appropriation:

State Building Construction Account—State	<u>\$10,000,000</u>
Prior Biennia (Expenditures).....	\$194,000
Future Biennia (Projected Costs).....	(((\$0))
	<u>\$89,000,000</u>
TOTAL.....	<u>\$450,000</u>
	<u>\$99,450,000</u>

**Sec. 1028.** 2019 c 413 s 1092 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Insurance Commissioner Office Building Predesign (92000029)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for a predesign study to determine space needs and cost estimates to construct a building on the capitol campus to house the office of the insurance commissioner and the department of children, youth, and families.

(1) In determining the program space required, the predesign must consider:

(a) The necessary program space required to support the office of the insurance commissioner and the department

of children, youth, and families, to include detail on current space usage in Thurston county by facility compared to proposed space usage; and

(b) Parking impacts of new office space construction.

(2) The study must consider, at a minimum:

(a) The potential to fund design and construction of the building from sources other than state general obligation bonds;

(b) The financial cost analysis of current facility leases compared to the cost of a financial contract for the new building, to include operating budget cost impacts by fund source by fiscal year; and

(c) The following opportunity sites for the building, detailed in the 2017 state capitol development site study:

(i) Site 1, the general administration building;

(ii) Site 12, the professional arts building; and

(iii) ((~~Site 7, the old IBM building; and~~

~~(iv))~~) Site 6B, the visitor center;

(3) The building must be a:

(a) High performance building and meet net-zero-ready standards, with an energy use intensity of no greater than thirty-five;

(b) Building construction that must be procured using a performance-based method such as design-build and must include an energy performance guarantee comparing actual performance data with the energy design target; and

(c) Design that includes cross-laminated timber products.

(4) The predesign study must result in:

(a) A preliminary report being submitted to the fiscal committees of the legislature by February 28, 2020; and

(b) A final report being submitted to the fiscal committees of the legislature by June 30, 2020.

Appropriation:

Insurance Commissioners Regulatory Account—State	.....\$300,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$300,000

**Sec. 1029.** 2019 c 413 s 1093 (uncodified) is amended to read as follows:

**FOR THE MILITARY DEPARTMENT**

King County Area Readiness Center (30000592)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely to acquire land in King county for a readiness center and to complete a predesign. If the department has not signed a purchase and sale agreement by

June 30, 2021, the amounts provided in this section shall lapse. The department must work to secure federal funding to cover a portion of the costs for design and construction.

Appropriation:

State Building Construction Account—State	(( <del>\$6,600,000</del> ))
	<u>\$7,055,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	(( <del>\$83,900,000</del> ))
	<u>\$0</u>
TOTAL	\$90,500,000
	<u>\$7,055,000</u>

**NEW SECTION. Sec. 1030.** The following acts or parts of acts are each repealed:

- (1) 2019 c 413 s 1005 (uncodified); and
- (2) 2019 c 413 s 1059 (uncodified).

**PART 2**

**HUMAN SERVICES**

**Sec. 2001.** 2019 c 413 s 2001 (uncodified) is amended to read as follows:

**FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

Omnibus Minor Works (40000003)

Appropriation:

State Building Construction Account—State	(( <del>\$470,000</del> ))
	<u>\$1,888,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$470,000
	<u>\$1,888,000</u>

**NEW SECTION. Sec. 2002.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

Training Facility Capital and Functional Needs Assessment (91000002)

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

- (1) The appropriation in this section is provided solely for a capital and functional needs assessment of the criminal justice training center that includes an evaluation of:
  - (a) The current condition of the facilities;
  - (b) Capital needs to safely and effectively facilitate current and future law enforcement training; and

(c) Potential alternative funding sources to finance future capital needs, including, but not limited to:

- (i) Reimbursement from law enforcement agencies; and
- (ii) Public-private partnerships.

(2) Additionally, the assessment must compare the benefits and costs of alternative methods to address capital and function needs, including but not limited to:

- (a) Fully modernizing the facilities located at the current location; and
- (b) Relocating the training center to a new location.

Appropriation:

State Building Construction Account—State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

**Sec. 2003.** 2019 c 413 s 2002 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

L&I HQ Elevators (30000018)

Reappropriation:

Accident Account—State	(( <del>\$342,000</del> ))
	<u>\$366,000</u>
Medical Aid Account—State	(( <del>\$342,000</del> ))
	<u>\$366,000</u>
Subtotal Reappropriation	(( <del>\$684,000</del> ))
	<u>\$732,000</u>

Appropriation:

Accident Account—State	\$1,450,000
Medical Aid Account—State	\$1,450,000
Subtotal Appropriation	\$2,900,000
Prior Biennia (Expenditures)	(( <del>\$350,000</del> ))
	<u>\$302,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,934,000

**Sec. 2004.** 2019 c 413 s 2010 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works Program Projects: Statewide (30001859)

Reappropriation:

State Building Construction Account—State	(( <u>\$600,000</u> ))
	<u>\$612,000</u>
Prior Biennia (Expenditures)	(( <u>\$855,000</u> ))
	<u>\$843,000</u>
Future Biennia (Projected Costs)	\$0
<b>TOTAL</b>	<b>\$1,455,000</b>

**NEW SECTION. Sec. 2005.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Rainier School - Multiple Buildings: Roofing Replacement & Repairs (30002752)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the replacement of the entire roof on the 2010 building with asphalt shingles.

Appropriation:

State Building Construction Account—State	\$2,030,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
<b>TOTAL</b>	<b>\$2,030,000</b>

**NEW SECTION. Sec. 2006.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Fircrest School Adult Training Program (92000036)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for design of the renovation of building 66 on the Fircrest campus for the permanent relocation of the adult training program for residents of the Fircrest residential habilitation center. The design must include a plan for accommodating all activities of the adult training program currently housed in the existing adult training program building located in the northeast section of the campus and the activities currently housed in the activities building located northwest of building 66.

Appropriation:

State Building Construction Account—State	\$1,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
<b>TOTAL</b>	<b>\$1,500,000</b>

**Sec. 2007.** 2019 c 413 s 2037 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works Preservation Projects: Statewide 2019-21 (40000381)

Appropriation:

Charitable, Educational, Penal, and Reformatory

Institutions Account—State .....\$1,665,000

State Building Construction Account—State	(( <u>\$11,015,000</u> ))
---	---------------------------

\$13,385,000

Subtotal Appropriation ..... ((\$12,680,000))

\$15,050,000

Prior Biennia (Expenditures) ..... \$0

Future Biennia (Projected Costs) .....\$159,345,000

**TOTAL**.....**\$172,025,000**

\$174,395,000

**Sec. 2008.** 2019 c 413 s 2038 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works Program Projects: Statewide 2019-21 (40000382)

Appropriation:

Charitable, Educational, Penal, and Reformatory

Institutions Account—State .....\$955,000

State Building Construction Account—State	(( <u>\$965,000</u> ))
---	------------------------

\$1,800,000

Subtotal Appropriation ..... ((\$1,920,000))

\$2,755,000

Prior Biennia (Expenditures) ..... \$0

Future Biennia (Projected Costs) .....\$24,000,000

**TOTAL**.....**\$25,920,000**

\$26,755,000

**Sec. 2009.** 2019 c 413 s 2039 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

DSHS & DCYF Fire Alarms (91000066)

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

(1) The appropriation in this section is provided solely for projects installing fire alarms at the following locations: (a) Fircrest School; (b) Lakeland Village; (c) Western State Hospital; (d) Rainier School; and (e) Echo Glen. The Echo Glen project may include duress alarms. ~~((The projects listed in this section must be designed under one contract, and~~

installed under one contract.) The department must consult with the department of children, youth, and families to prioritize the projects.

\$16,983,000

(2) When the ((bid-is)) bids are received, the department must report to the appropriate legislative committees the overall ((bid)) bids for the projects.

(3) The department must report to the appropriate legislative committees any best practices on the process by December 31, 2019.

Appropriation:

State Building Construction Account—State	\$11,819,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$11,819,000

Sec. 2010. 2019 c 413 s 2072 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Minor Works Facilities Preservation (30000094)

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

A total of \$200,000 of the model toxics control act account—state is provided solely for soil mitigation associated with removal of an underground storage tank and must be held in unallotted status until the following conditions are met:

(1) The department must pursue a grant for this project from the pollution liability insurance agency.

(2) If this project is deemed unqualified for the use of funds through the pollution liability insurance agency, the appropriation from the model toxics control act account—state shall be allotted to the department to complete this project.

Reappropriation:

State Building Construction Account—State	(((\$570,000))
	\$755,000

Appropriation:

State Building Construction Account—State	\$2,025,000
<u>Model Toxics Control Capital Account—State</u>	<u>\$200,000</u>
<u>Subtotal Appropriation</u> .....	<u>\$2,225,000</u>
Prior Biennia (Expenditures).....	(((\$2,743,000))
	\$2,558,000
Future Biennia (Projected Costs).....	\$11,445,000
TOTAL.....	\$16,783,000

Sec. 2011. 2019 c 413 s 2075 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Retsil Building 10 (40000004)

Reappropriation:

State Building Construction Account—State	\$625,000
Prior Biennia (Expenditures) .....	(((\$125,000))
	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$750,000
	\$625,000

NEW SECTION. Sec. 2012. A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

WSH - Life Safety Grant (40000013)

Appropriation:

General Fund—Federal.....	\$325,000
State Building Construction Account—State	\$175,000
Subtotal Appropriation .....	\$500,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$500,000

Sec. 2013. 2019 c 413 s 2080 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES**

Green Hill School-Recreation Building: Replacement (30003237)

The appropriation in this section is subject to the following conditions and limitations: This project was formerly administered by the department of social and health services. Due to the transfer of the juvenile rehabilitation program from the department of social and health services to the department of children, youth, and families on July 1, 2019, the administration of this project shall also transfer to the department of children, youth, and families on that date.

Appropriation:

State Building Construction Account—State	(((\$800,000))
	\$1,800,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	(((\$0))
	\$29,962,000

TOTAL.....\$800,000  
 \$31,762,000

**NEW SECTION. Sec. 2014.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF CHILDREN, YOUTH, & FAMILIES**

Naselle Youth Camp - Moolock Lodge: Remodel & Renovation (40000430)

Appropriation:  
 State Building Construction Account—State\$150,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs).....\$7,469,000  
 TOTAL.....\$7,619,000

**NEW SECTION. Sec. 2015.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF CHILDREN, YOUTH, & FAMILIES**

Echo Glen Cottage 4 Remodel & Renovation (40000526)

Appropriation:  
 State Building Construction Account—State\$150,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs).....\$8,187,000  
 TOTAL.....\$8,337,000

**NEW SECTION. Sec. 2016.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF CHILDREN, YOUTH, & FAMILIES**

Green Hill School: Baker Living Unit Renovation & Remodel (40000529)

Appropriation:  
 State Building Construction Account—State\$150,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs).....\$8,413,000  
 TOTAL.....\$8,563,000

**Sec. 2017.** 2019 c 413 s 2084 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES**

Implementation of JRA Capacity (91000062)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for ((a pre-design for Echo Glen, a pre-design for Green Hill, and)) a comprehensive strategic capital master plan. ((If Engrossed Second Substitute House Bill No. 1646 is not enacted by June 30, 2019, the appropriation in this section shall lapse.))

Appropriation:

State Building Construction Account—State  
 .....((~~\$750,000~~))  
 \$600,000

Prior Biennia (Expenditures) ..... \$0

Future Biennia (Projected Costs) ..... \$0

TOTAL .....\$750,000  
 \$600,000

**NEW SECTION. Sec. 2018.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF CORRECTIONS**

MCC: WSR Perimeter Wall Renovation (30000117)

Appropriation:  
 State Building Construction Account—State\$200,000  
 Prior Biennia (Expenditures) ..... \$0  
 Future Biennia (Projected Costs) .....\$10,935,000  
 TOTAL .....\$11,135,000

**Sec. 2019.** 2019 c 413 s 2086 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

CBCC: Boiler Replacement (30000130)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2025, chapter 298, Laws of 2018.

Reappropriation:  
 State Building Construction Account—State\$830,000  
 Appropriation:

State Building Construction Account—State  
 .....((~~\$9,718,000~~))  
 \$10,207,000

Prior Biennia (Expenditures) .....\$170,000

Future Biennia (Projected Costs) ..... \$0

TOTAL .....\$10,718,000  
 \$11,207,000

**Sec. 2020.** 2019 c 413 s 2091 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

WCCW: Bldg E Roof Replacement (30000810)

Reappropriation:  
 State Building Construction Account—State  
 .....\$1,674,000

Prior Biennia (Expenditures) ..... ((~~\$1,022,000~~))

	<u>\$586,000</u>
Future Biennia (Projected Costs).....	\$0
TOTAL.....	<u>\$2,696,000</u>
	<u>\$2,260,000</u>

**Sec. 2021.** 2019 c 413 s 2093 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

WSP: Program and Support Building (30001101)

Reappropriation:

State Building Construction Account—State	\$1,500,000
.....	
Prior Biennia (Expenditures).....	(( <u>\$10,085,000</u> ))
	<u>\$9,997,000</u>
Future Biennia (Projected Costs).....	\$0
TOTAL.....	<u>\$11,585,000</u>
	<u>\$11,497,000</u>

**Sec. 2022.** 2019 c 413 s 2094 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Prison Capacity Expansion (30001105)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2059, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

State Building Construction Account—State	\$400,000
Prior Biennia (Expenditures).....	(( <u>\$4,400,000</u> ))
	<u>\$1,957,000</u>
Future Biennia (Projected Costs).....	\$0
TOTAL.....	<u>\$4,800,000</u>
	<u>\$2,357,000</u>

**Sec. 2023.** 2019 c 413 s 2096 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

MCC ADA Compliance Retrofit (30001118)

Reappropriation:

State Building Construction Account—State	\$750,000
Prior Biennia (Expenditures).....	(( <u>\$250,000</u> ))
	<u>\$171,000</u>
Future Biennia (Projected Costs).....	\$0
TOTAL.....	<u>\$1,000,000</u>
	<u>\$921,000</u>

**Sec. 2024.** 2019 c 413 s 2098 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

CRCC Security Electronics Network Renovation (30001124)

Reappropriation:

State Building Construction Account—State	\$5,900,000
.....	
Prior Biennia (Expenditures) .....	(( <u>\$100,000</u> ))
	<u>\$36,000</u>
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	<u>\$6,000,000</u>
	<u>\$5,936,000</u>

**NEW SECTION. Sec. 2025.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF CORRECTIONS**

MCC: WSR Clinic Roof Replacement (40000180)

Appropriation:

State Building Construction Account—State	\$825,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$8,439,000
TOTAL .....	<u>\$9,264,000</u>

**NEW SECTION. Sec. 2026.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF CORRECTIONS**

MCC: SOU and TRU - Domestic Water and HVAC Piping System (40000246)

The appropriation in this section is subject to the following conditions and limitations: The predesign must compare the benefits of addressing each system as part of a single project with the benefits of addressing each system as a separate project in design and construction phases.

Appropriation:

State Building Construction Account—State	\$400,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$19,731,000
TOTAL .....	<u>\$20,131,000</u>

**PART 3**

**NATURAL RESOURCES**

**Sec. 3001.** 2019 c 413 s 3008 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Remedial Action Grant Program (30000039)

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

subject to the provisions of section 3006, chapter 36, Laws of 2010 1st sp. sess.

Appropriation:

Model Toxics Control Capital Account—State	.....(( <u>\$3,813,000</u> ))
	<u>\$3,531,000</u>
Prior Biennia (Expenditures).....	(( <u>\$71,296,000</u> ))
	<u>\$71,578,000</u>
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$75,109,000

**Sec. 3002.** 2019 c 413 s 3009 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Clean Up Toxics Sites - Puget Sound (30000144)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3021, chapter 48, Laws of 2011 1st sp. sess. and section 3002, chapter 35, Laws of 2016 sp. sess.

Appropriation:

Model Toxics Control Capital Account—State	.....(( <u>\$324,000</u> ))
	<u>\$318,000</u>
Prior Biennia (Expenditures).....	(( <u>\$38,710,000</u> ))
	<u>\$38,716,000</u>
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$39,034,000

**Sec. 3003.** 2019 c 413 s 3011 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Remedial Action Grant Program (30000216)

Appropriation:

Model Toxics Control Capital Account—State	.....(( <u>\$19,152,000</u> ))
	<u>\$18,603,000</u>
Prior Biennia (Expenditures).....	(( <u>\$43,712,000</u> ))
	<u>\$44,261,000</u>
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$62,864,000

**Sec. 3004.** 2019 c 413 s 3016 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Centennial Clean Water Program (30000326)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3066, chapter 19, Laws of 2013 2nd sp. sess.

Appropriation:

Model Toxics Control Capital Account—State	.....(( <u>\$3,526,000</u> ))
	<u>\$2,284,000</u>
Prior Biennia (Expenditures) .....	(( <u>\$46,474,000</u> ))
	<u>\$47,716,000</u>
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$50,000,000

**Sec. 3005.** 2019 c 413 s 3022 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Clean Up Toxics Sites - Puget Sound (30000337)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3007, chapter 35, Laws of 2016 sp. sess.

Appropriation:

Model Toxics Control Capital Account—State	.....(( <u>\$1,940,000</u> ))
	<u>\$1,843,000</u>
Prior Biennia (Expenditures) .....	(( <u>\$23,115,000</u> ))
	<u>\$23,212,000</u>
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$25,055,000

**Sec. 3006.** 2019 c 413 s 3023 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Eastern Washington Clean Sites Initiative (30000351)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3008, chapter 35, Laws of 2016 sp. sess.

Appropriation:

Model Toxics Control Capital Account—State	.....(( <u>\$169,000</u> ))
	<u>\$168,000</u>
Prior Biennia (Expenditures) .....	(( <u>\$7,431,000</u> ))
	<u>\$7,432,000</u>
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$7,600,000

**Sec. 3007.** 2019 c 413 s 3026 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Remedial Action Grants (30000374)

Appropriation:

Model Toxics Control Capital Account—State  
.....((\$10,710,000))

\$10,489,000

Prior Biennia (Expenditures).....((\$51,827,000))

\$52,048,000

Future Biennia (Projected Costs).....\$0

TOTAL.....\$62,537,000

**Sec. 3008.** 2019 c 413 s 3028 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Centennial Clean Water Program (30000427)

The reappropriations and appropriations in this section are subject to the following conditions and limitations: The reappropriations and appropriations are subject to the provisions of section 3009, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

State Building Construction Account—State  
.....\$1,171,000

Appropriation:

Model Toxics Control Capital Account—State  
.....((\$3,436,000))

\$2,647,000

Prior Biennia (Expenditures).....((\$17,893,000))

\$18,682,000

Future Biennia (Projected Costs).....\$0

TOTAL.....\$22,500,000

**Sec. 3009.** 2019 c 413 s 3030 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Eastern Washington Clean Sites Initiative (30000432)

Appropriation:

Model Toxics Control Capital Account—State  
.....((\$8,908,000))

\$8,650,000

Prior Biennia (Expenditures).....((\$992,000))

\$1,250,000

Future Biennia (Projected Costs).....\$0

TOTAL.....\$9,900,000

**Sec. 3010.** 2019 c 413 s 3031 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Remedial Action Grants (30000458)

The reappropriations and appropriations in this section are subject to the following conditions and limitations: The reappropriations and appropriations are subject to the provisions of section 3011, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

State Building Construction Account—State  
.....\$16,967,000

Appropriation:

Model Toxics Control Capital Account—State  
.....((\$15,786,000))

\$12,927,000

Prior Biennia (Expenditures) .....((\$19,994,000))

\$22,853,000

Future Biennia (Projected Costs) .....\$0

TOTAL.....\$52,747,000

**Sec. 3011.** 2019 c 413 s 3032 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Leaking Tank Model Remedies (30000490)

Appropriation:

Model Toxics Control Capital Account—State  
.....((\$672,000))

\$519,000

Prior Biennia (Expenditures) .....((\$1,328,000))

\$1,481,000

Future Biennia (Projected Costs) .....\$0

TOTAL.....\$2,000,000

**Sec. 3012.** 2019 c 413 s 3034 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Stormwater Financial Assistance Program (30000535)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3012, chapter 35, Laws of 2016 sp. sess.

Appropriation:

Model Toxics Control Stormwater Account—State  
.....((\$27,816,000))

\$26,950,000

Prior Biennia (Expenditures) .....((\$3,384,000))

	<u>\$4,250,000</u>
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$31,200,000

**Sec. 3013.** 2019 c 413 s 3036 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Floodplains by Design (30000537)	
Reappropriation:	
State Building Construction Account—State	(( <u>\$19,149,000</u> ))
	<u>\$19,369,000</u>
Prior Biennia (Expenditures).....	(( <u>\$16,411,000</u> ))
	<u>\$16,191,000</u>
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$35,560,000

**Sec. 3014.** 2019 c 413 s 3038 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Cleanup Toxics Sites - Puget Sound (30000542)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3013, chapter 35, Laws of 2016 sp. sess.

Appropriation:

Model Toxics Control Capital Account—State	(( <u>\$7,917,000</u> ))
	<u>\$7,885,000</u>
Prior Biennia (Expenditures).....	(( <u>\$6,464,000</u> ))
	<u>\$6,496,000</u>
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$14,381,000

**Sec. 3015.** 2019 c 413 s 3052 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

2017-19 Remedial Action Grants (30000707)

Appropriation:

Model Toxics Control Capital Account—State	(( <u>\$5,877,000</u> ))
	<u>\$5,872,000</u>
Prior Biennia (Expenditures).....	(( <u>\$0</u> ))
	<u>\$5,000</u>
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$5,877,000

**Sec. 3016.** 2019 c 413 s 3056 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Columbia River Water Supply Development Program (30000712)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3006, chapter 298, Laws of 2018.

Reappropriation:

Columbia River Basin Water Supply Development	
Account—State.....	(( <u>\$12,203,000</u> ))
	<u>\$12,250,000</u>
Columbia River Basin Water Supply Revenue	
Recovery Account—State.....	\$2,000,000
State Building Construction Account—State	.....\$19,541,000
Subtotal Reappropriation .....	(( <u>\$33,744,000</u> ))
	<u>\$33,791,000</u>

Prior Biennia (Expenditures) .....	(( <u>\$56,000</u> ))
	<u>\$9,000</u>

Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$33,800,000

**Sec. 3017.** 2019 c 413 s 3062 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

2017-19 Clean Up Toxic Sites – Puget Sound (30000749)

Appropriation:

Model Toxics Control Capital Account—State	(( <u>\$2,099,000</u> ))
	<u>\$1,310,000</u>
Prior Biennia (Expenditures) .....	(( <u>\$83,000</u> ))
	<u>\$872,000</u>
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$2,182,000

**Sec. 3018.** 2019 c 413 s 3064 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

2017-19 Stormwater Financial Assistance Program (30000796)

The reappropriations and appropriations in this section are subject to the following conditions and limitations: The reappropriation and appropriation are subject to the provisions of section 3005, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	
.....	\$25,000,000

Appropriation:

Model Toxics Control Stormwater Account—State	
.....	(\$11,400,000)
	<u>\$11,334,000</u>
Prior Biennia (Expenditures).....	(\$0)
	<u>\$66,000</u>
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$36,400,000

**Sec. 3019.** 2019 c 413 s 3069 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Reduce Air Pollution from Transit/Sch. Buses/State-Owned Vehicles (40000109)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3010, chapter 298, Laws of 2018, except funds directed to the Northwest Seaport Alliance for a clean truck fund in section 3010(6), chapter 298, Laws of 2018, may also be used for the Northwest Seaport Alliance to provide shore power electrification to vessels in Tacoma.

Reappropriation:

Air Pollution Control Account—State ....	\$26,483,000
Prior Biennia (Expenditures).....	\$1,917,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$28,400,000

**Sec. 3020.** 2019 c 413 s 3081 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

2019-21 Stormwater Financial Assistance Program (40000144)

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

(1) Appropriations in this section are provided solely for competitive grants to local governments implementing projects that reduce the impacts of stormwater on Washington state's waters.

(2) \$29,750,000 of the appropriation is provided solely for grants directed to areas of Puget Sound that will benefit southern resident killer whales.

Appropriation:

Model Toxics Control Stormwater Account—State	
.....	(\$44,000,000)
	<u>\$49,006,000</u>

Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$160,000,000
TOTAL .....	<u>\$204,000,000</u>
	<u>\$209,006,000</u>

**NEW SECTION. Sec. 3021.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF ECOLOGY**

2020 Eastern Washington Clean Sites Initiative (40000286)

Appropriation:

Model Toxics Control Capital Account—State	
.....	\$1,000,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$1,000,000

**NEW SECTION. Sec. 3022.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF ECOLOGY**

2020 Remedial Action Grants (40000288)

Appropriation:

Model Toxics Control Capital Account—State	
.....	\$32,656,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$32,656,000

**Sec. 3023.** 2019 c 413 s 3093 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

2019-21 Chehalis Basin Strategy (40000209)

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

(1)(a) Up to (~~(\$23,757,000)~~) \$24,007,000 of the appropriation is for advancing the long-term strategy for the Chehalis basin projects to reduce flood damage and restore aquatic species including project level environmental review, data collection, engineering design of future construction projects, feasibility analysis, and engagement of state agencies, tribes, the office of Chehalis basin, and other parties.

(b) Of the amount provided in this subsection, up to \$250,000 is for contracting with an independent third party to assess the financial impacts on landowners whose property could become the site of a flood retention structure and temporary reservoir project, including, but not limited to, timber valuation, construction of alternative transportation networks, and lost timber production associated with the project.

(2)(a) Up to ~~(\$49,450,000)~~ \$49,900,000 of the appropriation is for construction of local priority flood protection and habitat restoration projects.

(b) Of the amount provided in this subsection, up to \$450,000 is for a state match for equal funding from the office of the Chehalis basin for the Lower Satsop Restoration and Protection Program Keys Road Protection Project.

(3) The office of Chehalis basin board has discretion to allocate the funding between subsections (1) and (2) of this section if needed to meet the objectives of this appropriation; however, \$10,000,000 of the amounts in this section are provided solely for the final design, permitting, property acquisition, and construction of the Aberdeen Hoquiam north shore levee and related stormwater conveyance and pump station upgrades.

(4) Up to one and a half percent of the appropriation provided in this section may be used by the recreation and conservation office to administer contracts associated with the subprojects funded through this section. Contract administration includes, but is not limited to: Drafting and amending contracts, reviewing and approving invoices, tracking expenditures, and performing field inspections to assess project status when conducting similar assessments related to other agency contracts in the same geographic area.

Appropriation:

State Building Construction Account—State	(( <del>\$73,207,000</del> ))
	<u>\$73,907,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$288,000,000
TOTAL.....	<u>\$361,207,000</u>
	<u>\$361,907,000</u>

**Sec. 3024.** 2019 c 413 s 3096 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Habitat Mitigation (91000007)

Reappropriation:

State Building Construction Account—State .	\$47,000
Prior Biennia (Expenditures).....	(( <del>\$2,802,000</del> ))
	<u>\$2,398,000</u>
Future Biennia (Projected Costs).....	\$0
TOTAL.....	<u>\$2,849,000</u>
	<u>\$2,445,000</u>

**Sec. 3025.** 2019 c 413 s 3097 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Clean Up Toxics Sites - Puget Sound (91000032)

Appropriation:

Model Toxics Control Capital Account—State	(( <del>\$304,000</del> ))
	<u>\$179,000</u>
Prior Biennia (Expenditures) .....	(( <del>\$8,966,000</del> ))
	<u>\$9,091,000</u>
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	<u>\$9,270,000</u>

**NEW SECTION. Sec. 3026.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE POLLUTION LIABILITY INSURANCE PROGRAM**

Heating Oil Capital Financing Assistance Program (30000704)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for implementation of Substitute Senate Bill No. 6256 (heating oil insurance program). If the bill is not enacted by June 30, 2020, the amount provided in this section shall lapse.

Appropriation:

PLIA Underground Storage Tank Revolving Account—State .....	\$4,000,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$24,000,000
TOTAL .....	<u>\$28,000,000</u>

**Sec. 3027.** 2019 c 413 s 3115 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Fort Flagler - WW1 Historic Facilities Preservation (30000100)

Reappropriation:

State Building Construction Account—State	\$1,091,000
	(( <del>\$2,295,000</del> ))
	<u>\$1,582,000</u>
Future Biennia (Projected Costs) .....	\$1,963,000
TOTAL .....	<u>\$5,349,000</u>
	<u>\$4,636,000</u>

**Sec. 3028.** 2019 c 413 s 3119 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Marine Facilities - Various Locations Moorage Float Replacement (30000496)

Reappropriation:

State Building Construction Account—State	\$111,000
Prior Biennia (Expenditures)	.....(( <u>\$458,000</u> ))
	<u>\$349,000</u>
Future Biennia (Projected Costs)	.....\$0
TOTAL	..... <u>\$569,000</u>
	<u>\$460,000</u>

**Sec. 3029.** 2019 c 413 s 3120 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Willapa Hills Trail Develop Safe Multi-Use Trail Crossing at SR 6 (30000519)

Reappropriation:

State Building Construction Account—State	.....(( <u>\$25,000</u> ))
	<u>\$79,000</u>

Appropriation:

State Building Construction Account—State	.....\$4,961,000
Prior Biennia (Expenditures)	.....(( <u>\$397,000</u> ))
	<u>\$343,000</u>

Future Biennia (Projected Costs)	.....\$0
TOTAL	.....\$5,383,000

**Sec. 3030.** 2019 c 413 s 3123 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Goldendale Observatory - Expansion (30000709)

Reappropriation:

State Building Construction Account—State	.....(( <u>\$551,000</u> ))
	<u>\$583,000</u>

Prior Biennia (Expenditures)	.....(( <u>\$4,793,000</u> ))
	<u>\$4,761,000</u>

Future Biennia (Projected Costs)	.....\$0
TOTAL	.....\$5,344,000

**Sec. 3031.** 2019 c 413 s 3129 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Fort Worden - Replace Failing Sewer Lines (30000860)

Reappropriation:

State Building Construction Account—State	.....(( <u>\$1,493,000</u> ))
	<u>\$1,668,000</u>

Prior Biennia (Expenditures)	.....(( <u>\$1,061,000</u> ))
	<u>\$886,000</u>

Future Biennia (Projected Costs)	.....\$0
TOTAL	.....\$2,554,000

**Sec. 3032.** 2019 c 413 s 3131 (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	\$959,000
Prior Biennia (Expenditures)	.....(( <u>\$141,000</u> ))
	<u>\$121,000</u>

Future Biennia (Projected Costs)	.....\$0
TOTAL	..... <u>\$1,100,000</u>

\$1,080,000

**Sec. 3033.** 2019 c 413 s 3132 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Birch Bay - Replace Failing Bridge (30000876)

Reappropriation:

State Building Construction Account—State	\$100,000
Prior Biennia (Expenditures)	.....(( <u>\$237,000</u> ))
	<u>\$148,000</u>

Future Biennia (Projected Costs)	.....\$0
TOTAL	..... <u>\$337,000</u>

\$248,000

**Sec. 3034.** 2019 c 413 s 3135 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Mount Spokane - Maintenance Facility Relocation from Harms Way (30000959)

Reappropriation:

State Building Construction Account—State	.....\$1,921,000
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Prior Biennia (Expenditures)	.....(( <u>\$587,000</u> ))
	<u>\$520,000</u>

Future Biennia (Projected Costs)	.....\$0
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TOTAL.....\$2,508,000  
\$2,441,000

**Sec. 3035.** 2019 c 413 s 3137 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide - Depression Era Structures Restoration Assessment (30000966)

Reappropriation:  
 State Building Construction Account—State \$186,000  
 Prior Biennia (Expenditures).....((~~\$1,086,000~~))  
\$1,050,000  
 Future Biennia (Projected Costs).....\$0  
 TOTAL.....\$1,272,000  
\$1,236,000

**Sec. 3036.** 2019 c 413 s 3141 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Minor Works - Health and Safety (30000977)

Reappropriation:  
 State Building Construction Account—State  
 .....((~~\$402,000~~))  
\$537,000  
 Prior Biennia (Expenditures).....((~~\$647,000~~))  
\$512,000  
 Future Biennia (Projected Costs).....\$0  
 TOTAL.....\$1,049,000

**Sec. 3037.** 2019 c 413 s 3143 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Minor Works—Program (30000979)

Reappropriation:  
 State Building Construction Account—State \$646,000  
 Prior Biennia (Expenditures).....((~~\$845,000~~))  
\$620,000  
 Future Biennia (Projected Costs).....\$0  
 TOTAL.....\$1,491,000  
\$1,266,000

**Sec. 3038.** 2019 c 413 s 3144 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Moran Summit Learning Center - Interpretive Facility (30000980)

Reappropriation:  
 State Building Construction Account—State  
 .....((~~\$903,000~~))  
\$955,000  
 Prior Biennia (Expenditures) .....((~~\$112,000~~))  
\$60,000  
 Future Biennia (Projected Costs) .....\$0  
 TOTAL .....\$1,015,000

**Sec. 3039.** 2019 c 413 s 3145 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Penrose Point Sewer Improvements (30000981)

Reappropriation:  
 State Building Construction Account—State  
 .....((~~\$320,000~~))  
\$367,000

Appropriation:

State Building Construction Account—State \$289,000  
 Prior Biennia (Expenditures) .....((~~\$130,000~~))  
\$83,000  
 Future Biennia (Projected Costs) .....\$0  
 TOTAL .....\$450,000  
\$739,000

**Sec. 3040.** 2019 c 413 s 3149 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide Septic System Renovation (30001017)

Reappropriation:  
 State Building Construction Account—State..\$65,000  
 Prior Biennia (Expenditures) .....((~~\$185,000~~))  
\$177,000  
 Future Biennia (Projected Costs) .....\$0  
 TOTAL .....\$250,000  
\$242,000

**Sec. 3041.** 2019 c 413 s 3150 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide Electrical System Renovation (30001018) \$339,000

Reappropriation:

State Building Construction Account—State \$462,000 \$38,000

Prior Biennia (Expenditures).....((~~\$288,000~~))

\$267,000

Future Biennia (Projected Costs).....\$0

TOTAL.....\$750,000

\$729,000

**Sec. 3042.** 2019 c 413 s 3151 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide - ADA Compliance (30000985)

Reappropriation:

State Building Construction Account—State .....((~~\$467,000~~))

\$784,000

Prior Biennia (Expenditures).....((~~\$533,000~~))

\$216,000

Future Biennia (Projected Costs).....\$0

TOTAL.....\$1,000,000

**Sec. 3043.** 2019 c 413 s 3152 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide New Park (30001019)

Reappropriation:

State Building Construction Account—State .....((~~\$267,000~~))

\$313,000

Prior Biennia (Expenditures).....((~~\$46,000~~))

\$0

Future Biennia (Projected Costs).....\$20,006,000

TOTAL.....\$20,319,000

**Sec. 3044.** 2019 c 413 s 3153 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Fort Worden Replace Failing Water Lines (30001022)

Reappropriation:

State Building Construction Account—State .....((~~\$214,000~~))

\$339,000

Prior Biennia (Expenditures) .....((~~\$163,000~~))

\$38,000

Future Biennia (Projected Costs) .....\$2,013,000

TOTAL .....\$2,390,000

**Sec. 3045.** 2019 c 413 s 3156 (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 .....((~~\$53,000~~))

\$194,000

Appropriation:

State Building Construction Account—State .....\$1,605,000

Prior Biennia (Expenditures) .....((~~\$247,000~~))

\$106,000

Future Biennia (Projected Costs) .....\$0

TOTAL .....\$1,905,000

**Sec. 3046.** 2019 c 413 s 3160 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Nisqually New Full Service Park (40000153)

Appropriation:

State Building Construction Account—State .....((~~\$2,994,000~~))

\$3,857,000

Prior Biennia (Expenditures) .....\$0

Future Biennia (Projected Costs) .....\$17,700,000

TOTAL .....\$20,694,000

\$21,557,000

**NEW SECTION. Sec. 3047.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE STATE PARKS AND RECREATION COMMISSION**

Palouse to Cascades Trail: Crab Creek Trestle Replacement (40000162)

Appropriation:

State Building Construction Account—State \$250,000

Prior Biennia (Expenditures) .....\$0

Future Biennia (Projected Costs)..... \$0  
 TOTAL..... \$250,000

**Sec. 3048.** 2019 c 413 s 3204 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

2019-21 - Youth Athletic Facilities (40000007)

The appropriation in this section is subject to the following conditions and limitations: The amounts appropriated in this section may be awarded only to projects approved by the legislature, as identified in LEAP capital documents No. 2020-467-HSBA, developed on February 25, 2020, and No. 2020-467-HB, developed on February 14, 2020.

Appropriation:

State Building Construction Account—State ..... \$12,000,000  
 Prior Biennia (Expenditures)..... \$0  
 Future Biennia (Projected Costs)..... \$20,000,000  
 TOTAL..... \$32,000,000

**Sec. 3049.** 2019 c 413 s 3218 (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:

- (1) The reappropriations are subject to the provisions of section 3086, chapter 2, Laws of 2018.
- (2) A maximum of \$615,000 of unused funds in this appropriation may be used for replacement and repair of dock facilities available for public use at Van Riper marina, without requiring matching resources, and provided that a grant and lease term of 30 years is offered to the recipient from the state.
- (3) A maximum of \$302,000 of unused amounts in this appropriation may be used for the state route number 547 pedestrian and bicycle safety trail near Kendall, without requiring matching resources.
- (4) A maximum of \$448,000 of unused amounts in this appropriation may be used for the Stanwood Port Susan trail project near Stanwood, without requiring matching resources.
- (5) A maximum of \$300,000 of unused amounts in this appropriation may be used for the ebey waterfront trail near Marysville, without requiring matching resources.
- (6) A maximum of \$400,000 of unused amounts in this appropriation may be used for trail lighting on the cross Kirkland corridor (CKC) at the I-405 underpass in Totem Lake near Kirkland, without requiring matching resources.

Reappropriation:

State Building Construction Account—State ..... \$14,559,000  
 Outdoor Recreation Account—State..... \$1,337,000  
 Subtotal Reappropriation ..... \$15,896,000  
 Prior Biennia (Expenditures) ..... \$18,885,000  
 Future Biennia (Projected Costs) ..... \$0  
 TOTAL ..... \$34,781,000

**NEW SECTION. Sec. 3050.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE RECREATION AND CONSERVATION OFFICE**

Community Forest Project List Development (91001354)

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

- (1) The recreation and conservation office shall consult with the department of natural resources and stakeholders to develop funding criteria and a ranked project list to establish community forest projects for funding consideration in the 2021-2023 biennium.
- (2) The recreation and conservation office shall develop options for establishing accounting assurances for future revenues that may be generated from community forests.
- (3) The criteria established under subsection (1) of this section must allow for a review of project submissions by the recreation and conservation funding board in a manner that is complementary to existing conservation funding programs administered by the office.
- (4) A project may be included in the ranked list created under subsection (1) of this section only if it meets the following conditions:
  - (a) The property under consideration must be forestland;
  - (b) Acquisition of the property under consideration must be fee simple;
  - (c) The entity acquiring the property under consideration must be a nonprofit conservation organization, local government, tribe, or a state agency working directly with one or more of the these entities; and
  - (d) The community forest project must promote, enhance, or develop community and economic benefits.
- (5) The recreation and conservation office shall submit the funding criteria and the ranked project list required under subsection (1) of this section and the accounting options required under subsection (2) of this section to the legislature by December 31, 2020.

Appropriation:

State Building Construction Account—State..\$50,000  
 Prior Biennia (Expenditures) ..... \$0

Future Biennia (Projected Costs)..... \$0  
 TOTAL..... \$50,000

**Sec. 3051.** 2019 c 413 s 3223 (uncodified) is amended to read as follows:

**FOR THE STATE CONSERVATION COMMISSION**

2019-21 Match for Federal RCPP (40000006)

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

(1) The state building construction account—state appropriation is provided solely for a state match to the United States department of agriculture regional conservation partnership.

(2) The commission must, to the greatest extent possible, leverage other state and local projects in funding the match and development of the regional conservation partnership program grant applications.

Appropriation:

State Building Construction Account—State  
 .....((~~\$4,000,000~~))  
\$6,249,000  
 Prior Biennia (Expenditures)..... \$0  
 Future Biennia (Projected Costs)..... \$7,800,000  
 TOTAL..... \$11,800,000  
\$14,049,000

**Sec. 3052.** 2019 c 413 s 3232 (uncodified) is amended to read as follows:

**FOR THE STATE CONSERVATION COMMISSION**

Improve Shellfish Growing Areas 2017-19 (92000012)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3052, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State \$800,000  
 Prior Biennia (Expenditures).....((~~\$3,200,000~~))  
\$3,199,000  
 Future Biennia (Projected Costs)..... \$0  
 TOTAL..... \$4,000,000  
\$3,999,000

**NEW SECTION. Sec. 3053.** A new section is added to 2019 c 413 (uncodified) 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  
 Prior Biennia (Expenditures) .....\$50,000  
 Future Biennia (Projected Costs) ..... \$0  
 TOTAL .....\$400,000

**Sec. 3054.** 2019 c 413 s 3236 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Mitigation Projects and Dedicated Funding (20082048)

~~((The appropriations in this section are subject to the following conditions and limitations: \$3,900,000 of the appropriation is provided solely for repair of the Wiley Slough dike.))~~

Reappropriation:

General Fund—Federal.....\$10,000,000  
 General Fund—Private/Local .....\$863,000  
 Special Wildlife Account—Federal .....\$1,000,000  
 Special Wildlife Account—Private/Local..\$1,680,000  
 State Wildlife Account—State.....\$400,000  
 Subtotal Reappropriation .....\$13,943,000

Appropriation:

General Fund—Federal.....\$10,000,000  
 General Fund—Private/Local .....\$1,000,000  
 Special Wildlife Account—Federal .....\$1,000,000  
 Special Wildlife Account—Private/Local..\$1,000,000  
 State Wildlife Account—State.....\$500,000  
 Subtotal Appropriation .....\$13,500,000  
 Prior Biennia (Expenditures) .....\$72,421,000  
 Future Biennia (Projected Costs) .....\$58,500,000  
 TOTAL .....\$158,364,000

**Sec. 3055.** 2019 c 413 s 3242 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Soos Creek Hatchery Renovation (30000661)

Reappropriation:

State Building Construction Account—State	\$5,555,000
Appropriation:	
State Building Construction Account—State	(((\$1,710,000))
	<u>\$4,646,000</u>
Prior Biennia (Expenditures).....	\$6,144,000
Future Biennia (Projected Costs).....	(((\$3,031,000))
	<u>\$0</u>
TOTAL.....	<u>\$16,440,000</u>
	<u>\$16,345,000</u>

**Sec. 3056.** 2019 c 413 s 3247 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Eells Springs Production Shift (30000723)

Reappropriation:

State Building Construction Account—State	(((\$1,400,000))
	<u>\$1,546,000</u>
Prior Biennia (Expenditures).....	(((\$2,670,000))
	<u>\$2,524,000</u>
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$4,070,000

**Sec. 3057.** 2019 c 413 s 3252 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Snow Creek Reconstruct Facility (30000826)

The appropriation in this section is subject to the following conditions and limitations: In constructing the project, the department must consider the firelight toilet technology.

Reappropriation:

State Building Construction Account—State	\$25,000
Appropriation:	
State Building Construction Account—State	\$143,000
Prior Biennia (Expenditures).....	(((\$75,000))
	<u>\$68,000</u>
Future Biennia (Projected Costs).....	\$4,794,000
TOTAL.....	<u>\$5,037,000</u>
	<u>\$5,030,000</u>

**Sec. 3058.** 2019 c 413 s 3253 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Forks Creek Hatchery - Renovate Intake and Diversion (30000827)

Reappropriation:

State Building Construction Account—State	(((\$2,423,000))
	<u>\$2,577,000</u>

Appropriation:

State Building Construction Account—State	\$3,086,000
Prior Biennia (Expenditures) .....	(((\$2,000))
	<u>\$198,000</u>
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	<u>\$5,511,000</u>
	<u>\$5,861,000</u>

**Sec. 3059.** 2019 c 413 s 3254 (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	\$600,000
Prior Biennia (Expenditures) .....	(((\$200,000))
	<u>\$177,000</u>
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	<u>\$800,000</u>
	<u>\$777,000</u>

**Sec. 3060.** 2019 c 413 s 3255 (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
Appropriation:	
State Building Construction Account—State	\$4,830,000
Prior Biennia (Expenditures) .....	(((\$315,000))
	<u>\$276,000</u>
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	<u>\$5,445,000</u>

\$5,406,000

**NEW SECTION. Sec. 3061.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Wiley Slough Dike Raising (40000004)

Appropriation:

State Building Construction Account—State\$972,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs).....\$4,183,000

TOTAL.....\$5,155,000

**NEW SECTION. Sec. 3062.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

(1) Nothing in this section alters the obligation set forth in the permanent injunction, including the compliance deadline, entered on March 29, 2013, in *United States v. Washington*, sub-proceeding 01-1 (Culverts), or the guidelines for compliance within the specified timeline with the permanent injunction as developed by the state agencies during the implementation process.

(2) Nothing in this section creates an obligation on the part of the state to provide funding for corrections for nonstate-owned culverts. Nothing in this section precludes the state from providing funding for corrections for nonstate-owned culverts.

(3) In order to provide recommendations, the Brian Abbott fish barrier removal board must develop a comprehensive statewide culvert remediation plan that works in conjunction with the state approach and that fully satisfies the requirements of the *United States v. Washington* permanent injunction and makes both local and state funding recommendations for additional nonstate barrier corrections across state culvert correction programs that maximize the fisheries habitat gain and other benefits to prey available for southern resident killer whale and salmon recovery.

(4) The comprehensive statewide culvert remediation plan must be consistent with the principles and requirements of the *United States v. Washington* permanent injunction and RCW 77.95.180 and must achieve coordinated investment strategy goals of permanent injunction compliance and the following additional resource benefits. The Brian Abbott fish barrier removal board chair, representing the board and the appropriate department of fish and wildlife executive management, shall consult with tribes to develop a watershed approach. Provided it is consistent with the *United States v. Washington* permanent injunction, prioritization of barrier corrections must be developed on a watershed basis and must maximize the following resource priorities:

(a) Stocks that are listed as threatened or endangered under the federal endangered species act;

(b) Stocks that contribute to protection and recovery of southern resident orca whales;

(c) Critical stocks of anadromous fish that limit or prevent harvest of anadromous fish, as identified in the Pacific salmon treaty; and

(d) Weak stocks of anadromous fish that limit or prevent harvest of anadromous fish, as determined in North of Cape Falcon process.

(5) The comprehensive statewide culvert remediation plan must include recommendations on methods and procedures for state agencies and local governments to complete and maintain accurate barrier inventories. This plan must also allow for efficient bundling of projects to minimize disruption to the public due to construction as well as adjustments in response to obstacles and opportunities encountered during delivery.

(6) The Brian Abbott fish barrier removal board must also:

(a) Provide to the office of financial management and the fiscal committees of the legislature its recommendation as to statutory or policy changes, or budget needs for the board or state capital budget programs, for better implementation and coordination among the state's culvert correction programs by January 15, 2021; and

(b) Develop a plan to seek and maximize the chances of success of significant federal investment in the comprehensive statewide culvert remediation plan.

(7) It is the intent of the legislature that, in developing future budgets, state agencies administering state culvert correction programs will recommend, to the maximum extent possible, funding in their culvert correction programs for correction of barriers that are part of the comprehensive statewide culvert remediation plan developed by the Brian Abbott fish barrier removal board under this section.

(8) By November 1, 2020, and March 1, 2021, the Brian Abbott fish barrier removal board and the department of transportation must provide updates on the development of the statewide culvert remediation plan to the office of financial management and the legislative fiscal committees. The first update must include a project timeline and plan to ensure that all agencies with culvert correction programs are involved in the creation of the comprehensive plan.

(9) Prior to presenting the comprehensive statewide culvert remediation plan, the Brian Abbott fish barrier removal board must present the status of the plan to the annual Washington state and Western Washington treaty tribes fish passage barrier repair progress and coordination meeting. The board must submit the comprehensive statewide culvert remediation plan and the process by which it will be adaptively managed over time to the governor and the legislative fiscal committees by January 15, 2021.

**Sec. 3063.** 2019 c 413 s 3234 (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:

(1) The reappropriation is subject to the provisions of section 3205, chapter 19, Laws of 2013 2nd sp. sess.

(2) To avoid foregoing the investment in design and permitting that has already been expended on the Pioneer Park location for the Deschutes Watershed Center, the comanagers shall reconsider this site along with any other locations they agree on. The comanagers shall reevaluate feasible locations by September 30, 2020, and prepare a decision document to justify the best available location.

Reappropriation:

State Building Construction Account—State	
.....	\$9,697,000
Prior Biennia (Expenditures).....	\$5,798,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$15,495,000

**Sec. 3064.** 2019 c 413 s 3274 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Forestry Riparian Easement Program (FREP) (30000279)

Reappropriation:

State Building Construction Account—State	
.....	(\$400,000)
	<u>\$520,000</u>
Prior Biennia (Expenditures).....	(\$3,100,000)
	<u>\$2,980,000</u>
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$3,500,000

**Sec. 3065.** 2019 c 413 s 3275 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Teanaway Working Forest (30000289)

Reappropriation:

State Building Construction Account—State	
.....	(\$600,000)
	<u>\$675,000</u>
Prior Biennia (Expenditures).....	(\$881,000)
	<u>\$662,000</u>
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$1,481,000
	<u>\$1,337,000</u>

**Sec. 3066.** 2019 c 413 s 3294 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Forest Riparian Easement Program (FREP) (40000052)

Appropriation:

State Building Construction Account—State	
.....	(\$2,500,000)
	<u>\$3,500,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$20,000,000
TOTAL.....	\$22,500,000
	<u>\$23,500,000</u>

**NEW SECTION. Sec. 3067.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Grouse Ridge Fish Barriers & RMAP Compliance (40000056)

Appropriation:

State Building Construction Account—State	
.....	\$3,245,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$1,694,000
TOTAL.....	\$4,939,000

**NEW SECTION. Sec. 3068.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Emergent Environmental Mitigation Projects (40000058)

Appropriation:

Forest Development Account—State.....	\$92,000
Resource Management Cost Account—State.....	\$93,000
Model Toxics Control Capital Account—State.....	\$135,000
Subtotal Appropriation.....	\$320,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$320,000

**NEW SECTION. Sec. 3069.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Minor Works - Preservation: 2019-21 (40000061)

Appropriation:

State Building Construction Account—State	\$1,550,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
<b>TOTAL</b>	<b>\$1,550,000</b>

**NEW SECTION. Sec. 3070.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Whitmarsh (March Point) Landfill Site Cleanup (40000069)

Appropriation:

Model Toxics Control Capital Account—State	\$3,063,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
<b>TOTAL</b>	<b>\$3,063,000</b>

**NEW SECTION. Sec. 3071.** The following acts or parts of acts are each repealed:

- (1)2019 c 413 s 3099 (uncodified); and
- (2)2019 c 413 s 3296 (uncodified).

**PART 4**

**TRANSPORTATION**

**Sec. 4001.** 2019 c 413 s 4001 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**

Fire Training Academy Stormwater Remediation (30000030)

Reappropriation:

Fire Service Training Account—State	\$2,832,000
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Appropriation:

Fire Service Training Account—State	\$414,000
Prior Biennia (Expenditures)	\$300,000
Future Biennia (Projected Costs)	\$0
<b>TOTAL</b>	<b>\$3,132,000</b>
	<u>\$3,546,000</u>

**NEW SECTION. Sec. 4002.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF TRANSPORTATION**

Telford Helipad (40000001)

Appropriation:

State Building Construction Account—State	\$75,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

<b>TOTAL</b>	<b>\$75,000</b>
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**PART 5**

**EDUCATION**

**Sec. 5001.** 2019 c 413 s 5001 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Pierce County Skills Center (20084856)

Reappropriation:

State Building Construction Account—State	(( <u>\$472,000</u> ))
	<u>\$32,000</u>
Prior Biennia (Expenditures)	\$35,072,000
Future Biennia (Projected Costs)	\$0
<b>TOTAL</b>	<b>\$35,544,000</b>
	<u>\$35,104,000</u>

**Sec. 5002.** 2019 c 413 s 5012 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2019-21 School Construction Assistance Program - Maintenance Level (40000013)

The appropriations in this section are subject to the following conditions and limitations: \$1,005,000 of the common school construction account—state appropriation is provided solely for study and survey grants and for completing inventory and building condition assessments for public school districts every six years.

Appropriation:

State Building Construction Account—State	(( <u>\$879,021,000</u> ))
	<u>\$851,208,000</u>
Common School Construction Account—State	(( <u>\$160,032,000</u> ))
	<u>\$185,908,000</u>
Common School Construction Account—Federal	(( <u>\$3,000,000</u> ))
	<u>\$3,840,000</u>
Subtotal Appropriation	(( <u>\$1,042,053,000</u> ))
	<u>\$1,040,956,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,870,192,000
<b>TOTAL</b>	<b>\$5,912,245,000</b>
	<u>\$5,911,148,000</u>

**Sec. 5003.** 2019 c 413 s 5028 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2019-21 Small District Modernization Grants (92000139)

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

(1) The legislature finds that small school districts with total enrollments of one thousand students or less may have school facilities with significant building systems deficiencies and low property values, and that raising enough funds to participate in the school construction assistance program to replace or modernize their school facilities would present an extraordinary tax burden on property owners or would exceed allowable debt.

(2) \$200,000 of the appropriation is provided solely for the office of the superintendent of public instruction to administer the grant program and provide technical assistance to small school districts seeking grants funded in this section.

(3) ~~(\$1,000,000)~~ \$957,000 of the appropriation is provided solely for planning grants for small school districts interested in seeking modernization grants in subsection (4) of this section. The superintendent 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.

(4) The remaining portion of the appropriation is provided solely for modernization grants for small school districts with significant building system deficiencies and limited financial capacity with the following conditions:

(a) The superintendent of public instruction must appoint an advisory committee whose members have experience in financing and managing school facilities in small school districts to assist the office in designing the grant application process, developing the prioritization criteria, and evaluating the grant applications. Advisory committee members may not be involved in developing projects or applying for grants funded in this section.

(b) In addition to prioritization criteria developed by the office of the superintendent of public instruction and the advisory committee pursuant to (4)(a) of this section, the office and the advisory committee must also prioritize projects that: (i) Improve student health, safety, and academic performance for the largest number of students; (ii) provide the most available school district resources, including in-kind resources; and (iii) make use of mass-timber products, including cross-laminated timber, or aggregates and concretes materials.

(c) The superintendent must submit a list of small school district modernization projects, as prioritized by the advisory committee, to the legislature by January 15, 2020. 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. The appropriated funds in this subsection may be awarded only ~~((after the legislature approves the list))~~ to projects approved by the legislature, as identified in LEAP capital document No. 2020-51, developed March 6, 2020.

(5) For projects in this section that are also eligible for funding through the school construction assistance program, the office of the superintendent of public instruction must expedite and streamline the administrative requirements, timelines, and matching requirements for the funds provided in this section to be used promptly. Funds provided in this section plus state funds provided in the school construction assistance program grant must not exceed total project costs minus available local resources.

Appropriation:

State Building Construction	Account—State
.....	<del>(\$20,000,000)</del>
	<u>\$23,383,000</u>
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	<u>\$20,000,000</u>
	<u>\$23,383,000</u>

**Sec. 5004.** 2019 c 413 s 5025 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Distressed Schools (92000041)

The reappropriation in this section is subject to the following conditions and limitations: ~~(The)~~

(1) Except as provided for under subsection (2) of this section, the reappropriation is subject to the provisions of section 5007, chapter 298, Laws of 2018.

(2) School districts that receive reappropriations in this section may use the reappropriation to fund local share of project cost requirements for projects also eligible for funding through the school construction assistance program.

Reappropriation:

State Building Construction	Account—State
.....	\$41,585,000
Prior Biennia (Expenditures) .....	\$3,901,000
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	<u>\$45,486,000</u>

**Sec. 5005.** 2019 c 413 s 5030 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2019-21 Distressed Schools (92000142)

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

(1) \$4,400,000 of the appropriation in this section is provided solely for classroom additions and other modernizations at Leschi elementary school in Seattle public schools.

(2) \$10,500,000 of the appropriation in this section is provided solely for classroom additions at Madison middle school in Seattle public schools.

(3) \$3,100,000 of the appropriation in this section is provided solely for heating and ventilation upgrades at North Beach elementary school in Seattle public schools.

(4) The remaining portion of the appropriation is provided solely for competitive grants for modular classrooms (~~made with mass timber products, including cross laminated timber,~~) for the purpose of replacing portables in school districts with space challenges due to unavailable land for new school facilities to accommodate enrollment growth or with an overdependent use of portables to provide classroom space. The grants are subject to the following conditions and limitations:

(a) School districts are responsible for the costs of site preparation; required permits; delivery and installation of the modular classrooms; furnishings, fixtures, and equipment; utility connections; and any other infrastructure costs related to the modular classrooms;

(b) The office of the superintendent of public instruction must prioritize projects based on the following criteria in the following order:

(i) School districts with high ratios of portable classrooms to permanent classrooms;

(ii) School districts with low acreage of land available for new construction;

(iii) Projects that achieve lowest cost per classroom (~~with highest percentage of mass timber products in the overall construction of the project~~); and

(iv) Projects that (~~demonstrate~~) are multistory (~~application of mass timber products~~).

(5) \$1,000,000 of the appropriation in this section is provided solely for a distressed schools project in the Mount Adams school district.

(6) \$700,000 of the appropriation in this section is provided solely for a two-classroom preschool addition at John Muir Elementary School in Seattle.

(7) \$300,000 of the appropriation in this section is provided solely for conversion of two classrooms to a new health clinic at Lowell Elementary School in Seattle.

(8) \$328,000 of the appropriation in this section is provided solely for an agricultural resource center in Tacoma.

(9) \$200,000 of the appropriation in this section is provided solely for a schoolyard park in Tacoma.

(10) \$309,000 of the appropriation in this section is provided solely for a school-based health center in Port Orchard.

(11) \$100,000 of the appropriation in this section is provided solely for the Republic school district for predesign and scoping work related to the replacement of a school facility. It is the intent of the legislature to appropriate \$9,000,000 for the Republic school district in the 2021-23 fiscal biennium for the demolition of an existing school facility and for the design and construction of a new school, subject to the Republic school district securing a local match equal to not less than \$4,500,000.

(12) School districts that receive funding in this section may use that funding for the local share of project cost requirements for projects also eligible for funding through the school construction assistance program.

Appropriation:

State Building Construction	Account—State
.....	(\$23,000,000)
	<u>\$25,937,000</u>
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	<u>\$23,000,000</u>
	<u>\$25,937,000</u>

NEW SECTION. Sec. 5006. A new section is added to 2019 c 413 (uncodified) to read as follows: **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2019-21 School Seismic Safety Retrofit Program (92000148)

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

(1) The appropriation is provided solely for school seismic safety retrofit grants to school districts for seismic retrofits and seismic safety related improvements of school buildings used for the instruction of students in kindergarten through twelfth grade. The superintendent of public instruction must prioritize school seismic safety retrofit grants for school districts with the most significant building deficiencies and the greatest seismic risks as determined by the most recent geological data and building engineering assessments, beginning with facilities classified as very high risk.

(2) In the development of school seismic safety retrofit project priorities for the 2021-2023 fiscal biennium, in addition to prioritizing projects based on their seismic risk classification, the superintendent of public instruction shall also give due consideration to the following: (a) Prioritizing improvements of school buildings used for the instruction of students in kindergarten through twelfth grade; (b) the financial capacity of low property value school districts in the sizing of grant awards; and (c) facilities' seismic needs in light of the useful life of the facilities.

Appropriation:

State Building Construction	Account—State
.....	\$13,240,000
Prior Biennia (Expenditures) .....	\$0

Future Biennia (Projected Costs)..... \$120,000,000  
 TOTAL..... \$133,240,000

**Sec. 5007.** 2019 c 413 s 5032 (uncodified) is amended to read as follows:

**FOR THE STATE SCHOOL FOR THE BLIND**

Independent Living Skills Center (30000107)  
 Reappropriation:  
 State Building Construction Account—State \$143,000

Appropriation:

<u>State Building Construction Account—State</u>	<u>\$1,192,000</u>
.....	
Prior Biennia (Expenditures).....	\$27,000
Future Biennia (Projected Costs).....	(( <del>\$0</del> ))
	<u>\$8,076,000</u>
TOTAL.....	<u>\$170,000</u>
	<u>\$9,438,000</u>

**Sec. 5008.** 2019 c 413 s 5033 (uncodified) is amended to read as follows:

**FOR THE STATE SCHOOL FOR THE BLIND**

2019-21 Campus Preservation (40000004)  
 Appropriation:  
 State Building Construction Account—State  
 .....((~~\$580,000~~))

	<u>\$655,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$2,320,000
TOTAL.....	<u>\$2,900,000</u>
	<u>\$2,975,000</u>

**Sec. 5009.** 2019 c 413 s 5034 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON ((STATE)) CENTER FOR ((CHILDHOOD DEAFNESS AND HEARING LOSS)) DEAF AND HARD OF HEARING YOUTH**

Academic and Physical Education Building (30000036)

The ((reappropriation)) appropriations in this section ((is)) are subject to the following conditions and limitations: The ((reappropriation is)) appropriations are subject to the provisions of section 5009, chapter 298, Laws of 2018.

Reappropriation:  
 State Building Construction Account—State  
 .....((~~\$786,000~~))  
\$787,000

Appropriation:

<u>State Building Construction Account—State</u>	<u>\$4,637,000</u>
.....	

Prior Biennia (Expenditures) .....	(( <del>\$214,000</del> ))
	<u>\$213,000</u>

Future Biennia (Projected Costs) .....	(( <del>\$0</del> ))
	<u>\$50,511,000</u>
TOTAL .....	<u>\$1,000,000</u>
	<u>\$56,148,000</u>

**Sec. 5010.** 2019 c 413 s 5035 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON ((STATE)) CENTER FOR ((CHILDHOOD DEAFNESS AND HEARING LOSS)) DEAF AND HARD OF HEARING YOUTH**

Minor Works: Preservation 2019-21 (30000045)  
 Appropriation:  
 State Building Construction Account—State \$500,000  
 Prior Biennia (Expenditures) .....

	\$0
Future Biennia (Projected Costs) .....	\$4,000,000
TOTAL .....	\$4,500,000

**Sec. 5011.** 2019 c 413 s 5044 (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

Behavioral Health Teaching Facility (40000038)

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

(1)(a) The appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1593 (behavioral health teaching facility). The appropriation provided may be used for predesign, siting, ((and)) design costs, enabling projects, and early work packages. If the bill is not enacted by June 30, 2019, the amount provided in this section shall lapse.

(b) The university must submit the predesign to the appropriate legislative committees by February 1, 2020.

(2) The behavioral health teaching facility must provide a minimum of fifty long-term civil commitment beds, fifty geriatric/voluntary psychiatric beds, and fifty licensed medical/surgery beds, with the capacity to treat patients with psychiatric diagnoses and/or substance use disorders. The project construction must also include construction of a 24/7 telehealth consultation program within the facility.

Appropriation:  
 State Building Construction Account—State  
 .....\$33,250,000  
 Prior Biennia (Expenditures) .....

	\$0
Future Biennia (Projected Costs) .....	\$191,250,000

TOTAL..... \$224,500,000

**NEW SECTION. Sec. 5012.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE UNIVERSITY OF WASHINGTON**

Magnuson Health Sciences Phase II - Renovation/Replacement (40000049)

Appropriation:

State Building Construction Account—State ..... \$1,000,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)..... \$59,000,000

TOTAL..... \$60,000,000

**NEW SECTION. Sec. 5013.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE WASHINGTON STATE UNIVERSITY**

Washington State University Vancouver - Life Sciences Building (30000840)

Appropriation:

State Building Construction Account—State ..... \$4,000,000

Prior Biennia (Expenditures)..... \$500,000

Future Biennia (Projected Costs)..... \$52,600,000

TOTAL..... \$57,100,000

**Sec. 5014.** 2019 c 413 s 5060 (uncodified) is amended to read as follows:

**FOR THE EASTERN WASHINGTON UNIVERSITY**

Engineering Building (30000556)

Reappropriation:

Eastern Washington University Capital Projects

Account—State ..... ((~~\$245,000~~))

\$345,000

Prior Biennia (Expenditures)..... ((~~\$100,000~~))

\$0

Future Biennia (Projected Costs)..... \$56,695,000

TOTAL..... \$57,040,000

**Sec. 5015.** 2019 c 413 s 5072 (uncodified) is amended to read as follows:

**FOR THE CENTRAL WASHINGTON UNIVERSITY**

Minor Works Preservation: 2019-21 (40000041)

Appropriation:

State Building Construction Account—State ..... \$2,463,000

Central Washington University Capital Projects

Account—State..... ((~~\$7,000,000~~))

\$4,537,000

Subtotal Appropriation ..... \$7,000,000

Prior Biennia (Expenditures) ..... \$0

Future Biennia (Projected Costs) ..... \$28,000,000

TOTAL ..... \$35,000,000

**NEW SECTION. Sec. 5016.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE CENTRAL WASHINGTON UNIVERSITY**

Campus Security Enhancements (40000074)

Appropriation:

Central Washington University Capital Projects

Account—State..... \$2,463,000

Prior Biennia (Expenditures) ..... \$0

Future Biennia (Projected Costs) ..... \$0

TOTAL ..... \$2,463,000

**Sec. 5017.** 2019 c 413 s 5079 (uncodified) is amended to read as follows:

**FOR THE EVERGREEN STATE COLLEGE**

Historic Lord Mansion (91000029)

The ((~~reappropriation~~)) appropriations in this section ((~~is~~)) are subject to the following conditions and limitations: The ((~~reappropriation is~~)) appropriations are subject to the provisions of section 5016, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State \$100,000

Appropriation:

State Building Construction Account—State \$300,000

Prior Biennia (Expenditures) ..... ((~~\$404,000~~))

\$337,000

Future Biennia (Projected Costs) ..... \$0

TOTAL ..... \$504,000

\$737,000

**NEW SECTION. Sec. 5018.** A new section is added to 2019 c 413 (uncodified) to read as follows: **FOR THE WASHINGTON STATE ARTS COMMISSION**

Yakima Sun Dome Reflectors (92000002)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section, or as much thereof as may be necessary, is provided solely for evaluating the replacement of the reflectors on the Yakima Sun Dome.

Appropriation:

State Building Construction Account—State	\$80,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$80,000

**Sec. 5019.** 2019 c 413 s 5093 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Washington Heritage Grants (30000237)	
Reappropriation:	
State Building Construction Account—State	\$643,000
Prior Biennia (Expenditures).....	<del>(\$9,054,000)</del>
	<u>\$8,411,000</u>
Future Biennia (Projected Costs).....	\$0
TOTAL.....	<u>\$9,697,000</u>
	<u>\$9,054,000</u>

**Sec. 5020.** 2019 c 413 s 5097 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Heritage Capital Grant Projects: 2019-21 (40000014)

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

(1) The appropriation is subject to the provisions of RCW 27.34.330.

(2) The appropriation is provided solely for the following list of projects:

Metro Parks Tacoma - W.W. Seymour Botanical Conservatory Rehab .....	\$773,000
Discover Your Northwest - Chittenden Locks Fish Ladder Viewing.....	\$382,000
Foss Waterway Seaport - Balfour Dock Building: Phase IIIE .....	\$307,000
City of Tumwater, WA - Old Brewhouse Tower Rehab .....	\$513,000
Gig Harbor - Harbor History Museum - Fishing Vessel Shenandoah.....	\$100,000
City of Vancouver, Washington - Re-roof 3 Bldgs Officer's Row .....	\$150,000
NW School of Wooden Boatbuilding - Expanding Public Access .....	\$240,000
Kalispel Tribe - Restoration of Our Lady of	

Sorrows Church .....	\$33,000
KC Dept. of Natural Resources - Mukai Farmstead & Garden Preserv .....	\$600,000
City of Edmonds - Edmonds Museum (Carnegie Library Restoration) .....	\$74,000
Vancouver National Historic Reserve Trust - Renovate Providence .....	\$490,000
Washington Trust for Historic Preservation - Stimson-Green Mansion .....	\$100,000
Phinney Neighborhood Association - John B. Allen School .....	\$30,000
PNW Railroad Archive - Mounting rails .....	\$47,000
City of Roslyn - Historic Community Center, Library, & City Hall .....	\$233,000
Quincy Valley Historical Society & Museum - Comm Heritage Barn.....	\$41,000
The NW Railway Museum - Puget Sound Electric Railway Interurban.....	\$229,000
The Cutter Theatre - 1912 Metaline Falls School Re-Roofing .....	\$26,000
Delridge Neighborhoods Dev Assoc - Structural improvements .....	\$299,000
Seattle City Light - Continue Georgetown Steam Plan .....	\$773,000
Skagit County Historical Society - Skagit City School Rehab .....	\$22,000
Mount Baker Theatre - Mount Baker Theatre Preservation .....	\$1,000,000
North Bay Historical Society - Sargent Oyster House Restoration.....	\$160,000
City of Lynnwood - Heritage Park Water Tower Phase II Renovation.....	\$124,000
Town of Waverly - Restoration of Prairie View Schoolhouse.....	\$55,000
City of Lacey - Renovating Lacey warehouse for new museum.....	\$979,000

Northwest Schooner Society - Restoration 1906 Keepers	
Quarters.....	\$82,000
Sammamish Heritage Society - Rear House Phase III: Reconstruct.....	\$123,000
Cheney Depot Society - Cheney Depot Relocation & Rehabilitation .....	\$367,000
The 5th Ave Theatre Assoc - Theatre Upgrade: Auditorium.....	\$560,000
Highline Historical Society - Phase 3: Highline Heritage Museum.....	\$71,000
University Place Historical Society - Curran House History Museum.....	\$41,000
Coupeville Maritime Heritage Foundation - Preserv of vessel Suva.....	\$71,000
<del>((Fort Worden Public Development Authority - Sage Arts &amp; Ed Ctr.....</del>	<del>\$560,000))</del>
South Pierce County Historical Society - Eatonville Tofu House.....	\$15,000
City of Everett - Van Valley Home lead Abatement & Pres.....	\$67,000
Appropriation:	
State Building Construction Account—State .....	<del>(\$9,737,000)</del>
	<u>\$9,177,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	<u>\$9,737,000</u>
	<u>\$9,177,000</u>

**Sec. 5021.** 2019 c 413 s 5098 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Minor Works - Preservation: 2019-21 (40000086)	
Appropriation:	
State Building Construction Account—State .....	<del>(\$1,545,000)</del>
	<u>\$2,608,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$9,543,000

TOTAL.....	<u>\$11,088,000</u>
	<u>\$12,151,000</u>

**NEW SECTION. Sec. 5022.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Black History Commemoration (91000008)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the Washington State Historical Society to lead a commemoration of Black History Month in 2021 at the State Capitol to include the planning and presentation of events and/or exhibitions on the Capitol campus, development of digital educational resources, and the creation or refurbishment of permanent fixtures and/or structures commemorating the history of African Americans in Washington state.

Appropriation:

State Building Construction Account—State	\$100,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$100,000

**Sec. 5023.** 2019 c 413 s 5101 (uncodified) is amended to read as follows:

**FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

Minor Works - Preservation: 2019-21 (40000026)

Appropriation:

State Building Construction Account—State .....	<del>(\$800,000)</del>
	<u>\$1,559,000</u>
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$3,200,000
TOTAL .....	<u>\$4,000,000</u>
	<u>\$4,759,000</u>

**Sec. 5024.** 2019 c 413 s 5109 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

North Seattle Community College: Technology Building Renewal (30000129)

It is the intent of the legislature that all remaining work on this project be completed by June 30, 2023.

Reappropriation:

State Building Construction Account—State	\$569,000
Prior Biennia (Expenditures) .....	\$24,847,000
Future Biennia (Projected Costs) .....	\$0

TOTAL..... \$25,416,000

**Sec. 5025.** 2019 c 413 s 5122 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Shoreline: Allied Health, Science & Manufacturing Replacement (30000990)

Reappropriation:

State	Building	Construction	Account—State
.....	.....	.....	.....
			\$2,902,000

~~((Appropriation:~~

<del>State</del>	<del>Building</del>	<del>Construction</del>	<del>Account—State</del>
<del>.....</del>	<del>.....</del>	<del>.....</del>	<del>.....</del>
			<del>\$36,642,000))</del>

Prior Biennia (Expenditures)..... \$690,000

Future Biennia (Projected Costs).....(((\$0))

\$36,642,000

TOTAL..... \$40,234,000

**Sec. 5026.** 2019 c 413 s 5103 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Yakima Valley Community College: Palmer Martin Building (30000121)

Reappropriation:

State Building Construction Account—State \$953,000

Prior Biennia (Expenditures).....(((\$19,287,000))

\$19,196,000

Future Biennia (Projected Costs).....\$0

TOTAL.....\$20,240,000

\$20,149,000

**Sec. 5027.** 2019 c 413 s 5126 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Spokane Falls: Fine and Applied Arts Replacement (30001458)

The appropriation in this section is subject to the following conditions and limitations: The appropriation authorizes Spokane Falls to enter into a contract for the construction of this project. It is the intent of the legislature that \$17,140,000 will be appropriated for this project in the 2021-2023 fiscal biennium.

Reappropriation:

State	Building	Construction	Account—State
.....	.....	.....	.....
			\$2,616,000

Appropriation:

<u>State</u>	<u>Building</u>	<u>Construction</u>	<u>Account—State</u>
.....	.....	.....	.....
			<u>\$20,000,000</u>

Prior Biennia (Expenditures) .....\$211,000

Future Biennia (Projected Costs) .....(((\$0))

\$17,140,000

TOTAL .....\$2,827,000

\$39,967,000

**NEW SECTION. Sec. 5028.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Everett: Baker Hall Replacement (40000190)

Appropriation:

State Building Construction Account—State \$275,000

Prior Biennia (Expenditures) ..... \$0

Future Biennia (Projected Costs) .....\$32,279,000

TOTAL .....\$32,554,000

**PART 6**

**2017-2019 BIENNIUM PROVISIONS**

**Sec. 6001.** 2019 c 413 s 6005 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2017-19 Housing Trust Fund Program (30000872)

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

(1) \$83,500,000 of the state taxable building construction account—state appropriation, \$19,631,000 of the state building construction account—state appropriation, and \$8,658,000 of the Washington housing trust account—state appropriation are provided solely for affordable housing and preservation of affordable housing. Of the amounts in this subsection:

(a) \$24,370,000 is provided solely for housing projects that provide supportive housing and case-management services to persons with chronic mental illness. The department must prioritize low-income supportive housing unit proposals that provide services or include a partner community behavioral health treatment provider;

(b) \$10,000,000 is provided solely for housing preservation grants or loans to be awarded competitively. The grants 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 that a capital needs assessment is performed to estimate the cost of the preservation project at contract execution. Funds may not be used to add or expand the capacity of the property. To receive grants, housing projects must meet the following requirements:

- (i) The property is more than fifteen years old;
  - (ii) At least 50 percent of the housing units are occupied by families and individuals at or below 30 percent area median income.
  - (iii) The improvements will result in reduction of operating or utilities costs, or both; and
  - (iv) Other criteria that the department considers necessary to achieve the purpose of this program.
- (c) \$5,000,000 is provided solely for housing projects that benefit people at or below 80 percent of the area median income who have been displaced by a natural disaster declared by the governor, including people who have been displaced within the last two biennia.

(d) \$1,000,000 of the Washington housing trust account—state appropriation is provided solely for the department to work with the communities of concern commission to focus on creating capital assets that will help reduce poverty and build stronger and more sustainable communities using the communities' cultural understanding and vision. The funding must be used for predevelopment costs for capital projects identified by the commission and for other activities to assist communities in developing capacity to create community-owned capital assets.

(e) \$1,000,000 of the Washington housing trust account—state appropriation and \$1,500,000 of the state taxable building construction account—state appropriation are provided solely for the ~~((purchase of the three south annex properties. The state board for community and technical colleges must transfer the three south annex properties located at 1530 Broadway, 1534 Broadway, and 909 East Pine street to one or more nonprofits or public development authorities selected by the department, if the selected entities agree to use the properties to provide services and housing for homeless youth or young adults for a minimum of twenty five years. The transfer agreement between the state board for community and technical colleges and the selected entities must specify a mutually agreed transfer date and require the selected entities to cover any closing costs with a total purchase price of nine million dollars for all three properties))~~ department to contract directly with YouthCare Service Center to purchase the 1534 Broadway site from Capitol Hill Housing in order for YouthCare Service Center to develop a youth community center.

(f) \$25,506,000 is provided solely for the following list of housing projects:

- (i) Spokane Housing Predesign ..... \$500,000
- (ii) El Centro de la Raza ..... \$737,000
- (iii) Highland Village Preservation..... \$1,500,000
- (iv) King County Modular Housing Project ..... \$1,500,000
- (v) Nisqually Tribal Housing..... \$1,250,000
- (vi) Othello Homesight Community Center ..... \$3,000,000

- (vii) Parkview Apartments Affordable Housing .....\$100,000
- (viii) Supported Housing and Employment (Longview).....\$129,000

(ix) \$2,000,000 is provided solely for homeownership assistance for low-income households displaced from their manufactured/mobile homes due the closure or conversion of a mobile home park or manufactured housing community in south King County. \$1,500,000 of this amount in this subsection is provided solely for low-income residents displaced from the Firs Mobile Home Park located in SeaTac.

(x) \$6,000,000 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 ~~(((\$125,000))~~ \$135,000, excluding the value of land, and with a commitment by the applicant to maintain the housing units for at least a twenty-five year period. Amounts provided that are subject to this subsection must be used to plan, predesign, design, provide technical assistance and financial services, purchase land for, and build innovative low-income housing units. \$3,000,000 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 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. \$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.

(xi) \$7,290,000 is provided solely for grants to the following organizations using innovative methods to address homelessness: \$4,290,000 for THA Arlington drive youth campus in Tacoma and \$3,000,000 for a King county housing project.

(xii) \$1,500,000 is provided solely for Valley Cities modular housing project in Auburn.

(g) Of the amounts appropriated remaining after (a) through (f) of this subsection, the department must allocate the funds as follows:

- (i) 10 percent is provided solely for housing projects that benefit veterans;
- (ii) 10 percent is provided solely for housing projects that benefit homeownership;
- (iii) 5 percent is provided solely for housing projects that benefit people with developmental disabilities;
- (iv) The remaining amount is provided solely for projects that serve low-income and special needs

populations in need of housing, including, but not limited to, homeless families with children, homeless youth, farmworkers, and seniors.

(2) 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).

(3) The department must strive to allocate all of the amounts appropriated in this section within the 2017-2019 fiscal biennium in the manner prescribed in subsection (1) of this section. However, if upon review of applications the department determines there are not adequate suitable projects in a category, the department may allocate funds 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.

Appropriation:

State Building Construction Account—State .....	\$19,631,000
State Taxable Building Construction Account—State .....	\$83,500,000
Washington Housing Trust Account—State .....	\$8,658,000
Subtotal Appropriation .....	\$111,789,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$400,000,000
TOTAL .....	\$511,789,000

**Sec. 6002.** 2019 c 413 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:

(1) The reappropriation is subject to the provisions of section 6003 of this act, except that no funding may be directed to the Puyallup Meeker Mansion Public Plaza.

(2) The Interbay public development advisory committee shall provide a report to the legislature and office of the governor with recommendations by November 15, 2019. The Interbay advisory committee's recommendations must include recommendations regarding the structure, composition, and scope of authority of any subsequent state public development authority that may be established to implement the recommendations of the Interbay advisory committee.

(3) The Interbay public development advisory committee terminates June 30, 2020.

Reappropriation:

State Building Construction Account—State .....	(\$91,142,000)
	<u>\$90,642,000</u>

Prior Biennia (Expenditures) .....	\$39,799,000
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	<u>\$130,941,000</u>
	<u>\$130,441,000</u>

**Sec. 6003.** 2019 c 413 s 6006 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Clean Energy Funds 3 (30000881)

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

(1) The appropriations 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.

(2) 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.

(3)(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 twenty-four 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.

(4) The requirements in subsections (2) and (3) of this section must be specified in funding agreements issued by the department.

(5) \$11,000,000 of the state building construction account, is provided solely for grid modernization grants for projects that advance clean and renewable energy technologies, and transmission and distribution control

systems; that support integration of renewable energy sources, deployment of distributed energy resources, and sustainable microgrids; and that increase utility customer options for energy sources, energy efficiency, energy equipment, and utility services.

(a) Projects must be implemented by public and private electrical utilities that serve retail customers in the state. Eligible utilities may partner with other public and private sector research organizations and businesses in applying for funding.

(b) 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, allow smaller utilities or consortia of small utilities to apply for funding.

(c) Applications for grants must disclose all sources of public funds invested in a project.

(6) \$7,900,000 of the state building construction account and \$3,100,000 of the energy efficiency account are provided solely for grants to demonstrate new approaches to electrification of transportation systems.

(a) Projects must be implemented by local governments, federally recognized tribal governments, or by public and private electrical utilities that serve retail customers in the state. Eligible parties may partner with other public and private sector research organizations and businesses in applying for funding. The department of commerce must coordinate with other electrification programs, including projects the department of transportation is developing and projects funded by the Volkswagen consent decree, to determine the most effective distribution of the systems.

(b) Priorities must be given to eligible technologies that reduce the top two hundred hours of demand and the demand side.

(c) Eligible technologies for these projects include, but are not limited to:

(i) Electric vehicle and transportation system charging and open source control infrastructure, including inductive charging systems;

(ii) Electric vehicle sharing in low-income, multi-unit housing communities in urban areas;

(iii) Grid-related vehicle electrification, connecting vehicle fleets to grid operations, including school and transit buses;

(iv) Electric vehicle fleet management tools with open source software;

(v) Maritime electrification, such as electric ferries, water taxis, and shore power infrastructure.

(7)(a) \$8,600,000 of the state building construction account is provided solely for strategic research and development for new and emerging clean energy technologies, as needed to match federal or other nonstate

funds to research, develop, and demonstrate clean energy technologies.

(b) The department shall consult and coordinate with the University of Washington, Washington State University, the Pacific Northwest national laboratory and other clean energy organizations to design the grant program unless the organization prefers to compete for the grants. If the organization prefers to receive grants from the program they may not participate in the consultant process determining how the grant process is structured. The program shall offer matching funds for competitively selected clean energy projects, including but not limited to: Solar technologies, advanced bioenergy and biofuels, development of new earth abundant materials or lightweight materials, advanced energy storage, battery components recycling, and new renewable energy and energy efficiency technologies. Criteria for the grant program must include life cycle cost analysis for projects that are part of the competitive process.

(c) \$750,000 of this subsection (7) is provided solely for the state efficiency and environmental program.

(8) \$8,000,000 of the state taxable construction account is provided solely for scientific instruments to help accelerate research in advanced materials at the proposed science laboratories infrastructure facility at the Pacific Northwest national laboratory. These state funds are contingent on securing federal funds for the new facility, and are provided as match to the federal funding. The instruments will support researchers at the bioproducts sciences and engineering laboratory, the joint center for deployment research in earth abundant materials, the center for advanced materials and clean energy technology, and other energy and materials collaborations with the University of Washington and Washington State University.

(9) \$1,600,000 of the state building construction account and \$2,400,000 of the energy efficiency account are provided solely for grants to be awarded in competitive rounds for the deployment of solar projects located in Washington state.

(a) Priority must be given to distribution side projects that reduce peak electricity demand.

(b) Projects must be capable of generating more than one hundred kilowatts of direct current generating capacity.

(c) Except as provided in (d) of this subsection, grants shall not exceed \$200,000 per megawatt of direct current generating capacity and total grant funds per project shall not exceed \$1,000,000 per applicant. Applicants may not use other state grants.

(d) At least 35 percent of the total allocation of a project must be for community solar projects that provide solar electricity to low-income households, low-income tribal housing programs, affordable housing providers, and nonprofit organizations providing services to low-income communities. The provisions of (c) of this subsection do not apply to projects funded under this subsection (9)(d).

(e) Priority must be given to major components made in Washington.

(f) The department must attempt to prioritize an equitable geographic distribution and a diversity of project sizes.

(10) \$2,400,000 of the state building construction account is provided solely for the first phase of a project which, when fully deployed, will reduce emissions of greenhouse gases by a minimum of seven hundred fifty thousand tons per year, increase energy efficiency, and protect or create aluminum manufacturing jobs located in Whatcom county.

(11) \$1,100,000 of the state building construction account—state appropriation is provided solely for a grant to the public utility district no. 1 of Klickitat county for the remediation, survey, and evaluation of a closed-loop pump storage hydropower project at the John Day pool.

Appropriation:

State Building Construction Account—State .....	\$32,600,000
State Taxable Building Construction Account—State .....	\$8,000,000
Energy Efficiency Account—State .....	\$5,500,000
Subtotal Appropriation.....	\$46,100,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$200,000,000
TOTAL.....	\$246,100,000

**PART 7**

**MISCELLANEOUS PROVISIONS**

**Sec. 7001.** 2019 c 413 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 (~~forty-eight million six hundred eighteen thousand two hundred eighteen dollars for the 2019-2021 biennium, three hundred six million nine hundred two thousand nine hundred ninety-six dollars for the 2021-2023 biennium, and four hundred thirty-three million two hundred fifty-nine thousand five hundred seventy-three dollars for the 2023-2025 biennium~~) forty-three million three hundred fourteen thousand six hundred forty-two dollars for the 2019-2021 biennium, three hundred million four hundred twenty-two thousand three hundred forty-three dollars for the 2021-2023 biennium, and four hundred seventeen million four hundred fifty-five thousand six hundred sixty dollars for the 2023-2025 biennium.

**Sec. 7002.** 2019 c 413 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 \$103,143,000 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 \$7,450,000 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 \$3,600,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase the King county secure community transition center.

(6) Department of fish and wildlife: Enter into a financing contract for up to \$3,099,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase automated salmon marking trailers.

(7) Department of natural resources: Enter into a financing contract for up to \$1,800,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to remodel spaces within agency-owned commercial buildings that will benefit the common school trust.

(8) Western Washington University: Enter into a financing contract for up to \$9,950,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a consolidated academic support services facility. Debt service for this facility may not be paid from additional student fees.

(9) Community and technical colleges:

(a) Enter into a financing contract on behalf of Columbia Basin Community College for up to \$27,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student recreation center.

(b) Enter into a financing contract on behalf of Pierce College Puyallup for up to \$2,831,000 plus financing

expenses and required reserves pursuant to chapter 39.94 RCW to purchase land and construct parking.

(c) Enter into a financing contract on behalf of Walla Walla Community College for up to \$1,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a student activity center on the Clarkston campus.

(d) Enter into a financing contract on behalf of Walla Walla Community College for up to \$6,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a student recreation center.

(e) Enter into a financing contract on behalf of Wenatchee Valley College for up to \$4,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the Wells Hall replacement project.

(f) Enter into a financing contract on behalf of Yakima Valley Community College for up to \$22,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build additional instructional and lab classroom space.

(g) Enter into a financing contract on behalf of Everett Community College for up to \$10,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase one or more properties adjacent to the campus.

(h) Enter into a financing contract on behalf of South Seattle College for up to \$10,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a student wellness and fitness center.

(10) Eastern Washington University: Enter into a financing contract for up to \$3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for roof replacement projects.

**Sec. 7003.** 2019 c 413 s 7003 (uncodified) is amended to read as follows:

(1) To ensure that major construction projects are carried out in accordance with legislative and executive intent, agencies must complete a predesign for state construction projects with a total anticipated cost in excess of ~~(((\$5,000,000, or))~~ \$10,000,000 ~~((for higher education institutions))~~. "Total anticipated cost" means the sum of the anticipated cost of the predesign, design, and construction phases of the project.

(2) Appropriations for design may not be expended or encumbered until the office of financial management has reviewed and approved the agency's predesign.

(3) The predesign must explore at least three project alternatives. These alternatives must be both distinctly different and viable solutions to the issue being addressed. The chosen alternative should be the most reasonable and cost-effective solution. The predesign document must include, but not be limited to, program, site, and cost analysis, and an analysis of the life-cycle costs of the alternatives explored, in accordance with the predesign manual adopted by the office of financial management.

(4) The office of financial management may make an exception to some or all of the predesign requirements in this section ~~((after notifying the legislative fiscal committees and waiting ten days for comment by the legislature regarding the proposed exception))~~. The office of financial management shall report any exception to the fiscal committees of the legislature and include: (a) A description of the major capital project for which the predesign waiver is made; (b) an explanation of the reason for the waiver; and (c) a rough order of magnitude cost estimate for the project's design and construction.

(5) In deliberations related to submitting an exception under this section, the office of financial management shall consider the following factors:

(a) Whether there is any determination to be made regarding the site of the project;

(b) Whether there is any determination to be made regarding whether the project will involve renovation, new construction, or both;

(c) Whether, within six years of submitting the request for funding, the agency has completed, or initiated the construction of, a substantially similar project;

(d) Whether there is any anticipated change to the project's program or the services to be delivered at the facility;

(e) Whether the requesting agency indicates that the project may not require some or all of the predesign requirements in this section due to a lack of complexity; and

(f) Whether any other factors related to project complexity or risk, as determined by the office of financial management, could reduce the need for, or scope of, a predesign.

(6) If under this section some or all predesign requirements are waived, the office of financial management may instead propose a professional project cost estimate instead of a request for predesign funding.

**NEW SECTION. Sec. 7004.** If Substitute House Bill No. 2936 (predesign) is not enacted by June 30, 2020, section 7003 of this act is null and void.

**Sec. 7005.** RCW 43.19.501 and 2018 c 2 s 7027 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. ~~((For the 2015-2017 biennium, moneys in the account may be used for studies related to real estate.))~~

During the ~~((2017-2019))~~ 2019-2021 fiscal biennium, 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.

**Sec. 7006.** 2019 c 413 s 7021 (uncodified) is amended to read as follows:

(1) The department of enterprise services, in consultation with the office of financial management, is granted the authority to sell the real property known as the Tacoma Rhodes complex. The property consists of the Broadway building, Market building, and parking garage.

(2) The department may negotiate a sale with the city of Tacoma for less than fair market value, but the purchase price must cover appraisal costs, all debt service, all closing costs, all financing contracts, and the cost of outstanding liabilities necessary to keep the department whole.

(3) If the department and the city of Tacoma are unable to negotiate agreed upon terms and execute a purchase and sale agreement by December 31, 2019, the department may sell the property to any purchaser for no less than fair market value.

(4) The terms and conditions of the sale must meet the business needs of the state tenants.

(5) Any sale proceeds remaining after the department has satisfied all of the obligations, including appraisal costs, all debt service, all closing costs, all financing contracts, and the cost of outstanding liabilities, must be deposited into the Thurston county capital facilities account. It is the intent of the legislature to use the sale proceeds for projects on the Capitol Campus.

**NEW SECTION. Sec. 7007.** A new section is added to 2019 c 413 (uncodified) to read as follows:

In order to accelerate the reduction of embodied carbon and improve the environmental performance of construction materials, agencies shall, whenever possible, review and consider embodied carbon reported in environmental product declarations when evaluating proposed structural materials for construction projects.

**Sec. 7008.** RCW 43.63A.750 and 2006 c 371 s 235 are each amended to read as follows:

(1) A competitive grant program to assist nonprofit organizations in acquiring, constructing, or rehabilitating performing arts, art museums, and cultural facilities is created.

(2)(a) The department shall submit a list of recommended performing arts, art museum projects, and cultural organization projects eligible for funding to the governor and the legislature in the department's biennial capital budget request beginning with the 2001-2003 biennium and thereafter. The list, in priority order, shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list shall not exceed twelve million dollars, except that lists submitted during the 2019-2021 fiscal biennium may not exceed sixteen million dollars.

(b) The department shall establish a competitive process to prioritize applications for state assistance as follows:

(i) The department shall conduct a statewide solicitation of project applications from nonprofit

organizations, local governments, and other entities, as determined by the department. The department shall evaluate and rank applications in consultation with a citizen advisory committee, including a representative from the state arts commission, using objective criteria. The evaluation and ranking process shall also consider local community support for projects and an examination of existing assets that applicants may apply to projects.

(ii) The department may establish the amount of state grant assistance for individual project applications but the amount shall not exceed twenty percent, or thirty-three and one-third percent for lists submitted during the 2019-2021 fiscal biennium, of the estimated total capital cost or actual cost of a project, whichever is less. The remaining portions of the project capital cost shall be a match from nonstate sources. The nonstate match may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions. The department is authorized to set matching requirements for individual projects. State assistance may be used to fund separate definable phases of a project if the project demonstrates adequate progress and has secured the necessary match funding.

(iii) The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects. In contracts for grants authorized under this section, the department shall include provisions requiring 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.

**Sec. 7009.** 2019 c 413 s 7038 (uncodified) is amended to read as follows:

UNIVERSITY OF WASHINGTON TRANSFER TO SEATTLE.

By June 30, 2020, the University of Washington must transfer the deed of the property and general purpose facility, King County parcel numbers 308500-2100, 713830-0015, and 713880-0025, located ~~((at))~~ near 2901 27th Avenue South, Seattle, to the city of Seattle for the purposes of developing affordable housing, including supportive housing, for households at or below eighty percent of the area median income and ~~((providing health care services in partnership with a public hospital system))~~ for other potential educational, research, and clinical uses by the university, including an early learning facility. ~~((The University of Washington may reserve easements in the transferred property at no cost to the university.))~~ If the university constructs and occupies space for its potential uses on the transferred property, then such space must be occupied at no base rent paid by the university. The transfer shall count toward the ~~((obligation))~~ commitment to build affordable housing under the university's institutional

campus master plan agreement. The city shall seek to maximize the affordable housing development potential of the property consistent with transit-oriented development principles. Liabilities existing on the property at the time of transfer will transfer with the property. When the deed is transferred to the city, any existing leases of the property expire, except those leases that the university and city have agreed to extend beyond the transfer date. The transfer must be at no cost to the city. As a condition of the transfer, the city of Seattle may only transfer the property to a nonprofit corporation or a unit of state or local government. For purposes of this section, a nonprofit corporation includes a:

(1) Nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal internal revenue code, a public corporation established under RCW 35.21.660, 35.21.670, or 35.21.730, a housing authority created under RCW 35.82.030 or 35.82.300, or a housing authority meeting the definition in RCW 35.82.210(2)(a); or

(2) Limited partnership or limited liability limited partnership where a nonprofit as defined in subsection (1) of this section is a general partner or a member of a single purpose entity serving as a general partner, in which all of the members meet the definition of subsection (1) of this section; or

(3) Limited liability company where a nonprofit as defined in subsection (1) of this section is a managing member or a member of a single purpose entity serving as a managing member in which all of the members meet the definition of subsection (1) of this section.

**NEW SECTION. Sec. 7010.** 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. 7011.** 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 DeBolt spoke in favor of the adoption of the striking amendment.

The striking amendment (2183) was adopted.

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

Representatives Tharinger, DeBolt, Doglio, Smith, Steele and Callan 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. 6248 as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6248, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6248, as amended by the House, having received the necessary constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Tharinger thanked the staff of the committee on Capital Budget for their hard work and dedication.

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

#### MOTION

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

ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 6515

The Speaker (Representative Orwall presiding) called upon Representative Callan to preside.

The Speaker assumed the chair.

#### SIGNED BY THE SPEAKER

The Speaker signed the following bills:

ENGROSSED HOUSE BILL NO. 1390  
THIRD SUBSTITUTE HOUSE BILL NO. 1504  
ENGROSSED THIRD SUBSTITUTE HOUSE BILL  
NO. 1775  
HOUSE BILL NO. 1841  
ENGROSSED HOUSE BILL NO. 1948  
HOUSE BILL NO. 2189  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2421  
HOUSE BILL NO. 2458

SECOND SUBSTITUTE HOUSE BILL NO. 2499  
     HOUSE BILL NO. 2505  
 SECOND SUBSTITUTE HOUSE BILL NO. 2513  
     SUBSTITUTE HOUSE BILL NO. 2554  
     SUBSTITUTE HOUSE BILL NO. 2634  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2642  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2645  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2660  
     HOUSE BILL NO. 2669  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2676  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2723  
     SUBSTITUTE HOUSE BILL NO. 2728  
     HOUSE BILL NO. 2739  
     ENGROSSED HOUSE BILL NO. 2811  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
     BILL NO. 2870  
     HOUSE BILL NO. 2903  
     SUBSTITUTE HOUSE BILL NO. 2905  
     HOUSE BILL NO. 2926  
     HOUSE BILL NO. 2943  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     5147  
 SECOND SUBSTITUTE SENATE BILL NO. 5149  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     5323  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     5385  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     5434  
 SECOND SUBSTITUTE SENATE BILL NO. 5601  
     SENATE BILL NO. 5613  
     SUBSTITUTE SENATE BILL NO. 5640  
     SENATE BILL NO. 5792  
     SENATE BILL NO. 5811  
 SECOND ENGROSSED SENATE BILL NO. 5887  
 SECOND SUBSTITUTE SENATE BILL NO. 6027  
 ENGROSSED SECOND SUBSTITUTE SENATE  
     BILL NO. 6087  
     SUBSTITUTE SENATE BILL NO. 6088  
     SENATE BILL NO. 6090  
 ENGROSSED SECOND SUBSTITUTE SENATE  
     BILL NO. 6128  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     6287  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     6300  
     SENATE BILL NO. 6305  
     SENATE BILL NO. 6312  
     SUBSTITUTE SENATE BILL NO. 6429  
 SECOND SUBSTITUTE SENATE BILL NO. 6561  
     SENATE BILL NO. 6565  
     SUBSTITUTE SENATE BILL NO. 6570  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     6592  
     SUBSTITUTE SENATE BILL NO. 6613  
     SUBSTITUTE SENATE BILL NO. 6660

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 11, 2020

Mme. SPEAKER:

The Senate has passed:

HOUSE BILL NO. 2903,  
HOUSE BILL NO. 2943,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 11, 2020

Mme. SPEAKER:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 6231,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

March 11, 2020

Mme. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

SECOND SUBSTITUTE SENATE BILL NO. 6478,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6641,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 11, 2020

Mme. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     1023,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1191,  
     ENGROSSED SECOND SUBSTITUTE HOUSE  
     BILL NO. 1521,  
     ENGROSSED HOUSE BILL NO. 1552,  
     HOUSE BILL NO. 1590,  
     ENGROSSED SECOND SUBSTITUTE HOUSE  
     BILL NO. 1783,  
     ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     1793,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1888,

HOUSE BILL NO. 2051,  
HOUSE BILL NO. 2230,  
SUBSTITUTE HOUSE BILL NO. 2302,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2327,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2342,  
SUBSTITUTE HOUSE BILL NO. 2374,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

### THIRD READING

#### MESSAGE FROM THE SENATE

March 10, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116 with the following amendment: 7011.0.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 7012.** The legislature recognizes that the federal every student succeeds act of 2015, P.L. 114-95, reauthorized and amended the elementary and secondary education act of 1965, the federal policy and funding assistance framework for the nation's public education system.

Two of the stated purposes of the every student succeeds act are to provide all children with a significant opportunity to receive a fair, equitable, and high quality education, and to close educational achievement gaps.

The legislature further recognizes that Article IX of the state Constitution provides that it is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex.

While the partnership of federal and state law is critical in ensuring that the civil and education rights of students are upheld, efforts in Washington to fully realize state and federal objectives, especially with respect to the delivery of education services in institutional facilities, remain unfinished.

The legislature, therefore, intends to establish a task force on improving institutional education programs and outcomes, with tasks and duties generally focused on educational programs in the juvenile justice system. In so doing, the legislature intends to examine issues that have not been significantly explored in recent years, build a shared understanding of past and present circumstances, and develop recommendations for improving the delivery of education services, and associated outcomes, for youth in institutional facilities.

NEW SECTION. **Sec. 7013.** (1)(a) The task force on improving institutional education programs and outcomes is established, with members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate, with each member serving on the committee with jurisdiction over education issues, and one member serving on the committee with jurisdiction over basic education funding.

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives, with one member serving on the committee with jurisdiction over education issues, and one member serving on the committee with jurisdiction over basic education funding.

(iii) The governor shall appoint one member each from the state board of education and the department of children, youth, and families, and one member representing an organization that provides free legal advice to youth who are involved in, or at risk of being involved in, the juvenile justice system.

(iv) The superintendent of public instruction shall appoint three members: One member representing the superintendent of public instruction; one member who is a principal from a school district with at least twenty thousand enrolled students that provides education services to a juvenile rehabilitation facility; and one member who is a teacher with expertise in providing education services to residents of a juvenile rehabilitation facility.

(v) The task force must also include one member representing the educational opportunity gap oversight and accountability committee, selected by the educational opportunity gap oversight and accountability committee.

(b) The task force shall choose its cochair from among its legislative membership. One cochair must be from a minority caucus in one of the two chambers of the legislature. A member from the majority caucus of the house of representatives shall convene the initial meeting of the task force by May 1, 2020.

(2) The task force shall examine the following issues:

(a) Goals and strategies for improving the coordination and delivery of education services to youth involved with the juvenile justice system, especially youth in juvenile rehabilitation facilities, and children receiving education services, including home or hospital instruction, under RCW 28A.155.090;

(b) The transmission of student records, including individualized education programs and plans developed under section 504 of the rehabilitation act of 1973, for students in institutional facilities, and recommendations for ensuring that those records are available to the applicable instructional staff within two business days of a student's admission to the institution;

(c) Goals and strategies for increasing the graduation rate of youth in institutional facilities, and in recognition of the transitory nature of youth moving through the juvenile

justice system, issues related to grade level progression and academic credit reciprocity and consistency to ensure that:

(i) Core credits earned in an institutional facility are considered core credits by public schools that the students subsequently attend; and

(ii) Public school graduation requirements, as they applied to a student prior to entering an institutional facility, remain applicable for the student upon returning to a public school;

(d) Goals and strategies for assessing adverse childhood experiences of students in institutional education and providing trauma-informed care;

(e) An assessment of the level and adequacy of basic and special education funding for institutional facilities. The examination required by this subsection (2)(e) must include information about the number of students receiving special education services in institutional facilities, and a comparison of basic and special education funding in institutional facilities and public schools during the previous ten school years;

(f) An assessment of the delivery methods, and their adequacy, that are employed in the delivery of special education services in institutional facilities, including associated findings;

(g) School safety, with a focus on school safety issues that are applicable in institutional facilities; and

(h) Special skills and services of faculty and staff, including associated professional development and nonacademic supports necessary for addressing social emotional and behavioral health needs presenting as barriers to learning for youth in institutional facilities.

(3) The task force, in completing the duties prescribed by this section, shall solicit and consider information and perspectives provided by the department of corrections and persons and entities with relevant interest and expertise, including from persons with experience reintegrating youth from institutional facilities into school and the community at large, and from persons who provide education services in secure facilities housing persons under the age of twenty-five, examples of which include county jails, juvenile justice facilities, and community facilities as defined in RCW 72.05.020.

(4) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research. The office of financial management, the office of the superintendent of public instruction, the department of children, youth, and families, and the department of corrections shall cooperate with the task force and provide information as the cochairs may reasonably request.

(5) Legislative members of the task force are to be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, government

entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(6) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(7) In accordance with RCW 43.01.036, the task force shall report its findings and recommendations to the governor and the appropriate committees of the house of representatives and the senate by December 15, 2020, in time for the legislature to take action on legislation that is consistent with the findings and recommendations during the 2021 legislative session. The findings and recommendations may also include recommendations for extending the duration of the task force.

(8) This section expires June 30, 2021.

**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."

On page 1, line 2 of the title, after "outcomes;" strike the remainder of the title and insert "creating new sections; providing an expiration date; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Callan and Steele 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. 2116, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2116, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba,

Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 5, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2441 with the following amendment:

7014.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 7015.** RCW 74.08A.260 and 2018 c 126 s 5 and 2018 c 58 s 8 are each reenacted and amended to read as follows:

(1) Each recipient shall be assessed after determination of program eligibility and before referral to job search. Assessments shall be based upon factors that are critical to obtaining employment, including but not limited to education, availability of child care, history of family violence, history of substance abuse, and other factors that affect the ability to obtain employment. Assessments may be performed by the department or by a contracted entity. The assessment shall be based on a uniform, consistent, transferable format that will be accepted by all agencies and organizations serving the recipient.

(2) Based on the assessment, an individual responsibility plan shall be prepared that: (a) Sets forth an employment goal and a plan for maximizing the recipient's success at meeting the employment goal; (b) considers WorkFirst educational and training programs from which the recipient could benefit; (c) contains the obligation of the recipient to participate in the program by complying with the plan; (d) moves the recipient into full-time WorkFirst activities as quickly as possible; and (e) describes the services available to the recipient either during or after WorkFirst to enable the recipient to obtain and keep employment and to advance in the workplace and increase the recipient's wage earning potential over time.

(3) Recipients who are not engaged in work and work activities, and do not qualify for a good cause exemption under RCW 74.08A.270, shall engage in self-directed service as provided in RCW 74.08A.330.

(4) If a recipient refuses to engage in work and work activities required by the department, after two months of continuous noncompliance, the family's grant shall be

reduced by the recipient's share(~~(, and may, if the department determines it appropriate, be terminated)~~) or by forty percent, whichever is greater, and must be terminated after twelve months of continuous noncompliance.

(5) The department (~~(may)~~) shall waive the penalties required under subsection (4) of this section, subject to a finding that the recipient refused to engage in work for good cause provided in RCW 74.08A.270.

(6) In consultation with the recipient, the department or contractor shall place the recipient into a work activity that is available in the local area where the recipient resides.

(7) Assessments conducted under this section shall include a consideration of the potential benefit to the recipient of engaging in financial literacy activities. The department shall consider the options for financial literacy activities available in the community, including information and resources available through the financial education public-private partnership created under RCW 28A.300.450. The department may authorize up to ten hours of financial literacy activities as a core activity or an optional activity under WorkFirst.

(8) Subsections (2) through (6) of this section are suspended for a recipient who is a parent or other relative personally providing care for a child under the age of two years. This suspension applies to both one and two parent families. However, both parents in a two-parent family cannot use the suspension during the same month. Nothing in this subsection shall prevent a recipient from participating in the WorkFirst program on a voluntary basis.

NEW SECTION. Sec. 7016. This act takes effect July 1, 2021.

NEW SECTION. Sec. 7017. This act applies prospectively only and not retroactively.

NEW SECTION. Sec. 7018. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2020, in the supplemental omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "families;" strike the remainder of the title and insert "reenacting and amending RCW 74.08A.260; creating new sections; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2441 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

Representative Eslick 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. 2441, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2441, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Paul.

SUBSTITUTE HOUSE BILL NO. 2441, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 10, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2711 with the following amendment:

7018.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that students in foster care, experiencing homelessness, or both, have the lowest high school graduation and postsecondary completion outcomes compared to other student populations. The legislature also finds that these students change schools at significantly higher rates than their general student population peers, and that these changes can disrupt academic progress. The legislature further finds that these students have disproportionate suspension and expulsion rates, and require special education services at much higher rates than other students.

(2) The legislature acknowledges that, as a result, only forty-six percent of Washington students who experienced foster care during high school, and fifty-five percent of students experiencing homelessness, graduated from high school on time in 2018. By comparison, the statewide four-year graduation rate for the class of 2019 was nearly eighty-one percent. Furthermore, students of color are disproportionately represented in the foster care system and in homeless student populations, and their academic outcomes are significantly lower than their white peers. Additionally, students who do not achieve positive education outcomes experience high rates of unemployment, poverty, adult homelessness, and incarceration.

(3) The legislature, therefore, intends to provide the opportunity for an equitable education for students in foster care, experiencing homelessness, or both. In accomplishing this goal, the legislature intends to achieve parity in education outcomes for these students, both in comparison to their general student population peers and throughout the education continuum of prekindergarten to postsecondary education.

(4) In 2018 the legislature directed the department of children, youth, and families and other entities in chapter 299, Laws of 2018, to convene a work group focused on students in foster care and students experiencing homelessness. The legislature resolves to continue this work group to improve education outcomes for these students.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The office of the superintendent of public instruction, in collaboration with the department of children, youth, and families, the office of homeless youth prevention and protection programs of the department of commerce, and the student achievement council, shall convene a work group to address the needs of students in foster care, experiencing homelessness, or both. Nothing in this section prevents the office of the superintendent of public instruction from using an existing work group created under the authority of section 223(1)(bb), chapter 299, Laws of 2018, with modifications to the membership and duties, to meet the requirements of this section. The work group, which shall seek to promote continuity with efforts resulting from section 223(1)(bb), chapter 299, Laws of 2018, must include representatives of nongovernmental agencies and representation from the educational opportunity gap oversight and accountability committee. The work group must also include four legislative members who possess experience in issues of education, the foster care system, and homeless youth, appointed as follows:

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(2) The work group shall develop recommendations to promote the following for students who are in foster care, experiencing homelessness, or both:

(a) The achievement of parity in education outcomes with the general student population; and

(b) The elimination of racial and ethnic disparities for education outcomes in comparison to the general student population.

(3) In developing the recommendations required by subsection (2) of this section, the work group shall:

(a) Review the education outcomes of students in foster care, experiencing homelessness, or both, by examining data, disaggregated by race and ethnicity, on:

(i) Kindergarten readiness, early grade reading and math, eighth and ninth grade students on track to graduate, high school completion, postsecondary enrollment, and postsecondary completion; and

(ii) School attendance, school mobility, special education status, and school discipline;

(b) Evaluate the outcomes, needs, and service array for students in foster care, experiencing homelessness, or both, and the specific needs of students of color and students with special education needs;

(c) Engage stakeholders, including students in foster care, experiencing homelessness, or both, foster parents and relative caregivers, birth parents, caseworkers, school districts and educators, early learning providers, postsecondary institutions, and federally recognized tribes, to provide input on the development of recommendations; and

(d)(i) Submit annual reports to the governor, the appropriate committees of the legislature, and the educational opportunity gap oversight and accountability committee by October 31, 2021, 2022, and 2023 that identify:

(A) Progress the state has made toward achieving education parity for students in foster care, experiencing homelessness, or both; and

(B) Recommendations that can be implemented using existing resources, rules, and regulations, and those that would require policy, administrative, and resource allocation changes prior to implementation.

(ii) Reports required by (d) of this subsection may include findings and recommendations regarding the feasibility of developing a case study to examine or implement recommendations of the work group.

(4) The work group, in accordance with RCW 43.01.036, must submit a final report to the governor, the appropriate committees of the legislature, and the educational opportunity gap oversight and accountability committee by July 1, 2024. The final report must include the recommendations required by subsection (2) of this section and may include a plan for achieving the recommendations specified in subsection (2) of this section.

(5) To assist the work group in the completion of its duties, the following apply:

(a) The office of the superintendent of public instruction, department of children, youth, and families, the student achievement council, and the office of homeless youth prevention and protection programs of the department of commerce shall provide updated education data and other necessary data to the education data center established under RCW 43.41.400; and

(b) The education data center shall provide annual reports to the work group regarding education outcomes specified in subsection (3)(a)(i) and (ii) of this section by March 31, 2021, 2022, and 2023. If state funds are not available to produce the reports, the work group may pursue supplemental private funds to fulfill the requirements of this subsection (5)(b).

(6) Nothing in this section permits disclosure of confidential information protected from disclosure under federal or state law, including but not limited to information protected under chapter 13.50 RCW. Confidential information received by the work group retains its confidentiality and may not be further disseminated except as permitted by federal and state law.

(7) For the purposes of this section, "students in foster care, experiencing homelessness, or both" includes students who are in foster care or experiencing homelessness, and students who have been homeless or in foster care, or both.

(8) This section expires December 31, 2024.

**Sec. 3.** RCW 74.13.1051 and 2017 3rd sp.s. c 6 s 405 are each amended to read as follows:

(1) In order to proactively support foster youth to complete high school, enroll and complete postsecondary education, and successfully implement their own plans for their futures, the department, the student achievement council, and the office of the superintendent of public instruction shall enter into, or revise existing, memoranda of understanding that:

(a) Facilitate student referral, data and information exchange, agency roles and responsibilities, and cooperation and collaboration among state agencies and nongovernmental entities; and

(b) Effectuate the transfer of responsibilities from the department to the office of the superintendent of public instruction with respect to the programs in RCW 28A.300.592, and from the department to the student achievement council with respect to the program in RCW 28B.77.250 in a smooth, expedient, and coordinated fashion.

(2) The student achievement council and the office of the superintendent of public instruction shall establish a set of indicators relating to the outcomes provided in RCW 28A.300.590 and 28A.300.592 to provide consistent services for youth, facilitate transitions among contractors, and support outcome-driven contracts. The student achievement council and the superintendent of public instruction shall collaborate with nongovernmental contractors and the department to develop a list of the most critical indicators, establishing a common set of indicators to be used in the outcome-driven contracts in RCW 28A.300.590 and 28A.300.592. ~~(A list of these indicators~~

must be included in the report provided in subsection (3) of this section.

~~(3) By November 1, 2017, and biannually thereafter, the department, the student achievement council, and the office of the superintendent of public instruction, in consultation with the nongovernmental entities engaged in public-private partnerships shall submit a joint report to the governor and the appropriate education and human services committees of the legislature regarding each of these programs, individually, as well as the collective progress the state has made toward the following goals:~~

~~(a) To make Washington number one in the nation for foster care graduation rates;~~

~~(b) To make Washington number one in the nation for foster care enrollment in postsecondary education; and~~

~~(c) To make Washington number one in the nation for foster care postsecondary completion.~~

~~(4) The department, the student achievement council, and the office of the superintendent of public instruction, in consultation with the nongovernmental entities engaged in public-private partnerships, shall also submit one report by November 1, 2018, to the governor and the appropriate education and human service committees of the legislature regarding the transfer of responsibilities from the department to the office of the superintendent of public instruction with respect to the programs in RCW 28A.300.592, and from the department to the student achievement council with respect to the program in RCW 28B.77.250 and whether these transfers have resulted in better coordinated services for youth.))~~

NEW SECTION. Sec. 4. RCW 28A.300.8001 (Plan for cross-system collaboration to promote educational stability and improve educational outcomes for foster children—Reports) and 2012 c 163 s 10 are each repealed."

On page 1, line 3 of the title, after "education;" strike the remainder of the title and insert "amending RCW 74.13.1051; adding a new section to chapter 28A.300 RCW; creating a new section; repealing RCW 28A.300.8001; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2711 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Johnson and Corry 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. 2711, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2711, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SUBSTITUTE HOUSE BILL NO. 2711, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### CONFERENCE COMMITTEE REPORT

March 11, 2020  
House Bill No. 2322

Includes "New Item": YES

Madame Speaker:

We of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 2322, Making supplemental transportation appropriations for the 2019-2021 fiscal biennium, have had the same under consideration and we recommend that:

Do pass as amended by the Conference Committee

and that the bill do pass as recommended by the Conference Committee:

Strike everything after the enacting clause and insert the following:

#### "2019-2021 FISCAL BIENNIUM

#### GENERAL GOVERNMENT AGENCIES— OPERATING

**Sec. 101.** 2019 c 416 s 103 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Motor Vehicle Account—State Appropriation	(( <u>\$1,403,000</u> ))
	<u>\$1,419,000</u>
Multimodal Transportation Account—State Appropriation	\$300,000
Puget Sound Ferry Operations Account—State Appropriation	(( <u>\$116,000</u> ))
	<u>\$121,000</u>
<b>TOTAL APPROPRIATION</b>	<b>\$1,819,000</b>
	<u><b>\$1,840,000</b></u>

The appropriations in this section are subject to the following conditions and limitations: \$300,000 of the multimodal transportation account—state appropriation is provided solely for the office of financial management, in direct coordination with the office of state treasurer, to evaluate, coordinate, and assist in efforts by state agencies in developing cost recovery mechanisms for credit card and other financial transaction fees currently paid from state funds. This may include disbursing interagency reimbursements for the implementation costs incurred by the affected agencies. As part of the first phase of this effort, the office of financial management, with the assistance of relevant agencies, must develop implementation plans and take all necessary steps to ensure that the actual cost-recovery mechanisms will be in place by January 1, 2020, for the vehicles and drivers programs of the department of licensing. By November 1, 2019, the office of financial management must provide a report to the joint transportation committee on the phase 1 implementation plan and options to expand similar cost recovery mechanisms to other state agencies and programs, including the ferries division.

**Sec. 102.** 2019 c 416 s 105 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

Motor Vehicle Account—State Appropriation	(( <u>\$1,357,000</u> ))
	<u>\$1,359,000</u>

**Sec. 103.** 2019 c 416 s 108 (uncodified) is amended to read as follows:

**FOR THE BOARD OF PILOTAGE COMMISSIONERS**

Pilotage Account—State Appropriation	(( <u>\$5,228,000</u> ))
	<u>\$6,040,000</u>

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

(1) \$3,125,000 of the pilotage account—state appropriation is provided solely for self-insurance liability premium expenditures; however, this appropriation is contingent upon the board:

(a) Annually depositing the first one hundred fifty thousand dollars collected through Puget Sound pilotage district pilotage tariffs into the pilotage account; and

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

(2) The board of pilotage commissioners shall file the annual report to the governor and chairs of the transportation committees required under RCW 88.16.035(1)(f) by September 1, 2019, and annually thereafter. The report must include the continuation of policies and procedures necessary to increase the diversity of pilots, trainees, and applicants, including a diversity action plan. The diversity action plan must articulate a comprehensive vision of the board's diversity goals and the steps it will take to reach those goals.

**Sec. 104.** 2019 c 416 s 109 (uncodified) is amended to read as follows:

**FOR THE HOUSE OF REPRESENTATIVES**

Motor Vehicle Account—State Appropriation	(( <u>\$2,861,000</u> ))
	<u>\$3,082,000</u>

**Sec. 105.** 2019 c 416 s 110 (uncodified) is amended to read as follows:

**FOR THE SENATE**

Motor Vehicle Account—State Appropriation	(( <u>\$2,998,000</u> ))
	<u>\$2,999,000</u>

**NEW SECTION. Sec. 106.** A new section is added to 2019 c 416 (uncodified) to read as follows: **FOR THE UNIVERSITY OF WASHINGTON**

Motor Vehicle Account—State Appropriation	\$250,000
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The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the motor vehicle account—state appropriation is provided solely for the University of Washington, Foster School of Business' Consulting and Business Development Center to conduct an analysis of workforce development needs of the Washington state ferries. Plan development should consider the findings from the 2019 Washington state ferries overtime report, including data trend analysis and insight gathered from discussions with Washington state ferries staff and unions. The report of the study findings and recommendations is due to the transportation committees of the legislature by January 11, 2021. The study must include, but is not limited to, the following:

(1) A description of the current workforce, including demographic composition, use of relief and temporary employees, and the numbers of management and supervisory staff compared to line workers;

(2) An analysis of vacancies by job class and collective bargaining unit, the causes of vacancies, and projections of how these dynamics may change going forward;

(3) An analysis of current strategies for filling vacancies, including the use of overtime, relief staff, on-call staff, hiring of additional or new employees, and a comparison of these strategies to determine which may be more cost-effective;

(4) An inventory of mandatory training and certification requirements as compared to training provided currently to state ferries employees;

(5) An analysis of the role of federal requirements and collective bargaining agreements in determining staffing levels, as well as current practices in workforce management and development;

(6) An analysis of barriers to implementing changes in workforce management or innovative approaches to workforce development; and

(7) Findings and recommendations regarding recruitment methods and needs, strategies on how to recruit and conduct outreach to underrepresented communities throughout the state, management of overtime and leave usage, ratio of management employees to line employees as compared to industry and public sector standards, and adequacy of training budgets to meet workforce development needs.

**TRANSPORTATION AGENCIES—  
OPERATING**

**Sec. 201.** 2019 c 416 s 201 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

Highway Safety Account—State Appropriation .....	<del>(\$4,588,000)</del>
	<u>\$4,675,000</u>
Highway Safety Account—Federal Appropriation .....	<del>(\$27,035,000)</del>
	<u>\$27,051,000</u>
Highway Safety Account—Private/Local Appropriation .....	\$118,000
School Zone Safety Account—State Appropriation .....	\$850,000
<b>TOTAL APPROPRIATION .....</b>	<del><b>\$32,591,000</b></del>
	<u><b>\$32,694,000</b></u>

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

(1) \$150,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 54 (~~Substitute Senate Bill No. 5710~~), Laws of 2019 (Cooper Jones Active Transportation Safety Council). If chapter 54 (~~Substitute Senate Bill No. 5710~~), Laws of

2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

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

(a) Any programs authorized by the commission must be authorized by December 31, ~~(2019)~~ 2020.

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

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

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

(ii) The law enforcement agency of the city or county government shall ~~((plainly mark the locations))~~ install two signs facing opposite directions within two hundred feet, or otherwise consistent with the uniform manual on traffic control devices, where the automated vehicle noise enforcement camera is used ~~((by placing signs on street locations that clearly indicate to a driver that he or she is entering a zone where traffic laws violations are being detected by automated vehicle noise enforcement cameras that record both audio and video))~~ that state "Street Racing Noise Pilot Program in Progress";

(iii) Cities testing the use of automated vehicle noise enforcement cameras must ~~((provide periodic notice by mail to its residents))~~ post information on the city web site and notify local media outlets indicating the zones in which the automated vehicle noise enforcement cameras will be used;

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

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

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

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

(vii) By June 30, 2021, the participating cities shall provide a report to the commission and appropriate committees of the legislature regarding the use, public acceptance, outcomes, warnings issued, data retention and use, and other relevant issues regarding automated vehicle noise enforcement cameras demonstrated by the pilot projects.

(3) The Washington traffic safety commission may oversee a demonstration project in one county, coordinating with a public transportation benefit area (PTBA) and the department of transportation, to test the feasibility and accuracy of the use of automated enforcement technology for high occupancy vehicle (HOV) lane passenger compliance. All costs associated with the demonstration project must be borne by the participating public transportation benefit area. Any photograph, microphotograph, or electronic images of a driver or passengers are for the exclusive use of the PTBA in the determination of whether an HOV passenger violation has occurred to test the feasibility and accuracy of automated enforcement under this subsection and are not open to the public and may not be used in a court in a pending action or proceeding. All photographs, microphotographs, and electronic images must be destroyed after determining a passenger count and no later than the completion of the demonstration project. No warnings or notices of infraction may be issued under the demonstration project.

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

The PTBA, in consultation with the Washington traffic safety commission, must provide a report to the transportation committees of the legislature with the number of violations detected during the demonstration project, whether the technology used was accurate and any recommendations for future use of automated enforcement technology for HOV lane enforcement by June 30, 2021.

(4)(a) The Washington traffic safety commission shall coordinate with each city that implements a pilot program as authorized in chapter . . . (Engrossed Substitute House Bill No. 1793), Laws of 2020 (automated traffic safety cameras) or chapter . . . (Substitute Senate Bill No. 5789), Laws of 2020 (automated traffic safety cameras) to provide the transportation committees of the legislature with the following information by June 30, 2021:

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

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

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

(b) If neither chapter . . . (Engrossed Substitute House Bill No. 1793), Laws of 2020 nor chapter . . . (Substitute Senate Bill No. 5789), Laws of 2020 is enacted by June 30, 2020, the conditions of this subsection (4) have no force and effect.

**Sec. 202.** 2019 c 416 s 202 (uncodified) is amended to read as follows:

**FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account—State Appropriation .....	\$1,137,000
Motor Vehicle Account—State Appropriation .....	<del>(\$2,803,000)</del>
	<u>\$2,920,000</u>
County Arterial Preservation Account—State Appropriation .....	\$1,677,000
TOTAL APPROPRIATION .....	<u>\$5,617,000</u>
	<u>\$5,734,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$58,000 of the motor vehicle account—state appropriation is provided solely for succession planning and training.

**Sec. 203.** 2019 c 416 s 203 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Transportation Improvement Account—State Appropriation .....	<del>(\$4,526,000)</del>
	<u>\$3,854,000</u>

**Sec. 204.** 2019 c 416 s 204 (uncodified) is amended to read as follows:

**FOR THE JOINT TRANSPORTATION COMMITTEE**

Motor Vehicle Account—State Appropriation .....	<del>(\$1,938,000)</del>
	<u>\$2,187,000</u>
Multimodal Transportation Account—State Appropriation .....	<del>(\$750,000)</del>
	<u>\$917,000</u>
Highway Safety Account—State Appropriation .....	\$275,000
TOTAL APPROPRIATION .....	<u>\$2,963,000</u>
	<u>\$3,379,000</u>

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

(1) \$400,000 of the motor vehicle account—state appropriation and \$50,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to conduct a comprehensive assessment of statewide transportation needs and priorities, and existing and potential transportation funding mechanisms to address those needs and priorities. The assessment must include: (a) Recommendations on the critical state and local transportation projects, programs, and services needed to achieve an efficient, effective, statewide transportation system over the next ten years; (b) a comprehensive menu of funding options for the legislature to consider to address the identified transportation system investments; ~~((and))~~ (c) recommendations on whether a revision to the statewide transportation policy goals in RCW 47.04.280 is warranted in light of the recommendations and options identified in (a) and (b) of this subsection; and (d) an analysis of the economic impacts of a range of future transportation investments. The assessment must be submitted to the transportation committees of the legislature by June 30, 2020. Starting July 1, 2020, and concluding by December 31, 2020, a committee-appointed commission or panel shall review the assessment and make final recommendations to the legislature for consideration during the 2021 legislative session on a realistic, achievable plan for funding transportation programs, projects, and services over the next ten years including a timeline for legislative action on funding the identified transportation system needs shortfall.

(2)(a) ~~(((\$450,000))~~ \$382,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to conduct an analysis of the electrification of public fleets in Washington state. The study must include the following:

(i) An inventory of existing public fleets for the state of Washington, counties, a sampling of cities, and public transit agencies. The inventory must differentiate among battery and fuel cell electric vehicles, hybrid vehicles, gasoline powered vehicles, and any other functional categories. Three cities from each of the following population ranges must be selected for the analysis:

(A) Population up to and including twenty-five thousand;

(B) Population greater than twenty-five thousand and up to and including fifty thousand;

(C) Population greater than fifty thousand and up to and including one hundred thousand;

(D) Population greater than one hundred thousand;

(ii) A review of currently available battery and fuel cell electric vehicle alternatives to the vehicle types most commonly used by the state, counties, cities, and public transit agencies. The review must include:

(A) The average vehicle cost differential among the commercially available fuel options;

(B) A cost benefit analysis of the conversion of different vehicle classes; and

(C) Recommendations for the types of vehicles that should be excluded from consideration due to insufficient alternatives, unreliable technology, or excessive cost;

(iii) The projected costs of achieving substantial conversion to battery and/or fuel cell electric fleets by 2025, 2030, and 2035 for the state, counties, cities, and public transit agencies. This cost estimate must include:

(A) Vehicle acquisition costs, charging and refueling infrastructure costs, and other associated costs;

(B) Financial constraints of each type of entity to transition to an electric vehicle fleet; and

(C) Any other identified barriers to transitioning to a battery and/or fuel cell electric vehicle fleet;

(iv) Identification and analysis of financing mechanisms that could be used to finance the transition of publicly owned vehicles to battery and fuel cell electric vehicles. These mechanisms include, but are not limited to: Energy or carbon savings performance contracting, utility grants and rebates, revolving loan funds, state grant programs, private third-party financing, fleet management services, leasing, vehicle use optimization, and vehicle to grid technology; and

(v) The predicted number and location profile of electric vehicle fueling stations needed statewide to provide fueling for the fleets of the state, counties, cities, and public transit agencies.

(b) In developing and implementing the study, the joint transportation committee must solicit input from representatives of the department of enterprise services, the department of transportation, the department of licensing, the department of commerce, the Washington state association of counties, the association of Washington cities, the Washington state transit association, transit agencies, and others as deemed appropriate.

(c) The joint transportation committee must issue a report of its findings and recommendations to the transportation committees of the legislature by September 30, 2020.

(3)(a) \$250,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to conduct a study of the feasibility of an east-west intercity passenger rail system. The study must include the following elements:

(i) Projections of potential ridership;

(ii) Review of relevant planning studies;

(iii) Establishment of an advisory group and associated meetings;

(iv) Development of a Stampede Pass corridor alignment to maximize ridership, revenue, and rationale, considering service to population centers: Auburn, Cle Elum, Yakima, Tri-Cities, Ellensburg, Toppenish, and Spokane;

(v) Assessment of current infrastructure conditions, including station stop locations;

(vi) Identification of equipment needs; and

(vii) Identification of operator options.

(b) A report of the study findings and recommendations is due to the transportation committees of the legislature by June 30, 2020.

(4)(a) \$275,000 of the highway safety fund—state appropriation is for a study of vehicle subagents in Washington state. The study must consider and include recommendations, as necessary, on the following:

(i) The relevant statutes, rules, and/or regulations authorizing vehicle subagents and any changes made to the relevant statutes, rules, and/or regulations;

(ii) The current process of selecting and authorizing a vehicle subagent, including the change of ownership process and the identification of any barriers to entry into the vehicle subagent market;

(iii) The annual business expenditures borne by each of the vehicle subagent businesses since fiscal year 2010 and identification of any materials, including office equipment and supplies, provided by the department of licensing to each vehicle subagent since fiscal year 2010. To accomplish this task, each vehicle subagent must provide expenditure data to the joint transportation committee for the purposes of this study;

(iv) The oversight provided by the county auditors and/or the department of licensing over the vehicle subagent businesses;

(v) The history of service fees, how increases to the service fee rate are made, and how the requested fee increase is determined;

(vi) The online vehicle registration renewal process and any potential improvements to the online process;

(vii) The department of licensing's ability to provide more vehicle licensing services directly, particularly taking into account the increase in online vehicle renewal transactions;

(viii) The potential expansion of services that can be performed by vehicle subagents; and

(ix) The process by which the geographic locations of vehicle subagents are determined.

(b) In conducting the study, the joint transportation committee must consult with the department of licensing, a representative of county auditors, and a representative of vehicle subagents.

(c) The joint transportation committee may collect any data from the department of licensing, county auditors, and vehicle subagents that is necessary to conduct the study.

(d) The joint transportation committee must issue a report of its findings and recommendations to the transportation committees of the legislature by September 30, 2020.

(5)(a) \$235,000 of the multimodal transportation account—state appropriation is for the joint transportation

committee to oversee a consultant study on rail safety governance best practices, by class of rail where applicable, and recommendations for the implementation of these best practices in Washington state. The study must assess rail safety governance for passenger and freight rail, including rail transit services, and must consider recommendations made by the national transportation safety board in its 2017 Amtrak passenger train 501 derailment accident report that are relevant to rail safety governance.

(b) The study must include the following components:

(i)(A) An assessment of rail safety oversight in Washington state that includes: (I) The rail safety oversight roles of federal, state, regional, and local agencies, including the extent to which federal and state laws govern these roles and the extent to which these roles would be modified should the suspended federal rules in 49 C.F.R. Part 270 take effect; (II) federal, state, regional, and local agency organizational structures and processes utilized to conduct rail safety oversight; and (III) coordination activities by federal, state, regional, and local agencies in conducting rail safety oversight;

(B) An examination of rail safety governance best practices by other states for the items identified in (a) of this subsection; and

(C) Recommendations for the implementation of best practices for rail safety governance in Washington state.

(ii) The study must address the extent to which additional safety oversight of rail project design and construction is used in other states and would be a recommended best practice for Washington state.

(c) The joint transportation committee shall consult with the Washington state department of transportation, the Washington state utilities and transportation commission, sound transit, the national transportation safety board, Amtrak, the federal railroad administration, BNSF railway company, one or more representatives of short line railroads, one or more representatives of labor, and other entities with rail safety expertise as necessary.

(d) The joint transportation committee must issue a report of its findings and recommendations on rail safety governance to the transportation committees of the legislature by January 6, 2021.

(6)(a) \$250,000 of the motor vehicle account—state appropriation is for the joint transportation committee to conduct a study of the feasibility of a private auto ferry between the state of Washington and British Columbia, Canada. The study must include the following elements:

(i) Expected impacts to ridership, revenue, and expenditures for Washington state ferries;

(ii) Expected impacts to ferry service provided to the San Juan Islands;

(iii) Possible terminal locations on Fidalgo Island;

(iv) Economic impacts to the Anacortes area if ferry service between the area and Vancouver Island ceases;

(v) Economic impacts to the San Juan Islands if ferry service or ferry tourism is reduced;

(vi) Expected impacts to family wage jobs in the marine industry for Washingtonians;

(vii) Expected impacts to ferry fares between the state of Washington and British Columbia, Canada;

(viii) Legal analysis of all state, federal, or Canadian laws or rules, including the Jones act and rules of the board of pilotage commissioners, that may apply to initiation of private service or cessation of state service; and

(ix) Options for encouraging private auto ferry service between the state of Washington and Vancouver Island, Canada.

(b) In conducting the study, the joint transportation committee must consult with the department of transportation, a representative of San Juan county, a representative of the city of Anacortes, a representative of the inland boatman's union, a representative of Puget Sound pilots, a representative of the port of Anacortes, a representative of the economic development alliance of Skagit county, and interested private ferry operators in Washington state.

(c) A report of the study findings and options is due to the transportation committees of the legislature by February 15, 2021.

**Sec. 205.** 2019 c 416 s 205 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION COMMISSION**

Motor Vehicle Account—State Appropriation .....	(\$2,893,000)
	\$2,324,000
<del>(Multimodal Transportation Account State Appropriation .....</del>	<del>\$112,000)</del>
Interstate 405 and state Route Number 167 Express Toll Lanes <del>(Operations)</del>	
Account—State Appropriation .....	(\$250,000)
	\$410,000
State Route Number 520 Corridor Account—State Appropriation .....	\$271,000
Tacoma Narrows Toll Bridge Account—State Appropriation .....	\$158,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation .....	\$136,000
TOTAL APPROPRIATION .....	\$3,255,000
	\$3,299,000

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

(1)(a) The commission shall reconvene the road usage charge steering committee, with the same membership described in chapter 297, Laws of 2018, and shall report at least once every three months to the steering committee with updates on report development for the completed road usage charge pilot project until the final report is submitted. The commission shall also report to the steering committee on any other activities undertaken in accordance with this subsection (1) as necessary to keep it apprised of new developments and to obtain input on its efforts. The final report on the road usage charge pilot project is due to the transportation committees of the legislature by January 1, 2020, and should include recommendations for necessary next steps to consider impacts to communities of color, low-income households, vulnerable populations, and displaced communities. Any legislative vacancies on the steering committee must be appointed by the speaker of the house of representatives for a house of representatives member vacancy, and by the president of the senate for a senate member vacancy.

(b)(i) The commission shall coordinate with the department of transportation to jointly seek federal funds available through the federal surface transportation system funding alternatives grant program, applying toll credits for meeting match requirements. One or more grant applications ~~((may))~~ shall be developed that ~~((, at a minimum,))~~ propose to:

~~((i))~~(A) ~~((Update the recommended road usage charge operational concepts and business case presented to the road usage charge steering committee to reflect a range of scenarios regarding fleet electrification and use of shared vehicles. The operational concepts must include technological or system features necessary to ensure collection of the road usage charge from electric vehicles and fleets of shared and/or autonomous vehicles, if applicable. The business case must assess a range of gross revenue impacts to a road usage charge and fuel taxes resulting from changes to total vehicle miles traveled under scenarios with varying degrees of shared, autonomous, and/or electric vehicle adoption rates;~~

~~(B) Develop a detailed plan for phasing in the implementation of road usage charges for vehicles operated in Washington, incorporating any updates to road usage charge policy recommendations made in (a) and (b)(i)(A) of this subsection and including consideration of methods for reducing the cost of collections for a road usage charge system in Washington state; and~~

~~(C) Examine the allocation of current gas tax revenues and possible frameworks for the allocation of road usage charge revenues that could be used to evaluate policy choices once road usage charge revenues comprise a significant share of state revenues for transportation purposes.) Create a framework for modeling the effects of a road usage charge on passenger and light-duty vehicles including, but not limited to, plug-in electric vehicles, autonomous vehicles, state fleets, and transportation network companies on a road usage charge system;~~

~~(B) Identify and measure potential disparate impacts of a road usage charge on designated populations, including~~

communities of color, low-income households, vulnerable populations, and displaced communities;

(C) Incorporate emerging approaches to mileage reporting, such as in-vehicle telematics, improved smartphone apps, and use of private businesses to provide odometer verification and mileage reporting services, into a road usage charge system;

(D) Conduct a series of facilitated work sessions with other states and private sector firms to identify opportunities to reduce the cost of collections for a road usage charge;

(E) Develop a road usage charge phase-in plan that incorporates findings from (b)(i)(A) through (D) of this subsection;

(F) Carry out a limited scale demonstration to test new mileage reporting methods; equity policies; cost reduction techniques; and collecting a road usage charge from passenger and light-duty vehicles including, but not limited to, plug-in electric vehicles, autonomous vehicles, state fleets, transportation network companies, and other new mobility services; and

(G) Produce a final report with recommendations and a recommended roadmap that details how a road usage charge could be appropriately scaled to fit state circumstances and that includes a framework for evaluating policy choices related to the use of road usage charge revenue.

(ii) A year-end report on the status of any federally-funded project for which federal funding is secured must be provided to the governor's office and the transportation committees of the legislature by January 1, 2020, and by January 1, 2021.

(c) \$150,000 of the motor vehicle account—state appropriation is provided solely for analysis of potential impacts of a road usage charge on communities of color, low-income households, vulnerable populations, and displaced communities. The analysis must include an assessment of potential mitigation measures to address these potential impacts. These funds must be held in unallotted status during the 2019-2021 fiscal biennium, and may only be used after the commission has provided notice to the office of financial management that it has exhausted all efforts to secure federal funds from the federal surface transportation system funding alternatives grant program under (b) of this subsection without successfully securing federal funding for the further study of a road usage charge. A year-end update on the status of this effort, if undertaken prior to the end of calendar year 2020, must be provided to the governor's office and the transportation committees of the legislature by January 1, 2021.

(2)(a) \$250,000 of the Interstate 405 and state route number 167 express toll lanes ((operations)) account—state appropriation is provided solely for the transportation commission to conduct a study, applicable to the Interstate 405 express toll lanes, of discounted tolls and other similar programs for low-income drivers that are provided by other states, countries, or other entities and how such a program could be implemented in the state of Washington. The

transportation commission may contract with a consultant to conduct all or a portion of this study.

(b) In conducting this study, the transportation commission shall consult with both the department of transportation and the department of social and health services.

(c) The transportation commission shall, at a minimum, consider the following issues when conducting the study of discounted tolls and other similar programs for low-income drivers:

(i) The benefits, requirements, and any potential detriments to the users of a program;

(ii) The most cost-effective way to implement a program given existing financial commitments, shared cost requirements across facilities, and technical requirements to execute and maintain a program;

(iii) The implications of a program for tolling policies, revenues, costs, operations, and enforcement; and

(iv) Any implications to tolled facilities based on the type of tolling implemented on a particular facility.

(d) The transportation commission shall provide a report detailing the findings of this study and recommendations for implementing a discounted toll or other appropriate program in the state of Washington to the transportation committees of the legislature by June 30, 2021.

(3) \$160,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$271,000 of the state route number 520 corridor account—state appropriation, \$158,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$136,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the transportation commission's proportional share of time spent supporting tolling operations for the respective tolling facilities.

(4) The legislature requests that the commission commence proceedings to name state route number 165 as The Glacier Highway to commemorate the significance of glaciers to the state of Washington.

**Sec. 206.** 2019 c 416 s 206 (uncodified) is amended to read as follows:

**FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Freight Mobility Investment Account—State  
Appropriation ..... ((~~\$813,000~~))  
\$772,000

**Sec. 207.** 2019 c 416 s 207 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**

State Patrol Highway Account—State Appropriation  
..... ((~~\$508,503,000~~))  
\$501,294,000

State Patrol Highway Account—Federal Appropriation .....	(\$16,069,000)
	<u>\$16,081,000</u>
State Patrol Highway Account—Private/Local Appropriation .....	(\$4,257,000)
	<u>\$4,258,000</u>
Highway Safety Account—State Appropriation .....	\$1,188,000
Ignition Interlock Device Revolving Account—State Appropriation .....	\$7,010,000
Multimodal Transportation Account—State Appropriation .....	\$286,000
<u>Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation</u> .....	<u>\$1,182,000</u>
<u>State Route Number 520 Corridor Account—State Appropriation</u> .....	<u>\$1,988,000</u>
<u>Tacoma Narrows Toll Bridge Account—State Appropriation</u> .....	<u>\$1,158,000</u>
<u>Alaskan Way Viaduct Replacement Project Account—State Appropriation</u> .....	<u>\$996,000</u>
TOTAL APPROPRIATION .....	<u>\$537,313,000</u>
	<u>\$535,441,000</u>

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

- (1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.
- (2) \$510,000 of the ignition interlock device revolving account—state appropriation is provided solely for the ignition interlock program at the Washington state patrol to provide funding for two staff to work and provide support for the program in working with manufacturers, service centers, technicians, and participants in the program.
- (3) \$1,424,000 of the state patrol highway account—state appropriation is provided solely to enter into an agreement for upgraded land mobile software, hardware, and equipment.
- (4) \$2,582,000 of the state patrol highway account—state appropriation is provided solely for the replacement of radios and other related equipment.

(5) \$343,000 of the state patrol highway account—state appropriation is provided solely for aerial criminal investigation tools, including software licensing and maintenance, and annual certification.

(6) (~~(\$514,000)~~) \$2,342,000 of the state patrol highway account—state appropriation is provided solely (~~for additional staff~~) to address the increase in the number of toxicology cases from impaired driving and death investigations.

(7) \$580,000 of the state patrol highway account—state appropriation is provided solely for the operation of and administrative support to the license investigation unit to enforce vehicle registration laws in southwestern Washington. The Washington state patrol, in consultation with the department of revenue, shall maintain a running estimate of the additional vehicle registration fees, sales and use taxes, and local vehicle fees remitted to the state pursuant to activity conducted by the license investigation unit. Beginning October 1, 2019, and quarterly thereafter, the Washington state patrol shall submit a report detailing the additional revenue amounts generated since July 1, 2017, to the director of the office of financial management and the transportation committees of the legislature. At the end of the calendar quarter in which it is estimated that more than \$625,000 in state sales and use taxes have been remitted to the state since July 1, 2017, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section 406 (~~of this act~~), chapter 416, Laws of 2019.

(8) \$18,000 of the state patrol highway account—state appropriation is provided solely for the license investigation unit to procure an additional license plate reader and related costs.

(9) The Washington state patrol and the office of financial management must be consulted by the department of transportation during the design phase of any improvement or preservation project that could impact Washington state patrol weigh station operations. During the design phase of any such project, the department of transportation must estimate the cost of designing around the affected weigh station's current operations, as well as the cost of moving the affected weigh station.

(10) \$4,210,000 of the state patrol highway account—state appropriation is provided solely for a third arming and a third trooper basic training class. The cadet class is expected to graduate in June 2021.

(11) \$65,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter 440 (~~Engrossed Second Substitute Senate Bill No. 5497~~), Laws of 2019 (immigrants in the workplace). If chapter 440 (~~Engrossed Second Substitute Senate Bill No. 5497~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(12)(a) The Washington state patrol must report quarterly to the house and senate transportation committees on the status of recruitment and retention activities as follows:

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

(b) By January 1, 2020, the Washington state patrol must submit to the transportation committees of the legislature and the governor a workforce diversity plan. The plan must identify ongoing, and both short-term and long-term, specific comprehensive outreach and recruitment strategies to increase populations underrepresented within both commissioned and noncommissioned employee groups.

(13) \$1,182,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$1,988,000 of the state route number 520 corridor account—state appropriation, \$1,158,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$996,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the Washington state patrol's proportional share of time spent supporting tolling operations and enforcement for the respective tolling facilities.

(14) \$100,000 of the state patrol highway account—state appropriation is provided solely for the implementation of Senate Bill No. 6218, Laws of 2020 (Washington state patrol retirement definition of salary), which reflects an increase in the Washington state patrol retirement system pension contribution rate of 0.15 percent for changes to the definition of salary. If Senate Bill No. 6218, Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

(15) The Washington state patrol is directed to terminate its "Agreement for Utility Connection and Reimbursement of Water Extension Expenses" with the city of Shelton, executed on June 12, 2017, subject to the city of Shelton's consent to terminate the agreement. The legislature finds that the water connection extension constructed by the Washington state patrol from the city of Shelton's water facilities to the Washington state patrol academy was necessary to meet the water supply needs of the academy. The legislature also finds that the water connection provides an ongoing water supply that is necessary to the operation of the training facility, that the state is making use of the water connection for these public activities, and that any future incidental use of the municipal infrastructure put in place to support these activities will not impede the Washington state patrol's ongoing use of the water connection extension. Therefore, the legislature determines that under the public policy of this state, reimbursement by any other entity is not required, notwithstanding any prior condition regarding contributions of other entities that Washington state patrol was required to satisfy prior to expenditure of the funds for

construction of the extension, and that the Washington state patrol shall terminate the agreement.

(16) \$975,000 of the state patrol highway account—state appropriation is provided solely for communications officers at the King county public safety answering point.

(17) \$830,000 of the state patrol highway account—state appropriation is provided solely for information technology security enhancements.

(18) \$150,000 of the state patrol highway account is provided solely for the Washington state patrol to work with the department of enterprise services and office of minority and women's business enterprises to contract for a workforce diversity strategic action plan. The successful consultant must have demonstrated expertise in workforce diversity research and an established record of assisting organizations in implementing diversity initiatives. The plan must include:

(a) Current and past employment data on the composition of the state patrol workforce generally and of its protective service workers;

(b) Research into the reasons for underrepresentation of minorities and women in the state patrol workforce;

(c) Research on best practices for recruiting across the state and from communities historically underrepresented in the Washington state patrol workforce;

(d) Case studies of law enforcement and other agencies that have successfully diversified their workforce; and

(e) A strategic plan with recommendations that will address disparities in the Washington state patrol employment ranks in both commissioned and noncommissioned personnel, with a focus on executive, command, and supervisory employees.

**Sec. 208.** 2019 c 416 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING**

Marine Fuel Tax Refund Account—State Appropriation .....	\$34,000
Motorcycle Safety Education Account—State Appropriation .....	(\$5,044,000)
	<u>\$5,052,000</u>
State Wildlife Account—State Appropriation .....	(\$536,000)
	<u>\$511,000</u>
Highway Safety Account—State Appropriation .....	(\$243,189,000)
	<u>\$242,965,000</u>
Highway Safety Account—Federal Appropriation .....	\$1,294,000
Motor Vehicle Account—State Appropriation .....	(\$77,219,000)

	<u>\$71,447,000</u>
<u>Motor Vehicle Account—Federal Appropriation</u>	<u>\$186,000</u>
Motor Vehicle Account—Private/Local Appropriation	(((\$2,858,000))
	<u>\$10,008,000</u>
Ignition Interlock Device Revolving Account—State Appropriation	(((\$6,143,000))
	<u>\$5,779,000</u>
Department of Licensing Services Account—State Appropriation	(((\$8,012,000))
	<u>\$7,696,000</u>
License Plate Technology Account—State Appropriation	\$4,250,000
Abandoned Recreational Vehicle Account—State Appropriation	\$2,925,000
Limousine Carriers Account—State Appropriation	\$113,000
<u>Electric Vehicle Account—State Appropriation</u>	<u>\$264,000</u>
DOL Technology Improvement & Data Management Account—State Appropriation	\$2,250,000
Agency Financial Transaction Account—State Appropriation	\$11,903,000
<b>TOTAL APPROPRIATION</b>	<b><u>\$365,770,000</u></b>
	<u>\$366,677,000</u>

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

(1) \$139,000 of the motorcycle safety education account—state appropriation is provided solely for the implementation of chapter 65 ((~~Substitute House Bill No. 1116~~)), Laws of 2019 (motorcycle safety). If chapter 65 ((~~Substitute House Bill No. 1116~~)), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(2) (~~(\$404,000 of the highway safety account—state appropriation is provided solely for a new driver testing system at the department. Pursuant to RCW 43.135.055 and 46.82.310, the department is authorized to increase driver training school license application and renewal fees in fiscal years 2020 and 2021, as necessary to fully support the cost of activities related to administration of the driver training school program, including the cost of the new driver testing system described in this subsection.~~

(~~3~~)) \$25,000 of the motorcycle safety education account—state appropriation, \$4,000 of the state wildlife account—state appropriation, \$1,708,000 of the highway safety account—state appropriation, \$576,000 of the motor

vehicle account—state appropriation, \$22,000 of the ignition interlock device revolving account—state appropriation, and \$28,000 of the department of licensing services account—state appropriation are provided solely for the department to fund the appropriate staff (~~(, other than data stewards,))~~ and necessary equipment and software for data management, data analytics, and data compliance activities. The department must, in consultation with the office of the chief information officer, construct a framework with goals for providing better data stewardship and a plan to achieve those goals. The department must provide the framework and plan to the transportation committees of the legislature by December 31, 2019, and an update by May 1, 2020. (~~Appropriations provided for the data stewardship and privacy project described in this subsection are subject to the conditions, limitations, and review provided in section 701 of this act.~~

(~~4~~)) (~~3~~) Appropriations provided for the cloud continuity of operations project in this section are subject to the conditions, limitations, and review provided in section 701 of this act.

(~~(6)~~)) (~~4~~) \$24,028,000 of the highway safety account—state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The department shall report on a quarterly basis on the use of these funds, associated workload, and information with comparative information with recent comparable months in prior years. The report must include detailed statewide and by licensing service office information on staffing levels, average monthly wait times, the number of enhanced drivers' licenses and enhanced identicards issued/renewed, and the number of primary drivers' licenses and identicards issued/renewed. Within the amounts provided in this subsection, the department shall implement efficiency measures to reduce the time for licensing transactions and wait times including, but not limited to, the installation of additional cameras at licensing service offices that reduce bottlenecks and align with the "keep your customer" initiative.

(~~(8)~~)) (~~5~~) \$507,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5419), Laws of 2019 (vehicle service fees) or chapter 417 (~~(Engrossed House Bill No. 1789)~~), Laws of 2019 (vehicle service fees). If neither chapter . . . (Substitute Senate Bill No. 5419), Laws of 2019 or chapter 417 (~~(Engrossed House Bill No. 1789)~~), Laws of 2019 are enacted by June 30, 2019, the amount provided in this subsection lapses.

(~~(10)~~)) (~~6~~) \$25,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 177 (~~(Engrossed House Bill No. 1996)~~), Laws of 2019 (San Juan Islands license plate). If chapter 177 (~~(Engrossed House Bill No. 1996)~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(~~(11)~~)) (~~7~~) \$24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 384 (~~(House Bill No. 2062)~~), Laws of 2019 (Seattle Storm license plate). If chapter 384 (~~(House Bill~~

~~No. 2062~~)), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((13))~~ (8) \$65,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 440 (~~((Engrossed Second Substitute Senate Bill No. 5497))~~), Laws of 2019 (immigrants in the workplace). If chapter 440 (~~((Engrossed Second Substitute Senate Bill No. 5497))~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((14))~~ (9) The appropriations in this section assume implementation of additional cost recovery mechanisms to recoup at least \$11,903,000 in credit card and other financial transaction costs as part of charges imposed for driver and vehicle fee transactions beginning January 1, 2020. At the direction of the office of financial management, the department must develop a method of tracking the additional amount of credit card and other financial cost-recovery revenues. In consultation with the office of financial management, the department must notify the state treasurer of these amounts and the state treasurer must deposit these revenues in the agency financial transaction account created in section 717 (~~(of this act)~~), chapter 416, Laws of 2019 on a quarterly basis.

~~((18))~~ (10) \$1,281,000 of the department of licensing service account—state appropriation is provided solely for savings from the implementation of chapter 417 (~~((Engrossed House Bill No. 1789))~~), Laws of 2019 (vehicle service fees). If chapter 417 (~~((Engrossed House Bill No. 1789))~~), Laws of 2019 is enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((19))~~ (11) \$2,650,000 of the abandoned recreational vehicle disposal account—state appropriation is provided solely for providing reimbursements in accordance with the department's abandoned recreational vehicle disposal reimbursement program. It is the intent of the legislature that the department prioritize this funding for allowable and approved reimbursements and not to build a reserve of funds within the account.

~~((20))~~ (12) \$20,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 210 (~~((Substitute House Bill No. 1197))~~), Laws of 2019 (Gold Star license plate). If chapter 210 (~~((Substitute House Bill No. 1197))~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((21))~~ (13) \$31,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 262 (~~((Substitute House Bill No. 1436))~~), Laws of 2019 (snow bikes). If chapter 262 (~~((Substitute House Bill No. 1436))~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((22))~~ (14) \$24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 139 (~~((House Bill No. 2058))~~), Laws of 2019 (Purple Heart license plate). If chapter 139 (~~((House Bill No. 2058))~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((23))~~ (15) \$24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 278 (~~((Engrossed House Bill No. 2067))~~), Laws of 2019 (vehicle and vessel owner information). If chapter 278 (~~((Engrossed House Bill No. 2067))~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((25))~~ (16) \$600,000 of the highway safety account—state appropriation is provided solely for the department to provide an interagency transfer to the department of social and health services, children's administration division for the purpose of providing driver's license support to a larger population of foster youth than is already served within existing resources. Support services include reimbursement of driver's license issuance costs, fees for driver training education, and motor vehicle liability insurance costs.

~~((26))~~ (17) The department must place personal and company data elements in separate data fields to allow the department to select discrete data elements when providing information or data to persons or entities outside the department. Pursuant to the restrictions in federal and state law, a person's photo, social security number, or medical information must not be made available through public disclosure or data being provided under RCW 46.12.630 or 46.12.635.

~~((30))~~ (18) \$91,000 of the highway safety account—state appropriation is provided solely for the department's costs related to the one Washington project.

~~((31) \$974,000)~~ (19) \$1,674,000 of the highway safety account—state appropriation is provided solely for communication and outreach activities necessary to inform the public of federally acceptable identification options including, but not limited to, enhanced drivers' licenses and enhanced identicards. The department shall continue the outreach plan that includes informational material that can be effectively communicated to all communities and populations in Washington. To accomplish this work, the department shall contract with an external vendor with demonstrated experience and expertise in outreach and marketing to underrepresented communities in a culturally-responsive fashion.

(20) Due to the passage of chapter 1 (Initiative Measure No. 976), Laws of 2020, the department, working with the office of financial management, shall provide a monthly report on the number of registrations involved and differences between actual collections and collections if the initiative was not subject to a temporary injunction as of December 5, 2019.

(21) The appropriations in this section assume full cost recovery for the administration and collection of a motor vehicle excise tax on behalf of any regional transit authority pursuant to section 706 of this act.

(22) \$24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 1255), Laws of 2020 (Patches pal special license plate). If chapter . . . (Substitute

House Bill No. 1255), Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

(23) \$24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Second Substitute House Bill No. 2050), Laws of 2020 (Washington wine special license plate). If chapter . . . (Engrossed Second Substitute House Bill No. 2050), Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

(24) \$24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 2085), Laws of 2020 (Mt. St. Helens special license plate). If chapter . . . (Engrossed Substitute House Bill No. 2085), Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

(25) \$24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2187), Laws of 2020 (women veterans special license plate) or chapter . . . (Senate Bill No. 6433), Laws of 2020 (women veterans special license plate). If neither chapter . . . (Substitute House Bill No. 2187), Laws of 2020 nor chapter . . . (Senate Bill No. 6433), Laws of 2020 is enacted by June 30, 2020, the amount provided in this subsection lapses.

(26) \$107,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed House Bill No. 2188), Laws of 2020 (military veterans commercial driver's license waivers) or chapter . . . (Second Substitute Senate Bill No. 5544), Laws of 2020 (military veterans commercial driver's license waivers). If neither chapter . . . (Engrossed House Bill No. 2188), Laws of 2020 nor chapter . . . (Second Substitute Senate Bill No. 5544), Laws of 2020 is enacted by June 30, 2020, the amount provided in this subsection lapses.

(27) \$50,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2353), Laws of 2020 (fire trailer registrations). If chapter . . . (Substitute House Bill No. 2353), Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

(28) \$114,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2607), Laws of 2020 (homeless youth identicards) or chapter . . . (Senate Bill No. 6304), Laws of 2020 (homeless youth identicards). If neither chapter . . . (Substitute House Bill No. 2607), Laws of 2020 nor chapter . . . (Senate Bill No. 6304), Laws of 2020 is enacted by June 30, 2020, the amount provided in this subsection lapses.

(29) \$24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (House Bill No. 2669), Laws of 2020 (Seattle national hockey league special license plate) or chapter . . . (Senate Bill No. 6562), Laws of 2020 (Seattle national hockey league special license plate). If neither chapter . . . (House Bill No. 2669), Laws of 2020 nor chapter . . . (Senate

Bill No. 6562), Laws of 2020 is enacted by June 30, 2020, the amount provided in this subsection lapses.

(30) \$14,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 2723), Laws of 2020 (off-road vehicle enforcement) or chapter . . . (Senate Bill No. 6115), Laws of 2020 (off-road vehicle enforcement). If neither chapter . . . (Engrossed Substitute House Bill No. 2723), Laws of 2020 nor chapter . . . (Senate Bill No. 6115), Laws of 2020 is enacted by June 30, 2020, the amount provided in this subsection lapses.

(31) \$105,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (House Bill No. 2491), Laws of 2020 (tribal vehicles compact) or chapter . . . (Senate Bill No. 6251), Laws of 2020 (tribal vehicles compact). If neither chapter . . . (House Bill No. 2491), Laws of 2020 nor chapter . . . (Senate Bill No. 6251), Laws of 2020 (tribal vehicles compact) is enacted by June 30, 2020, the amount provided in this subsection lapses.

(32) \$57,000 of the state wildlife account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 6072), Laws of 2020 (state wildlife account). If chapter . . . (Substitute Senate Bill No. 6072), Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

(33) \$19,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Senate Bill No. 6032), Laws of 2020 (apples special license plate). If chapter . . . (Engrossed Senate Bill No. 6032), Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

(34) \$19,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute Senate Bill No. 5591), Laws of 2020 (stolen vehicle check). If chapter . . . (Engrossed Substitute Senate Bill No. 5591), Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

(35) Within the amounts appropriated in this section, the department shall relocate, or finish relocating, the licensing service offices in Lacey, Tacoma, and Bellevue-Redmond and make emergency repairs to the licensing service office in Vancouver.

(36) \$40,000 of the department of licensing services account—state appropriation is provided solely for the department to report to the governor and chairs of the transportation committees of the legislature by December 1, 2020, with a proposed plan to allow the registered owner of a vehicle, or the registered owner's authorized representative, to voluntarily enter into either a quarterly or monthly payment plan with the department to pay vehicle fees or taxes due at the time of application for renewal vehicle registration. The plan must include: (a) An analysis of the administrative costs associated with allowing the payment plans; (b) the estimated revenue impact by fund or account, including impacts to local governments; and (c) the

recommended method to achieve the greatest level of customer payment compliance.

(37)(a) Within available resources, and in collaboration with the department of revenue, the department of licensing shall evaluate the effectiveness of chapter 218, Laws of 2017, in improving compliance with state laws relating to the registration of off-road vehicles, including the payment of retail sales and use tax. The department of licensing shall recommend any statutory, administrative, or other changes needed to optimize and further strengthen the compliance, including an implementation timeline and corresponding resource requirements. Among its recommendations, the department of licensing must address potential changes to the process under RCW 46.93.210 by which the department notifies persons whose vehicles may not be properly registered in the state. The department shall submit a report to the governor and the transportation committees of the legislature by December 15, 2020.

(b) If chapter . . . (Engrossed Substitute House Bill No. 2723), Laws of 2020 is enacted by June 30, 2020, this subsection has no force and effect.

**Sec. 209.** 2019 c 416 s 209 (uncodified) is amended to read as follows:

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

~~((High Occupancy Toll Lanes Operations Account—State~~

~~Appropriation ..... \$3,774,000  
Motor Vehicle Account State Appropriation ..... (\$513,000))~~

State Route Number 520 Corridor Account—State  
Appropriation .....((~~\$43,773,000~~))  
\$59,059,000

State Route Number 520 Civil Penalties Account—State  
Appropriation ..... \$4,145,000

Tacoma Narrows Toll Bridge Account—State  
Appropriation .....((~~\$27,807,000~~))  
\$33,806,000

Alaskan Way Viaduct Replacement Project Account—State  
Appropriation .....((~~\$20,061,000~~))  
\$21,616,000

Interstate 405 and State Route Number 167 Express Toll Lanes ((~~Operations~~)) Account—State  
Appropriation .....((~~\$18,329,000~~))  
\$27,457,000

TOTAL APPROPRIATION.....\$118,402,000  
\$146,083,000

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

(1) \$1,300,000 of the Tacoma Narrows toll bridge account—state appropriation and \$11,034,000 of the state route number 520 corridor account—state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this subsection, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

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

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

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

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

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

(3)(a) ~~((~~\$71,000~~))~~ \$2,114,000 of the ~~((high occupancy))~~ Interstate 405 and state route number 167 express toll lanes ((~~operations~~)) account—state appropriation, ~~((~~\$1,238,000~~))~~ \$4,920,000 of the state route

number 520 corridor account—state appropriation, (~~(\$532,000)~~) \$2,116,000 of the Tacoma Narrows toll bridge account—state appropriation, (~~(\$460,000 of the Interstate 405 express toll lanes operations account state appropriation,)~~) and (~~(\$699,000)~~) \$2,776,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the department to finish implementing a new tolling customer service toll collection system, and are subject to the conditions, limitations, and review provided in section 701 of this act.

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

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

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

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

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

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

- (i) The number of notices of civil penalty issued;
- (ii) The number of recipients who pay before the notice becomes a penalty;
- (iii) The number of recipients who request a hearing and the number who do not respond;
- (iv) Workload costs related to hearings;
- (v) The cost and effectiveness of debt collection activities; and
- (vi) Revenues generated from notices of civil penalty; and

(e) A summary of toll revenue by facility on all operating toll facilities and (~~(high occupancy)~~) express toll lane systems, and an itemized depiction of the use of that revenue.

(5) (~~(\$17,517,000)~~) \$24,735,000 of the Interstate 405 and state route number 167 express toll lanes (~~(operations)~~) account—state appropriation is provided solely for operational costs related to the express toll lane facility.

(6) In calendar year 2021, toll equipment on the Tacoma Narrows Bridge will have reached the end of its operational life. During the 2019-2021 fiscal biennium, the department plans to issue a request for proposals as the first stage of a competitive procurement process that will replace the toll equipment and select a new tolling operator for the Tacoma Narrows Bridge. The request for proposals and subsequent competitive procurement must incorporate elements that prioritize the overall goal of lowering costs per transaction for the facility, such as incentives for innovative approaches which result in lower transactional costs, requests for efficiencies on the part of the bidder that lower operational costs, and incorporation of technologies such as self-serve credit card machines or other point-of-payment technologies that lower costs or improve operational efficiencies.

(7) (~~(\$19,362,000)~~) \$18,840,000 of the Alaskan Way viaduct replacement project account—state appropriation is provided solely for the new state route number 99 tunnel toll facility's expected share of collecting toll revenues, operating customer services, and maintaining toll collection systems. The legislature expects to see appropriate reductions to the other toll facility accounts once tolling on the new state route number 99 tunnel toll facility commences and any previously incurred costs for start-up of the new facility are charged back to the Alaskan Way viaduct replacement project account. The office of financial management shall closely monitor the application of the cost allocation model and ensure that the new state route number 99 tunnel toll facility is adequately sharing costs and the other toll facility accounts are not being overspent or subsidizing the new state route number 99 tunnel toll facility.

(8) (~~(\$256,000)~~) \$608,000 of the (~~(high occupancy toll lanes operations account—state appropriation and \$352,000 of the)~~) Interstate 405 and state route number 167 express toll lanes (~~(operations)~~) account—state appropriation are provided solely for increased levels of service from the Washington state patrol for enforcement of toll lane violations on the (~~(state route number 167 high occupancy toll lanes and the)~~) Interstate 405 and state route number 167 express toll lanes. The department shall compile monthly data on the number of Washington state patrol enforcement hours on each facility and the percentage of time during peak hours that speeds are at or above forty-five miles per hour on each facility. The department shall provide this data in a report to the transportation committees of the legislature on at least a calendar quarterly basis.

(9) The department shall develop an ongoing cost allocation method to assign appropriate costs to each of the toll funds for services provided by each Washington state department of transportation program and all relevant transportation agencies, including the Washington state patrol and the transportation commission. This method should update the toll cost allocation method used in the 2020 supplemental transportation appropriations act. By December 1, 2020, a report with the recommended method

and any changes or potential impacts to toll rates shall be submitted to the transportation committees of the legislature and the office of financial management.

**Sec. 210.** 2019 c 416 s 210 (uncodified) is amended to read as follows:

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

Transportation Partnership Account—State Appropriation .....	\$1,460,000
Motor Vehicle Account—State Appropriation .....	<del>(\$94,993,000)</del>
	<u>\$96,331,000</u>
Puget Sound Ferry Operations Account—State Appropriation .....	\$263,000
Multimodal Transportation Account—State Appropriation .....	\$2,878,000
State Transportation 2003 Account (Nickel Account)—State Appropriation .....	\$1,460,000
TOTAL APPROPRIATION .....	<del>\$101,054,000</del>
	<u>\$102,392,000</u>

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

(1) \$8,114,000 of the motor vehicle account—state appropriation is provided solely for the development of the labor system replacement project and is subject to the conditions, limitations, and review provided in section 701 of this act. It is the intent of the legislature that if any portion of the labor system replacement project is leveraged in the future for the time, leave, and labor distribution of any other agencies, the motor vehicle account will be reimbursed proportionally for the development of the system since amounts expended from the motor vehicle account must be used exclusively for highway purposes in conformance with Article II, section 40 of the state Constitution. This must be accomplished through a loan arrangement with the current interest rate under the terms set by the office of the state treasurer at the time the system is deployed to additional agencies. If the motor vehicle account is not reimbursed for future use of the system, it is further the intent of the legislature that reductions will be made to central service agency charges accordingly. The department shall provide a report to the transportation committees of the legislature by December 31, 2019, detailing the project timeline as of July 1, 2019, an updated project timeline if necessary, expenditures made to date for the purposes of this project, and expenditures projected through the remainder of the project timeline.

(2) ~~(\$198,000)~~ \$1,375,000 of the motor vehicle account—state appropriation is provided solely for the department's cost related to the one Washington project.

(3) \$21,500,000 of the motor vehicle account—state appropriation is provided solely for the activities of the information technology program in developing and maintaining information systems that support the operations and program delivery of the department, ensuring compliance with section 701 of this act, and the requirements of the office of the chief information officer under RCW 43.88.092 to evaluate and prioritize any new financial and capital systems replacement or modernization project and any other information technology project. During the 2019-2021 fiscal biennium, the department ~~((is prohibited from using))~~ may use the distributed direct program support or ~~((any))~~ a new ~~((financial and))~~ capital systems replacement or modernization project ~~((without having the project evaluated and prioritized by the office of the chief information officer and submitting)).~~ The department shall submit a decision package for implementation of a new capital systems replacement project to the governor and the transportation committees of the legislature as part of the normal budget process for the 2021-2023 biennium.

**Sec. 211.** 2019 c 416 s 211 (uncodified) is amended to read as follows:

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

Motor Vehicle Account—State Appropriation .....	<del>(\$33,149,000)</del>
	<u>\$34,807,000</u>
State Route Number 520 Corridor Account—State Appropriation .....	\$34,000
TOTAL APPROPRIATION .....	<del>\$33,183,000</del>
	<u>\$34,841,000</u>

**Sec. 212.** 2019 c 416 s 212 (uncodified) is amended to read as follows:

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

Aeronautics Account—State Appropriation .....	<del>(\$7,635,000)</del>
	<u>\$7,743,000</u>
Aeronautics Account—Federal Appropriation .....	<del>(\$2,542,000)</del>
	<u>\$3,043,000</u>
Aeronautics Account—Private/Local Appropriation .....	\$60,000
TOTAL APPROPRIATION .....	<del>\$10,237,000</del>
	<u>\$10,846,000</u>

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

(1) ~~(((\$2,751,000))~~ \$2,862,000 of the aeronautics account—state appropriation is provided solely for the airport aid grant program, which provides competitive grants to public use airports for pavement, safety, maintenance, planning, and security.

(2) ~~(((\$468,000))~~ \$268,000 of the aeronautics account—state appropriation is provided solely for one FTE dedicated to planning aviation emergency services and addressing emerging aeronautics requirements ~~(, and for the implementation of chapter . . . (House Bill No. 1397), Laws of 2019 (electric aircraft work group), which extends the electric aircraft work group past its current expiration and allows WSDOT to employ a consultant to assist with the work group. If chapter . . . (House Bill No. 1397), Laws of 2019 is not enacted by June 30, 2019, \$200,000 of the amount in this subsection lapses.))~~

(3) \$200,000 of the aeronautics account—state appropriation is provided solely for the department to convene an electric aircraft work group to study the state of the electrically powered aircraft industry and assess infrastructure needs related to the deployment of electric or hybrid-electric aircraft for commercial air travel in Washington state.

(a) The chair of the work group may be a consultant specializing in aeronautics. The work group must include, but is not limited to, representation from the electric aircraft industry, the aircraft manufacturing industry, electric utility districts, the battery industry, the department of commerce, the department of transportation aviation division, the airline pilots association, a primary airport representing an airport association, and the airline industry.

(b) The study must include, but is not limited to:

(i) Infrastructure requirements necessary to facilitate electric aircraft operations at airports;

(ii) Potential economic and public benefits including, but not limited to, the direct and indirect impact on the number of manufacturing and service jobs and the wages from those jobs in Washington state;

(iii) Potential incentives for industry in the manufacturing and operation of electric aircraft for regional air travel;

(iv) Educational and workforce requirements for manufacturing and maintaining electric aircraft;

(v) Demand and forecast for electric aircraft use to include expected timeline of the aircraft entering the market given federal aviation administration certification requirements;

(vi) Identification of up to six airports in Washington state that may benefit from a pilot program once an electrically propelled aircraft for commercial use becomes available; and

(vii) Recommendations to further the advancement of the electrification of aircraft for regional commercial use within Washington state, including specific, ~~((measureable))~~ measurable goals for the years 2030, 2040, and 2050 that

reflect progressive and substantial increases in the utilization of electric and hybrid-electric commercial aircraft.

(c) The work group must submit a report and accompanying recommendations to the transportation committees of the legislature by November 15, 2020.

~~((d) If chapter . . . (House Bill No. 1397), Laws of 2019 is enacted by June 30, 2019, the amount provided in this subsection (3) lapses.))~~

(4) ~~(((\$150,000))~~ \$350,000 of the aeronautics account—state appropriation is provided solely for the implementation of chapter 396 ~~((Substitute Senate Bill No. 5370))~~, Laws of 2019 (aviation coordinating commission). ~~((If chapter 396 (Substitute Senate Bill No. 5370), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.))~~

(5) Within amounts appropriated in this section, the aviation division of the department shall assist and consult with the department of revenue in their efforts to update the document titled "Washington Action Plan - FAA Policy Concerning Airport Revenue" to reflect changes to Washington tax code regarding hazardous substances. The department of revenue, in consultation with the aviation division of the Washington state department of transportation, is tasked with developing and recommending a methodology to segregate and track actual amounts collected from the hazardous substance tax under chapter 82.21 RCW and the petroleum products tax under chapter 82.23A RCW as imposed on aviation fuel. The department of revenue is directed to submit a report, including the recommended methodology, to the fiscal committees of the house of representatives and the senate by January 11, 2021.

**Sec. 213.** 2019 c 416 s 213 (uncodified) is amended to read as follows:

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

Motor Vehicle Account—State Appropriation	.....	<del>(((\$59,801,000))</del>
		<u>\$59,788,000</u>
Motor Vehicle Account—Federal Appropriation	.....	\$500,000
Multimodal Transportation Account—State Appropriation	.....	\$258,000
<b>TOTAL APPROPRIATION</b>	.....	<del>\$60,559,000</del>
		<u>\$60,546,000</u>

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

(1) The legislature recognizes that the trail known as the Rocky Reach Trail, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on state route number 2 and the coincident section of state route number 97. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT

Inventory Control (IC) No. 2-09-04686 containing the trail and associated buffer areas to the Washington state parks and recreation commission is consistent with the public interest. The legislature directs the department to transfer the property to the Washington state parks and recreation commission.

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

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

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

(2) With respect to Parcel 12 of the real property conveyed by the state of Washington to the city of Mercer Island under that certain quitclaim deed, dated April 19, 2000, recorded in King county under recording no. 20000425001234, the requirement in the deed that the property be used for road/street purposes only will be deemed satisfied by the department of transportation so long as commuter parking, as part of the vertical development of the property, is one of the significant uses of the property.

(3) \$1,600,000 of the motor vehicle account—state appropriation is provided solely for real estate services activities. Consistent with RCW 47.12.120 and during the 2019-2021 fiscal biennium, when initiating, extending, or renewing any rent or lease agreements with a regional transit authority, consideration of value must be equivalent to one hundred percent of economic or market rent.

(4)(a) \$100,000 of the motor vehicle account—state appropriation is provided solely for the department to:

(i) Determine the real property owned by the state of Washington and under the jurisdiction of the department in King county that is surplus property located in an area encompassing south of Dearborn Street in Seattle, south of Newcastle, west of SR 515, and north of South 216th to SR 515; and

(ii) Use any remaining funds after (a)(i) of this subsection is completed to identify additional real property across the state owned by the state of Washington and under the jurisdiction of the department that is surplus property.

(b) The department shall provide a report to the transportation committees of the legislature describing the properties it has identified as surplus property under (a) of this subsection by October 1, 2020.

**Sec. 214.** 2019 c 416 s 214 (uncodified) is amended to read as follows:

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

Motor Vehicle Account—State Appropriation .....	\$670,000
Electric Vehicle Account—State Appropriation .....	\$2,000,000
Multimodal Transportation Account—State Appropriation .....	\$1,634,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$4,304,000</b>

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

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

(2) \$350,000 of the multimodal transportation account—state appropriation is provided solely for the department to execute a transit oriented development pilot project at Kingsgate park and ride in Kirkland intended to be completed by December 31, 2023. The purpose of the pilot project is to demonstrate how appropriate department properties may be used to provide multiple public benefits such as affordable and market rate housing, commercial development, and institutional facilities in addition to transportation purposes. To accomplish the pilot project, the department is authorized to exercise all legal and administrative powers authorized in statute that may include, but is not limited to, the transfer, lease, or sale of some or all of the property to another governmental agency, public development authority, or nonprofit developer approved by the department and partner agencies. The department may also partner with sound transit, King county, the city of Kirkland, and any other federal, regional, or local jurisdiction on any policy changes necessary from those jurisdictions to facilitate the pilot project. By December 1, 2019, the department must report to the legislature on any legislative actions necessary to facilitate the pilot project and future transit oriented development projects.

(3) \$2,000,000 of the electric vehicle account—state appropriation is provided solely for the clean alternative fuel vehicle charging and refueling infrastructure program in chapter 287 (~~Engrossed Second Substitute House Bill No. 2042~~), Laws of 2019 (advancing green transportation adoption). (~~If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.~~)

(4) \$1,200,000 of the multimodal transportation account—state appropriation is provided solely for the pilot program established under chapter 287 (~~Engrossed Second Substitute House Bill No. 2042~~), Laws of 2019 (advancing

green transportation adoption) to provide clean alternative fuel vehicle use opportunities to underserved communities and low to moderate income members of the workforce not readily served by transit or located in transportation corridors with emissions that exceed federal or state emissions standards. ~~((If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.))~~

\$513,575,000

(5) \$84,000 of the multimodal transportation account—state appropriation is provided solely for an interagency transfer to the department of commerce for the purpose of conducting a study as described in chapter 287 ~~((Engrossed Second Substitute House Bill No. 2042))~~, Laws of 2019 (advancing green transportation adoption) to identify opportunities to reduce barriers to electric vehicle adoption by lower income residents of the state through the use of vehicle and infrastructure financing assistance. ~~((If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.))~~

(6) Building on the information and experience gained from the transit oriented development project at the Kingsgate park and ride, the department must identify a pilot park and ride with future public-private partnership development potential in Pierce county and report back to the transportation committees of the legislature by June 30, 2021, with a proposal for moving forward with a pilot project.

**Sec. 215.** 2019 c 416 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M**

Motor Vehicle Account—State Appropriation .....	<del>(\$495,228,000)</del>	<u>\$486,514,000</u>
Motor Vehicle Account—Federal Appropriation .....	\$7,000,000	
State Route Number 520 Corridor Account—State Appropriation .....	\$4,447,000	
Tacoma Narrows Toll Bridge Account—State Appropriation .....	\$1,549,000	
Alaskan Way Viaduct Replacement Project Account—State Appropriation .....	<del>(\$9,533,000)</del>	<u>\$9,537,000</u>
Interstate 405 <u>and State Route Number 167</u> Express Toll Lanes <del>((Operations))</del> Account—State Appropriation .....	<del>(\$1,370,000)</del>	<u>\$4,528,000</u>
<b>TOTAL APPROPRIATION .....</b>	<b>\$519,127,000</b>	

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

(1)(a) \$6,170,000 of the motor vehicle account—state appropriation is provided solely for utility fees assessed by local governments as authorized under RCW 90.03.525 for the mitigation of stormwater runoff from state highways. Plan and reporting requirements as required in chapter 435 ~~((Senate Bill No. 5505))~~, Laws of 2019 (Local Stormwater Charges) shall be consistent with the January 2012 findings of the Joint Transportation Committee Report for Effective Cost Recovery Structure for WSDOT, Jurisdictions, and Efficiencies in Stormwater Management.

(b) Pursuant to RCW 90.03.525(3), the department and the utilities imposing charges to the department shall negotiate with the goal of agreeing to rates such that the total charges to the department for the 2019-2021 fiscal biennium do not exceed the amount provided in this subsection. The department shall report to the transportation committees of the legislature on the amount of funds requested, the funds granted, and the strategies used to keep costs down, by January 17, 2021. If chapter 435 ~~((Senate Bill No. 5505))~~, Laws of 2019 (local stormwater charges) is enacted by June 30, 2019, this subsection (1)(b) does not take effect.

(2) \$4,447,000 of the state route number 520 corridor account—state appropriation is provided solely to maintain the state route number 520 floating bridge. These funds must be used in accordance with RCW 47.56.830(3).

(3) \$1,549,000 of the Tacoma Narrows toll bridge account—state appropriation is provided solely to maintain the new Tacoma Narrows bridge. These funds must be used in accordance with RCW 47.56.830(3).

(4) ~~(\$1,370,000)~~ \$2,050,000 of the Interstate 405 and state route number 167 express toll lanes ~~((operations))~~ account—state appropriation is provided solely to maintain the Interstate 405 and state route number 167 express toll lanes between Lynnwood and Bellevue, and Renton and the southernmost point of the express toll lanes. These funds must be used in accordance with RCW 47.56.830(3).

(5) \$2,478,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for maintenance for the 2019-2021 fiscal biennium only on the Interstate 405 roadway between Renton and Bellevue.

(6) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for a contingency pool for snow and ice removal. The department must notify the office of financial management and the transportation committees of the legislature when they have spent the base budget for snow and ice removal and will begin using the contingency pool funding.

~~(((6)))~~ (7) \$1,025,000 of the motor vehicle account—state appropriation is provided solely for the department to implement safety improvements and debris clean up on department-owned rights-of-way in the city of Seattle at levels above that being implemented as of January 1, 2019. The department must contract out or hire a crew dedicated

solely to collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public, department employees, or people encamped upon department-owned rights-of-way. The department may request assistance from the Washington state patrol as necessary in order for both agencies to provide enhanced safety-related activities regarding the emergency hazards along state highway rights-of-way in the Seattle area.

((7)) (8) \$1,015,000 of the motor vehicle account—state appropriation is provided solely for a partnership program between the department and the city of Tacoma. The program shall address the safety and public health problems created by homeless encampments on the department's property along state highways within the city limits. \$570,000 is for dedicated department maintenance staff and associated clean-up costs. The department and the city of Tacoma shall enter into a reimbursable agreement to cover up to \$445,000 of the city's expenses for clean-up crews and landfill costs.

((8)) (9) The department must commence a pilot program for the 2019-2021 fiscal biennium at the four highest demand safety rest areas to create and maintain an online calendar for volunteer groups to check availability of weekends for the free coffee program. The calendar must be updated at least weekly and show dates and times that are, or are not, available to participate in the free coffee program. The department must submit a report to the legislature on the ongoing pilot by December 1, 2020, outlining the costs and benefits of the online calendar pilot, and including surveys from the volunteer groups and agency staff to determine its effectiveness.

Sec. 216. 2019 c 416 s 216 (uncodified) is amended to read as follows:

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

Motor Vehicle Account—State Appropriation .....	<del>(\$70,681,000)</del>
	<u>\$76,211,000</u>
Motor Vehicle Account—Federal Appropriation .....	\$2,050,000
Motor Vehicle Account—Private/Local Appropriation .....	\$250,000
State Route Number 520 Corridor Account—State Appropriation .....	<u>\$53,000</u>
Tacoma Narrows Toll Bridge Account—State Appropriation .....	<u>\$31,000</u>
Alaskan Way Viaduct Replacement Project Account—	
State Appropriation .....	<u>\$26,000</u>
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation .....	<u>\$32,000</u>

TOTAL APPROPRIATION.....\$72,981,000  
\$78,653,000

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

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

(2)(a) During the 2019-2021 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

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

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

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

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

(3) When regional transit authority construction activities are visible from a state highway, the department shall allow the regional transit authority to place safe and appropriate signage informing the public of the purpose of the construction activity.

(4) The department must make signage for low-height bridges a high priority.

(5) \$32,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$53,000 of the state route number 520 corridor account—state appropriation, \$31,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$26,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the traffic operations program's proportional share of time spent supporting tolling operations for the respective tolling facilities.

**Sec. 217.** 2019 c 416 s 217 (uncodified) is amended to read as follows:

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

Motor Vehicle Account—State Appropriation .....	<del>(\$38,782,000)</del>
	<u>\$38,251,000</u>
Motor Vehicle Account—Federal Appropriation .....	\$1,380,000
Motor Vehicle Account—Private/Local Appropriation .....	\$500,000
Multimodal Transportation Account—State Appropriation .....	\$1,129,000
<u>State Route Number 520 Corridor Account—State Appropriation .....</u>	<u>\$199,000</u>
<u>Tacoma Narrows Toll Bridge Account—State Appropriation .....</u>	<u>\$116,000</u>
<u>Alaskan Way Viaduct Replacement Project Account—</u>	

<u>State Appropriation .....</u>	<u>\$100,000</u>
<u>Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation ...</u>	<u>\$119,000</u>
TOTAL APPROPRIATION .....	\$41,791,000
	<u>\$41,794,000</u>

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

(1) \$2,000,000 of the motor vehicle account—state appropriation is provided solely for a grant program that makes awards for the following: (a) Support for nonprofit agencies, churches, and other entities to help provide outreach to populations underrepresented in the current apprenticeship programs; (b) preapprenticeship training; and (c) child care, transportation, and other supports that are needed to help women, veterans, and minorities enter and succeed in apprenticeship. The department must report on grants that have been awarded and the amount of funds disbursed by December 1st each year. If moneys are provided in the omnibus operating appropriations act for a career connected learning grant program, defined in chapter . . . (Substitute House Bill No. 1336), Laws of 2019, or otherwise, the amount provided in this subsection lapses.

(2) \$150,000 of the motor vehicle account—state appropriation is provided solely for a user-centered and mobile-compatible web site redesign using estimated web site ad revenues.

(3) From the revenues generated by the five dollar per studded tire fee under RCW 46.37.427, \$250,000 of the motor vehicle account—state appropriation is provided solely for the department, in consultation with the appropriate local jurisdictions and relevant stakeholder groups, to establish a pilot media-based public information campaign regarding the damage of studded tire use on state and local roadways in Whatcom county, and to continue the existing pilot information campaign in Spokane county. The reason for the geographic selection of Spokane and Whatcom counties is based on the high utilization of studded tires in these jurisdictions. The public information campaigns must primarily focus on making the consumer aware of the safety implications for other drivers, road deterioration, financial impact for taxpayers, and, secondarily, the alternatives to studded tires. The Whatcom county pilot media-based public information campaign must begin by September 1, 2020. By January 14, 2021, the department must provide the transportation committees of the legislature an update on the Spokane and Whatcom county pilot media-based public information campaigns.

(4) ~~(((\$138,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Second Substitute Senate Bill No. 5489), Laws of 2019 (concerning environmental health disparities). If chapter . . . (Second Substitute Senate Bill No. 5489), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses))~~ \$119,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$199,000 of the state route number 520 corridor account—state appropriation,

\$116,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$100,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the transportation management and support program's proportional share of time spent supporting tolling operations for the respective tolling facilities.

**Sec. 218.** 2019 c 416 s 218 (uncodified) is amended to read as follows:

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

<del>((High Occupancy)) Interstate 405 and State Route Number 167 Express Toll Lanes ((Operations))</del>	
Account—State Appropriation.....	<del>(((\$3,000,000))</del>
	<u>\$3,123,000</u>
Motor Vehicle Account—State Appropriation .....	<del>(((\$29,403,000))</del>
	<u>\$26,587,000</u>
Motor Vehicle Account—Federal Appropriation .....	<del>(((\$29,485,000))</del>
	<u>\$35,385,000</u>
Motor Vehicle Account—Private/Local Appropriation.....	<del>(((\$800,000))</del>
	<u>\$1,200,000</u>
Multimodal Transportation Account—State Appropriation .....	\$710,000
Multimodal Transportation Account—Federal Appropriation .....	\$2,809,000
Multimodal Transportation Account—Private/Local Appropriation .....	\$100,000
<u>State Route Number 520 Corridor Account—State Appropriation .....</u>	<u>\$763,000</u>
<u>Tacoma Narrows Toll Bridge Account—State Appropriation.....</u>	<u>\$121,000</u>
<u>Alaskan Way Viaduct Replacement Project Account—</u>	
<u>State Appropriation .....</u>	<u>\$104,000</u>
TOTAL APPROPRIATION .....	<u>\$66,307,000</u>
	<u>\$70,902,000</u>

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

(1) \$130,000 of the motor vehicle account—state appropriation is provided solely for completion of a corridor study to identify potential improvements between exit 116 and exit 99 of Interstate 5. The study should further develop

mid- and long-term strategies from the corridor sketch, and identify potential US 101/I-5 interchange improvements, a strategic plan for the Nisqually River bridges, regional congestion relief options, and ecosystem benefits to the Nisqually River estuary for salmon productivity and flood control.

(2) The study on state route number 518 referenced in section 218(5), chapter 297, Laws of 2018 must be submitted to the transportation committees of the legislature by November 30, 2019.

(3) \$100,000 of the motor vehicle account—state appropriation is provided solely to complete the Tacoma mall direct access feasibility study.

(4) \$4,600,000 of the motor vehicle account—federal appropriation is provided solely to complete the road usage charge pilot project overseen by the transportation commission using the remaining unspent amount of the federal grant award. The purpose of the road usage charge pilot project is to explore the viability of a road usage charge as a possible replacement for the gas tax.

(5) \$3,000,000 of the ~~((high occupancy)) Interstate 405 and state route number 167 express toll lanes ((operations))~~ account—state appropriation is provided solely for updating the state route number 167 master plan. If ~~((neither))~~ chapter 421 ~~((Engrossed Substitute Senate Bill No. 5825))~~, Laws of 2019 (addressing tolling) ~~((nor chapter . . . (House Bill No. 2132), Laws of 2019 (addressing tolling))~~ is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(6) \$123,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$207,000 of the state route number 520 corridor account—state appropriation, \$121,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$104,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the transportation planning, data, and research program's proportional share of time spent supporting tolling operations for the respective tolling facilities.

(7) By December 31, 2020, the department shall provide to the governor and the transportation committees of the legislature a report examining the feasibility of doing performance-based evaluations for projects. The department must incorporate feedback from stakeholder groups, including traditionally underserved and historically disadvantaged populations, and the report shall include the project evaluation procedures that would be used for the performance-based evaluation.

(8) \$556,000 of the state route number 520 corridor account—state appropriation is provided solely for the department to contract with the University of Washington department of mechanical engineering, to study measures to reduce noise impacts from the state route number 520 bridge expansion joints. The field testing shall be scheduled during existing construction, maintenance, or other scheduled closures to minimize impacts. The testing must also ensure safety of the traveling public. The study shall examine testing methodologies and project timelines and costs. A

final report must be submitted to the transportation committees of the legislature and the governor by December 1, 2021.

(9) \$5,900,000 of the motor vehicle account—federal appropriation and \$400,000 of the motor vehicle account—private/local appropriation are provided solely for delivery of the department’s state planning and research work program and pooled fund research projects, provided that the department may not expend any amounts provided in this section on a long-range plan or corridor scenario analysis for I-5 from Tumwater to Marysville. This is not intended to reference or impact: The existing I-5 corridor from Mounts road to Tumwater design and operations alternatives analysis; design studies related to HOV lanes or operations; or where it is necessary to continue design and operations analysis related to projects already under development.

**Sec. 219.** 2019 c 416 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—CHARGES FROM OTHER AGENCIES—PROGRAM U**

Motor Vehicle Account—State Appropriation .....	(\$71,996,000)	
		\$79,474,000
Multimodal Transportation Account—State Appropriation .....	(\$2,491,000)	
		\$2,833,000
<u>Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation ...</u>	<u>\$122,000</u>	
<u>State Route Number 520 Corridor Account—State Appropriation .....</u>	<u>\$205,000</u>	
<u>Tacoma Narrows Toll Bridge Account—State Appropriation .....</u>	<u>\$120,000</u>	
<u>Alaskan Way Viaduct Replacement Project Account—State Appropriation .....</u>	<u>\$102,000</u>	
TOTAL APPROPRIATION .....	\$74,487,000	\$82,856,000

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

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

(2) Beginning October 1, 2019, and quarterly thereafter, the department, in conjunction with the attorney

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

(3) Beginning October 1, 2019, and quarterly thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the nonferry operations of the department to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; and (c) defense costs associated with those claims and settlements.

(4) \$122,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$205,000 of the state route number 520 corridor account—state appropriation, \$120,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$102,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the charges from other agencies' program's proportional share of supporting tolling operations for the respective tolling facilities.

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

**Sec. 220.** 2019 c 416 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION—PROGRAM V**

State Vehicle Parking Account—State Appropriation .....	\$784,000	
Regional Mobility Grant Program Account—State Appropriation .....	(\$96,630,000)	\$88,698,000
Rural Mobility Grant Program Account—State Appropriation .....	\$32,223,000	
Multimodal Transportation Account—State Appropriation .....	(\$128,554,000)	\$122,355,000
Multimodal Transportation Account—Federal Appropriation .....	\$3,574,000	

Multimodal Transportation Account—Local

Appropriation .....	\$100,000
TOTAL APPROPRIATION .....	<del>\$261,865,000</del>
	<u>\$247,734,000</u>

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

(1) (~~(\$62,679,000)~~) \$62,698,000 of the multimodal transportation account—state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. (~~If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 (advancing green transportation adoption) is not enacted by June 30, 2019, \$10,000,000 of the amount in this subsection lapses.~~) Of this amount:

(a) (~~(\$14,278,000)~~) \$14,297,000 of the multimodal transportation account—state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided. (~~If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 (advancing green transportation adoption) is not enacted by June 30, 2019, \$2,278,000 of the amount in this subsection lapses.~~)

(b) \$48,401,000 of the multimodal transportation account—state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2017 as reported in the "Summary of Public Transportation - 2017" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions. (~~If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 (advancing green transportation adoption) is not enacted by June 30, 2019, \$7,722,000 of the amount in this subsection lapses.~~)

(2) \$32,223,000 of the rural mobility grant program account—state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100.

(3)(a) (~~(\$10,290,000)~~) \$10,539,000 of the multimodal transportation account—state appropriation is provided solely for a vanpool grant program for: (i) Public transit agencies to add vanpools or replace vans; and (ii) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of

transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds.

(b) At least \$1,600,000 of the amount provided in this subsection must be used for vanpool grants in congested corridors.

(4) (~~(\$18,951,000)~~) \$27,483,000 of the regional mobility grant program account—state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document (~~(2019-2)~~) 2020-2 ALL PROJECTS as developed (~~(April 27, 2019)~~) March 11, 2020, Program - Public Transportation Program (V).

(5)(a) (~~(\$77,679,000)~~) \$61,215,000 of the regional mobility grant program account—state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document (~~(2019-2)~~) 2020-2 ALL PROJECTS as developed (~~(April 27, 2019)~~) March 11, 2020, Program - Public Transportation Program (V). The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2019, and December 15, 2020, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than twenty-five percent of the amount appropriated in this subsection. Additionally, when allocating funding for the 2021-2023 biennium, no more than thirty percent of the total grant program may directly benefit or support one grantee. The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2019-2021 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

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

(7) \$7,670,000 of the multimodal transportation account—state appropriation and \$784,000 of the state vehicle parking account—state appropriation are provided solely for CTR grants and activities. Of this amount:

(a) \$1,000,000 of the multimodal transportation account—state appropriation is provided solely for the department to continue a pilot transit pass incentive program. Businesses and nonprofit organizations located in a county adjacent to Puget Sound with a population of more than seven hundred thousand that have never offered transit subsidies to employees are eligible to apply to the program for a fifty percent rebate on the cost of employee transit subsidies provided through the regional ORCA fare collection system. No single business or nonprofit organization may receive more than ten thousand dollars from the program.

(i) Businesses and nonprofit organizations may apply and be awarded funds prior to purchasing a transit subsidy, but the department may not provide reimbursement until proof of purchase or a contract has been provided to the department.

(ii) The department shall update the transportation committees of the legislature on the impact of the program by January 31, 2020, and may adopt rules to administer the program.

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

(c) \$1,000,000 of the multimodal transportation account—state appropriation is provided solely for a first mile/last mile connections grant program. Eligible grant recipients include cities, businesses, nonprofits, and transportation network companies with first mile/last mile solution proposals. Transit agencies are not eligible. The commute trip reduction board shall develop grant parameters, evaluation criteria, and evaluate grant proposals. The commute trip reduction board shall provide the transportation committees of the legislature a report on the effectiveness of this grant program and best practices for continuing the program.

(8) Except as provided otherwise in this subsection, (~~(\$28,048,000)~~) \$33,370,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington transit projects identified in LEAP Transportation Document (~~(2019-2)~~) 2020-2 ALL PROJECTS as developed (~~(April 27, 2019)~~) March 11, 2020. It is the intent of the legislature that entities identified

to receive funding in the LEAP document referenced in this subsection receive the amounts specified in the time frame specified in that LEAP document. If an entity has already completed a project in the LEAP document referenced in this subsection before the time frame identified, the entity may substitute another transit project or projects that cost a similar or lesser amount.

(9) (~~(\$2,000,000)~~) \$1,000,000 of the multimodal transportation account—state appropriation is provided solely for transit coordination grants.

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

(11)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (4) of this section, if the department expects to have substantial reappropriations for the 2021-2023 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

(i) King County Metro - RapidRide Expansion, Burien-Delridge (G2000031);

(ii) King County Metro - Route 40 Northgate to Downtown (G2000032);

(iii) Mason Transit Park & Ride Development (G2000042); or

(iv) Pierce Transit - SR 7 Express Service (~~(((G2000046)))~~) (G2000045).

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.

(c) To the extent practicable, the department shall use the flexibility and authority granted in this section to minimize the amount of reappropriations needed each biennium.

(12) \$750,000 of the multimodal transportation account—state appropriation is provided solely for Intercity Transit for the Dash shuttle program.

(13)(a) \$485,000 of the multimodal transportation account—state appropriation is provided solely for King county for:

(i) An expanded pilot program to provide certain students in the Highline, Tukwila, and Lake Washington school districts with an ORCA card during these school districts' summer vacations. In order to be eligible for an ORCA card under this program, a student must also be in high school, be eligible for free and reduced-price lunches, and have a job or other responsibility during the summer; and

(ii) Providing administrative support to other interested school districts in King county to prepare for implementing similar programs for their students.

(b) King county must provide a report to the department and the transportation committees of the legislature by December 15, 2021, regarding:

- (i) The annual student usage of the pilot program;
- (ii) Available ridership data;
- (iii) A cost estimate, including a detailed description of the various expenses leading to the cost estimate, and any other factors relevant to expanding the program to other King county school districts;

(iv) A cost estimate, including a detailed description of the various expenses leading to the cost estimate, and any other factors relevant to expanding the program to student populations other than high school or eligible for free and reduced-price lunches;

(v) Opportunities for subsidized ORCA cards or local grant or matching funds; and

(vi) Any additional information that would help determine if the pilot program should be extended or expanded.

(14) \$12,000,000 of the multimodal transportation account—state appropriation is provided solely for the green transportation capital grant program established in chapter 287 (~~((Engrossed Second Substitute House Bill No. 2042))), Laws of 2019 (advancing green transportation adoption). ((If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.))~~

(15) \$555,000 of the multimodal transportation account—state appropriation is provided solely for an interagency transfer to the Washington State University extension energy program to establish and administer a technical assistance and education program for public agencies on the use of alternative fuel vehicles. (~~(If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 (advancing green transportation adoption) is not enacted by June 30, 2019, \$375,000 of the amount provided in this subsection lapses.))~~

(16) As a short-term solution, appropriation authority for the public transportation program in this section is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels. It is the intent of the legislature that no public transportation grants or projects be eliminated or substantially delayed as a result of revenue reductions.

(17) The appropriations in this section include savings due to anticipated project underruns; however, it is unknown which projects will provide savings. The legislature intends to provide sufficient flexibility for the department to manage to this savings target. To provide this flexibility, the office of financial management may authorize, through an allotment modification, reductions in the appropriated amounts that are provided solely for a particular purpose

within this section subject to the following conditions and limitations:

(a) No allotment modifications may be made to amounts provided solely for the special needs transportation grant program;

(b) The department must confirm that any modification requested under this subsection of amounts provided solely for a specific purpose are not expected to be used for that purpose in this biennium;

(c) Allotment modifications authorized under this subsection may not result in increased funding for any project beyond the amount provided for that project in the 2019-2021 fiscal biennium in LEAP Transportation Document 2020-2 ALL PROJECTS as developed March 11, 2020;

(d) Allotment modifications authorized under this subsection apply only to amounts appropriated in this section from the multimodal transportation account—state; and

(e) By December 1, 2020, the department must submit a report to the transportation committees of the legislature regarding the actions taken under this subsection.

(18)(a) The Washington state department of transportation public transportation division, working with the Thurston regional planning council, shall provide state agency management, the office of financial management, and the transportation committees of the legislature with results of their regional mobility grant program demonstration project I-5/US 101 Practical Solutions: State Capitol Campus Transportation Demand Management – Mobile Work. This includes reporting after the 2020 legislative session on the measurable results of an early pilot initiative, "Telework Tuesday," beginning in January 2020.

(b) Capitol campus state agency management is directed to fully participate in this work, which aims to reduce greenhouse gases, require less office space and parking investments; provide low cost congestion relief on I-5 during peak periods, US 101, and the local transportation network; and improve retention and recruitment of public employees. The agencies should actively: Encourage employees qualified to telework to participate in this program and increase the number of employees who qualify for mobile work and schedule shifts.

(c) If measurable success is achieved, the capitol campus state agencies shall provide options to expand the project to other jurisdictions concentrated with large employers. Expansion and encouragement of telework will help reduce demand on the transportation system, reduce traffic during peak hours, and reduce greenhouse gas emissions.

**Sec. 221.** 2019 c 416 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X**

Motor Vehicle Account—State Appropriation .....\$250,000

Puget Sound Ferry Operations Account—State	
Appropriation .....	<del>(\$540,746,000)</del>
	<u>\$545,997,000</u>
Puget Sound Ferry Operations Account—Federal	
Appropriation .....	\$7,932,000
Puget Sound Ferry Operations Account—Private/Local	
Appropriation .....	\$121,000
TOTAL APPROPRIATION .....	<del>\$549,049,000</del>
	<u>\$554,300,000</u>

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

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2019-2021 supplemental and 2021-2023 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs.

(2) For the 2019-2021 fiscal biennium, the department may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee, which must include a representative of the department of enterprise services.

(3) ~~(\$76,261,000)~~ \$73,161,000 of the Puget Sound ferry operations account—state appropriation is provided solely for auto ferry vessel operating fuel in the 2019-2021 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 703 ~~(of this act)~~, chapter 416, Laws of 2019. The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge. The department shall review future use of alternative fuels and dual fuel configurations, including hydrogen.

(4) \$650,000 of the Puget sound ferry operations account—state appropriation is provided solely for increased staffing at Washington ferry terminals to meet increased workload and customer expectations. Within the amount provided in this subsection, the department shall contract with uniformed officers for additional traffic control assistance at the Kingston ferry terminal during peak ferry travel times, with a particular focus on Sundays and holiday weekends. Traffic control methods should include, but not be limited to, holding traffic on the shoulder at Lindvog Road until space opens for cars at the tollbooths and dock, and management of traffic on Highway 104 in order to ensure Kingston residents and business owners have access to businesses, roads, and driveways.

(5) \$254,000 of the Puget Sound ferry operations account—state appropriation is provided solely for a dedicated inventory logistics manager on a one-time basis.

(6) \$500,000 of the Puget Sound ferry operations account—state appropriation is provided solely for operating costs related to moving vessels for emergency capital repairs. Funds may only be spent after approval by the office of financial management.

(7) By January 1, 2020, the ferries division must submit a workforce plan for reducing overtime due to shortages of staff available to fill vacant crew positions. The plan must include numbers of crew positions being filled by staff working overtime, strategies for filling these positions with straight time employees, progress toward implementing those strategies, and a forecast for when overtime expenditures will return to historical averages.

(8) \$160,000 of the Puget Sound ferry operations account—state appropriation is provided solely for a ferry fleet baseline noise study, conducted by a consultant, for the purpose of establishing plans and data-driven goals to reduce ferry noise when Southern resident orca whales are present. In addition, the study must establish prioritized strategies to address vessels serving routes with the greatest exposure to orca whale movements.

(9)(a) \$250,000 of the motor vehicle account—state appropriation is provided solely for the department, in consultation with the Washington state transportation center, to develop a plan for service on the triangle route with a goal of providing maximum sailings moving the most passengers to all stops in the least travel time, including waits between sailings, within budget and resource constraints.

(b) The Washington state transportation center must use new traffic management models and scheduling tools to examine proposed improvements for the triangle route. The department shall report to the standing transportation committees of the legislature by January 15, 2021. The report must include:

(i) Implementation and status of data collection, modeling, scheduling, capital investments, and procedural improvements to allow Washington state ferries to schedule more sailings to and from all stops on the triangle route with minimum time between sailings;

(ii) Recommendations for emergency boat allocations, regular schedule policies, and emergency schedule policies based on all customers alternative travel options to ensure that any dock with no road access is prioritized in scheduling and scheduled service is provided based on population size, demographics, and local medical services;

(iii) Triangle route pilot economic analysis of Washington state ferries fare revenue and fuel cost impact of offering additional, better spaced sailings;

(iv) Results of an economic analysis of the return on investment of potentially acquiring and using traffic control infrastructure, technology, walk on loading bridges, and Good-to-Go and ORCA replacement of current fare sales, validation, collections, accounting, and all associated labor

and benefits costs that can be saved via those capital investments; and

(v) Recommendation on policies, procedures, or agency interpretations of statute that may be adopted to mitigate any delays or disruptions to scheduled sailings.

~~((c) If at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection (9) lapses.)~~

(10) \$15,139,000 of the Puget Sound ferry operations account—state appropriation is provided solely for training. Of the amount provided in this subsection:

- (a) \$2,500,000 is for training for new employees.
- (b) \$160,000 is for electronic chart display and information system training.
- (c) \$379,000 is for marine evacuation slide training.

(11) \$1,600,000 of the Puget Sound ferry operations account—state appropriation is provided solely for naval architecture staff support for the marine maintenance program.

(12) \$336,000 of the Puget Sound ferry operations account—state appropriation is provided solely for inspections of fall restraint systems.

(13) \$4,361,000 of the Puget Sound ferry operations account—state appropriation is provided solely for overtime expenses incurred by engine and deck crew members.

(14) \$1,200,000 of the Puget Sound ferry operations account—state appropriation is provided solely for familiarization for new assignments of engine crew and terminal staff.

(15) \$100,000 of the Puget Sound ferry operations account—state appropriation is provided solely to develop a plan for upgrading a second vessel to meet the international convention for the safety of life at sea standards. The plan must identify the option with the lowest impacts to sailing schedules.

Sec. 222. 2019 c 416 s 222 (uncodified) is amended to read as follows:

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

Multimodal Transportation Account—State	
Appropriation .....	<del>(\$75,576,000)</del>
	<u>\$70,244,000</u>
Multimodal Transportation Account—Private/Local	
Appropriation .....	\$717,000
Multimodal Transportation Account—Federal	
Appropriation .....	\$500,000

TOTAL APPROPRIATION.....\$76,793,000  
\$71,461,000

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

(1)(a)(i) \$224,000 of the multimodal transportation account—state appropriation and \$671,000 of the multimodal transportation account—private/local appropriation are provided solely for continued analysis of the ultra high-speed ground transportation corridor in a new study, with participation from Washington, Oregon, and British Columbia. No funds may be expended until the department is in receipt of \$671,000 in private/local funding provided solely for this purpose.

(ii) The ultra high-speed ground transportation corridor advisory group must include legislative membership.

(iii) "Ultra high-speed" means a maximum testing speed of at least two hundred fifty miles per hour.

(b) The study must consist of the following:

(i) Development of proposed corridor governance, general powers, operating structure, legal instruments, and contracting requirements, in the context of the roles of relevant jurisdictions, including federal, state, provincial, and local governments;

~~(ii) ((An assessment of current laws in state and provincial jurisdictions and identification of any proposed changes to laws, regulations, and/or agreements that are needed to proceed with development))~~ Development of a long-term funding and financing strategy for project initiation, development, construction, and program administration of the high-speed corridor, building on the funding and financing chapter of the 2019 business case analysis and aligned with the recommendations of (b)(i) of this subsection; and

~~(iii) Development of ((general recommendations for the authorization needed to advance the development of the corridor))~~ recommendations for a department-led ultra-high speed corridor engagement plan for policy leadership from elected officials.

(c) This study must build on the results of the 2018 Washington state ultra high-speed ground transportation business case analysis and the 2019 Washington state ultra high-speed ground transportation study findings report. The department shall consult with the transportation committees of the legislature regarding all issues related to proposed corridor governance.

~~((c))~~ (d) The development work referenced in (b) of this subsection is intended to identify and make recommendations related to specific entities, including interjurisdictional entities, policies, and processes required for the purposes of furthering preliminary analysis efforts for the ultra high-speed ground transportation corridor. This development work is not intended to authorize one or more entities to assume decision making authority for the design, construction, or operation of an ultra high-speed rail corridor.

((d)) (e) By December 1, 2020, the department shall provide to the governor and the transportation committees of the legislature a report of the study's findings regarding the three elements noted in this subsection. As applicable, the report should also be sent to the executive and legislative branches of government in the state of Oregon and appropriate government bodies in the province of British Columbia.

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

**Sec. 223.** 2019 c 416 s 223 (uncodified) is amended to read as follows:

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

Motor Vehicle Account—State Appropriation .....	(\$12,190,000))
	<u>\$12,187,000</u>
Motor Vehicle Account—Federal Appropriation .....	\$2,567,000
Multiuse Roadway Safety Account—State Appropriation .....	(\$132,000))
	<u>\$450,000</u>
Multimodal Transportation Account—State Appropriation .....	\$350,000
TOTAL APPROPRIATION .....	<del>\$15,239,000</del>
	<u>\$15,554,000</u>

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

(1) \$350,000 of the multimodal transportation account—state appropriation is provided solely for a study by the Puget Sound regional council of new passenger ferry service to better connect communities throughout the twelve county Puget Sound region. The study must assess potential new routes, identify future terminal locations, and provide recommendations to accelerate the electrification of the ferry fleet. The study must identify future passenger only demand throughout Western Washington, analyze potential routes and terminal locations on Puget Sound, Lake Washington, and Lake Union with an emphasis on preserving waterfront opportunities in public ownership and opportunities for partnership. The study must determine whether and when the passenger ferry service achieves a net reduction in carbon

emissions including an analysis of the emissions of modes that passengers would otherwise have used. The study must estimate capital and operating costs for routes and terminals. The study must include early and continuous outreach with all interested stakeholders and a report to the legislature and all interested parties by January 31, 2021.

(2) \$1,142,000 of the motor vehicle account—state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to:

(a) In coordination with stakeholders, identify county-owned fish passage barriers, with priority given to barriers that share the same stream system as state-owned fish passage barriers. The study must identify, map, and provide a preliminary assessment of county-owned barriers that need correction, and provide, where possible, preliminary costs estimates for each barrier correction. The study must provide recommendations on:

(i) How to prioritize county-owned barriers within the same stream system of state-owned barriers in the current six-year construction plan to maximize state investment; and

(ii) How future state six-year construction plans should incorporate county-owned barriers;

(b) Update the local agency guidelines manual, including exploring alternatives within the local agency guidelines manual on county priorities;

(c) Study the current state of county transportation funding, identify emerging issues, and identify potential future alternative transportation fuel funding sources to meet current and future needs.

(3) The entire multiuse roadway safety account—state appropriation is provided solely for grants under RCW 46.09.540, subject to the following limitations:

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

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

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

**TRANSPORTATION AGENCIES—CAPITAL**

**Sec. 301.** 2019 c 416 s 301 (uncodified) is amended to read as follows:

**FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Freight Mobility Investment Account—State Appropriation .....	(\$18,094,000))
	<u>\$23,015,000</u>

<u>Highway Safety Account—State Appropriation</u>	<u>\$81,000</u>
.....	
<u>Motor Vehicle Account—State Appropriation</u>	<u>\$4,907,000</u>
.....	
Freight Mobility Multimodal Account—State	
Appropriation .....	(( <u>\$21,220,000</u> ))
	<u>\$4,992,000</u>
Motor Vehicle Account—Federal Appropriation	
.....	(( <u>\$2,250,000</u> ))
	<u>\$1,899,000</u>
Freight Mobility Multimodal Account—Private/Local	
Appropriation .....	(( <u>\$1,320,000</u> ))
	<u>\$1,250,000</u>
TOTAL APPROPRIATION .....	<u>\$42,884,000</u>
	<u>\$36,144,000</u>

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

(1) Except as otherwise provided in this section, the entire appropriations in this section are provided solely for the projects by amount, as listed in the LEAP Transportation Document ((2019-3 as developed April 27, 2019;)) 2020-3 as developed March 11, 2020, Conference FMSIB Project List.

(2) Until directed by the legislature, the board may not initiate a new call for projects. By January 1, 2020, the board must report to the legislature on alternative proposals to revise its project award and obligation process, which result in lower reappropriations.

(3) It is the intent of the legislature that no capital projects be eliminated or substantially delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for the freight mobility strategic investment board's capital grant programs is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

(4) It is the intent of the legislature to continue to make strategic investments in a statewide freight mobility transportation system with the help of the freight mobility strategic investment board, including projects that mitigate the impact of freight movement on local communities.

Sec. 302. 2019 c 416 s 303 (uncodified) is amended to read as follows:

**FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account—State Appropriation	(( <u>\$65,996,000</u> ))
.....	
	<u>\$62,884,000</u>
Motor Vehicle Account—State Appropriation	\$1,456,000
.....	

County Arterial Preservation Account—State	
Appropriation .....	\$39,590,000
TOTAL APPROPRIATION .....	<u>\$107,042,000</u>
	<u>\$103,930,000</u>

The appropriations in this section are subject to the following conditions and limitations: It is the intent of the legislature that no capital projects be eliminated or substantially delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for the county road administration board's capital grant programs is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

Sec. 303. 2019 c 416 s 304 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Small City Pavement and Sidewalk Account—State	
Appropriation .....	\$5,890,000
Transportation Improvement Account—State	
Appropriation .....	(( <u>\$228,510,000</u> ))
	<u>\$224,568,000</u>
Complete Streets Grant Program Account—State	
Appropriation .....	(( <u>\$14,670,000</u> ))
	<u>\$10,200,000</u>
TOTAL APPROPRIATION .....	<u>\$249,070,000</u>
	<u>\$240,658,000</u>

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

(1) \$9,315,000 of the transportation improvement account—state appropriation is provided solely for the Relight Washington Program. The transportation improvement board shall conduct a survey of all cities that are not currently eligible for the Relight Washington Program to determine demand for the program regardless of the current eligibility criteria. The transportation improvement board shall report the results of the survey to the governor and the transportation committees of the legislature by August 1, 2020.

(2) It is the intent of the legislature that no capital projects be eliminated or substantially delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for the transportation improvement board's capital grant programs is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

Sec. 304. 2019 c 416 s 305 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—FACILITIES—PROGRAM**

**D—(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)—CAPITAL**

Motor Vehicle Account—State Appropriation .....	(\$50,990,000)	
		<u>\$51,187,000</u>
Connecting Washington Account—State Appropriation .....	(\$42,497,000)	
		<u>\$51,523,000</u>
TOTAL APPROPRIATION .....	\$93,487,000	
		<u>\$102,710,000</u>

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

(1) (~~(\$42,497,000)~~) \$51,523,000 of the connecting Washington account—state appropriation is provided solely for a new Olympic region maintenance and administration facility to be located on the department-owned site at the intersection of Marvin Road and 32nd Avenue in Lacey, Washington.

(2)(a) (~~(\$43,100,000)~~) \$43,297,000 of the motor vehicle account—state appropriation is provided solely for the department facility located at 15700 Dayton Ave N in Shoreline. This appropriation is contingent upon the department of ecology signing a not less than twenty-year agreement to pay a share of any financing contract issued pursuant to chapter 39.94 RCW.

(b) Payments from the department of ecology as described in this subsection shall be deposited into the motor vehicle account.

(c) Total project costs are not to exceed \$46,500,000.

(3) \$1,565,000 from the motor vehicle account—state appropriation is provided solely for furniture for the renovated Northwest Region Headquarters at Dayton Avenue. The department must efficiently furnish the renovated building. (~~The amount provided in this subsection is the maximum the department may spend on furniture for this facility.~~)

**Sec. 305.** 2019 c 416 s 306 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I**

<del>(High Occupancy Toll Lanes Operations Account—State Appropriation .....</del>	<del>(\$7,000,000)</del>	
Transportation Partnership Account—State Appropriation .....	(\$325,275,000)	
		<u>\$385,619,000</u>
Motor Vehicle Account—State Appropriation .....	(\$92,504,000)	
		<u>\$102,543,000</u>

Motor Vehicle Account—Federal Appropriation .....	(\$154,337,000)	
		<u>\$151,857,000</u>
Motor Vehicle Account—Private/Local Appropriation .....	(\$26,839,000)	
		<u>\$70,404,000</u>
Connecting Washington Account—State Appropriation .....	(\$2,137,381,000)	
		<u>\$2,355,205,000</u>
Special Category C Account—State Appropriation .....	(\$81,000,000)	
		<u>\$36,134,000</u>
Multimodal Transportation Account—State Appropriation .....	(\$5,408,000)	
		<u>\$3,853,000</u>
Alaskan Way Viaduct Replacement Project Account—State Appropriation .....	\$77,956,000	
Transportation 2003 Account (Nickel Account)—State Appropriation .....	(\$21,819,000)	
		<u>\$10,429,000</u>
Interstate 405 and State Route Number 167 Express Toll Lanes ( <del>Operations</del> ) Account—State Appropriation .....	(\$48,036,000)	
		<u>\$90,027,000</u>
TOTAL APPROPRIATION .....	\$2,977,555,000	
		<u>\$3,284,027,000</u>

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

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document (~~(2019-4)~~) 2020-1 as developed (~~(April 27, 2019)~~) March 11, 2020, Program - Highway Improvements Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document (~~(2019-2)~~) 2020-2 ALL PROJECTS as developed (~~(April 27, 2019)~~) March 11, 2020, Program - Highway Improvements Program (I). Any federal funds gained

through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (OBI4001).

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

(4) The connecting Washington account—state appropriation includes up to ~~(((\$1,519,899,000))~~ \$1,835,325,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.

(5) The special category C account—state appropriation includes up to ~~(((\$75,274,000))~~ \$24,910,000 in proceeds from the sale of bonds authorized in RCW ~~((47.10.861))~~ 47.10.812.

(6) The transportation partnership account—state appropriation includes up to ~~(((\$150,232,000))~~ \$162,658,000 in proceeds from the sale of bonds authorized in RCW ~~((47.10.812))~~ 47.10.873.

(7) The Alaskan Way viaduct replacement project account—state appropriation includes up to \$77,956,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(8) ~~((The multimodal transportation account—state appropriation includes up to \$5,408,000 in proceeds from the sale of bonds authorized in RCW 47.10.867.~~

~~((9) \$90,464,000))~~ \$168,757,000 of the transportation partnership account—state appropriation, ~~(((\$7,006,000))~~ \$19,790,000 of the motor vehicle account—private/local appropriation, ~~(((\$3,383,000))~~ \$3,384,000 of the transportation 2003 account (nickel account)—state appropriation, \$77,956,000 of the Alaskan Way viaduct replacement project account—state appropriation, and \$1,838,000 of the multimodal transportation account—state appropriation are provided solely for the SR 99/Alaskan Way Viaduct Replacement project (809936Z). It is the intent of the legislature that the \$25,000,000 increase in funding provided in the 2021-2023 fiscal biennium be covered by any legal damages paid to the state as a result of a lawsuit related to contractual provisions for construction and delivery of the Alaskan Way viaduct replacement project. The legislature intends that the \$25,000,000 of the transportation partnership account—state funds be repaid when those damages are recovered.

~~((40))~~ (9) \$3,000,000 of the multimodal transportation account—state appropriation is provided

solely for transit mitigation for the SR 99/Viaduct Project - Construction Mitigation project (809940B).

~~((41) \$164,000,000))~~ (10) \$168,655,000 of the connecting Washington account—state appropriation ~~(((\$1,052,000 of the special category C account—state appropriation, and \$738,000 of the motor vehicle account—private/local appropriation are~~ provided solely for the US 395 North Spokane Corridor project (M00800R).

~~((42(a) \$22,195,000 of the transportation partnership account state appropriation, \$12,805,000 of the transportation 2003 account (nickel account) state appropriation, and \$48,000,000))~~ (11) \$82,991,000 of the Interstate 405 and state route number 167 express toll lanes ~~((operations))~~ account—state appropriation ~~((are))~~ is provided solely for the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) for activities related to adding capacity on Interstate 405 between state route number 522 and Interstate 5, with the goals of increasing vehicle throughput and aligning project completion with the implementation of bus rapid transit in the vicinity of the project. ~~((The transportation partnership account state appropriation and transportation 2003 account (nickel account) state appropriation are a transfer or a reappropriation of a transfer from the I 405/Kirkland Vicinity Stage 2 Widening project (8B11002) due to savings and will fund right of way and construction for an additional phase of this I 405 project.~~

~~((b) If sufficient bonding authority to complete this project is not provided within chapter 421 (Engrossed Substitute Senate Bill No. 5825), Laws of 2019 (addressing tolling) or chapter 421 (House Bill No. 2132), Laws of 2019 (addressing tolling), or within a bond authorization act referencing chapter . . . (Engrossed Substitute Senate Bill No. 5825), Laws of 2019 or chapter . . . (House Bill No. 2132), Laws of 2019, by June 30, 2019, \$21,000,000 of the Interstate 405 express toll lanes operations account—state appropriation provided in this subsection lapses, and it is the intent of the legislature to reduce the Interstate 405 express toll lanes operations account—state appropriation in the 2021-2023 biennium to \$5,000,000, and in the 2023-2025 biennium to \$0 on the list referenced in subsection (2) of this section.~~

~~((43))~~ (12)(a) (((\$395,822,000)) \$422,099,000 of the connecting Washington account—state appropriation ~~((, \$60,000 of the motor vehicle account—state appropriation,))~~ and ~~(((\$342,000))~~ \$456,000 of the motor vehicle account—private/local appropriation are provided solely for the SR 520 Seattle Corridor Improvements - West End project (M00400R).

(b) Recognizing that the department of transportation requires full possession of parcel number 1-23190 to complete the Montlake Phase of the West End project, the department is directed to:

(i) Work with the operator of the Montlake boulevard market located on parcel number 1-23190 to negotiate a lease allowing continued operations up to January 1, 2020. After that time, the department shall identify an area in the vicinity of the Montlake property for a temporary market or other food service to be provided during the period of project

construction. Should the current operator elect not to participate in providing that temporary service, the department shall then develop an outreach plan with the city to solicit community input on the food services provided, and then advertise the opportunity to other potential vendors. Further, the department shall work with the city of Seattle and existing permit processes to facilitate vendor access to and use of the area in the vicinity of the Montlake property.

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

(c) \$60,000 of the motor vehicle account—state appropriation is provided solely for grants to nonprofit organizations located in a city with a population exceeding six hundred thousand persons and that empower artists through equitable access to vital expertise, opportunities, and business services. Funds may be used only for the purpose of preserving, commemorating, and sharing the history of the city of Seattle's freeway protests and making the history of activism around the promotion of more integrated transportation and land use planning accessible to current and future generations through the preservation of Bent 2 of the R. H. Thompson freeway ramp.

~~((14))~~ (13) It is the intent of the legislature that for the I-5 JBLM Corridor Improvements project (M00100R), the department shall actively pursue \$50,000,000 in federal funds to pay for this project to supplant state funds in the future. \$50,000,000 in connecting Washington account funding must be held in unallotted status during the 2021-2023 fiscal biennium. These funds may only be used after the department has provided notice to the office of financial management that it has exhausted all efforts to secure federal funds from the federal highway administration and the department of defense.

~~((15) \$265,100,000)~~ (14) \$310,469,000 of the connecting Washington account—state appropriation is provided solely for the SR 167/SR 509 Puget Sound Gateway project (M00600R).

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

(b) Proceeds from the sale of any surplus real property acquired for the purpose of building the SR 167/SR 509 Puget Sound Gateway (M00600R) project must be deposited into the motor vehicle account for the purpose of constructing the project.

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

must be placed on avoiding gaps in fund expenditures for either project.

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

(e) In designing the state route number 509/state route number 516 interchange component of the SR 167/SR 509 Puget Sound Gateway project (M00600R), the department shall make every effort to utilize the preferred "4B" design.

(f) The department shall explore the development of a multiuse trail for bicyclists, pedestrians, skateboarders, and similar users along the SR 167 right-of-way acquired for the project to connect a network of new and existing trails from Mount Rainier to Point Defiance Park.

(g) If sufficient bonding authority to complete this project is not provided within chapter 421 (~~((Engrossed Substitute Senate Bill No. 5825))~~), Laws of 2019 (addressing tolling) (~~(or chapter . . . (House Bill No. 2132), Laws of 2019 (addressing tolling))~~), or within a bond authorization act referencing chapter 421 (~~((Engrossed Substitute Senate Bill No. 5825))~~), Laws of 2019 (~~(or chapter . . . (House Bill No. 2132), Laws of 2019,))~~) by June 30, 2019, it is the intent of the legislature to return the Puget Sound Gateway project (M00600R) to its previously identified construction schedule by moving \$128,900,000 in connecting Washington account—state appropriation back to the 2027-2029 biennium from the 2023-2025 biennium on the list referenced in subsection (2) of this section. If sufficient bonding authority is provided, it is the intent of the legislature to advance the project to allow for earlier completion and inflationary savings.

~~((16))~~ (15) It is the intent of the legislature that, for the I-5/North Lewis County Interchange project (L2000204), the department develop and design the project with the objective of significantly improving access to the industrially zoned properties in north Lewis county. The design must consider the county's process of investigating alternatives to improve such access from Interstate 5 that began in March 2015.

~~((18) \$950,000)~~ (16) \$1,029,000 of the transportation partnership account—state appropriation is provided solely for the U.S. 2 Trestle IJR project (L1000158).

~~((19))~~ (17) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's annual budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

~~((20))~~ (18) Any advisory group that the department convenes during the 2019-2021 fiscal biennium must consider the interests of the entire state of Washington.

~~((24))~~ (19) The legislature finds that there are sixteen companies involved in wood preserving in the state that employ four hundred workers and have an annual payroll of fifteen million dollars. Before the department's switch to steel guardrails, ninety percent of the twenty-five hundred mile guardrail system was constructed of preserved wood and one hundred ten thousand wood guardrail posts were produced annually for state use. Moreover, the policy of using steel posts requires the state to use imported steel. Given these findings, where practicable, and until June 30, 2021, the department shall include the design option to use wood guardrail posts, in addition to steel posts, in new guardrail installations. The selection of posts must be consistent with the agency design manual policy that existed before December 2009.

~~((22))~~ (20)(a) ~~((For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2021-2023 fiscal biennium, the department may, on a pilot basis, apply funding from a project in this section with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:~~

~~(i) I 82 Yakima Union Gap Economic Development Improvements (T21100R);~~

~~(ii) I-5 Federal Way Triangle Vicinity Improvements (T20400R); or~~

~~(iii) SR 522/Paradise Lk Rd Interchange & Widening on SR 522 (Design/Engineering) (NPARAD);~~

~~(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.~~

~~(e))~~ For connecting Washington projects that have already begun and are eligible for the authority granted in section 601 of this act, the department shall prioritize advancing the following projects if expected reappropriations become available:

(i) SR 14/I-205 to SE 164th Ave - Auxiliary Lanes (L2000102);

(ii) SR 305 Construction - Safety Improvements (N30500R);

(iii) SR 14/Bingen Underpass (L2220062);

(iv) I-405/NE 132nd Interchange - Totem Lake (L1000110);

(v) US Hwy 2 Safety (N00200R);

(vi) US-12/Walla Walla Corridor Improvements (T20900R);

(vii) I-5 JBLM Corridor Improvements (M00100R);

(viii) I-5/Slater Road Interchange - Improvements (L1000099);

(ix) SR 510/Yelm Loop Phase 2 (T32700R); or

(x) SR 520/124th St Interchange (Design and Right of Way) (L1000098).

~~((4))~~ (b) To the extent practicable, the department shall use the flexibility and authority granted in this section and in section 601 of this act to minimize the amount of reappropriations needed each biennium.

(c) The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.

~~((23))~~ (21) The legislature continues to prioritize the replacement of the state's aging infrastructure and recognizes the importance of reusing and recycling construction aggregate and recycled concrete materials in our transportation system. To accomplish Washington state's sustainability goals in transportation and in accordance with RCW 70.95.805, the legislature reaffirms its determination that recycled concrete aggregate and other transportation building materials are natural resource construction materials that are too valuable to be wasted and landfilled, and are a commodity as defined in WAC 173-350-100.

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

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

~~((24))~~ (22)(a) \$17,500,000 of the motor vehicle account—state appropriation is provided solely for staffing of a project office to replace the Interstate 5 bridge across the Columbia river (G2000088). If at least a \$9,000,000 transfer is not authorized in section 406(29) ~~((of this act))~~, chapter 416, Laws of 2019, then \$9,000,000 of the motor vehicle account—state appropriation lapses.

(b) Of the amount provided in this subsection, \$7,780,000 of the motor vehicle account—state appropriation must be placed in unallotted status by the office of financial management until the department develops a detailed plan for the work of this project office in consultation with the chairs and ranking members of the transportation committees of the legislature. The director of the office of financial management shall consult with the

chairs and ranking members of the transportation committees of the legislature prior to making a decision to allot these funds.

(c) The work of this project office includes, but is not limited to, the reevaluation of the purpose and need identified for the project previously known as the Columbia river crossing, the reevaluation of permits and development of a finance plan, the reengagement of key stakeholders and the public, and the reevaluation of scope, schedule, and budget for a reinvigorated bistate effort for replacement of the Interstate 5 Columbia river bridge. When reevaluating the finance plan for the project, the department shall assume that some costs of the new facility may be covered by tolls. The project office must also study the possible different governance structures for a bridge authority that would provide for the joint administration of the bridges over the Columbia river between Oregon and Washington. As part of this study, the project office must examine the feasibility and necessity of an interstate compact in conjunction with the national center for interstate compacts.

(d) Within the amount provided in this subsection, the department must implement chapter 137 (~~((Engrossed Substitute House Bill No. 1994))~~), Laws of 2019 (projects of statewide significance).

(e) The department shall have as a goal to:

(i) Reengage project stakeholders and reevaluate the purpose and need and environmental permits by July 1, 2020;

(ii) Develop a finance plan by December 1, 2020; and

(iii) Have made significant progress toward beginning the supplemental environmental impact statement process by June 30, 2021. The department shall aim to provide a progress report on these activities to the governor and the transportation committees of the legislature by December 1, 2019, and a final report to the governor and the transportation committees of the legislature by December 1, 2020.

~~((25)) (23)~~ \$17,500,000 of the motor vehicle account—state appropriation is provided solely to begin the pre-design phase on the I-5/Columbia River Bridge project (G2000088) ~~(; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)~~.

~~((26)) (24)(a)~~ ~~((36,500,000))~~ \$191,360,000 of the connecting Washington account—state appropriation, ~~((44,961,000))~~ \$47,655,000 of the motor vehicle account—federal appropriation, \$11,179,000 of the motor vehicle account—private/local appropriation, \$6,100,000 of the motor vehicle account—state appropriation, and ~~((18,539,000))~~ \$18,706,000 of the transportation partnership account—state appropriation are provided solely

for the Fish Passage Barrier project (OBI4001) with the intent of fully complying with the court injunction by 2030.

(b) Of the amounts provided in this subsection, \$320,000 of the connecting Washington account—state appropriation is provided solely to remove the fish passage barrier on state route number 6 that interfaces with Boistfort Valley water utilities near milepost 46.6.

(c) The department shall coordinate with the Brian Abbott fish passage barrier removal board to use a watershed approach to maximize habitat gain by replacing both state and local culverts. The department shall deliver high habitat value fish passage barrier corrections that it has identified, guided by the following factors: Opportunity to bundle projects, ability to leverage investments by others, presence of other barriers, project readiness, other transportation projects in the area, and transportation impacts.

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

(e) It is the intent of the legislature that for the amount listed for the 2021-2023 biennium for the Fish Passage Barrier project (OBI4001) on the LEAP list referenced in subsection (1) of this section, that accrued practical design savings deposited in the transportation future funding program account be used to help fund the cost of fully complying with the court injunction by 2030.

~~((27) \$14,750,000)~~ (25)(a) The Washington state department of transportation is directed to pursue compliance with the U.S. v. Washington permanent injunction by delivering culvert corrections within the injunction area guided by the principle of providing the greatest fisheries habitat gain at the earliest time and considering the following factors: Opportunity to bundle projects, tribal priorities, ability to leverage investments by others, presence of other barriers, project readiness, culvert condition, other transportation projects in the area, and transportation impacts.

(b) The department and Brian Abbott fish barrier removal board, while providing the opportunity for stakeholders, tribes, and government agencies to give input on a statewide culvert remediation plan, must provide updates on the development of the statewide culvert remediation plan to the capital budget, ways and means, and transportation committees of the legislature by November 1, 2020, and March 15, 2021. The first update must include a project timeline and plan to ensure that all state agencies with culvert correction programs are involved in the creation of the comprehensive plan.

(26) \$16,649,000 of the connecting Washington account—state appropriation, \$373,000 of the motor vehicle account—state appropriation, and \$6,000,000 of the motor vehicle account—private/local appropriation are provided solely for the I-90/Barker to Harvard – Improve Interchanges & Local Roads project (L2000122). The connecting Washington account appropriation for the improvements that fall within the city of Liberty Lake may only be expended if the city of Liberty Lake agrees to cover any

project costs within the city of Liberty Lake above the \$20,900,000 of state appropriation provided for the total project in LEAP Transportation Document ((2019-1)) 2020-1 as developed ((April 27, 2019)) March 11, 2020, Program – Highway Improvements (I).

~~((28))~~ (27)(a) ~~(((\$7,060,000))~~ \$6,799,000 of the motor vehicle account—federal appropriation, ~~(((\$72,000))~~ \$31,000 of the motor vehicle account—state appropriation, ~~(((\$3,580,000))~~ \$3,812,000 of the transportation partnership account—state appropriation, and \$7,000,000 of the ~~((high occupancy))~~ Interstate 405 and state route number 167 express toll lanes ((operations)) account—state appropriation are provided solely for the SR 167/SR 410 to SR 18 - Congestion Management project (316706C).

(b) If sufficient bonding authority to complete this project is not provided within chapter 421 ~~((Engrossed Substitute Senate Bill No. 5825))~~, Laws of 2019 (addressing tolling) ~~((or chapter . . . (House Bill No. 2132), Laws of 2019 (addressing tolling))~~, or within a bond authorization act referencing chapter 421 ~~((Engrossed Substitute Senate Bill No. 5825))~~, Laws of 2019 ~~((or chapter . . . (House Bill No. 2132), Laws of 2019,))~~ by June 30, 2019, it is the intent of the legislature to remove the \$100,000,000 in toll funding from this project on the list referenced in subsection (2) of this section.

~~((29))~~ (28) For the I-405/North 8th Street Direct Access Ramp in Renton project (L1000280), if sufficient bonding authority to begin this project is not provided within chapter 421 ~~((Engrossed Substitute Senate Bill No. 5825))~~, Laws of 2019 (addressing tolling) ~~((or chapter . . . (House Bill No. 2132), Laws of 2019 (addressing tolling))~~, or within a bond authorization act referencing chapter 421 ~~((Engrossed Substitute Senate Bill No. 5825))~~, Laws of 2019 ~~((or chapter . . . (House Bill No. 2132), Laws of 2019, by June 30, 2019))~~, it is the intent of the legislature to remove the project from the list referenced in subsection (2) of this section.

~~((30) \$7,900,000)~~ (29) \$7,985,000 of the Special Category C account—state appropriation and \$1,000,000 of the motor vehicle account—private/local appropriation are provided solely for the SR 18 Widening - Issaquah/Hobart Rd to Raging River project (L1000199) for improving and widening state route number 18 to four lanes from Issaquah-Hobart Road to Raging River.

~~((34))~~ (30) \$2,250,000 of the motor vehicle account—state appropriation is provided solely for the I-5 Corridor from Mounts Road to Tumwater project (L1000231) for completing a National and State Environmental Policy Act (NEPA/SEPA) analysis to identify mid- and long-term environmental impacts associated with future improvements along the I-5 corridor from Tumwater to DuPont.

~~((32) \$1,290,000)~~ (31) \$622,000 of the motor vehicle account—state appropriation is provided solely for the US 101/East Sequim Corridor Improvements project (L2000343)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of~~

~~chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~.

~~((33) \$12,800,000)~~ (32) \$12,916,000 of the motor vehicle account—state appropriation is provided solely for the SR 522/Paradise Lk Rd Interchange & Widening on SR 522 (Design/Engineering) project (NPARADI)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~.

~~((34))~~ (33) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for the US 101/Morse Creek Safety Barrier project (L1000247)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~.

~~((35))~~ (34) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for the SR 162/410 Interchange Design and Right of Way project (L1000276)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~.

~~((36) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for the I-5/Rush Road Interchange Improvements project (L1000223); however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~

(35) It is the intent of the legislature that no capital projects be eliminated or substantially delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for this program is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

(36) The appropriations in this section include savings due to anticipated project underruns; however, it is unknown which projects will provide savings. The legislature intends to provide sufficient flexibility for the department to manage to this savings target. To provide this flexibility, the office of financial management may authorize, through an allotment modification, reductions in the appropriated

amounts that are provided solely for a particular purpose within this section subject to the following conditions and limitations:

(a) The department must confirm that any modification requested under this subsection of amounts provided solely for a specific purpose are not expected to be used for that purpose in this biennium;

(b) Allotment modifications authorized under this subsection may not result in increased funding for any project beyond the amount provided for that project in the 2019-2021 fiscal biennium in LEAP Transportation Document 2020-2 ALL PROJECTS as developed March 11, 2020;

(c) Allotment modifications authorized under this subsection apply only to amounts appropriated in this section from the following accounts: Multimodal transportation account—state, transportation partnership account—state, connecting Washington account—state, and special category C account—state; and

(d) By December 1, 2020, the department must submit a report to the transportation committees of the legislature regarding the actions taken under this subsection.

**Sec. 306.** 2019 c 416 s 307 (uncodified) is amended to read as follows:

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

Recreational Vehicle Account—State Appropriation .....	(\$1,744,000)	
		<u>\$2,971,000</u>
Transportation Partnership Account—State		
Appropriation .....	(\$23,706,000)	
		<u>\$20,248,000</u>
Motor Vehicle Account—State Appropriation .....	(\$74,885,000)	
		<u>\$82,447,000</u>
Motor Vehicle Account—Federal Appropriation .....	(\$454,758,000)	
		<u>\$490,744,000</u>
Motor Vehicle Account—Private/Local		
Appropriation .....	(\$5,159,000)	
		<u>\$7,408,000</u>
State Route Number 520 Corridor Account—State		
Appropriation .....	(\$544,000)	
		<u>\$326,000</u>
Connecting Washington Account—State		
Appropriation .....	(\$189,771,000)	
		<u>\$204,630,000</u>

Tacoma Narrows Toll Bridge Account—State		
Appropriation .....	(\$7,906,000)	
		<u>\$8,350,000</u>
Alaskan Way Viaduct Replacement Project Account—State		
Appropriation.....	\$10,000	
<u>Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation</u>	<u>\$3,018,000</u>	
Transportation 2003 Account (Nickel Account)—State		
Appropriation .....	(\$9,617,000)	
		<u>\$17,892,000</u>
<b>TOTAL APPROPRIATION.....</b>	<b>\$768,100,000</b>	
		<u>\$838,044,000</u>

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

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((2019-4)) 2020-1 as developed ((April 27, 2019)) March 11, 2020, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((2019-2)) 2020-2 ALL PROJECTS as developed ((April 27, 2019)) March 11, 2020, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (0B14001).

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

(4) ((~~\$25,036,000~~)) \$26,683,000 of the connecting Washington account—state appropriation is provided solely for the land mobile radio upgrade (G2000055) and is subject

to the conditions, limitations, and review provided in section 701 of this act. The land mobile radio project is subject to technical oversight by the office of the chief information officer. The department, in collaboration with the office of the chief information officer, shall identify where existing or proposed mobile radio technology investments should be consolidated, identify when existing or proposed mobile radio technology investments can be reused or leveraged to meet multiagency needs, increase mobile radio interoperability between agencies, and identify how redundant investments can be reduced over time. The department shall also provide quarterly reports to the technology services board on project progress.

(5) ~~(\$2,500,000)~~ \$4,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary costs incurred from litigation awards, settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund. The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted. No funds provided in this subsection may be expended on any legal fees related to the SR 99/Alaskan Way viaduct replacement project (809936Z).

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

(7) ~~(\$22,729,000)~~ \$21,289,000 of the motor vehicle account—federal appropriation and ~~(\$553,000)~~ \$840,000 of the motor vehicle account—state appropriation are provided solely for the preservation of structurally deficient bridges or bridges that are at risk of becoming structurally deficient (L1000068). These funds must be used widely around the state of Washington. When practicable, the department shall pursue design-build contracts for these bridge projects to expedite delivery. The department shall provide a report that identifies the progress of each project funded in this subsection as part of its annual agency budget request.

(8) The department must consult with the Washington state patrol and the office of financial management during the design phase of any improvement or preservation project that could impact Washington state patrol weigh station operations. During the design phase of any such project, the department must estimate the cost of designing around the affected weigh station's current operations, as well as the cost of moving the affected weigh station.

(9) During the course of any planned resurfacing or other preservation activity on state route number 26 between Colfax and Othello in the 2019-2021 fiscal biennium, the department must add dug-in reflectors.

(10) ~~((a) For projects funded as part of the 2015 connecting Washington transportation package listed on the~~

~~LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2021-2023 fiscal biennium, the department may, on a pilot basis, apply funding from a project in this section with an appropriation that cannot be used for the current fiscal biennium to advance the SR 4/Abernathy Creek Br—Replace Bridge project (400411A).~~

~~(b) At least ten business days before advancing the project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of the project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.~~

~~(c) To the extent practicable, the department shall use the flexibility and authority granted in this section and in section 601 of this act to minimize the amount of reappropriations needed each biennium.~~

~~(4))~~ Within the connecting Washington account—state appropriation, the department may transfer funds from Highway System Preservation (L1100071) to other preservation projects listed in the LEAP transportation document identified in subsection (1) of this section, if it is determined necessary for completion of these high priority preservation projects. The department's next budget submittal after using this subsection must appropriately reflect the transfer.

**Sec. 307.** 2019 c 416 s 308 (uncodified) is amended to read as follows:

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

Motor Vehicle Account—State Appropriation .....	(( <del>\$7,311,000</del> ))
	<u>\$7,746,000</u>
Motor Vehicle Account—Federal Appropriation .....	(( <del>\$5,331,000</del> ))
	<u>\$6,137,000</u>
Motor Vehicle Account—Private/Local Appropriation .....	(( <del>\$500,000</del> ))
	<u>\$579,000</u>
<u>Interstate 405 and State Route Number 167 Express</u>	
<u>Toll Lanes Account—State Appropriation ...</u>	<u>\$100,000</u>
TOTAL APPROPRIATION .....	<u>\$13,142,000</u>
	<u>\$14,562,000</u>

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

(1) \$700,000 of the motor vehicle account—state appropriation is provided solely for the SR 99 Aurora Bridge ITS project (L2000338) ~~(; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor~~

vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses).

(2) It is the intent of the legislature that no capital projects be eliminated or substantially delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for this program is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

Sec. 308. 2019 c 416 s 309 (uncodified) is amended to read as follows:

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

Puget Sound Capital Construction Account—State	
Appropriation .....	<del>(\$111,076,000)</del>
	<u>\$116,253,000</u>
Puget Sound Capital Construction Account—Federal	
Appropriation .....	<del>(\$141,750,000)</del>
	<u>\$198,688,000</u>
Puget Sound Capital Construction Account—Private/Local	
Appropriation .....	<del>(\$350,000)</del>
	<u>\$4,779,000</u>
Transportation Partnership Account—State	
Appropriation .....	<del>(\$4,936,000)</del>
	<u>\$6,582,000</u>
Connecting Washington Account—State	
Appropriation .....	<del>(\$92,766,000)</del>
	<u>\$112,426,000</u>
Capital Vessel Replacement Account—State	
Appropriation .....	<del>(\$99,000,000)</del>
	<u>\$96,030,000</u>
<u>Transportation 2003 Account (Nickel Account)—State</u>	
Appropriation .....	<u>\$986,000</u>
TOTAL APPROPRIATION .....	<u>\$449,878,000</u>
	<u>\$535,744,000</u>

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

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document (~~(2019-2)~~) 2020-2 ALL PROJECTS as developed

(~~(April 27, 2019)~~) March 11, 2020, Program - Washington State Ferries Capital Program (W).

(2) (~~(\$1,461,000)~~) \$2,857,000 of the Puget Sound capital construction account—state appropriation, (~~(\$59,650,000)~~) \$17,832,000 of the Puget Sound capital construction account—federal appropriation, and \$63,789,000 of the connecting Washington account—state appropriation, are provided solely for the Mukilteo ferry terminal (952515P). To the extent practicable, the department shall avoid the closure of, or disruption to, any existing public access walkways in the vicinity of the terminal project during construction.

(3) (~~(\$73,089,000)~~) \$102,641,000 of the Puget Sound capital construction account—federal appropriation, (~~(\$33,089,000)~~) \$47,819,000 of the connecting Washington account—state appropriation, and (~~(\$8,778,000)~~) \$4,355,000 of the Puget Sound capital construction account—(~~state~~) local appropriation are provided solely for the Seattle Terminal Replacement project (900010L).

(4) (~~(\$5,000,000)~~) \$5,357,000 of the Puget Sound capital construction account—state appropriation is provided solely for emergency capital repair costs (999910K). Funds may only be spent after approval by the office of financial management.

(5) \$2,300,000 of the Puget Sound capital construction account—state appropriation is provided solely for the ORCA acceptance project (L2000300). The ferry system shall work with Washington technology solutions and the tolling division on the development of a new, interoperable ticketing system.

(6) \$495,000 of the Puget Sound capital construction account—state appropriation is provided solely for an electric ferry planning team (G2000087) to develop ten-year and twenty-year implementation plans to efficiently deploy hybrid-electric vessels, including a cost-benefit analysis of construction and operation of hybrid-electric vessels with and without charging infrastructure. The plan includes, but is not limited to, vessel technology and feasibility, vessel and terminal deployment schedules, project financing, and workforce requirements. The plan shall be submitted to the office of financial management and the transportation committees of the legislature by June 30, 2020.

(7) \$35,000,000 of the Puget Sound capital construction account—state appropriation and (~~(\$6,500,000)~~) \$8,000,000 of the Puget Sound capital construction account—federal appropriation are provided solely for the conversion of up to two Jumbo Mark II vessels to electric hybrid propulsion (G2000084). The department shall seek additional funds for the purposes of this subsection. The department may spend from the Puget Sound capital construction account—state appropriation in this section only as much as the department receives in Volkswagen settlement funds for the purposes of this subsection.

(8) \$400,000 of the Puget Sound capital construction account—state appropriation is provided solely for a request for proposals for a new maintenance management system

(project L2000301) and is subject to the conditions, limitations, and review provided in section 701 of this act.

(9) (~~(\$99,000,000)~~) \$96,030,000 of the capital vessel replacement account—state appropriation is provided solely for the acquisition of a 144-car hybrid-electric vessel. The vendor must present to the joint transportation committee and the office of financial management, by September 15, 2019, a list of options that will result in significant cost savings changes in terms of construction or the long-term maintenance and operations of the vessel. The vendor must allow for exercising the options without a penalty. It is the intent of the legislature to provide an additional \$88,000,000 in funding in the 2021-23 biennium. (~~Unless (a) chapter 431 (Engrossed Substitute House Bill No. 2161), Laws of 2019 (capital surcharge) or chapter . . . (Substitute Senate Bill No. 5992), Laws of 2019 (capital surcharge) is enacted by June 30, 2019, and (b) chapter 417 (Engrossed House Bill No. 1789), Laws of 2019 (service fees) or chapter . . . (Substitute Senate Bill No. 5419), Laws of 2019 (service fees) is enacted by June 30, 2019, the amount provided in this subsection lapses.~~) The reduction provided in this subsection is an assumed underrun pursuant to subsection (11) of this section. The commencement of construction of new vessels for the ferry system is important not only for safety reasons, but also to keep skilled marine construction jobs in the Puget Sound region and to sustain the capacity of the region to meet the ongoing construction and preservation needs of the ferry system fleet of vessels. The legislature has determined that the current vessel procurement process must move forward with all due speed, balancing the interests of both the taxpayers and shipyards. To accomplish construction of vessels in accordance with RCW 47.60.810, the prevailing shipbuilder, for vessels initially funded after July 1, 2020, is encouraged to follow the historical practice of subcontracting the construction of ferry superstructures to a separate nonaffiliated contractor located within the Puget Sound region, that is qualified in accordance with RCW 47.60.690.

(10) The capital vessel replacement account—state appropriation includes up to (~~(\$99,000,000)~~) \$96,030,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(11) It is the intent of the legislature that no capital projects be eliminated or substantially delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for this program is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

(12) The appropriations in this section include savings due to anticipated project underruns; however, it is unknown which projects will provide savings. The legislature intends to provide sufficient flexibility for the department to manage to this savings target. To provide this flexibility, the office of financial management may authorize, through an allotment modification, reductions in the appropriated amounts that are provided solely for a particular purpose within this section subject to the following conditions and limitations:

(a) The department must confirm that any modification requested under this subsection of amounts provided solely for a specific purpose are not expected to be used for that purpose in this biennium;

(b) Allotment modifications authorized under this subsection may not result in increased funding for any project beyond the amount provided for that project in the 2019-2021 fiscal biennium in LEAP Transportation Document 2020-2 ALL PROJECTS as developed March 11, 2020;

(c) Allotment modifications authorized under this subsection apply only to amounts appropriated in this section from the following accounts: Puget Sound capital construction account—state, transportation partnership account—state, and capital vessel replacement account—state; and

(d) By December 1, 2020, the department must submit a report to the transportation committees of the legislature regarding the actions taken under this subsection.

Sec. 309. 2019 c 416 s 310 (uncodified) is amended to read as follows:

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

Motor Vehicle Account—State	Appropriation	(\$1,750,000))
		\$3,300,000
Essential Rail Assistance Account—State	Appropriation	(\$500,000))
		\$851,000
Transportation Infrastructure Account—State	Appropriation	\$7,554,000
Multimodal Transportation Account—State	Appropriation	(\$85,441,000))
		\$74,876,000
Multimodal Transportation Account—Federal	Appropriation	(\$8,302,000))
		\$8,601,000
Multimodal Transportation Account—Local	Appropriation	\$336,000
TOTAL APPROPRIATION		\$103,883,000
		\$95,518,000

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

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document (~~(2019-2)~~) 2020-2 ALL

PROJECTS as developed (~~(April 27, 2019)~~) March 11, 2020, Program - Rail Program (Y).

(2) \$7,136,000 of the transportation infrastructure account—state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than ten years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. The department shall report annually to the transportation committees of the legislature and the office of financial management on all FRIB loans issued.

(3) (~~(\$8,112,000)~~) \$7,782,000 of the multimodal transportation account—state appropriation, \$51,000 of the transportation infrastructure account—state appropriation, and \$135,000 of the essential rail assistance account—state appropriation are provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

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

(5)(a) (~~(\$365,000)~~) \$716,000 of the essential rail assistance account—state appropriation (~~(is)~~) and \$82,000 of the multimodal transportation account—state appropriation are provided solely for the purpose of the rehabilitation and maintenance of the Palouse river and Coulee City railroad line (F01111B).

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

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

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

(iii) Revenues and transfers transferred from the miscellaneous program account to the essential rail assistance account, pursuant to RCW 47.76.360, for the

purpose of sustaining the grain train program by maintaining the Palouse river and Coulee City railroad.

(6) The department shall issue a call for projects for the freight rail assistance program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 15, 2020, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(7) \$10,000,000 of the multimodal transportation account—state appropriation is provided solely as expenditure authority for any insurance proceeds received by the state for Passenger Rail Equipment Replacement (project 700010C.) The department must use this expenditure authority only to purchase (~~(new train sets)~~) replacement equipment that (~~(have)~~) has been competitively procured and for service recovery needs and corrective actions related to the December 2017 derailment.

(8) (~~(\$600,000)~~) \$898,000 of the multimodal transportation account—federal appropriation and (~~(\$6,000)~~) \$8,000 of the multimodal transportation account—state appropriation are provided solely for the Ridgefield Rail Overpass (project 725910A). Total costs for this project may not exceed \$909,000 across fiscal biennia.

(9)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2021-2023 fiscal biennium, the department may, on a pilot basis, apply funding from a project in this section with an appropriation that cannot be used for the current fiscal biennium to advance the South Kelso Railroad Crossing project (L1000147).

(b) At least ten business days before advancing the project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of the project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.

(c) To the extent practicable, the department shall use the flexibility and authority granted in this section to minimize the amount of reappropriations needed each biennium.

(10) The multimodal transportation account—state appropriation includes up to (~~(\$19,592,000)~~) \$25,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.867.

(11) The department must report to the joint transportation committee on the progress made on freight rail investment bank projects and freight rail assistance projects funded during this biennium by January 1, 2020.

(12) \$1,500,000 of the multimodal transportation account—state appropriation is provided solely for the Chelatchie Prairie railroad roadbed rehabilitation project (L1000233).

(13) \$250,000 of the multimodal transportation account—state appropriation is provided solely for the Port of Moses Lake Northern Columbia Basin railroad feasibility study (L1000235).

(14) \$500,000 of the multimodal transportation account—state appropriation is provided solely for the Spokane airport transload facility project (L1000242).

(15) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for the grade separation at Bell road project (L1000239)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).~~

(16) \$750,000 of the motor vehicle account—state appropriation ~~((is))~~ and \$399,000 of the multimodal transportation account—state appropriation are provided solely for the rail crossing improvements at 6th Ave. and South 19th St. project (L2000289)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).~~

(17) It is the intent of the legislature that no capital projects be eliminated or substantially delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for this program is reduced to reflect anticipated underruns in this program, based on historical reapportionment levels.

(18) The appropriations in this section include savings due to anticipated project underruns; however, it is unknown which projects will provide savings. The legislature intends to provide sufficient flexibility for the department to manage to this savings target. To provide this flexibility, the office of financial management may authorize, through an allotment modification, reductions in the appropriated amounts that are provided solely for a particular purpose within this section subject to the following conditions and limitations:

(a) The department must confirm that any modification requested under this subsection of amounts provided solely for a specific purpose are not expected to be used for that purpose in this biennium;

(b) Allotment modifications authorized under this subsection may not result in increased funding for any project beyond the amount provided for that project in the 2019-2021 fiscal biennium in LEAP Transportation Document 2020-2 ALL PROJECTS as developed March 11, 2020;

(c) Allotment modifications authorized under this subsection apply only to amounts appropriated in this section from the multimodal transportation account—state; and

(d) By December 1, 2020, the department must submit a report to the transportation committees of the legislature regarding the actions taken under this subsection.

**Sec. 310.** 2019 c 416 s 311 (uncodified) is amended to read as follows:

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

Highway	Infrastructure	Account—State	
Appropriation .....			(\$793,000)
			<u>\$1,276,000</u>
Highway	Infrastructure	Account—Federal	
Appropriation .....			(\$981,000)
			<u>\$1,337,000</u>
Transportation Partnership Account—State			
Appropriation .....			(\$750,000)
			<u>\$2,380,000</u>
Highway	Safety	Account—State	
Appropriation .....			(\$800,000)
			<u>\$1,314,000</u>
Motor	Vehicle	Account—State	
Appropriation .....			(\$30,878,000)
			<u>\$35,607,000</u>
Motor	Vehicle	Account—Federal	
Appropriation .....			(\$33,813,000)
			<u>\$41,420,000</u>
Motor	Vehicle	Account—Private/Local	
Appropriation .....			(\$21,500,000)
			<u>\$24,600,000</u>
Connecting	Washington	Account—State	
Appropriation .....			(\$172,454,000)
			<u>\$155,550,000</u>
Multimodal Transportation Account—State			
Appropriation .....			(\$72,269,000)
			<u>\$77,469,000</u>
TOTAL APPROPRIATION.....			<u>\$334,238,000</u>
			<u>\$340,953,000</u>

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

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ~~((2019-2))~~ 2020-2 ALL

PROJECTS as developed (~~April 27, 2019~~) March 11, 2020, Program - Local Programs Program (Z).

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

(a) \$18,380,000 of the multimodal transportation account—state appropriation is provided solely for newly selected pedestrian and bicycle safety program projects. (~~(\$5,940,000)~~) \$18,577,000 of the multimodal transportation account—state appropriation and (~~(\$750,000)~~) \$1,380,000 of the transportation partnership account—state appropriation are reappropriated for pedestrian and bicycle safety program projects selected in the previous biennia (L2000188).

(b) \$11,400,000 of the motor vehicle account—federal appropriation and \$7,750,000 of the multimodal transportation account—state appropriation are provided solely for newly selected safe routes to school projects. (~~(\$6,690,000)~~) \$11,354,000 of the motor vehicle account—federal appropriation, (~~(\$2,320,000)~~) \$4,640,000 of the multimodal transportation account—state appropriation, and (~~(\$800,000)~~) \$1,314,000 of the highway safety account—state appropriation are reappropriated for safe routes to school projects selected in the previous biennia (L2000189). The department may consider the special situations facing high-need areas, as defined by schools or project areas in which the percentage of the children eligible to receive free and reduced-price meals under the national school lunch program is equal to, or greater than, the state average as determined by the department, when evaluating project proposals against established funding criteria while ensuring continued compliance with federal eligibility requirements.

(3) The department shall submit a report to the transportation committees of the legislature by December 1, 2019, and December 1, 2020, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program. The report must include, but is not limited to, a list of projects selected and a brief description of each project's status.

(4) (~~(\$28,319,000)~~) \$37,537,000 of the multimodal transportation account—state appropriation is provided solely for bicycle and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(5) (~~(\$19,160,000)~~) \$23,926,000 of the connecting Washington account—state appropriation is provided solely for the Covington Connector (L2000104). The amounts described in the LEAP transportation document referenced in subsection (1) of this section are not a commitment by future legislatures, but it is the legislature's intent that future legislatures will work to approve appropriations in the 2019-2021 fiscal biennium to reimburse the city of Covington for approved work completed on the project up to the full \$24,000,000 cost of this project.

(6)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial

reappropriations for the 2021-2023 fiscal biennium, the department may, on a pilot basis, apply funding from a project in this section with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

(i) (~~East West Corridor Overpass and Bridge (L2000067)~~);

(ii) 41st Street Rucker Avenue Freight Corridor Phase 2 (L2000134);

(iii) Mottman Rd Pedestrian & Street Improvements (L1000089);

(iv) I-5/Port of Tacoma Road Interchange (L1000087);

(v) ~~Complete SR 522 Improvements Kenmore (T10600R)~~;

(vi) (ii) SR 99 Revitalization in Edmonds (NEDMOND); or

(vii) (iii) SR 523 145th Street (L1000148);

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.

(c) To the extent practicable, the department shall use the flexibility and authority granted in this section to minimize the amount of reappropriations needed each biennium.

(7) It is the expectation of the legislature that the department will be administering a local railroad crossing safety grant program for \$7,000,000 in federal funds during the 2019-2021 fiscal biennium.

(8)(a) \$15,213,000 of the motor vehicle account—federal appropriation is provided solely for national highway freight network projects identified on the project list submitted in accordance with section 218(4)(b), chapter 14, Laws of 2016 on October 31, 2016.

(b) (~~In advance of the expiration of the fixing America's surface transportation (FAST) act in 2020, the department must work with the Washington state freight advisory committee to agree on a framework for allocation of any new national highway freight funding that may be approved in a new federal surface transportation reauthorization act. The department and representatives of the advisory committee must report to the joint transportation committee by October 1, 2020, on the status of planning for allocating new funds for this program.~~) The department shall convene a stakeholder group for the purpose of developing a recommendation for a Washington freight advisory committee. The recommendations must include, but are not limited to, defining the committee's purpose and goals, roles and responsibilities, reporting structure, and proposed activities. Stakeholders must include representation from, but not limited to, the trucking industry,

the maritime industry, the rail industry, cities, tribal governments, counties, ports, and representatives from key industrial associations important to the state's economic vitality and other relevant public and private interests. In developing the recommendation, the stakeholder group must review practices used by other states. The proposed committee must conform with requirements of the fixing America's surface transportation act and other relevant federal legislation. The recommendations must include how the committee can address improving freight mobility including, but not limited to, addressing insufficient truck parking in Washington state, examining the link between preservation investments and freight mobility, and enhancing freight logistics through the application of technology. The stakeholder group shall make recommendations to the governor and the transportation committees of the legislature by December 1, 2020.

(9) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for the Beech Street Extension project (L1000222)(~~if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses~~)).

(10) \$3,900,000 of the motor vehicle account—state appropriation is provided solely for the Dupont-Steilacoom road improvements project (L1000224)(~~if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses~~)).

(11) \$650,000 of the motor vehicle account—state appropriation is provided solely for the SR 104/40th place northeast roundabout project (L1000244)(~~if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses~~)).

(12) \$860,000 of the multimodal transportation account—state appropriation is provided solely for the Clinton to Ken's corner trail project (L1000249).

(13) \$210,000 of the motor vehicle account—state appropriation is provided solely for the I-405/44th gateway signage and green-scaping improvements project (L1000250)(~~if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by~~

~~June 30, 2019, the amount provided in this subsection lapses~~)).

(14) (~~\$750,000 of the multimodal transportation account—state appropriation is provided solely for the Edmonds waterfront connector project (L1000252).~~

~~(15)) \$650,000 of the motor vehicle account—state appropriation is provided solely for the Wallace Kneeland and Shelton springs road intersection improvements project (L1000260)(if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses~~)).

~~((16)) (15) \$1,000,000 of the motor vehicle account—state appropriation and \$500,000 of the multimodal transportation account—state appropriation are provided solely for the complete 224th Phase two project (L1000270)(if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount in this subsection provided from the motor vehicle account—state appropriation lapses~~)).

~~((17)) (16) \$60,000 of the multimodal transportation account—state appropriation is provided solely for the installation of an updated meteorological station at the Colville airport (L1000279).~~

~~((18)) (17)(a) \$700,000 of the motor vehicle account—state appropriation is provided solely for the Ballard-Interbay Regional Transportation system plan project (L1000281)(if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses~~)).

(b) Funding in this subsection is provided solely for the city of Seattle to develop a plan and report for the Ballard-Interbay Regional Transportation System project to improve mobility for people and freight. The plan must be developed in coordination and partnership with entities including but not limited to the city of Seattle, King county, the Port of Seattle, Sound Transit, the Washington state military department for the Seattle armory, and the Washington state department of transportation. The plan must examine replacement of the Ballard bridge and the Magnolia bridge, which was damaged in the 2001 Nisqually earthquake. The city must provide a report on the plan that includes recommendations to the Seattle city council, King county council, and the transportation committees of the legislature by November 1, 2020. The report must include recommendations on how to maintain the current and future

capacities of the Magnolia and Ballard bridges, an overview and analysis of all plans between 2010 and 2020 that examine how to replace the Magnolia bridge, and recommendations on a timeline for constructing new Magnolia and Ballard bridges.

~~((19))~~ (18) \$750,000 of the motor vehicle account—state appropriation is provided solely for the Mickelson Parkway project (L1000282)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~.

~~((20))~~ (19) \$300,000 of the motor vehicle account—state appropriation is provided solely for the South 314th Street Improvements project (L1000283)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~.

~~((21))~~ (20) \$250,000 of the motor vehicle account—state appropriation is provided solely for the Ridgefield South I-5 Access Planning project (L1000284)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~.

~~((22))~~ (21) \$300,000 of the motor vehicle account—state appropriation is provided solely for the Washougal 32nd Street Underpass Design and Permitting project (L1000285)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~.

~~((23))~~ (22) \$600,000 of the connecting Washington account—state appropriation, \$150,000 of the motor vehicle account—state appropriation, and ~~((50,000))~~ \$267,000 of the multimodal transportation account—state appropriation are provided solely for the Bingen Walnut Creek and Maple Railroad Crossing (L2000328)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount in this~~

~~subsection provided from the motor vehicle account—state appropriation lapses))~~.

~~((24))~~ (23) \$1,500,000 of the motor vehicle account—state appropriation is provided solely for the SR 303 Warren Avenue Bridge Pedestrian Improvements project (L2000339)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~.

~~((25))~~ (24) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for the 72nd/Washington Improvements in Yakima project (L2000341)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~.

~~((26))~~ (25) \$650,000 of the motor vehicle account—state appropriation is provided solely for the 48th/Washington Improvements in Yakima project (L2000342)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~.

(26) It is the intent of the legislature that no capital projects will be eliminated or substantially delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for this program is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

(27) The appropriations in this section include savings due to anticipated project underruns; however, it is unknown which projects will provide savings. The legislature intends to provide sufficient flexibility for the department to manage to this savings target. To provide this flexibility, the office of financial management may authorize, through an allotment modification, reductions in the appropriated amounts that are provided solely for a particular purpose within this section subject to the following conditions and limitations:

(a) The department must confirm that any modification requested under this subsection of amounts provided solely for a specific purpose are not expected to be used for that purpose in this biennium;

(b) Allotment modifications authorized under this subsection may not result in increased funding for any project beyond the amount provided for that project in the

2019-2021 fiscal biennium in LEAP Transportation Document 2020-2 ALL PROJECTS as developed March 11, 2020:

(c) Allotment modifications authorized under this subsection apply only to amounts appropriated in this section from the following accounts: Connecting Washington account—state and multimodal transportation account—state; and

(d) By December 1, 2020, the department must submit a report to the transportation committees of the legislature regarding the actions taken under this subsection.

**Sec. 311.** 2019 c 416 s 313 (uncodified) is amended to read as follows:

**QUARTERLY REPORTING REQUIREMENTS FOR CAPITAL PROGRAM**

On a quarterly basis, the department of transportation shall provide to the office of financial management and the legislative transportation committees the following reports for all capital programs:

(1) For active projects, the report must include:

(a) A TEIS version containing actual capital expenditures for all projects consistent with the structure of the most recently enacted budget;

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

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

(d) Projected costs and schedule for individual projects that are funded at a programmatic level for projects relating to bridge rail, guard rail, fish passage barrier removal, roadside safety projects, and seismic bridges. Projects within this programmatic level funding must be completed on a priority basis and scoped to be completed within the current programmatic budget;

(e) Highway projects that may be reduced in scope and still achieve a functional benefit;

(f) Highway projects that have experienced scope increases and that can be reduced in scope;

(g) Highway projects that have lost significant local or regional contributions that were essential to completing the project; and

(h) Contingency amounts for all projects consistent with the structure of the most recently enacted budget.

(2) For completed projects, the report must:

(a) Compare the costs and operationally complete date for projects with budgets of twenty million dollars or more that are funded with preexisting funds to the original project cost estimates and schedule; and

(b) Provide a list of nickel (~~and~~), TPA, and connecting Washington projects charging to the nickel/TPA/CWA environmental mitigation reserve (OBI4ENV) and the amount each project is charging.

(3) For prospective projects, the report must:

(a) Identify the estimated advertisement date for all projects consistent with the structure of the most recently enacted transportation budget that are going to advertisement during the current fiscal biennium;

(b) Identify the anticipated operationally complete date for all projects consistent with the structure of the most recently enacted transportation budget that are going to advertisement during the current fiscal biennium; and

(c) Identify the estimated cost of completion for all projects consistent with the structure of the most recently enacted transportation budget that are going to advertisement during the current fiscal biennium.

**TRANSFERS AND DISTRIBUTIONS**

**Sec. 401.** 2019 c 416 s 401 (uncodified) is amended to read as follows:

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

Special Category C Account—State Appropriation .....	(\$376,000)	
		<u>\$105,000</u>
Multimodal Transportation Account—State Appropriation .....	\$125,000	
Transportation Partnership Account—State Appropriation .....	(\$1,636,000)	
		<u>\$1,407,000</u>
Connecting Washington Account—State Appropriation .....	(\$7,599,000)	
		<u>\$7,723,000</u>
Highway Bond Retirement Account—State Appropriation .....	(\$1,327,766,000)	
		<u>\$1,378,835,000</u>
Ferry Bond Retirement Account—State Appropriation .....	(\$25,077,000)	
		<u>\$25,078,000</u>
Transportation Improvement Board Bond Retirement Account—State Appropriation .....	(\$12,684,000)	
		<u>\$12,452,000</u>
Nondebt-Limit Reimbursable Bond Retirement		

Account—State Appropriation.....	(\$29,594,000))	
		<u>\$31,253,000</u>
Toll Facility Bond Retirement Account—State		
Appropriation .....	(\$86,493,000))	
		<u>\$86,483,000</u>
TOTAL APPROPRIATION .....	\$1,491,340,000	
		<u>\$1,543,461,000</u>

**Sec. 402.** 2019 c 416 s 402 (uncodified) is amended to read as follows:

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

Multimodal Transportation Account—State		
Appropriation.....	\$25,000	
Transportation Partnership Account—State		
Appropriation .....	(\$327,000))	
		<u>\$281,000</u>
Connecting Washington Account—State		
Appropriation.....	(\$1,520,000))	
		<u>\$1,599,000</u>
Special Category C Account—State		
Appropriation.....	(\$75,000))	
		<u>\$21,000</u>
TOTAL APPROPRIATION .....	\$1,947,000	
		<u>\$1,926,000</u>

**Sec. 403.** 2019 c 416 s 403 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Account—State Appropriation:	
For motor vehicle fuel tax distributions to	
cities and counties .....	(\$518,198,000))
	<u>\$508,276,000</u>

**Sec. 404.** 2019 c 416 s 404 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—TRANSFERS**

Motor Vehicle Account—State Appropriation:	
For motor vehicle fuel tax refunds and	
statutory transfers .....	(\$2,188,945,000))
	<u>\$2,146,790,000</u>

**Sec. 405.** 2019 c 416 s 405 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING—TRANSFERS**

Motor Vehicle Account—State Appropriation:	
For motor vehicle fuel tax refunds and	
transfers .....	(\$220,426,000))
	<u>\$235,788,000</u>

**Sec. 406.** 2019 c 416 s 406 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS**

- (1) Highway Safety Account—State Appropriation:  
For transfer to the Multimodal Transportation  
Account—State..... (\$10,000,000))  
\$54,000,000
- (2) Transportation Partnership Account—State  
Appropriation: For transfer to the Motor Vehicle  
Account—State..... (\$50,000,000))  
\$45,000,000
- (3) Motor Vehicle Account—State Appropriation:  
For transfer to the State Patrol Highway  
Account—State..... (\$7,000,000))  
\$57,000,000
- (4) Motor Vehicle Account—State Appropriation:  
For transfer to the Freight Mobility Investment  
Account—State..... (\$8,511,000))  
\$8,070,000
- (5) Motor Vehicle Account—State Appropriation:  
For transfer to the Rural Arterial Trust  
Account—State..... (\$4,844,000))  
\$1,732,000
- (6) Motor Vehicle Account—State Appropriation:  
For transfer to the Transportation Improvement  
Account—State..... (\$9,688,000))  
\$5,067,000
- (7) ~~(Highway Safety Account—State Appropriation:~~  
~~For transfer to the State Patrol Highway~~  
~~Account—State..... \$44,000,000~~
- ~~(8))~~ Motor Vehicle Account—State Appropriation:  
For transfer to the Puget Sound Capital Construction  
Account—State..... \$52,000,000

(8) Motor Vehicle Account—State Appropriation: For transfer to the Puget Sound Ferry Operations Account—State ..... \$55,000,000

(9) Rural Mobility Grant Program Account—State Appropriation: For transfer to the Multimodal Transportation Account—State ..... \$3,000,000

~~((9))~~ (10) State Route Number 520 Civil Penalties Account—State Appropriation: For transfer to the State Route Number 520 Corridor Account—State ..... \$1,434,000

~~((40))~~ (11) Capital Vessel Replacement Account—State Appropriation: For transfer to the Connecting Washington Account—State ..... (\$50,000,000)  
\$60,000,000

~~((11))~~ Multimodal Transportation Account—State Appropriation: For transfer to the Freight Mobility Multimodal Account—State .... \$8,511,000)

~~(12)~~ (Multimodal Transportation Account—State Appropriation: For transfer to the Puget Sound Capital Construction Account—State ..... \$15,000,000

~~(13)~~ Multimodal Transportation Account—State Appropriation: For transfer to the Puget Sound Ferry Operations Account—State ..... \$45,000,000

~~(14))~~ Multimodal Transportation Account—State Appropriation: For transfer to the Regional Mobility Grant Program Account—State ..... (\$27,679,000)  
\$11,215,000

~~((15))~~ (13) Multimodal Transportation Account—State Appropriation: For transfer to the Rural Mobility Grant Program Account—State \$15,223,000

~~((16))~~ (14) Transportation 2003 Account (Nickel Account)—State Appropriation: For transfer to the Puget Sound Capital Construction Account—State ..... (\$20,000,000)  
\$15,000,000

~~((17))~~ (15)(a) Alaskan Way Viaduct Replacement Project Account—State Appropriation: For transfer to the

Motor Vehicle Account—State.....\$9,992,000

(b) The transfer identified in this subsection is provided solely to repay in full the motor vehicle account—state appropriation loan from section 1005(21) ~~((of this act))~~, chapter 416, Laws of 2019.

~~((18))~~ (16)(a) Transportation Partnership Account—State

Appropriation: For transfer to the Alaskan Way Viaduct

Replacement Project Account—State ~~((77,951,000))~~  
\$77,956,000

(b) The amount transferred in this subsection represents that portion of the up to \$200,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.873, intended to be sold through the 2021-2023 fiscal biennium, used only for construction of the SR 99/Alaskan Way Viaduct Replacement project (809936Z), and that must be repaid from the Alaskan Way viaduct replacement project account consistent with RCW 47.56.864.

~~((19))~~ (17) Motor Vehicle Account—State Appropriation:

For transfer to the County Arterial Preservation Account—State..... ~~((4,844,000))~~  
\$4,829,000

~~((20))~~ (18)(a) General Fund Account—State Appropriation:

For transfer to the State Patrol Highway Account—State.....\$625,000

(b) The state treasurer shall transfer the funds only after receiving notification from the Washington state patrol under section 207(7) ~~((of this act))~~, chapter 416, Laws of 2019.

~~((21))~~ (19) Capital Vessel Replacement Account—State

Appropriation: For transfer to the Transportation Partnership Account—State..... ~~((3,293,000))~~  
\$2,312,000

~~((22))~~ (20)(a) Alaskan Way Viaduct Replacement Project

Account—State Appropriation: For transfer to the Transportation Partnership Account—State ..... ~~((19,262,000))~~  
\$15,858,000

(b) The amount transferred in this subsection represents repayment of debt service incurred for the construction of the SR 99/Alaskan Way Viaduct Replacement project (809936Z).

~~((23))~~ (21) Tacoma Narrows Toll Bridge Account—  
State

Appropriation: For transfer to the Motor  
Vehicle Account—State ..... \$950,000

~~((24))~~ (22)(a) Tacoma Narrows Toll Bridge  
Account—State Appropriation:

For transfer to the Motor Vehicle  
Account—State ..... \$5,000,000

(b) A transfer in the amount of \$5,000,000 was made from the Motor Vehicle Account to the Tacoma Narrows Toll Bridge Account in April 2019. It is the intent of the legislature that this transfer was to be temporary, for the purpose of minimizing the impact of toll increases, and this is an equivalent reimbursing transfer to occur in November 2019.

~~((25))~~ (23)(a) Transportation 2003 Account (Nickel  
Account)

—State Appropriation: For transfer to the Tacoma  
Narrows Toll Bridge Account—State ..... \$12,543,000

(b) It is the intent of the legislature that this transfer is temporary, for the purpose of minimizing the impact of toll increases, and an equivalent reimbursing transfer is to occur after the debt service and deferred sales tax on the Tacoma Narrows bridge construction costs are fully repaid in accordance with chapter 195, Laws of 2018.

~~((26))~~ (24) Transportation Infrastructure Account—  
State

Appropriation: For transfer to the multimodal  
Transportation Account—State ..... \$9,000,000

~~((27))~~ (25) Multimodal Transportation Account—  
State

Appropriation: For transfer to the Pilotage  
Account—State ..... \$2,500,000

~~((28))~~ (26)(a) Motor Vehicle Account—State  
Appropriation: For transfer to the County Road

Administration Board Emergency Loan Account—  
State ..... \$1,000,000

(b) If chapter 157 (~~Senate Bill No. 5923~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((29))~~ (27)(a) Advanced Environmental Mitigation  
Revolving Account—State Appropriation: For  
transfer

to the Motor Vehicle Account—State ..... \$9,000,000

(b) The amount transferred in this subsection is contingent on at least a \$9,000,000 transfer to the advanced environmental mitigation revolving account authorized by June 30, 2019, in the omnibus capital appropriations act.

~~((30))~~ Motor Vehicle account—State Appropriation:  
For transfer to the Electric Vehicle Charging

Infrastructure Account—State ..... \$12,255,000

~~((34))~~ (28) Multimodal Transportation Account—  
State

Appropriation: For transfer to the Electric Vehicle  
Charging Infrastructure Account—State  
..... ~~(\$8,000,000)~~  
\$1,000,000

~~((32))~~ (29) Multimodal Transportation Account—  
State

Appropriation: For transfer to the Complete Streets  
Grant Program Account—State ..... ~~(\$14,670,000)~~  
\$10,200,000

~~((33))~~ (30)(a) Transportation Partnership  
Account—State Appropriation: For transfer to the  
Capital Vessel Replacement Account—State  
..... ~~(\$99,000,000)~~  
\$96,030,000

(b) The amount transferred in this subsection represents proceeds from the sale of bonds authorized in RCW 47.10.873.

(31) Freight Mobility Multimodal Account—State  
Appropriation: For transfer to the Multimodal  
Transportation

Account—State ..... \$7,296,000

(32) Connecting Washington Account—State  
Appropriation: For transfer to the Motor Vehicle  
Account—State ..... \$115,000,000

**Sec. 407.** 2019 c 416 s 407 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

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

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

TOTAL APPROPRIATION..... \$50,224,000

**Sec. 408.** 2019 c 416 s 408 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER**

**CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE**

Toll Facility Bond Retirement Account—Federal	
Appropriation .....	\$199,522,000
Toll Facility Bond Retirement Account—State	
Appropriation .....	\$25,372,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$225,273,000</b>
	<u>\$224,894,000</u>

**COMPENSATION**

**NEW SECTION. Sec. 501.** A new section is added to 2019 c 416 (uncodified) to read as follows:**COLLECTIVE BARGAINING AGREEMENTS**

Sections 502 and 503 of this act represent the results of the negotiations for fiscal year 2021 collective bargaining agreement changes, permitted under chapter 47.64 RCW. Provisions of the collective bargaining agreements contained in sections 502 and 503 of this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements contained in sections 502 and 503 of this act may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

**NEW SECTION. Sec. 502.** A new section is added to 2019 c 416 (uncodified) to read as follows:**DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MEBA-UL**

An agreement has been reached between the governor and the marine engineers' beneficial association unlicensed engine room employees pursuant to chapter 47.64 RCW for the 2021 fiscal year. Funding is provided to ensure training opportunities are available to all bargaining unit employees.

**NEW SECTION. Sec. 503.** A new section is added to 2019 c 416 (uncodified) to read as follows:**DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MEBA-L**

An agreement has been reached between the governor and the marine engineers' beneficial association licensed engineer officers pursuant to chapter 47.64 RCW for the 2021 fiscal year. Funding is provided to ensure training opportunities are available to all bargaining unit employees.

**NEW SECTION. Sec. 504.** A new section is added to 2019 c 416 (uncodified) to read as follows:**GENERAL STATE EMPLOYEE COMPENSATION ADJUSTMENTS**

Except as otherwise provided in sections 501 through 503 of this act, state employee compensation adjustments

will be provided in accordance with funding adjustments provided in the 2020 supplemental omnibus appropriations act.

**IMPLEMENTING PROVISIONS**

**Sec. 601.** 2019 c 416 s 601 (uncodified) is amended to read as follows:

**FUND TRANSFERS**

(1) The 2005 transportation partnership projects or improvements and 2015 connecting Washington projects or improvements are listed in the LEAP Transportation Document (~~(2019-1)~~ 2020-1 as developed (~~(April 27, 2019)~~ March 11, 2020, which consists of a list of specific projects by fund source and amount over a sixteen-year period. Current fiscal biennium funding for each project is a line-item appropriation, while the outer year funding allocations represent a sixteen-year plan. The department of transportation is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and connecting Washington account projects on the LEAP transportation document referenced in this subsection. For the 2019-2021 project appropriations, unless otherwise provided in this act, the director of the office of financial management may provide written authorization for a transfer of appropriation authority between projects funded with transportation partnership account appropriations or connecting Washington account appropriations to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

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

(c) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed in the current fiscal biennium;

(d) Transfers may not occur for projects not identified on the applicable project list;

(e) Transfers may not be made while the legislature is in session;

(f) Transfers to a project may not be made with funds designated as attributable to practical design savings as described in RCW 47.01.480;

(g) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature. Until the legislature reconvenes to consider the 2020 supplemental omnibus transportation appropriations act, any unexpended 2017-2019 appropriation balance as approved by the office of financial management, in consultation with the chairs and ranking members of the house of representatives and senate transportation committees, may be considered when transferring funds between projects; and

(h) Transfers between projects may be made by the department of transportation without the formal written approval provided under this subsection (1), provided that the transfer amount does not exceed two hundred fifty thousand dollars or ten percent of the total project, whichever is less. These transfers must be reported quarterly to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees.

(2) The department of transportation must submit quarterly all transfers authorized under this section in the transportation executive information system. The office of financial management must maintain a legislative baseline project list identified in the LEAP transportation documents referenced in this act, and update that project list with all authorized transfers under this section.

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

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

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

(6) The department must submit annually as part of its budget submittal a report detailing all transfers made pursuant to this section.

**Sec. 602.** 2019 c 416 s 606 (uncodified) is amended to read as follows:

**TRANSIT, BICYCLE, AND PEDESTRIAN ELEMENTS REPORTING**

(1) By November 15th of each year, the department of transportation must report on amounts expended to benefit transit, bicycle, or pedestrian elements within all connecting Washington projects in programs I, P, and Z identified in LEAP Transportation Document ((2019-2)) 2020-2 ALL PROJECTS as developed ((April 27, 2019)) March 11, 2020. The report must address each modal category separately and identify if eighteenth amendment protected funds have been used and, if not, the source of funding.

(2) To facilitate the report in subsection (1) of this section, the department of transportation must require that all bids on connecting Washington projects include an estimate on the cost to implement any transit, bicycle, or pedestrian project elements.

**MISCELLANEOUS 2019-2021 FISCAL BIENNIUM**

**Sec. 701.** 2019 c 416 s 701 (uncodified) is amended to read as follows:

**INFORMATION TECHNOLOGY OVERSIGHT**

(1) Agencies must apply to the office of financial management and the office of the state chief information officer for approval before beginning a project or proceeding with each discreet stage of a project subject to this section. At each stage, the office of the state chief information officer must certify that the project has an approved technology budget and investment plan, complies with state information technology and security requirements, and other policies defined by the office of the state chief information officer. The office of financial management must notify the fiscal committees of the legislature of the receipt of each application and may not approve a funding request for ten business days from the date of notification.

(2)(a) Each project must have a technology budget. The technology budget must use a method similar to the state capital budget, identifying project costs, each fund source, and anticipated deliverables through each stage of the entire project investment and across fiscal periods and biennia from project onset through implementation and close out.

(b) As part of the development of a technology budget and at each request for funding, the agency shall submit detailed financial information to the office of financial management and the office of the state chief information officer. The technology budget must describe the total cost of the project by fiscal month to include and identify:

- (i) Fund sources;
- (ii) Full-time equivalent staffing level to include job classification assumptions;
- (iii) A discreet appropriation index and program index;
- (iv) Object and subobject codes of expenditures; and
- (v) Anticipated deliverables.

(c) If a project technology budget changes and a revised technology budget is completed, a comparison of the revised technology budget to the last approved technology budget must be posted to the dashboard, to include a narrative rationale on what changed, why, and how that impacts the project in scope, budget, and schedule.

(3)(a) Each project must have an investment plan that includes:

- (i) An organizational chart of the project management team that identifies team members and their roles and responsibilities;
- (ii) The office of the state chief information officer staff assigned to the project;
- (iii) An implementation schedule covering activities, critical milestones, and deliverables at each stage of the project for the life of the project at each agency affected by the project;

(iv) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product;

(v) Ongoing maintenance and operations cost of the project post implementation and close out delineated by agency staffing, contracted staffing, and service level agreements; and

(vi) Financial budget coding to include at least discrete program index and subobject codes.

(4) Projects with estimated costs greater than one hundred million dollars from initiation to completion and implementation may be divided into discrete subprojects as determined by the office of the state chief information officer. Each subproject must have a technology budget and investment plan as provided in this section.

(5)(a) The office of the state chief information officer shall maintain an information technology project dashboard that provides updated information each fiscal month on projects subject to this section. This includes, at least:

(i) Project changes each fiscal month;

(ii) Noting if the project has a completed market requirements document;

(iii) Financial status of information technology projects under oversight; ~~((and))~~

(iv) Coordination with agencies;

(v) Monthly quality assurance reports, if applicable;

(vi) Monthly office of the state chief information officer status reports;

(vii) Historical project budget and expenditures through fiscal year 2019;

(viii) Budget and expenditures each fiscal month; and

(ix) Estimated annual maintenance and operations costs by fiscal year.

(b) The dashboard must retain a roll up of the entire project cost, including all subprojects, that can be displayed the subproject detail.

(6) If the project affects more than one agency:

(a) A separate technology budget and investment plan must be prepared for each agency; and

(b) The dashboard must contain a statewide project technology budget roll up that includes each affected agency at the subproject level.

(7) For any project that exceeds two million dollars in total funds to complete, requires more than one biennium to complete, or is financed through financial contracts, bonds, or other indebtedness:

(a) Quality assurance for the project must report independently the office of the chief information officer;

(b) The office of the chief information officer must review, and, if necessary, revise the proposed project to ensure it is flexible and adaptable to advances in technology;

(c) The technology budget must specifically identify the uses of any financing proceeds. No more than thirty percent of the financing proceeds may be used for payroll-related costs for state employees assigned to project management, installation, testing, or training;

(d) The agency must consult with the office of the state treasurer during the competitive procurement process to evaluate early in the process whether products and services to be solicited and the responsive bids from a solicitation may be financed; and

(e) The agency must consult with the contracting division of the department of enterprise services for a review of all contracts and agreements related to the project's information technology procurements.

(8) The office of the state chief information officer must evaluate the project at each stage and certify whether the project is planned, managed, and meeting deliverable targets as defined in the project's approved technology budget and investment plan.

(9) The office of the state chief information officer may suspend or terminate a project at any time if it determines that the project is not meeting or not expected to meet anticipated performance and technology outcomes. Once suspension or termination occurs, the agency shall unallot any unused funding and shall not make any expenditure for the project without the approval of the office of financial management. The office of the state chief information officer must report on July 1st and December 1st each calendar year, beginning July 1, 2020, any suspension or termination of a project in the previous six month period to legislative fiscal committees.

(10) The office of the state chief information officer, in consultation with the office of financial management, may identify additional projects to be subject to this section, including projects that are not separately identified within an agency budget. The office of the state chief information officer must report on July 1st and December 1st each calendar year, beginning July 1, 2020, any additional projects to be subjected to this section that were identified in the previous six month period to legislative fiscal committees.

(11) The following department of transportation projects are subject to the conditions, limitations, and review provided in this section: Labor System Replacement, New Ferry Division Dispatch System, Maintenance Management System, Land Mobile Radio System Replacement, and New CSC System and Operator.

**Sec. 702.** RCW 46.68.310 and 2013 c 104 s 4 are each amended to read as follows:

The freight mobility multimodal account is created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may be used only for freight mobility projects that have been approved by the freight mobility strategic investment board in RCW 47.06A.020 and may include any principal and interest on bonds authorized for the projects or improvements. However, during the 2019-2021 fiscal

biennium, the legislature may direct the state treasurer to make transfers of moneys in the freight mobility multimodal account to the multimodal transportation account.

**Sec. 703.** RCW 82.32.385 and 2015 3rd sp.s. c 44 s 420 are each amended to read as follows:

(1) Beginning September 2019 and ending ~~((June 2021))~~ December 2019, by the last day of September~~(-)~~ and December~~(-, March, and June of each year)~~, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 thirteen million six hundred eighty thousand dollars.

(2) Beginning March 2020 and ending June 2021, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the multimodal transportation account created in RCW 47.66.070 thirteen million six hundred eighty thousand dollars.

(3) Beginning September 2021 and ending June 2023, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 thirteen million eight hundred five thousand dollars.

~~((3))~~ (4) Beginning September 2023 and ending June 2025, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 thirteen million nine hundred eighty-seven thousand dollars.

~~((4))~~ (5) Beginning September 2025 and ending June 2027, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 eleven million six hundred fifty-eight thousand dollars.

~~((5))~~ (6) Beginning September 2027 and ending June 2029, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 seven million five hundred sixty-four thousand dollars.

~~((6))~~ (7) Beginning September 2029 and ending June 2031, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 four million fifty-six thousand dollars.

**Sec. 704.** RCW 47.66.110 and 2015 3rd sp.s. c 11 s 4 are each amended to read as follows:

(1) The transit coordination grant program is created in the department. The purpose of the transit coordination grant program is to encourage joint planning and coordination on the part of central Puget Sound transit systems in order to improve the user experience, increase ridership, and make the most effective use of tax dollars. The department shall oversee, manage, score, select, and evaluate transit coordination grant program project

applications, and shall select transit coordination grant recipients annually. A transit agency located in a county or counties with a population of seven hundred thousand or more that border Puget Sound is eligible to apply to the department for transit coordination grants.

(2) Projects eligible for transit coordination grants include, but are not limited to, projects that:

(a) Integrate marketing efforts;

(b) Align fare structures;

(c) Integrate service planning;

(d) Coordinate long-range planning, including capital projects planning and implementation;

(e) Integrate other administrative functions and internal business processes as appropriate; and

(f) Integrate certain customer-focused tools and initiatives.

(3) Transit coordination grants must, at a minimum, be proposed jointly by two or more eligible transit agencies and must include a description of the:

(a) Issue or problem to be addressed;

(b) Specific solution and measurable outcomes;

(c) Benefits such as cost savings, travel time improvements, improved coordination, and improved customer experience; and

(d) Performance measurements and an evaluation plan that includes the identification of milestones towards successful completion of the project.

(4) Transit coordination grant applications must include measurable outcomes for the project including, but not limited to, the following:

(a) Impacts on service, such as increased service, improved service delivery, and improved transfers and coordination across transit service;

(b) Impacts on customer service, such as: Improved reliability; improved outreach and coordination with customers, employers, and communities; improvements in customer service functions, such as customer response time and web-based and other communications; and

(c) Impacts on administration, such as improved marketing and outreach efforts, integrated customer-focused tools, and improved cross-agency communications.

(5) Transit coordination grant applications must also include:

(a) Project budget and cost details; and

(b) A commitment and description of local matching funding of at least ten percent of the project cost.

(6) Upon completion of the project, transit coordination grant recipients must provide a report to the department that includes an overview of the project, how the grant funds were spent, and the extent to which the identified project outcomes were met. In addition, such reports must

include a description of best practices that could be transferred to other transit agencies faced with similar issues to those addressed by the transit coordination grant recipient. The department must report annually to the transportation committees of the legislature on the transit coordination grants that were awarded, and the report must include data to determine if completed transit coordination grant projects produced the anticipated outcomes included in the grant applications.

(7) This section expires (~~July 1, 2020~~) June 30, 2021.

**Sec. 705.** RCW 46.68.290 and 2019 c 416 s 707 are each amended to read as follows:

(1) The transportation partnership account is hereby created in the state treasury. All distributions to the account from RCW 46.68.090 must be deposited into the account. Money in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as 2005 transportation partnership projects or improvements in the omnibus transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

(2) The legislature finds that:

(a) Citizens demand and deserve accountability of transportation-related programs and expenditures. Transportation-related programs must continuously improve in quality, efficiency, and effectiveness in order to increase public trust;

(b) Transportation-related agencies that receive tax dollars must continuously improve the way they operate and deliver services so citizens receive maximum value for their tax dollars; and

(c) Fair, independent, comprehensive performance audits of transportation-related agencies overseen by the elected state auditor are essential to improving the efficiency, economy, and effectiveness of the state's transportation system.

(3) For purposes of chapter 314, Laws of 2005:

(a) "Performance audit" means an objective and systematic assessment of a state agency or agencies or any of their programs, functions, or activities by the state auditor or designee in order to help improve agency efficiency, effectiveness, and accountability. Performance audits include economy and efficiency audits and program audits.

(b) "Transportation-related agency" means any state agency, board, or commission that receives funding primarily for transportation-related purposes. At a minimum, the department of transportation, the transportation improvement board or its successor entity, the county road administration board or its successor entity, and the traffic safety commission are considered transportation-related agencies. The Washington state patrol and the department of licensing shall not be considered transportation-related agencies under chapter 314, Laws of 2005.

(4) Within the authorities and duties under chapter 43.09 RCW, the state auditor shall establish criteria and protocols for performance audits. Transportation-related agencies shall be audited using criteria that include generally accepted government auditing standards as well as legislative mandates and performance objectives established by state agencies. Mandates include, but are not limited to, agency strategies, timelines, program objectives, and mission and goals as required in RCW 43.88.090.

(5) Within the authorities and duties under chapter 43.09 RCW, the state auditor may conduct performance audits for transportation-related agencies. The state auditor shall contract with private firms to conduct the performance audits.

(6) The audits may include:

(a) Identification of programs and services that can be eliminated, reduced, consolidated, or enhanced;

(b) Identification of funding sources to the transportation-related agency, to programs, and to services that can be eliminated, reduced, consolidated, or enhanced;

(c) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;

(d) Analysis and recommendations for pooling information technology systems used within the transportation-related agency, and evaluation of information processing and telecommunications policy, organization, and management;

(e) Analysis of the roles and functions of the transportation-related agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing those roles and functions and ensuring compliance with statutory authority;

(f) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the transportation-related agency carry out reasonably and properly those functions vested in the agency by statute;

(g) Verification of the reliability and validity of transportation-related agency performance data, self-assessments, and performance measurement systems as required under RCW 43.88.090;

(h) Identification of potential cost savings in the transportation-related agency, its programs, and its services;

(i) Identification and recognition of best practices;

(j) Evaluation of planning, budgeting, and program evaluation policies and practices;

(k) Evaluation of personnel systems operation and management;

(l) Evaluation of purchasing operations and management policies and practices;

(m) Evaluation of organizational structure and staffing levels, particularly in terms of the ratio of managers and supervisors to nonmanagement personnel; and

(n) Evaluation of transportation-related project costs, including but not limited to environmental mitigation, competitive bidding practices, permitting processes, and capital project management.

(7) Within the authorities and duties under chapter 43.09 RCW, the state auditor must provide the preliminary performance audit reports to the audited state agency for comment. The auditor also may seek input on the preliminary report from other appropriate officials. Comments must be received within thirty days after receipt of the preliminary performance audit report unless a different time period is approved by the state auditor. The final performance audit report shall include the objectives, scope, and methodology; the audit results, including findings and recommendations; the agency's response and conclusions; and identification of best practices.

(8) The state auditor shall provide final performance audit reports to the citizens of Washington, the governor, the joint legislative audit and review committee, the appropriate legislative committees, and other appropriate officials. Final performance audit reports shall be posted on the internet.

(9) The audited transportation-related agency is responsible for follow-up and corrective action on all performance audit findings and recommendations. The audited agency's plan for addressing each audit finding and recommendation shall be included in the final audit report. The plan shall provide the name of the contact person responsible for each action, the action planned, and the anticipated completion date. If the audited agency does not agree with the audit findings and recommendations or believes action is not required, then the action plan shall include an explanation and specific reasons.

The office of financial management shall require periodic progress reports from the audited agency until all resolution has occurred. The office of financial management is responsible for achieving audit resolution. The office of financial management shall annually report by December 31st the status of performance audit resolution to the appropriate legislative committees and the state auditor. The legislature shall consider the performance audit results in connection with the state budget process.

The auditor may request status reports on specific audits or findings.

(10) For the period from July 1, 2005, until June 30, 2007, the amount of \$4,000,000 is appropriated from the transportation partnership account to the state auditors office for the purposes of subsections (2) through (9) of this section.

(11) During the 2015-2017 fiscal biennium, the legislature may transfer from the transportation partnership account to the connecting Washington account such amounts as reflect the excess fund balance of the transportation partnership account.

(12) During the 2017-2019 and the 2019-2021 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the transportation partnership account to the connecting Washington account ~~((and))~~, the motor vehicle fund, and the capital vessel replacement account.

**Sec. 706.** RCW 82.44.135 and 2006 c 318 s 9 are each amended to read as follows:

(1) Before a local government subject to this chapter may impose a motor vehicle excise tax, the local government must contract with the department for the collection of the tax. The department may charge a reasonable amount, not to exceed one percent of tax collections, or two and one-half percent during the 2019-2021 biennium, for the administration and collection of the tax.

(2) For fiscal year 2021, the department shall charge a minimum of seven million eight hundred two thousand dollars, which is the reasonable amount aimed at achieving full cost recovery for the administration and collection of a motor vehicle excise tax. The amount of the full reimbursement for the administration and collection of the motor vehicle excise tax must be deducted before distributing any revenues to a regional transit authority. Any reimbursement to ensure full cost recovery beyond the amount specified in this subsection may be negotiated between the department and the regional transit authority if full cost recovery has not been achieved, or if based on emergent issues.

**Sec. 707.** RCW 46.68.395 and 2015 3rd sp.s. c 44 s 106 are each amended to read as follows:

(1) The connecting Washington account is created in the motor vehicle fund. Moneys in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as connecting Washington projects or improvements in a transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

(2) Moneys in the connecting Washington account may not be expended on the state route number 99 Alaskan Way viaduct replacement project.

(3) During the 2019-2021 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the connecting Washington account to the motor vehicle fund.

#### MISCELLANEOUS

NEW SECTION. Sec. 801. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 802. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

**ESHB 2322 - CONF REPT**

By Conference Committee

**HOUSE ADOPTED 03/11/2020; SENATE ADOPTED 03/11/2020**

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 46.68.310, 82.32.385, 47.66.110, 46.68.290, 82.44.135, and 46.68.395; amending 2019 c 416 ss 103, 105, 108-110, 201-223, 301, 303-311, 313, 401-408, 601, 606, and 701 (uncodified); adding new sections to 2019 c 416 (uncodified); making appropriations and authorizing expenditures for capital improvements; and declaring an emergency."

Senators Hobbs, King and Saldaña  
Representatives Barkis, Fey and Wylie

There being no objection, the House adopted the conference committee report on SUBSTITUTE HOUSE BILL NO. 2322 and advanced the bill as recommended by the conference committee to final passage.

**FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE**

Representatives Fey and Barkis spoke in favor of the passage of the bill as recommended by the conference committee.

The Speaker (Representative Orwall presiding) stated the question before the House to be final passage of House Bill No. 2322, as recommended by the conference committee.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2322, as recommended by the conference committee, and the bill passed the House by the following votes: Yeas: 96 Nays: 1 Absent: 0 Excused: 1

Voting Yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Johnson, J., Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Young

Voting Nay: Representative Kraft  
Excused: Representative Paul

HOUSE BILL NO. 2322, as recommended by the conference committee, having received the constitutional majority, was declared passed.

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

**SECOND READING**

**SUBSTITUTE SENATE BILL NO. 6068, by Senate Committee on Ways & Means (originally sponsored by Warnick, Mullet, Wilson, L., Takko, Short, Liias and Honeyford)**

**Concerning sales and use tax exemptions for large private airplanes.**

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 Ybarra, Springer 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 Substitute Senate Bill No. 6068.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6068, and the bill passed the House by the following vote: Yeas, 91; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Caldier, Duerr, Fitzgibbon, Frame, Ramos and Senn.

Excused: Representative Paul.

SUBSTITUTE SENATE BILL NO. 6068, having received the necessary constitutional majority, was declared passed.

**SECOND READING**

**ENGROSSED SENATE BILL NO. 6690, by Senators Liias and King**

**Concerning aerospace business and occupation taxes and world trade organization compliance.**

The bill was read the second time.

Representative Orcutt moved the adoption of amendment (2187):

802.0.

On page 2, line 23, after "of" strike "0.357" and insert "0.2904"

On page 2, line 31, after "either" strike "0.357" and insert "0.2904"

On page 2, line 35, after "least" strike "0.357" and insert "0.2904"

On page 3, line 11, after "to" strike "0.357" and insert "0.2904"

On page 3, line 13, after "reduction to" strike "0.357" and insert "0.2904"

On page 9, line 6, after "to" strike "0.357" and insert "0.2904"

On page 9, line 14, after "of" strike "0.357" and insert "0.2904"

On page 9, line 17, after "of the" strike "0.357" and insert "0.2904"

On page 12, line 29, after "of" strike "0.357" and insert "0.2904"

On page 12, line 32, after "of the" strike "0.357" and insert "0.2904"

On page 12, line 39, after "of the" strike "0.357" and insert "0.2904"

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

Representative Sullivan spoke against the adoption of the amendment.

Amendment (2187) was not adopted.

Representative Sullivan moved the adoption of amendment (2189):

802.0.

Beginning on page 1, line 7, strike all of sections 1 and 2 and insert the following:

**"NEW SECTION. Sec. 803.** (1) Over the past two decades, the legislature has taken significant action to promote a positive business environment for Washington's aerospace industry. The legislature finds that the industry plays a significant role not only in the health of Washington's economy, but also in the health of the United States economy. Moreover, the domestic aerospace industry has faced significant challenges with the large subsidies provided to international competitors.

(2) The legislature finds that a commitment to the elimination of trade barriers for aerospace as well as several

other vital Washington exports is important. The legislature also wishes to help bring the United States into full compliance with a recent world trade organization ruling asserting Washington's business and occupation tax rate of 0.2904 percent violates world trade organization rules. The legislature hopes this action to help bring the United States into compliance will end the threat of retaliatory tariffs against many of Washington's industries, including agricultural products, fish, wine, and intellectual property.

(3) The legislature appreciates the state aerospace industry's commitment to complying with the world trade organization ruling by advocating for the repeal of the preferential business and occupation tax. The legislature hopes that the repeal of this Washington aerospace preference will ensure continued economic success and competitiveness for the industry as well as many other industries. The legislature further hopes that the repeal of the 0.2904 business and occupation tax will allow for the complete resolution of all trade disputes surrounding large civil aircraft.

(4) The legislature further finds that the people of Washington benefit from the presence of the aerospace industry in Washington state. The industry provides good wages and benefits for thousands of engineers, technicians, mechanics, and support staff working across the state. Furthermore, the legislature has a goal of preserving and growing employment in Washington state. The legislature intends that the future consideration of all tax measures will work to achieve this goal in a manner compliant with the world trade organization.

**NEW SECTION. Sec. 804.** A new section is added to chapter 82.04 RCW to read as follows:

The rate of 0.357 percent authorized pursuant to RCW 82.04.260(11)(e) may be imposed only if the following conditions are met:

(1) The department of commerce verifies with the United States trade representative that the United States and the European Union have entered into a written agreement that resolves any world trade organization disputes involving large civil aircraft.

(2) Such agreement expressly allows a business and occupation tax rate reduction for commercial airplane manufacturers to 0.357 percent or less.

(3) The department of commerce notifies the department in writing that the conditions of subsections (1) and (2) of this section are met and provides a copy of the agreement between the United States and the European Union or other document providing for the business and occupation tax rate reduction to the department.

(4) The department of labor and industries notifies the department in writing that a significant commercial airplane manufacturer has at least a three-tenths of one percent aerospace apprenticeship utilization rate of its qualified apprenticeable workforce in Washington, as defined in section 4 of this act.

(5) Within thirty days of receiving the last of the written notices described in subsections (3) and (4) of this

section, the department must provide written notice to the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department, that the tax rates in RCW 82.04.260(11)(e) are reduced to 0.357 percent and the effective date of the rate reduction.

(6) Any rate reduction to 0.357 percent pursuant to this section and RCW 82.04.260(11)(e) must occur on the first day of the next calendar quarter that is at least sixty days after the department receives the last of the written notices described in subsections (3) and (4) of this section.

(7) For the purpose of this section, "world trade organization disputes involving large civil airplanes" means any disputes filed by the United States or the European Union prior to the effective date of this section that involve either allegations of subsidies to large civil airplanes, or allegations of taxes imposed by Washington on commercial airplanes, or both."

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

Amendment (2189) was adopted.

Representative Orcutt moved the adoption of striking amendment (2188):

804.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 805.** RCW 82.04.240 and 2004 c 24 s 4 are each amended to read as follows:

(1) Upon every person engaging within this state in business as a manufacturer or processor for hire, except persons taxable as manufacturers or processors for hire under other provisions of this chapter~~(; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products, including byproducts, manufactured, multiplied by the rate of 0.484 percent.~~

~~The measure of the tax)), and every manufacturer engaging within the state in the business of making sales, at retail or wholesale, of products manufactured by the manufacturer, as to such persons the amount of tax with respect to such business is equal to the taxable amount under this section multiplied by the rate of 0.2904 percent.~~

(2) The measure of the tax on engaging in the business of:

(a) Manufacturing is the value of the products, including byproducts, so manufactured regardless of the place of sale or the fact that deliveries may be made to points outside the state;

(b) Retailing and wholesaling products manufactured by the manufacturer is the gross proceeds of the sales; and

(c) Processing for hire is the total charges made for those services.

**Sec. 806.** RCW 82.04.240 and 2017 3rd sp.s. c 37 s 518 are each amended to read as follows:

(1) Upon every person engaging within this state in business as a manufacturer or processor for hire, except persons taxable as manufacturers or processors for hire under other provisions of this chapter~~(; as to such persons the amount of the tax with respect to such business is equal to the value of the products, including byproducts, manufactured, multiplied by the rate of 0.484 percent)), and every manufacturer engaging within the state in the business of making sales, at retail or wholesale, of products manufactured by the manufacturer, as to such persons to the amount of tax with respect to such business is equal to the taxable amount under this section multiplied by the rate of 0.2904 percent.~~

(2)(a) Upon every person engaging within this state in the business of manufacturing semiconductor materials, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured, or, in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of 0.275 percent. For the purposes of this subsection "semiconductor materials" means silicon crystals, silicon ingots, raw polished semiconductor wafers, compound semiconductors, integrated circuits, and microchips.

(b) A person reporting under the tax rate provided in this subsection (2) must file a complete annual tax performance report with the department under RCW 82.32.534.

(3) The measure of the tax on engaging in the business of:

(a) Manufacturing is the value of the products, including byproducts, so manufactured regardless of the place of sale or the fact that deliveries may be made to points outside the state;

(b) Retailing and wholesaling products manufactured by the manufacturer is the gross proceeds of the sales; and

(c) Processing for hire is the total charges made for those services.

(4) This section expires January 1, 2024, unless the contingency in RCW 82.32.790(2) occurs.

**Sec. 807.** RCW 82.04.260 and 2019 c 425 s 1 and 2019 c 336 s 4 are each reenacted and amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola by-products, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business is equal to the value of the flour, pearl barley, oil, canola meal, or canola by-product manufactured, multiplied by the rate of 0.138 percent;

(b) Beginning July 1, 2025, seafood products that remain in a raw, raw frozen, or raw salted state at the

completion of the manufacturing by that person; or selling manufactured seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing, to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business is equal to the value of the products manufactured or the gross proceeds derived from such sales, multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(c)(i) Except as provided otherwise in (c)(iii) of this subsection, from July 1, 2025, until January 1, 2036, dairy products; or selling dairy products that the person has manufactured to purchasers who either transport in the ordinary course of business the goods out of state or purchasers who use such dairy products as an ingredient or component in the manufacturing of a dairy product; as to such persons the tax imposed is equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state or sold to a manufacturer for use as an ingredient or component in the manufacturing of a dairy product.

(ii) For the purposes of this subsection (1)(c), "dairy products" means:

(A) Products, not including any marijuana-infused product, that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including by-products from the manufacturing of the dairy products, such as whey and casein; and

(B) Products comprised of not less than seventy percent dairy products that qualify under (c)(ii)(A) of this subsection, measured by weight or volume.

(iii) The preferential tax rate provided to taxpayers under this subsection (1)(c) does not apply to sales of dairy products on or after July 1, 2023, where a dairy product is used by the purchaser as an ingredient or component in the manufacturing in Washington of a dairy product;

(d)(i) Beginning July 1, 2025, fruits or vegetables by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables, or selling at wholesale fruits or vegetables manufactured by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business is equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state.

(ii) For purposes of this subsection (1)(d), "fruits" and "vegetables" do not include marijuana, useable marijuana, or marijuana-infused products; and

(e) Wood biomass fuel; as to such persons the amount of tax with respect to the business is equal to the value of wood biomass fuel manufactured, multiplied by the rate of 0.138 percent. For the purposes of this section, "wood biomass fuel" means a liquid or gaseous fuel that is produced from lignocellulosic feedstocks, including wood, forest, or field residue and dedicated energy crops, and that does not include wood treated with chemical preservations such as creosote, pentachlorophenol, or copper-chrome-arsenic.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business is equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(4) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed is equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

(5)(a) Upon every person engaging within this state in the business of acting as a travel agent or tour operator and whose annual taxable amount for the prior calendar year was two hundred fifty thousand dollars or less; as to such persons the amount of the tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(b) Upon every person engaging within this state in the business of acting as a travel agent or tour operator and whose annual taxable amount for the calendar year was more than two hundred fifty thousand dollars; as to such persons the amount of the tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent through June 30, 2019, and 0.9 percent beginning July 1, 2019.

(6) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(7) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business is equal to the

gross proceeds derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection are exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(8)(a) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business is equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

(b) If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state must be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(9) Upon every person engaging within this state as an insurance producer or title insurance agent licensed under chapter 48.17 RCW or a surplus line broker licensed under chapter 48.15 RCW; as to such persons, the amount of the tax with respect to such licensed activities is equal to the gross income of such business multiplied by the rate of 0.484 percent.

(10) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities is equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter.

(11)(a) Beginning October 1, 2005, upon every person engaging within this state in the business of manufacturing commercial airplanes, or components of such airplanes, or making sales, at retail or wholesale, of commercial airplanes or components of such airplanes, manufactured by the seller,

as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through June 30, 2007; and

(ii) 0.2904 percent beginning July 1, 2007.

(b) Beginning July 1, 2008, upon every person who is not eligible to report under the provisions of (a) of this subsection (11) and is engaging within this state in the business of manufacturing tooling specifically designed for use in manufacturing commercial airplanes or components of such airplanes, or making sales, at retail or wholesale, of such tooling manufactured by the seller, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of 0.2904 percent.

(c) For the purposes of this subsection (11), "commercial airplane" and "component" have the same meanings as provided in RCW 82.32.550.

(d) In addition to all other requirements under this title, a person reporting under the tax rate provided in this subsection (11) must file a complete annual tax performance report with the department under RCW 82.32.534.

~~((e)(i) Except as provided in (e)(ii) of this subsection (11), this subsection (11) does not apply on and after July 1, 2040.~~

~~(ii) With respect to the manufacturing of commercial airplanes or making sales, at retail or wholesale, of commercial airplanes, this subsection (11) does not apply on and after July 1st of the year in which the department makes a determination that any final assembly or wing assembly of any version or variant of a commercial airplane that is the basis of a siting of a significant commercial airplane manufacturing program in the state under RCW 82.32.850 has been sited outside the state of Washington. This subsection (11)(e)(ii) only applies to the manufacturing or sale of commercial airplanes that are the basis of a siting of a significant commercial airplane manufacturing program in the state under RCW 82.32.850.)~~

(12)(a) Until July 1, 2045, upon every person engaging within this state in the business of extracting timber or extracting for hire timber; as to such persons the amount of tax with respect to the business is, in the case of extractors, equal to the value of products, including by-products, extracted, or in the case of extractors for hire, equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2045.

(b) Until July 1, 2045, upon every person engaging within this state in the business of manufacturing or

processing for hire: (i) Timber into timber products or wood products; (ii) timber products into other timber products or wood products; or (iii) products defined in RCW 19.27.570(1); as to such persons the amount of the tax with respect to the business is, in the case of manufacturers, equal to the value of products, including by-products, manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2045.

(c) Until July 1, 2045, upon every person engaging within this state in the business of selling at wholesale: (i) Timber extracted by that person; (ii) timber products manufactured by that person from timber or other timber products; (iii) wood products manufactured by that person from timber or timber products; or (iv) products defined in RCW 19.27.570(1) manufactured by that person ((H:\DATA\2020 JOURNAL\Journal2020\LegDay\059\;doe)); as to such persons the amount of the tax with respect to the business is equal to the gross proceeds of sales of the timber, timber products, wood products, or products defined in RCW 19.27.570(1) multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2045.

(d) Until July 1, 2045, upon every person engaging within this state in the business of selling standing timber; as to such persons the amount of the tax with respect to the business is equal to the gross income of the business multiplied by the rate of 0.2904 percent. For purposes of this subsection (12)(d), "selling standing timber" means the sale of timber apart from the land, where the buyer is required to sever the timber within thirty months from the date of the original contract, regardless of the method of payment for the timber and whether title to the timber transfers before, upon, or after severance.

(e) For purposes of this subsection, the following definitions apply:

(i) "Biocomposite surface products" means surface material products containing, by weight or volume, more than fifty percent recycled paper and that also use nonpetroleum-based phenolic resin as a bonding agent.

(ii) "Paper and paper products" means products made of interwoven cellulose fibers held together largely by hydrogen bonding. "Paper and paper products" includes newsprint; office, printing, fine, and pressure-sensitive papers; paper napkins, towels, and toilet tissue; kraft bag, construction, and other kraft industrial papers; paperboard, liquid packaging containers, containerboard, corrugated, and solid-fiber containers including linerboard and corrugated medium; and related types of cellulosic products containing primarily, by weight or volume, cellulosic materials. "Paper and paper products" does not include books, newspapers, magazines, periodicals, and other printed publications, advertising materials, calendars, and similar types of printed materials.

(iii) "Recycled paper" means paper and paper products having fifty percent or more of their fiber content that comes

from postconsumer waste. For purposes of this subsection (12)(e)(iii), "postconsumer waste" means a finished material that would normally be disposed of as solid waste, having completed its life cycle as a consumer item.

(iv) "Timber" means forest trees, standing or down, on privately or publicly owned land. "Timber" does not include Christmas trees that are cultivated by agricultural methods or short-rotation hardwoods as defined in RCW 84.33.035.

(v) "Timber products" means:

(A) Logs, wood chips, sawdust, wood waste, and similar products obtained wholly from the processing of timber, short-rotation hardwoods as defined in RCW 84.33.035, or both;

(B) Pulp, including market pulp and pulp derived from recovered paper or paper products; and

(C) Recycled paper, but only when used in the manufacture of biocomposite surface products.

(vi) "Wood products" means paper and paper products; dimensional lumber; engineered wood products such as particleboard, oriented strand board, medium density fiberboard, and plywood; wood doors; wood windows; and biocomposite surface products.

(f) Except for small harvesters as defined in RCW 84.33.035, a person reporting under the tax rate provided in this subsection (12) must file a complete annual tax performance report with the department under RCW 82.32.534.

(g) Nothing in this subsection (12) may be construed to affect the taxation of any activity defined as a retail sale in RCW 82.04.050(2) (b) or (c), defined as a wholesale sale in RCW 82.04.060(2), or taxed under RCW 82.04.280(1)(g).

(13) Upon every person engaging within this state in inspecting, testing, labeling, and storing canned salmon owned by another person, as to such persons, the amount of tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(14)(a) Upon every person engaging within this state in the business of printing a newspaper, publishing a newspaper, or both, the amount of tax on such business is equal to the gross income of the business multiplied by the rate of 0.35 percent until July 1, 2024, and 0.484 percent thereafter.

(b) A person reporting under the tax rate provided in this subsection (14) must file a complete annual tax performance report with the department under RCW 82.32.534.

**NEW SECTION. Sec. 808.** The provisions of RCW 82.32.805 and 82.32.808 do not apply to this act.

**NEW SECTION. Sec. 809.** 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.

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

#### **POINT OF ORDER**

Representative Stonier requested a scope and object ruling on striking amendment (2188) to ENGROSSED SENATE BILL NO. 6690.

#### **SPEAKER'S RULING**

Madam Speaker: "Thank you for that request.

The bill modifies the preferential business and occupation tax related to aerospace manufacturing.

The amendment addresses the businesses and occupation taxes for all manufacturers.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.

The point of order is well taken."

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

Representative Sullivan 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. 6690, as amended by the House.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6690, as amended by the House, and the bill passed the House by the following vote: Yeas, 73; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Fey, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, J. Johnson, Kilduff, Kirby, Klippert, Kretz, Leavitt, Lovick, Maycumber, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Vick, Walen, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Appleton, Caldier, Chopp, Eslick, Fitzgibbon, Frame, Griffey, Irwin, Jenkin, Kloba, Kraft, Lekanoff, MacEwen, Macri, McCaslin, Orcutt, Rude, Shea, Stokesbary, Sutherland, Van Werven, Volz, Walsh and Young.

Excused: Representative Paul.

ENGROSSED SENATE BILL NO. 6690, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:00 a.m., March 12, 2020, the 60th Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY SIXTH LEGISLATURE - REGULAR SESSION

## SIXTIETH DAY

House Chamber, Olympia, Thursday, March 12, 2020

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 flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kamila Lopez and JJ Mulholland. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor David Wright, University Chaplain, University of Puget Sound.

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

The Speaker (Representative Lovick presiding) called upon Representative DeBolt to preside.

The Speaker assumed the chair.

**SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

HOUSE BILL NO. 1368  
 SUBSTITUTE HOUSE BILL NO. 2632  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2722  
 SECOND SUBSTITUTE HOUSE BILL NO. 2737

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

**THIRD READING**

**MESSAGE FROM THE SENATE**

March 11, 2020

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1661 with the following amendment: 809.0.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 810.** (1) The legislature finds that:

(a) Chapter 47, Laws of 2011 1st sp. sess. (Engrossed Substitute House Bill No. 1981) established a framework to allow the state's institutions of higher education to begin funding the unfunded portion of the defined benefit component of the higher education retirement plans.

(b) Moneys in the fund are being invested in short-term assets with low rates of return because there is no stated or clear pathway for when these funds will be used to pay benefits and that a stated strategy would allow these funds to be invested at a higher rate of return.

(c) The first actuarial analysis of the plans was completed in 2016, which provided information about projected future costs and potential institution specific rates that would allow benefits to be paid from the fund beginning in 2035.

(2) Therefore, the legislature intends the following:

(a) To establish institution specific contribution rates for each institutions of higher education supplemental benefit plan.

(b) The pension funding council will adjust the institution specific rates periodically based on updated experience and actuarial analyses to maintain progress towards funding the actuarial liabilities of each institution and to allow payment from the funds by 2035.

(c) Future contribution rates represent the cost of paying on a combined prefunded and pay-as-you-go basis in a way that reduces the year-to-year changes in cost that the higher education retirement plan supplemental benefit has under current law.

(d) The department of retirement systems assumes responsibility for administering the higher education retirement plan supplemental benefit fund when sufficient assets have been accumulated, as determined by the pension funding council.

(e) When sufficient funding has been accumulated to begin making benefit payments that the payments be made solely from that institution's portion of the higher education retirement plan supplemental benefit fund.

(f) That moneys in the fund be invested in a way to maximize returns.

**Sec. 811.** RCW 28B.10.423 and 2012 c 229 s 516 are each amended to read as follows:

(1) For employees who are first employed by an institution of higher education in a position eligible for participation in an old age annuities or retirement income plan under this chapter prior to July 1, 2011, it is the intent of RCW 28B.10.400, 28B.10.405, 28B.10.410, 28B.10.415, and 28B.10.420((c)) and ((~~28B.10.423~~)) this section that the retirement income resulting from the contributions described herein from the state of Washington and the employee shall be projected actuarially so that it shall not exceed sixty percent of the average of the highest two consecutive years

salary. Periodic review of the retirement systems established pursuant to RCW 28B.10.400, 28B.10.405, 28B.10.410, 28B.10.415, and 28B.10.420(+) and ~~((28B.10.423))~~ this section will be undertaken at such time and in such manner as determined by the committees on ways and means of the senate and of the house of representatives, the select committee on pension policy, and the pension funding council, and joint contribution rates will be adjusted if necessary to accomplish this intent.

(2) Beginning July 1, 2011, state funding for annuity or retirement income plans under RCW 28B.10.400 shall not exceed six percent of salary. The state board for community and technical colleges and the student achievement council are exempt from the provisions of this subsection (2).

(3) By June 30, 2013, and every two years thereafter, each institution of higher education that is responsible for payment of supplemental amounts under RCW 28B.10.400(1)(c) shall contract with the state actuary under chapter 41.44 RCW for an actuarial valuation of their supplemental benefit plan. By June 30, 2013, and at least once every six years thereafter, each institution shall also contract with the state actuary under chapter 41.44 RCW for an actuarial experience study of the mortality, service, compensation, and other experience of the annuity or retirement income plans created in this chapter, and into the financial condition of each system. At the discretion of the state actuary, the valuation or experience study may be performed by the state actuary or by an outside actuarial firm under contract to the office of the state actuary. Each institution of higher education is required to provide the data and information required for the performance of the valuation or experience study to the office of the state actuary or to the actuary performing the study on behalf of the state actuary. The state actuary may charge each institution for the actual cost of the valuation or experience study through an interagency agreement. Upon completion of the valuation or experience study, the state actuary shall provide copies of the study to the institution of higher education and to the select committee on pension policy and the pension funding council.

~~(4)(a) ((A higher education retirement plan supplemental benefit fund is created in the custody of the state treasurer for the purpose of funding future benefit obligations of higher education retirement plan supplemental benefits. The state investment board has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in the fund.~~

~~(b))~~ From January 1, 2012, through June 30, 2013, an employer contribution rate of one-quarter of one percent of salary is established to begin prefunding the unfunded future obligations of the supplemental benefit established in RCW 28B.10.400.

~~((e))~~ (b) Beginning July 1, 2013, an employer contribution rate of one-half of one percent of salary is established to prefund the unfunded future obligations of the supplemental benefit established in RCW 28B.10.400.

~~((d))~~ (c)(i) Beginning July 1, 2020, the employer contribution rates for each state institution of higher education are as follows:

University of Washington: 0.38 percent

Washington State University: 0.30 percent

Western Washington University: 0.21 percent

Eastern Washington University: 0.28 percent

Central Washington University: 0.28 percent

The Evergreen State College: 0.23 percent

State board for community and technical colleges: 0.13 percent

(ii) The contribution rates established in this section may be changed by rates adopted by the pension funding council beginning July 1, 2021, consistent with (e) of this subsection.

(iii) The rates in this subsection (4) are subject to the limit established in subsection (2) of this section.

(d) Consistent with chapter 41.50 RCW, the department of retirement systems shall collect the employer contribution rates established in this section from each state institution of higher education, and deposit those contributions into the higher education retirement plan supplemental benefit fund under RCW 41.50.075(6). The contributions made by each employer into the higher education retirement plan supplemental benefit fund and the earnings on those contributions shall be accounted for separately within the fund.

(e) Following the completion and review of the ~~((initial))~~ actuarial valuations and experience study conducted pursuant to subsection (3) of this section, the pension funding council may(:

~~(i) Adopt), by July 31, 2020, and every two years thereafter, adopt~~ and make changes to the employer contribution rates established in this subsection consistent with the procedures established in chapter 41.45 RCW. If the actuarial valuations of the higher education retirement plans of each institution contributing to the higher education retirement plan supplemental benefit fund suggest that different contribution rates are appropriate for each institution, different rates may be adopted. Rates adopted by the pension funding council are subject to revision by the legislature(:

~~(ii) Recommend legislation that will, upon accumulation of sufficient funding in the higher education retirement plan supplemental benefit fund, transfer the responsibility for making supplemental benefit payments to the department of retirement systems, and adjust employer contribution rates to reflect the transfer of responsibility).~~

(f)(i) The rates adopted by the pension funding council must be designed to keep the cost of the higher education retirement plan supplemental benefits at a more level percentage of pay than a pay-as-you-go method. This more level percentage of pay of costs means a combination of the cost of supplemental benefits paid by the institution directly, plus the cost of contributions to the higher education retirement plan supplemental benefit fund. Contributions shall continue until the projected value of the funds equals the projected cost of future benefits for the institution.

(ii) Funds are anticipated to be accumulated in the higher education retirement plan supplemental benefit fund, and not expended on benefits until approximately the year 2035.

(iii) The pension funding council, in consultation with the state actuary, may choose and occasionally revise, a funding method designed to achieve these objectives.

**Sec. 812.** RCW 41.45.050 and 2004 c 242 s 38 are each amended to read as follows:

(1) Employers of members of the public employees' retirement system, the teachers' retirement system, the school employees' retirement system, the public safety employees' retirement system, ~~((and))~~ the Washington state patrol retirement system, and the higher education retirement plans shall make contributions to those systems and plans based on the rates established in RCW 41.45.060 and 41.45.070.

(2) The state shall make contributions to the law enforcement officers' and firefighters' retirement system plan 2 based on the rates established in RCW 41.45.060 and 41.45.070. The state treasurer shall transfer the required contributions each month on the basis of salary data provided by the department.

(3) The department shall bill employers, and the state shall make contributions to the law enforcement officers' and firefighters' retirement system plan 2, using the combined rates established in RCW 41.45.060 and 41.45.070 regardless of the level of appropriation provided in the biennial budget. Any member of an affected retirement system may, by mandamus or other appropriate proceeding, require the transfer and payment of funds as directed in this section.

(4) The contributions received for the public employees' retirement system shall be allocated between the public employees' retirement system plan 1 fund and the public employees' retirement system combined plan 2 and plan 3 fund as follows: The contributions necessary to fully fund the public employees' retirement system combined plan 2 and plan 3 employer contribution shall first be deposited in the public employees' retirement system combined plan 2 and plan 3 fund. All remaining public employees' retirement system employer contributions shall be deposited in the public employees' retirement system plan 1 fund.

(5) The contributions received for the teachers' retirement system shall be allocated between the plan 1 fund and the combined plan 2 and plan 3 fund as follows: The contributions necessary to fully fund the combined plan 2 and plan 3 employer contribution shall first be deposited in the combined plan 2 and plan 3 fund. All remaining teachers' retirement system employer contributions shall be deposited in the plan 1 fund.

(6) The contributions received for the school employees' retirement system shall be allocated between the public employees' retirement system plan 1 fund and the school employees' retirement system combined plan 2 and plan 3 fund as follows: The contributions necessary to fully fund the combined plan 2 and plan 3 employer contribution

shall first be deposited in the combined plan 2 and plan 3 fund. All remaining school employees' retirement system employer contributions shall be deposited in the public employees' retirement system plan 1 fund.

(7) The contributions received for the law enforcement officers' and firefighters' retirement system plan 2 shall be deposited in the law enforcement officers' and firefighters' retirement system plan 2 fund.

(8) The contributions received for the public safety employees' retirement system shall be allocated between the public employees' retirement system plan 1 fund and the public safety employees' retirement system plan 2 fund as follows: The contributions necessary to fully fund the plan 2 employer contribution shall first be deposited in the plan 2 fund. All remaining public safety employees' retirement system employer contributions shall be deposited in the public employees' retirement system plan 1 fund.

(9) The contributions received for the higher education retirement plan supplemental benefit fund shall be deposited in the higher education retirement plan supplemental benefit fund and amounts received from each institution accounted for separately and shall only be used to make benefit payments to the beneficiaries of that institution's plan.

**Sec. 813.** RCW 41.45.060 and 2009 c 561 s 3 are each amended to read as follows:

(1) The state actuary shall provide preliminary actuarial valuation results based on the economic assumptions and asset value smoothing technique included in RCW 41.45.035 or adopted under RCW 41.45.030 or 41.45.035.

(2) Not later than July 31, 2008, and every two years thereafter, consistent with the economic assumptions and asset value smoothing technique included in RCW 41.45.035 or adopted under RCW 41.45.030 or 41.45.035, the council shall adopt and may make changes to:

(a) A basic state contribution rate for the law enforcement officers' and firefighters' retirement system plan 1;

(b) Basic employer contribution rates for the public employees' retirement system, the teachers' retirement system, and the Washington state patrol retirement system; and

(c) Basic employer contribution rates for the school employees' retirement system and the public safety employees' retirement system for funding both those systems and the public employees' retirement system plan 1.

The council may adopt annual rate changes for any plan for any rate-setting period. The contribution rates adopted by the council shall be subject to revision by the legislature.

(3) The employer and state contribution rates adopted by the council shall be the level percentages of pay that are needed:

(a) To fully amortize the total costs of the law enforcement officers' and firefighters' retirement system plan 1 not later than June 30, 2024;

(b) To fully fund the public employees' retirement system plans 2 and 3, the teachers' retirement system plans 2 and 3, the public safety employees' retirement system plan 2, and the school employees' retirement system plans 2 and 3 in accordance with RCW 41.45.061, 41.45.067, and this section; and

(c) To fully fund the public employees' retirement system plan 1 and the teachers' retirement system plan 1 in accordance with RCW 41.45.070, 41.45.150, and this section.

(4) The aggregate actuarial cost method shall be used to calculate a combined plan 2 and 3 normal cost, a Washington state patrol retirement system normal cost, and a public safety employees' retirement system normal cost.

(5) A modified entry age normal cost method, as set forth in this chapter, shall be used to calculate employer contributions to the public employees' retirement system plan 1 and the teachers' retirement system plan 1.

(6) The employer contribution rate for the public employees' retirement system and the school employees' retirement system shall equal the sum of:

(a) The amount required to pay the combined plan 2 and plan 3 normal cost for the system, subject to any minimum rates applied pursuant to RCW 41.45.155; plus

(b) The amount required to amortize the unfunded actuarial accrued liability in plan 1 of the public employees' retirement system over a rolling ten-year period using projected future salary growth and growth in system membership, and subject to any minimum or maximum rates applied pursuant to RCW 41.45.150; plus

(c) The amounts required to amortize the costs of any benefit improvements in plan 1 of the public employees' retirement system that become effective after June 30, 2009. The cost of each benefit improvement shall be amortized over a fixed ten-year period using projected future salary growth and growth in system membership. The amounts required under this subsection are not subject to, and are collected in addition to, any minimum or maximum rates applied pursuant to RCW 41.45.150.

(7) The employer contribution rate for the public safety employees' retirement system shall equal the sum of:

(a) The amount required to pay the normal cost for the system, subject to any minimum rates applied pursuant to RCW 41.45.155; plus

(b) The amount required to amortize the unfunded actuarial accrued liability in plan 1 of the public employees' retirement system over a rolling ten-year period using projected future salary growth and growth in system membership, and subject to any minimum or maximum rates applied pursuant to RCW 41.45.150; plus

(c) The amounts required to amortize the costs of any benefit improvements in plan 1 of the public employees'

retirement system that become effective after June 30, 2009. The cost of each benefit improvement shall be amortized over a fixed ten-year period using projected future salary growth and growth in system membership. The amounts required under this subsection are not subject to, and are collected in addition to, any minimum or maximum rates applied pursuant to RCW 41.45.150.

(8) The employer contribution rate for the teachers' retirement system shall equal the sum of:

(a) The amount required to pay the combined plan 2 and plan 3 normal cost for the system, subject to any minimum rates applied pursuant to RCW 41.45.155; plus

(b) The amount required to amortize the unfunded actuarial accrued liability in plan 1 of the teachers' retirement system over a rolling ten-year period using projected future salary growth and growth in system membership, and subject to any minimum or maximum rates applied pursuant to RCW 41.45.150; plus

(c) The amounts required to amortize the costs of any benefit improvements in plan 1 of the teachers' retirement system that become effective after June 30, 2009. The cost of each benefit improvement shall be amortized over a fixed ten-year period using projected future salary growth and growth in system membership. The amounts required under this subsection are not subject to, and are collected in addition to, any minimum or maximum rates applied pursuant to RCW 41.45.150.

(9) The employer contribution rate for each of the institutions of higher education for the higher education supplemental retirement benefits must be sufficient to fund, as a level percentage of pay, a portion of the projected cost of the supplemental retirement benefits for the institution beginning in 2035, with the other portion supported on a pay-as-you-go basis, either as direct payments by each institution to retirees, or as contributions to the higher education retirement plan supplemental benefit fund. Contributions must continue until the council determines that the institution for higher education supplemental retirement benefit liabilities are satisfied.

(10) The council shall immediately notify the directors of the office of financial management and department of retirement systems of the state and employer contribution rates adopted. The rates shall be effective for the ensuing biennial period, subject to any legislative modifications.

~~((10))~~ (11) The director shall collect those rates adopted by the council. The rates established in RCW 41.45.062, or by the council, shall be subject to revision by the legislature.

~~((11))~~ (12) The state actuary shall prepare final actuarial valuation results based on the economic assumptions, asset value smoothing technique, and contribution rates included in or adopted under RCW 41.45.030, 41.45.035, and this section.

**Sec. 814.** RCW 41.50.075 and 2004 c 242 s 44 are each amended to read as follows:

(1) Two funds are hereby created and established in the state treasury to be known as the Washington law enforcement officers' and firefighters' system plan 1 retirement fund, and the Washington law enforcement officers' and firefighters' system plan 2 retirement fund which shall consist of all moneys paid into them in accordance with the provisions of this chapter and chapter 41.26 RCW, whether such moneys take the form of cash, securities, or other assets. The plan 1 fund shall consist of all moneys paid to finance the benefits provided to members of the law enforcement officers' and firefighters' retirement system plan 1, and the plan 2 fund shall consist of all moneys paid to finance the benefits provided to members of the law enforcement officers' and firefighters' retirement system plan 2.

(2) All of the assets of the Washington state teachers' retirement system shall be credited according to the purposes for which they are held, to two funds to be maintained in the state treasury, namely, the teachers' retirement system plan 1 fund and the teachers' retirement system combined plan 2 and 3 fund. The plan 1 fund shall consist of all moneys paid to finance the benefits provided to members of the Washington state teachers' retirement system plan 1, and the combined plan 2 and 3 fund shall consist of all moneys paid to finance the benefits provided to members of the Washington state teachers' retirement system plan 2 and 3.

(3) There is hereby established in the state treasury two separate funds, namely the public employees' retirement system plan 1 fund and the public employees' retirement system combined plan 2 and plan 3 fund. The plan 1 fund shall consist of all moneys paid to finance the benefits provided to members of the public employees' retirement system plan 1, and the combined plan 2 and plan 3 fund shall consist of all moneys paid to finance the benefits provided to members of the public employees' retirement system plans 2 and 3.

(4) There is hereby established in the state treasury the school employees' retirement system combined plan 2 and 3 fund. The combined plan 2 and 3 fund shall consist of all moneys paid to finance the benefits provided to members of the school employees' retirement system plan 2 and plan 3.

(5) There is hereby established in the state treasury the public safety employees' retirement system plan 2 fund. The plan 2 fund shall consist of all moneys paid to finance the benefits provided to members of the public safety employees' retirement system plan 2.

(6)(a)(i) There is hereby established in the state treasury the higher education retirement plan supplemental benefit fund. The higher education retirement plan supplemental benefit fund shall consist of all moneys paid to finance the benefits provided to members of each of the higher education retirement plans.

(ii) The fund in this subsection (6) was originally created under chapter 47, Laws of 2011 1st sp. sess. (Engrossed Substitute House Bill No. 1981).

(b) The office of financial management must create individual accounts for each institution of higher education within the higher education retirement plan supplemental

benefit fund. For fiscal year 2021, the office of financial management must transfer all the assets of the higher education retirement plan supplemental benefit fund into the individual accounts for each institution that will be used to manage the accounting for each benefit plan. The higher education retirement plan supplemental benefit fund will include all the amounts in the individual accounts created in this subsection.

NEW SECTION. Sec. 815. A new section is added to chapter 41.50 RCW to read as follows:

(1) On July 1st of the fiscal year following a determination by the pension funding council that a higher education institution has sufficiently funded the liabilities of that institution through contributions to the higher education retirement plan supplemental benefit fund, the department shall assume responsibility for making benefit payments to higher education retirement plan supplemental beneficiaries for that institution from the portion of the higher education retirement plan supplemental benefit fund attributed to the individual institution.

(2) Immediately following the determination by the pension funding council under RCW 41.45.060(9) that an institution participating in the higher education retirement plan supplemental benefits has sufficiently funded the benefits of the plan that higher education institution:

(a) Must provide any data and assistance requested by the department to facilitate the transition of responsibility for making benefit payments to higher education retirement plan members eligible for supplemental benefit payments; and

(b) Is governed by the provisions of RCW 41.50.110.

(3) On the date that the department assumes responsibility for benefit payments under subsection (1) of this section, the department shall assess contributions to the department of retirement systems' expense fund under RCW 41.50.110(3) for active participants in the higher education retirement plan. Contributions to the expense fund for higher education retirement plan members must end when there are no longer retirees or beneficiaries from an institution receiving payments administered by the department.

(4)(a) Upon the department's assumption of responsibility for making benefit payments from an institution's higher education retirement plan, the institution shall submit to the department the benefit level for current higher education retirement plan supplemental beneficiaries, and each month following the department's assumption of responsibility for making benefit payments to an institution's higher education retirement plan supplemental beneficiaries, the institution shall submit to the department information on any new retirees covered by the higher education retirement plan supplemental benefit. The submission shall include all data relevant to the calculation of a supplemental benefit for each retiree, and the benefit that the institution determines the individual qualifies to receive. No later than January 1st, following the funding determination in RCW 41.45.060(9) that begins the transition of responsibility for benefit payments to the department, the department shall provide the institution with a notice of what data will be required to

determine higher education retirement plan supplemental benefit determinations for future retirees.

(b) The department shall review the information provided by the institution for each retiring higher education retirement plan member eligible for the supplemental benefit and determine the supplemental benefit amount the member is eligible to receive, if any.

(c) In the event that the department is not provided with all data required by the notice in (a) of this subsection, the institution of higher education will remain responsible for payment of higher education retirement plan supplemental benefits to that member. In addition, the collection of overpayments and error correction provisions of this chapter apply in the event that the department makes supplemental benefit payments based on incomplete or inaccurate data provided by an institution.

**Sec. 816.** RCW 43.84.092 and 2019 c 421 s 15, 2019 c 403 s 14, 2019 c 365 s 19, 2019 c 287 s 19, and 2019 c 95 s 6 are each reenacted and amended to read as follows:

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

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

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

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

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each

account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of licensing tuition recovery trust fund, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the higher education retirement plan supplemental benefit fund, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the industrial insurance premium refund account, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3

account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the statewide broadband account, the statewide tourism marketing account, the student achievement council tuition recovery trust fund, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent

fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

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

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

**NEW SECTION. Sec. 817.** This act takes effect July 1, 2020."

On page 1, line 1 of the title, after "plans;" strike the remainder of the title and insert "amending RCW 28B.10.423, 41.45.050, 41.45.060, and 41.50.075; reenacting and amending RCW 43.84.092; adding a new section to chapter 41.50 RCW; creating a new section; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1661 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Chandler and Robinson spoke in favor of the passage of the bill.

#### **MOTION**

On motion of Representative Ramos, Representative Paul was excused.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 1661, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1661, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins,

Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SECOND SUBSTITUTE HOUSE BILL NO. 1661, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 11, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2248 with the following amendment: 817.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 818.** (1) The legislature finds and declares that stimulating local investment in community solar projects continues to be an important part of a state energy strategy by helping to increase energy independence from fossil fuels, promote economic development, hedge against the effects of climate change, and attain environmental benefits. The legislature finds that while previous community solar programs were successful in stimulating these benefits, the programs failed to provide an adequate framework for low-income participation and long-term market certainty. The legislature finds that the vast majority of Washingtonians still do not have access to the benefits of solar energy. The legislature intends to stimulate the deployment of community solar projects for the benefit of all Washingtonians by funding the renewable energy production incentive program for community solar projects and by creating opportunities for broader participation, especially by low-income households and low-income service providers. As of December 2019, the state is thirteen megawatts short of the one hundred fifteen megawatts of solar photovoltaic capacity established as a goal under RCW 82.16.155. The legislature therefore intends to provide an incentive sufficient to promote installation of community solar projects through June 30, 2031, at which point the legislature expects to review the effectiveness of enhancing access to community solar projects.

(2) The legislature finds that participation of low-income customers in community solar projects is consistent with the goals and intent of the energy assistance provisions of chapter 19.405 RCW, the Washington clean energy transformation act, when this participation achieves a reduction in energy burden for the customers.

(3) The legislature also finds that offering energy assistance through renewable energy programs, including

community solar, at a discount to low-income customers is consistent with the goal and intent of RCW 80.28.068.

**Sec. 819.** RCW 82.16.130 and 2017 3rd sp.s. c 36 s 4 are each amended to read as follows:

(1) A light and power business is allowed a credit against taxes due under this chapter in an amount equal to:

(a) Incentive payments made in any fiscal year under RCW 82.16.120 and 82.16.165; and

(b) Any fees a utility is allowed to recover pursuant to RCW 82.16.165(5).

(2) The credits must be taken in a form and manner as required by the department. The credit taken under this section for the fiscal year may not exceed one and one-half percent of the (~~businesses~~) business's taxable power sales generated in calendar year 2014 and due under RCW 82.16.020(1)(b) or two hundred fifty thousand dollars, whichever is greater, for incentive payments made for the following:

(a) Renewable energy systems, other than community solar projects, that are certified for an incentive payment as of June 30, 2020; and

(b) Community solar and shared commercial projects that are under precertification status under RCW 82.16.165(7)(b) as of June 30, 2020, and that are certified for an incentive payment in accordance with the terms of that precertification by December 31, 2021.

(3) The credit may not exceed the tax that would otherwise be due under this chapter. Refunds may not be granted in the place of credits. Expenditures not used to earn a credit in one fiscal year may not be used to earn a credit in subsequent years.

(4) For any business that has claimed credit for amounts that exceed the correct amount of the incentive payable under RCW 82.16.120, the amount of tax against which credit was claimed for the excess payments is immediately due and payable. The department may deduct amounts due from future credits claimed by the business.

(a) Except as provided in (b) of this subsection, the department must assess interest but not penalties on the taxes against which the credit was claimed. Interest must be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, retroactively to the date the credit was claimed, and accrues until the taxes against which the credit was claimed are repaid.

(b) A business is not liable for excess payments made in reliance on amounts reported by the Washington State University extension energy program as due and payable as provided under RCW 82.16.165(20), if such amounts are later found to be abnormal or inaccurate due to no fault of the business.

(5) The amount of credit taken under this section is not confidential taxpayer information under RCW 82.32.330 and is subject to disclosure.

(6) The right to earn tax credits for incentive payments made under RCW 82.16.120 expires June 30, 2020. Credits may not be claimed after June 30, 2021.

(7)(a) The right to earn tax credits for incentive payments made under RCW 82.16.165 for the following expires June 30, 2029:

(i) Renewable energy systems, other than community solar projects, that are certified for an incentive payment as of June 30, 2020; and

(ii) Community solar and shared commercial projects that are under precertification status under RCW 82.16.165(7)(b) as of June 30, 2020, and that are certified for an incentive payment in accordance with the terms of that precertification by December 31, 2021.

(b) Credits may not be claimed after June 30, 2030.

(8) This section expires June 30, 2031.

**NEW SECTION. Sec. 820.** A new section is added to chapter 82.16 RCW to read as follows:

(1) Beginning July 1, 2020, a light and power business is allowed a credit against taxes due under this chapter in an amount equal to incentive payments made in any fiscal year under section 7 of this act.

(2) The credits must be taken in a form and manner as required by the department. The credit taken under this section for the fiscal year may not exceed one and one-half percent of the business's taxable power sales generated in calendar year 2014 and due under RCW 82.16.020(1)(b) or two hundred fifty thousand dollars, whichever is greater, for incentive payments made for community solar projects that submit an application for precertification under section 7 of this act on or after July 1, 2020, and that are certified for an incentive payment in accordance with the terms of that precertification by June 30, 2031.

(3) The credit may not exceed the tax that would otherwise be due under this chapter. Refunds may not be granted in the place of credits.

(4) For any business that has claimed credit for amounts that exceed the correct amount of the incentive payable under section 7 of this act, the amount of tax against which credit was claimed for the excess payments is immediately due and payable. The department may deduct amounts from future credits claimed by the business.

(a) Except as provided in (b) of this subsection, the department must assess interest but not penalties on the taxes against which the credit was claimed. Interest may be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, retroactively to the date the credit was claimed, and accrues until the taxes against which the credit was claimed are repaid.

(b) A business is not liable for excess payments made in reliance on amounts reported by the Washington State University extension energy program as due and payable as provided under section 7 of this act, if such amounts are later found to be abnormal or inaccurate due to no fault of the business.

(5) The amount of credit taken under this section is not confidential taxpayer information under RCW 82.32.330 and is subject to disclosure.

(6) The right to earn tax credits for incentive payments made under section 7 of this act expires June 30, 2034. Credits may not be claimed under this section after June 30, 2035.

(7) This section expires June 30, 2036.

**Sec. 821.** RCW 82.16.160 and 2017 3rd sp.s. c 36 s 5 are each amended to read as follows:

(1) The definitions in this section apply throughout this section and RCW 82.16.165(~~82.16.170~~) and 82.16.175 unless the context clearly requires otherwise.

((4)) (a) "Administrator" means the utility, nonprofit, or other local housing authority that organizes and administers a community solar project as provided in RCW 82.16.165 and 82.16.170.

((2)) (b) "Certification" means the authorization issued by the Washington State University extension energy program establishing a person's eligibility to receive annual incentive payments from the person's utility for the program term.

((3)) (c) "Commercial-scale system" means a renewable energy system or systems other than a community solar project or a shared commercial solar project with a combined nameplate capacity greater than twelve kilowatts that meets the applicable system eligibility requirements established in RCW 82.16.165.

((4)) (d) "Community solar project" means a solar energy system that has a direct current nameplate generating capacity that is no larger than one thousand kilowatts and meets the applicable eligibility requirements established in RCW 82.16.165 and 82.16.170.

((5)) (e) "Consumer-owned utility" has the same meaning as in RCW 19.280.020.

((6)) (f) "Customer-owner" means the owner of a residential-scale or commercial-scale renewable energy system, where such owner is not a utility and such owner is a customer of the utility and either owns the premises where the renewable energy system is installed or occupies the premises.

((7)) (g) "Electric utility" or "utility" means a consumer-owned utility or investor-owned utility as those terms are defined in RCW 19.280.020.

((8)) (h) "Governing body" has the same meaning as provided in RCW 19.280.020.

((9)) (i) "Person" means any individual, firm, partnership, corporation, company, association, agency, or any other legal entity.

((10)) (j) "Program term" means: ((a)) (i) For community solar projects that are certified under RCW 82.16.165, eight years or until cumulative incentive payments for electricity produced by the project reach fifty percent of the total system price, including applicable sales

tax, whichever occurs first; and ~~((b))~~ (ii) for other renewable energy systems, including shared commercial solar projects, eight years or until cumulative incentive payments for electricity produced by a system reach fifty percent of the total system price, including applicable sales tax, whichever occurs first.

~~((k))~~ (k) "Renewable energy system" means a solar energy system, including a community solar project, an anaerobic digester as defined in RCW 82.08.900, or a wind generator used for producing electricity.

~~((l))~~ (l) "Residential-scale system" means a renewable energy system or systems located at a single situs with combined nameplate capacity of twelve kilowatts or less that meets the applicable system eligibility requirements established in RCW 82.16.165.

~~((m))~~ (m) "Shared commercial solar project" means a solar energy system, owned or administered by an electric utility, with a combined nameplate capacity of greater than one megawatt and not more than five megawatts and meets the applicable eligibility requirements established in RCW 82.16.165 and 82.16.175.

(2) This section expires June 30, 2031.

**Sec. 822.** RCW 82.16.165 and 2017 3rd sp.s. c 36 s 6 are each amended to read as follows:

(1) Beginning July 1, 2017, and through June 30, 2020, the following persons may submit a one-time application to the Washington State University extension energy program to receive a certification authorizing the utility serving the situs of a renewable energy system in the state of Washington to remit an annual production incentive for each kilowatt-hour of alternating current electricity generated by the renewable energy system:

(a) The utility's customer who is the customer-owner of a residential-scale or commercial-scale renewable energy system;

(b) An administrator of a community solar project meeting the eligibility requirements outlined in RCW 82.16.170~~(2)~~ and applies for certification on behalf of each of the project participants; or

(c) A utility or a business under contract with a utility that administers a shared commercial solar project that meets the eligibility requirements in RCW 82.16.175 and applies for certification on behalf of each of the project participants.

(2) No person, business, or household is eligible to receive incentive payments provided under subsection (1) of this section of more than five thousand dollars per year for residential systems or community solar projects, twenty-five thousand dollars per year for commercial-scale systems, or thirty-five thousand dollars per year for shared commercial solar projects.

(3)(a) No new certification may be issued under this section to an applicant who submits a request for or receives an annual incentive payment for a renewable energy system that was certified under RCW 82.16.120, or for a renewable energy system served by a utility that has elected not to

participate in the incentive program, as provided in subsection (4) of this section.

(b) The Washington State University extension energy program may issue a new certification for an additional system installed at a situs with a previously certified system so long as the new system meets the requirements of this section and its production can be measured separately from the previously certified system.

(c) The Washington State University extension energy program may issue a recertification for a residential-scale or commercial-scale system if a customer makes investments resulting in an expansion of the system's nameplate capacity. Such recertification expires on the same day as the original certification for the residential-scale or commercial-scale system and applies to the entire system the incentive rates and program rules in effect as of the date of the recertification.

(4) A utility's participation in the incentive program provided in this section is voluntary.

(a) A utility electing to participate in the incentive program must notify the Washington State University extension energy program of such election in writing.

(b) The utility may terminate its voluntary participation in the production incentive program by providing notice in writing to the Washington State University extension energy program to cease issuing new certifications for renewable energy systems that would be served by that utility.

(c) Such notice of termination of participation is effective after fifteen days, at which point the Washington State University extension energy program may not accept new applications for certification of renewable energy systems that would be served by that utility.

(d) Upon receiving a utility's notice of termination of participation in the incentive program, the Washington State University extension energy program must report on its web site that customers of that utility are no longer eligible to receive new certifications under the program.

(e) A utility's termination of participation does not affect the utility's obligation to continue to make annual incentive payments for electricity generated by systems that were certified prior to the effective date of the notice. The Washington State University extension energy program must continue to process and issue certifications for renewable energy systems that were received by the Washington State University extension energy program before the effective date of the notice of termination.

(f) A utility that has terminated participation in the program may resume participation upon filing notice with the Washington State University extension energy program.

(5)(a) The Washington State University extension energy program may certify a renewable energy system that is connected to equipment capable of measuring the electricity production of the system and interconnecting with the utility's system in a manner that allows the utility, or the customer at the utility's option, to measure and report to the

Washington State University extension energy program the total amount of electricity produced by the renewable energy system.

(b) The Washington State University extension energy program must establish a reporting and fee-for-service system to accept electricity production data from the utility or the customer that is not reported electronically and with the reporting entity selected at the utility's option as described in subsection (19) of this section. The fee-for-service agreement must allow for electronic reporting or reporting by mail, may be specific to individual utilities, and must recover only the program's costs of obtaining the electricity production data and incorporating it into an electronic format. A statement of the amount due for the fee-for-service must be provided to the utility by the Washington State University extension energy program with the report provided to the utility pursuant to subsection (20)(a) of this section. The utility may determine how to assess and remit the fee, and the utility may be allowed a credit for fees paid under this subsection (5) against taxes due, as provided in RCW 82.16.130(1).

(6) The Washington State University extension energy program may issue a certification authorizing annual incentive payments up to the following annual dollar limits:

(a) For community solar projects, five thousand dollars per project participant;

(b) For residential-scale systems, five thousand dollars;

(c) For commercial-scale systems, twenty-five thousand dollars; and

(d) For shared commercial solar projects, up to thirty-five thousand dollars a year per participant, as determined by the terms of subsection (15) of this section.

(7)(a) To obtain certification for the incentive payment provided under subsection (1) of this section by June 30, 2020, for renewable energy systems other than community solar projects, or by December 31, 2021, for community solar and shared commercial projects, a person must submit to the Washington State University extension energy program an application, including:

(i) A signed statement that the applicant has not previously received a notice of eligibility from the department under RCW 82.16.120 entitling the applicant to receive annual incentive payments for electricity generated by the renewable energy system at the same meter location;

(ii) A signed statement of the total price, including applicable sales tax, paid by the applicant for the renewable energy system;

(iii) System operation data including global positioning system coordinates, tilt, estimated shading, and azimuth;

(iv) Any other information the Washington State University extension energy program deems necessary in determining eligibility and incentive levels, administering the program, tracking progress toward achieving the limits on program participation established in RCW 82.16.130, or

facilitating the review of the performance of the tax preferences by the joint legislative audit and review committee, as described in RCW 82.16.155; and

(v)(A) Except as provided in (a)(v)(B) of this subsection (7), the date that the renewable energy system received its final electrical inspection from the applicable local jurisdiction, as well as a copy of the permit or, if the permit is available online, the permit number;

(B) The Washington State University extension energy program may waive the requirement in (a)(v)(A) of this subsection (7), accepting an application and granting provisional certification prior to proof of final electrical inspection. Provisional certification expires one hundred eighty days after issuance, unless the applicant submits proof of the final electrical inspection from the applicable local jurisdiction or the Washington State University extension energy program extends the certification, for a term or terms of thirty days, due to extenuating circumstances; and

(b)(i) Prior to obtaining certification under this subsection, a community solar project or shared commercial solar project must apply for precertification against the remaining funds available for incentive payments under subsection (13)(d) of this section in order to be guaranteed an incentive payment under subsection (1) of this section. Community solar and shared commercial projects that are under precertification status under this subsection (7) as of June 30, 2020, may not apply for precertification for the incentive payment provided under section 7 of this act for that same project;

(ii) A project applicant of a community solar project or shared commercial solar project must complete an application for certification with the Washington State University extension energy program within less than ~~((one year))~~ two years to retain the precertification status described in this subsection. If a community solar or shared commercial project application is in precertification status as of June 30, 2020, the project applicant must continue in that status until either it is certified by the Washington State University extension energy program or its precertification expires; and

(iii) The Washington State University extension energy program may design a reservation or precertification system for an applicant of a residential-scale or commercial-scale renewable energy system.

(8) No incentive payments may be authorized or accrued until the final electrical inspection and executed interconnection agreement are submitted to the Washington State University extension energy program.

(9) Within thirty days of receipt of ~~((the))~~ an application for certification, the Washington State University extension energy program must notify the applicant and, except when a utility is the applicant, the utility serving the situs of the renewable energy system, by mail or electronically, whether certification has been granted. The certification notice must state the rate to be paid per kilowatt-hour of electricity generated by the renewable energy system, as provided in subsection (12) of this section,

subject to any applicable cap on total annual payment provided in subsection (6) of this section.

(10) Certification is valid for the program term and entitles the applicant or, in the case of a community solar project or shared commercial solar project, the participant, to receive incentive payments for electricity generated from the date the renewable energy system commences operation, or the date the system is certified, whichever date is later. For purposes of this subsection, the Washington State University extension energy program must define when a renewable energy system commences operation and provide notice of such date to the recipient and the utility serving the situs of the system. Certification may not be retroactively changed except to correct later discovered errors that were made during the original application or certification process.

(11)(a) System certification follows the system if the following conditions are met using procedures established by the Washington State University extension energy program:

(i) The renewable energy system is transferred to a new owner who notifies the Washington State University extension energy program of the transfer; and

(ii) The new owner provides an executed interconnection agreement with the utility serving the premises.

(b) In the event that a community solar project participant terminates their participation in a community solar project, the system certification follows the system and participation may be transferred to a new participant. The administrator of a community solar project must provide notice to the Washington State University extension energy program of any changes or transfers in project participation.

(12) The Washington State University extension energy program must determine the total incentive rate for ~~((a new renewable energy system certification by adding to the base rate any applicable made in Washington bonus rate))~~ renewable energy systems, other than a community solar project, certified through June 30, 2020, and for community solar and shared commercial projects precertified as of June 30, 2020, and certified through December 31, 2021, as provided in this subsection. A made-in-Washington bonus rate is provided for a renewable energy system or a community solar project certified through June 30, 2019, with solar modules made in Washington or with a wind turbine or tower that is made in Washington. Both the base rates and bonus rate vary, depending on the fiscal year in which the system is certified and the type of renewable energy system being certified, as provided in the following table:

Fiscal year of system certification	Base rate - residential scale	Base rate - commercial scale	Base rate - utility solar	Base rate - shared commercial solar	Made in Washington bonus
2018	\$0.16	\$0.06	\$0.16	\$0.06	\$0.05

2019	\$0.14	\$0.04	\$0.14	\$0.04	\$0.04
2020	\$0.12	\$0.02	\$0.12	\$0.02	<del>(\$0.03)</del>
2021	<del>(\$0.10)</del>	<del>(\$0.02)</del>	\$0.10	<del>(\$0.02)</del>	<del>(\$0.02)</del>

(13) The Washington State University extension energy program must cease to issue new certifications:

(a) For community solar projects and shared commercial solar projects in any fiscal year for which the Washington State University extension energy program estimates that fifty percent of the remaining funds for credit available to a utility for renewable energy systems certified under this section as of July 1, 2017, have been allocated to community solar projects and shared commercial solar projects combined;

(b) For commercial-scale systems in any fiscal year for which the Washington State University extension energy program estimates that twenty-five percent of the remaining funds for credit available to a utility for renewable energy systems certified under this section as of July 1, 2017, have been allocated to commercial-scale systems;

(c) For any renewable energy system served by a utility, if certification is likely to result in incentive payments by that utility, including payments made under RCW 82.16.120, exceeding the utility's available funds for credit under RCW 82.16.130; and

(d) For any renewable energy system, if certification is likely to result in total incentive payments under this section exceeding one hundred ten million dollars.

(14) If the Washington State University extension energy program ceases issuing new certifications during a fiscal year or biennium as provided in subsection (13) of this section, in the following fiscal year or biennium, or when additional funds are available for credit such that the thresholds described in subsection (13) of this section are no longer exceeded, the Washington State University extension energy program must resume issuing new certifications using a method of awarding certifications that results in equitable and orderly allocation of benefits to applicants.

(15) A customer who is a participant in a shared commercial solar project may not receive incentive payments associated with the project greater than the difference between the levelized cost of energy output of the system over its production life and the retail rate for the rate class to which the customer belongs. The levelized cost of the output of the energy must be determined by the utility that administers the shared commercial solar project and must be disclosed, along with an explanation of the limitations on incentive payments contained in this subsection (15), in the contractual agreement with the shared commercial solar project participants.

(16) In order to begin to receive annual incentive payments, a person who has been issued a certification for the incentive as provided in subsection (9) of this section must obtain an executed interconnection agreement with the utility serving the situs of the renewable energy system.

(17) The Washington State University extension energy program must establish a list of equipment that is eligible for the bonus rates described in subsection (12) of this section. The Washington State University extension energy program must, in consultation with the department of commerce, develop technical specifications and guidelines to ensure consistent and predictable determination of eligibility. A solar module is made in Washington for purposes of receiving the bonus rate only if the lamination of the module takes place in Washington. A wind turbine is made in Washington only if it is powered by a turbine or built with a tower manufactured in Washington.

(18) The manufacturer of a renewable energy system component subject to a bonus rate under subsection (12) of this section may apply to the Washington State University extension energy program to receive a determination of eligibility for such bonus rates. The Washington State University extension energy program must publish a list of components that have been certified as eligible for such bonus rates. The Washington State University extension energy program may assess an equipment certification fee to recover its costs. The Washington State University extension energy program must deposit all revenue generated by this fee into the state general fund.

(19) Annually, the utility must report electronically to the Washington State University extension energy program the amount of gross kilowatt-hours generated by each renewable energy system since the prior annual report. For the purposes of this section, to report electronically means to submit statistical or factual information in alphanumeric form through a web site established by the Washington State University extension energy program or in a list, table, spreadsheet, or other nonnarrative format that can be digitally transmitted or processed. The utility may instead opt to report by mail or require program participants to report individually, but if the utility exercises one or more of these options it must negotiate with the Washington State University extension energy program the fee-for-service arrangement described in subsection (5)(b) of this section.

(20)(a) The Washington State University extension energy program must calculate for the year and provide to the utility the amount of the incentive payment due to each participant and the total amount of credit against tax due available to the utility under RCW 82.16.130 that has been allocated as annual incentive payments. Upon notice to the Washington State University extension energy program, a utility may opt to directly perform this calculation and provide its results to the Washington State University extension energy program.

(b) If the Washington State University extension energy program identifies an abnormal production claim, it must notify the utility, the department of revenue, and the applicant, and must recommend withholding payment until the applicant has demonstrated that the production claim is accurate and valid. The utility is not liable to the customer for withholding payments pursuant to such recommendation unless and until the Washington State University extension energy program notifies the utility to resume incentive payments.

(21)(a) The utility must issue the incentive payment within ninety days of receipt of the information required under subsection (20)(a) of this section from the Washington State University extension energy program. The utility must resume the incentive payments withheld under subsection (20)(b) of this section within thirty days of receiving notice from the Washington State University extension energy program that the claim has been demonstrated accurate and valid and payment should be resumed.

(b) A utility is not liable for incentive payments to a customer-owner if the utility has disconnected the customer due to a violation of a customer service agreement, such as nonpayment of the customer's bill, or a violation of an interconnection agreement.

(22) Beginning January 1, 2018, the Washington State University extension energy program must post on its web site and update at least monthly a report, by utility, of:

(a) The number of certifications issued for renewable energy systems, including estimated system sizes, costs, and annual energy production and incentive yields for various system types; and

(b) An estimate of the amount of credit that has not yet been allocated for incentive payments under each utility's credit limit and remains available for new renewable energy system certifications.

(23) Persons receiving incentive payments under this section must keep and preserve, for a period of five years for the duration of the consumer contract, suitable records as may be necessary to determine the amount of incentive payments applied for and received. The Washington State University extension energy program may direct a utility to cease issuing incentive payments if the records are not made available for examination upon request. A utility receiving such a directive is not liable to the applicant for any incentive payments or other damages for ceasing payments pursuant to the directive.

(24) The nonpower attributes of the renewable energy system belong to the utility customer who owns or hosts the system or, in the case of a community solar project or a shared commercial solar project, the participant, and can be kept, sold, or transferred at the utility customer's discretion unless, in the case of a utility-owned community solar or shared commercial solar project, a contract between the customer and the utility clearly specifies that the attributes will be retained by the utility.

(25) All lists, technical specifications, determinations, and guidelines developed under this section must be made publicly available online by the Washington State University extension energy program.

(26) No certification may be issued under this section by the Washington State University extension energy program for any renewable energy system, other than a community solar project, after June 30, ~~((2021))~~ 2020. No certification may be issued under this section for any community solar or shared commercial project after December 31, 2021.

(27) The Washington State University extension energy program must collect a one-time fee for applications submitted under subsection (1) of this section of one hundred twenty-five dollars per applicant. The Washington State University extension energy program must deposit all revenue generated by this fee into the state general fund. The Washington State University extension energy program must administer and budget for the program established in RCW 82.16.120, this section, and RCW 82.16.170 in a manner that ensures its administrative costs through June 30, 2022, are completely met by the revenues from this fee. If the Washington State University extension energy program determines that the fee authorized in this subsection is insufficient to cover the administrative costs through June 30, 2022, the Washington State University extension energy program must report to the legislature on costs incurred and fees collected and demonstrate why a different fee amount or funding mechanism should be authorized.

(28) The Washington State University extension energy program may, through a public process, develop any program requirements, policies, and processes necessary for the administration or implementation of this section, RCW 82.16.120, 82.16.155, and 82.16.170. The department is authorized, in consultation with the Washington State University extension energy program, to adopt any rules necessary for administration or implementation of the program established under this section and RCW 82.16.170.

(29) Applications, certifications, requests for incentive payments under this section, and the information contained therein are not deemed tax information under RCW 82.32.330 and are subject to disclosure.

(30)(a) By November 1, 2019, and in compliance with RCW 43.01.036, the Washington State University extension energy program must submit a report to the legislature that includes the following:

(i) The number and types of renewable energy systems that have been certified under this section as of July 1, 2019, both statewide and per participating utility;

(ii) The number of utilities that are approaching or have reached the credit limit established under RCW 82.16.130(2) or the thresholds established under subsection (13) of this section;

(iii) The share of renewable energy systems by type that contribute to each utility's threshold under subsection (13) of this section;

(iv) An assessment of the deployment of community solar projects in the state, including but not limited to the following:

(A) An evaluation of whether or not community solar projects are being deployed in low-income and moderate-income communities, as those terms are defined in RCW 43.63A.510, including a description of any barriers to project deployment in these communities;

(B) A description of the share of community solar projects by administrator type that contribute to each utility's threshold under subsection (13)(a) of this section; and

(C) A description of any barriers to participation by nonprofits and local housing authorities in the incentive program established under this section and under RCW 82.16.170;

(v) The total dollar amount of incentive payments that have been made to participants in the incentive program established under this section to date; and

(vi) The total number of megawatts of solar photovoltaic capacity installed to date by participants in the incentive program established under this section.

(b) By December 31, 2019, the legislature must review the report submitted under (a) of this subsection and determine whether the credit limit established under RCW 82.16.130(2) should be increased to two percent of a light and power business's taxable power sales generated in calendar year 2014 and due under RCW 82.16.020(1)(b) or two hundred fifty thousand dollars, whichever is greater, in order to achieve the legislative intent under section 1, chapter 36, Laws of 2017 3rd sp. sess.

(31) This section expires June 30, 2031.

NEW SECTION. Sec. 823. A new section is added to chapter 82.16 RCW to read as follows:

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

(a)(i) "Administrator" means the utility, nonprofit, tribal housing authority as provided in (a)(ii) of this subsection, or other local housing authority that organizes and administers a community solar project as provided in section 7 of this act and RCW 82.16.170.

(ii) A tribal housing authority may only administer a community solar project on tribal lands or lands held in trust for a federally recognized tribe by the United States for subscribers who are tribal members.

(b) "Certification" means the authorization issued by the Washington State University extension energy program establishing a community solar project administrator's eligibility to receive a low-income community solar incentive payment from the electric utility serving the site of the community solar project, on behalf of, and for the purpose of providing direct benefits to, its low-income subscribers, low-income service provider subscribers, and tribal and public agency subscribers.

(c) "Community solar project" means a solar energy system that:

(i) Has an alternating current nameplate capacity that is greater than twelve kilowatts but no greater than one hundred ninety-nine kilowatts;

(ii) Has, at minimum, either two subscribers or one low-income service provider subscriber; and

(iii) Meets the applicable eligibility requirements in section 7 of this act and RCW 82.16.170.

(d) "Consumer-owned utility" has the same meaning as in RCW 19.280.020.

(e) "Electric utility" or "utility" means a consumer-owned utility or investor-owned utility as those terms are defined in RCW 19.280.020.

(f) "Energy assistance" has the same meaning as provided in RCW 19.405.020.

(g) "Energy burden" has the same meaning as provided in RCW 19.405.020.

(h) "Governing body" has the same meaning as provided in RCW 19.280.020.

(i) "Low-income" has the same meaning as provided in RCW 19.405.020.

(j) "Low-income service provider" includes, but is not limited to, a local community action agency or local community service agency designated by the department of commerce under chapter 43.63A RCW, local housing authority, tribal housing authority, low-income tribal housing program, affordable housing provider, food bank, or other nonprofit organization that provides services to low-income households.

(k) "Multifamily residential building" means a building containing more than two sleeping units or dwelling units where occupants are primarily permanent in nature.

(l) "Person" means an individual, firm, partnership, corporation, company, association, agency, or any other legal entity.

(m) "Public agency" means any political subdivision of the state including, but not limited to, municipal and county governments, special purpose districts, and local housing authorities, but does not include state agencies.

(n)(i) Except as otherwise provided in (n)(ii) of this subsection, "qualifying subscriber" means a low-income subscriber, low-income service provider subscriber, tribal agency subscriber, or public agency subscriber.

(ii) For tribal agency subscribers and public agency subscribers, only the portion of their subscription to a community solar project that is demonstrated to benefit low-income beneficiaries, including low-income service providers and services provided to low-income citizens or households, is to be considered a qualifying subscriber.

(o) "Subscriber" means a retail electric customer of an electric utility who owns or is the beneficiary of one or more units of a community solar project directly interconnected with that same utility.

(p) "Subscription" means an agreement between a subscriber and the administrator of a community solar project.

(2) This section expires June 30, 2036.

**NEW SECTION. Sec. 824.** A new section is added to chapter 82.16 RCW to read as follows:

(1) Beginning July 1, 2020, through June 30, 2031, an administrator of a community solar project meeting the eligibility requirements described in this section and RCW 82.16.170(3) may submit an application to the Washington

State University extension energy program to receive a precertification for a community solar project. Projects with precertification applications approved by the Washington State University extension energy program have two years to complete their projects and apply for certification. By certifying qualified projects pursuant to the requirements of this section and RCW 82.16.170(3), the Washington State University extension energy program authorizes the utility serving the site of a community solar project in the state of Washington to remit a one-time low-income community solar incentive payment to the community solar project administrator, who accepts the payment on behalf of, and for the purpose of providing direct benefits to, the project's qualifying subscribers.

(2) A one-time low-income community solar incentive payment remitted to a community solar project administrator for a project certified under this section equals the sum of the following:

(a) An amount, not to exceed twenty thousand dollars per community solar project, equal to the community solar project's administrative costs related to the administrative start-up of the project for qualifying subscribers; and

(b) An amount that does not exceed one hundred percent of the proportional cost of the share of the community solar project that provides direct benefits to qualifying subscribers.

(3) No new certification may be issued under this section to an applicant who receives an annual incentive payment for a community solar project that was certified under RCW 82.16.120 or 82.16.165, or for a community solar project served by a utility that has elected not to participate in the incentive program provided in this section.

(4) Community solar projects that are under precertification status under RCW 82.16.165 as of June 30, 2020, may not apply for precertification of that same project for the one-time low-income community solar incentive payment provided in this section.

(5)(a) In addition to the one-time low-income community solar incentive payment under subsection (2) of this section, a participating utility must also provide the following compensation for the generation of electricity from the certified project:

(i) For a community solar project that has an alternating current nameplate capacity greater than twelve kilowatts but no greater than one hundred kilowatts, and that is connected behind the electric service meter, compensation must be determined in accordance with RCW 80.60.020 and provided to the metered customer receiving service at the situs of the meter.

(ii) For all other community solar projects, compensation must be determined at a value set by the participating utility and paid to the administrator or subscribers according to the agreement between the project and the utility.

(iii) An administrator may deduct ongoing administrative costs from compensation provided from

power generation, provided those costs are identified in the subscription agreement.

(b) If the utility provides compensation for the generation of electricity to the administrator, the administrator of a community solar project must provide that compensation to the project subscribers. For ten years after certification, and by March 1st of each year following certification, the provider of compensation for the generation of electricity to the subscriber, whether the utility or the administrator, but not both, must provide the Washington State University extension energy program with signed statements of the following for the preceding year:

(i) The energy production for the period for which compensation is to be provided;

(ii) Each subscriber's units of the project;

(iii) The amount disbursed to each subscriber for the period; and

(iv) The date and amount disbursed to each subscriber.

(6) A utility's participation in the incentive program provided in this section is voluntary.

(a) A utility electing to participate in the incentive program must notify the Washington State University extension energy program of such election in writing by January 1st of each year.

(b) The utility may terminate its voluntary participation in the program by providing notice in writing to the Washington State University extension energy program to cease accepting new applications for precertification for community solar projects that would be served by that utility. Such notice of termination of participation is effective after fifteen days, at which point the Washington State University extension energy program may not accept new applications for precertification for community solar projects that would be served by that utility.

(c) Upon receiving a utility's notice of termination of participation in the incentive program, the Washington State University extension energy program must report on its web site that community solar project customers of that utility are no longer eligible to receive new certifications under the program.

(d) A utility that has terminated participation in the program may resume participation upon filing a notice with the Washington State University extension energy program.

(7)(a) The Washington State University extension energy program may issue certifications authorizing incentive payments under this section in a total statewide amount not to exceed twenty million dollars, and subject to the following biennial dollar limits:

(i) For fiscal year 2021, three hundred thousand dollars; and

(ii) For each biennium beginning on or after July 1, 2021, five million dollars.

(b) The Washington State University extension energy program will attempt to equitably distribute incentive funds throughout the state. Considerations for equitable fund distribution, based on precertification applications received from administrators served by utilities voluntarily participating in the program, may include measures to reserve or allocate available funds based on the proportion of public utility taxes collected, the proportion of the state's low-income customers served by each utility based on low-income home energy assistance program data at the department of commerce, and measures to achieve an equitable geographic distribution of community solar installations and a diversity of administrative models for community solar projects. If an equitable distribution of funds is not feasible due to a lack of precertification applications, the Washington State University extension energy program may allocate funds based on (a) of this subsection on a first-come, first-served basis.

(c) The Washington State University extension energy program shall regularly publish and update guidelines for how it will manage the allocation of available funding, based on the evaluation of applications and the factors specified in (b) of this subsection.

(8)(a) Prior to obtaining certification under this section, the administrator of a community solar project must apply for precertification against the funds available for incentive payments under subsection (7) of this section in order to be guaranteed an incentive payment under this section. The application for precertification must include, at a minimum:

(i) A demonstration of how the project will deliver continuing direct benefits to low-income subscribers. A direct benefit can include credit for the power generation for the community solar project, from sales of renewable energy credits, or other mechanisms that lower the energy burden of a low-income subscriber; and

(ii) Any other information the Washington State University extension energy program deems necessary in determining eligibility for precertification.

(b) The administrator of a community solar project must complete an application for certification in accordance with the requirements of subsection (9) of this section within less than two years of being approved for precertification status. The administrator must submit a project update to the Washington State University extension energy program after one year in precertification status.

(9) To obtain certification for the one-time community solar incentive payment provided under this section, a project administrator must submit to the Washington State University extension energy program an application, including, at a minimum:

(a) A signed statement that the applicant has not previously received a notice of eligibility from the department under RCW 82.16.120 or the Washington State University extension energy program under RCW 82.16.165 entitling the applicant to receive annual incentive payments for electricity generated by the community solar project at the same meter location;

(b) A signed statement of the costs paid by the administrator related to administering the project for qualifying subscribers;

(c) A signed statement of the total project costs, including the proportional cost of the share of the community solar project that provides direct benefits to qualifying subscribers;

(d) A signed statement describing the amount of the upfront incentive and the timing, method, and distribution of estimated benefits to qualifying subscribers. The statement must describe any estimated energy burden reduction associated with the direct benefits.

(e) Available system operation data, such as global positioning system coordinates, tilt, estimated shading, and azimuth;

(f) Any other information the Washington State University extension energy program deems necessary in determining eligibility and incentive levels or administering the program;

(g)(i) Except as provided in (g)(ii) of this subsection (9), the date that the community solar project received its final electrical inspection from the applicable local jurisdiction, as well as a copy of the permit or, if the permit is available online, the permit number or other documentation deemed acceptable by the Washington State University extension energy program;

(ii) The Washington State University extension energy program may waive the requirement in (g)(i) of this subsection (9), accepting an application and granting provisional certification prior to proof of final electrical inspection. Provisional certification expires one hundred eighty days after issuance, unless the applicant submits proof of the final electrical inspection from the applicable local jurisdiction or the Washington State University extension energy program extends certification, for a term or terms of thirty days, due to extenuating circumstances;

(h) Confirmation of the number of qualifying subscribers; and

(i) Any other information the Washington State University extension energy program deems necessary in determining eligibility and incentive levels or administering the program.

(10) No incentive payments may be authorized or accrued until the final electrical inspection and executed interconnection agreement are submitted to the Washington State University extension energy program.

(11)(a) The Washington State University extension energy program must review each project for which an application for certification is submitted in accordance with subsection (8) of this section for reasonable cost and financial structure, with a targeted cost of three dollars per watt of installed system capacity that is designated for a community solar project's qualifying subscribers. The Washington State University extension energy program may approve an application for a project that costs more or less than three dollars per watt of installed system capacity based

on a review of the project, documents submitted by the project applicant, and available data. Project cost evaluations must exclude costs associated with energy storage systems. Applicants may petition the Washington State University extension energy program to approve a higher cost per watt for unusual circumstances, except that such costs may not include costs associated with energy storage systems.

(b) The Washington State University extension energy program may review the cost per watt target under (a) of this subsection prior to each fiscal biennium and is authorized to determine a new cost per watt target.

(12)(a) Within thirty days of receipt of an application for certification, the Washington State University extension energy program must notify the applicant and, except when a utility is the applicant, the utility serving the site of the community solar project, by mail or electronically, whether certification has been granted. The certification notice must state the total dollar amount of the low-income community solar incentive payment for which the applicant is eligible under this section.

(b) Within sixty days of receipt of a notification under (a) of this subsection, the utility serving the site of the community solar project must remit the applicable one-time low-income community solar incentive payment to the project administrator, who accepts the payment on behalf of, and for the purpose of providing direct benefits to, the project's qualifying subscribers.

(13)(a) Certification follows the community solar project if the following conditions are met using procedures established by the Washington State University extension energy program:

(i) The community solar project is transferred to a new owner who notifies the Washington State University extension energy program of the transfer;

(ii) The new owner provides an executed interconnection agreement with the utility serving the site of the community solar project; and

(iii) The new owner agrees to provide equivalent ongoing benefits to qualifying subscribers as the current owner.

(b) In the event that a qualifying subscriber terminates their participation in a community solar project, the system certification follows the project and participation must be transferred to a new qualifying subscriber.

(14) Beginning January 1, 2021, the Washington State University extension energy program must post on its web site and update at least monthly a report, by utility, of:

(a) The number of certifications issued for community solar projects; and

(b) An estimate of the amount of credit that has not yet been allocated for low-income community solar incentive payments under each utility's credit limit and that remains available for new community solar project certifications in the state.

(15) Persons receiving incentive payments under this section must keep and preserve, for a period of five years for the duration of the consumer contract, suitable records as may be necessary to determine the amount of incentive payments applied for and received.

(16) The nonpower attributes of the community solar project belong to the individual subscribers, and must be kept, sold, or transferred at a subscriber's discretion, unless a contract between the subscriber and administrator clearly specifies that the attributes will be transferred to the administrator. If the nonpower attributes are sold or transferred, the utility to which the project is interconnected has the first right of refusal to procure the nonpower attributes at their fair market value.

(17) All lists, technical specifications, determinations, and guidelines developed under this section must be made publicly available online by the Washington State University extension energy program.

(18) The Washington State University extension energy program must collect a one-time fee for precertification applications submitted under this section of five hundred dollars per applicant. The Washington State University extension energy program must deposit all revenue generated by this fee into the state general fund.

(19) The Washington State University extension energy program may, through a public process, develop program requirements, policies, and processes necessary for the administration or implementation of this section.

(20) Applications, certifications, requests for incentive payments under this section, and the information contained therein are not deemed tax information under RCW 82.32.330 and are subject to disclosure.

(21) No certification may be issued under this section by the Washington State University extension energy program for a community solar project after June 30, 2033.

(22) This section expires June 30, 2036.

**Sec. 825.** RCW 82.16.170 and 2017 3rd sp.s. c 36 s 7 are each amended to read as follows:

(1) The purpose of community solar programs is to facilitate broad, equitable community investment in and access to solar power. Beginning July 1, 2017, a community solar administrator may organize and administer a community solar project as provided in this section.

(2) ~~((A))~~ In order to receive certification for the incentive payment provided under RCW 82.16.165(1) by December 31, 2021, a community solar project must have a direct current nameplate capacity that is no more than one thousand kilowatts and must have at least ten participants or one participant for every ten kilowatts of direct current nameplate capacity, whichever is greater. A community solar project that has a direct current nameplate capacity greater than five hundred kilowatts must be subject to a standard interconnection agreement with the utility serving the situs of the community solar project. Except for community solar projects authorized under subsection ~~((9))~~ (10) of this section, each participant must be a

customer of the utility providing service at the situs of the community solar project.

(3) In order to receive certification for the incentive payment provided under section 7 of this act beginning July 1, 2020, a community solar project must meet the following requirements:

(a) The administrator of the community solar project must be a utility, nonprofit, tribal housing authority that administers a community solar project on tribal lands or lands held in trust for a federally recognized tribe by the United States for subscribers who are tribal members, or other local housing authority. The administrator of the community solar project must apply for precertification under section 7 of this act on or after July 1, 2020;

(b) The community solar project must have an alternating current nameplate capacity that is greater than twelve kilowatts but no greater than one hundred ninety-nine kilowatts, and must have at least two subscribers or one low-income service provider subscriber;

(c) The administrator of the community solar project must provide a verified list of qualifying subscribers;

(d) Verification that an individual household subscriber meets the definition of low-income must be provided to the administrator by an entity with authority to maintain the confidentiality of the income status of the low-income subscriber. If the providing entity incurs costs to verify a subscriber's income status, the administrator must provide reimbursement of those costs;

(e) Except for community solar projects authorized under subsection (10) of this section, each subscriber must be a customer of the utility providing service at the site of the community solar project;

(f) In the event that a low-income subscriber in a community solar project certified under section 7 of this act moves from the household premises of the subscriber's current subscription to another, the subscriber may continue the subscription, provided that the new household premises is served by the utility providing service at the site of the community solar project. In the event that a subscriber is no longer served by that utility or the subscriber terminates participation in a community solar project certified under section 7 of this act, the certification follows the system and participation may be transferred by the administrator to a new qualifying subscriber;

(g) The administrator must include in the application for precertification a project prospectus that demonstrates how the administrator intends to provide direct benefits to qualifying subscribers for the duration of their subscription to the community solar project; and

(h) The length of the subscription term for low-income subscribers must be the same length as for other subscribers, if applicable.

(4) The administrator of a community solar project must administer the project in a transparent manner that allows for fair and nondiscriminatory opportunity for participation by utility customers.

~~((4))~~ (5) The administrator of a community solar project may establish a reasonable fee to cover costs incurred in organizing and administering the community solar project. Project participants, prior to making the commitment to participate in the project, must be given clear and conspicuous notice of the portion of the incentive payment that will be used for this purpose.

~~((5))~~ (6) The administrator of a community solar project must maintain and update annually through June 30, 2030, the following information for each project it operates or administers:

- (a) Ownership information;
- (b) Contact information for technical management questions;
- (c) Business address;
- (d) Project design details, including project location, output capacity, equipment list, and interconnection information; and
- (e) Subscription information, including rates, fees, terms, and conditions.

~~((6))~~ (7) The administrator of a community solar project must provide the information required in subsection ~~((5))~~ (6) of this section to the Washington State University extension energy program at the time it submits the applications allowed under RCW 82.16.165(1) and section 7 of this act.

~~((7))~~ (8) The administrator of a community solar project must provide each project participant with a disclosure form containing all material terms and conditions of participation in the project, including but not limited to the following:

- (a) Plain language disclosure of the terms under which the project participant's share of any incentive payment will be calculated by the Washington State University extension energy program (~~over the life of the contract~~);
- (b) Contract provisions regulating the disposition or transfer of the project participant's interest in the project, including any potential costs associated with such a transfer;
- (c) All recurring and nonrecurring charges;
- (d) A description of the billing and payment procedures;
- (e) A description of any compensation to be paid in the event of project underperformance;
- (f) Current production projections and a description of the methodology used to develop the projections;
- (g) Contact information for questions and complaints; and
- (h) Any other terms and conditions of the services provided by the administrator.

~~((8))~~ (9) A utility may not adopt rates, terms, conditions, or standards that unduly or unreasonably

discriminate between utility-administered community solar projects and those administered by another entity.

~~((9))~~ (10) A public utility district that is engaged in distributing electricity to more than one retail electric customer in the state and a joint operating agency organized under chapter 43.52 RCW on or before January 1, 2017, may enter into an agreement with each other to construct and own a community solar project that is located on property owned by a joint operating agency or on property that receives electric service from a participating public utility district. Each participant of a community solar project under this subsection must be a customer of at least one of the public utility districts that is a party to the agreement with a joint operating agency to construct and own a community solar project.

~~((10))~~ (11) The Washington utilities and transportation commission must publish, without disclosing proprietary information, a list of the following:

- (a) Entities other than utilities, including affiliates or subsidiaries of utilities, that organize and administer community solar projects; and
- (b) Community solar projects and related programs and services offered by investor-owned utilities.

~~((11))~~ (12) If a consumer-owned utility opts to provide a community solar program or contracts with a nonutility administrator to offer a community solar program, the governing body of the consumer-owned utility must publish, without disclosing proprietary information, a list of the nonutility administrators contracted by the utility as part of its community solar program.

~~((12))~~ (13) Except for parties engaged in actions and transactions regulated under laws administered by other authorities and exempted under RCW 19.86.170, a violation of this section constitutes an unfair or deceptive act in trade or commerce in violation of chapter 19.86 RCW, the consumer protection act. Acts in violation of chapter 36, Laws of 2017 3rd sp. sess. are not reasonable in relation to the development and preservation of business, and constitute matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW.

~~((13))~~ (14) Nothing in this section may be construed as intending to preclude persons from investing in or possessing an ownership interest in a community solar project, or from applying for and receiving federal investment tax credits.

(15) This section expires June 30, 2036.

**Sec. 826.** RCW 82.16.110 and 2011 c 179 s 2 are each amended to read as follows:

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

~~((14))~~ (a) "Administrator" means an owner and assignee of a community solar project as defined in ~~((subsection (2)(a)(i)))~~ (b)(i)(A) of this ~~((section))~~ subsection that is responsible for applying for the investment cost recovery incentive on behalf of the other owners and performing such administrative tasks on behalf of the other

owners as may be necessary, such as receiving investment cost recovery incentive payments, and allocating and paying appropriate amounts of such payments to the other owners.

~~((2)(a))~~ ~~(b)(i)~~ "Community solar project" means:

~~((4))~~ ~~(A)~~ A solar energy system that is capable of generating up to seventy-five kilowatts of electricity and is owned by local individuals, households, nonprofit organizations, or nonutility businesses that is placed on the property owned by a cooperating local governmental entity that is not in the light and power business or in the gas distribution business;

~~((4))~~ ~~(B)~~ A utility-owned solar energy system that is capable of generating up to seventy-five kilowatts of electricity and that is voluntarily funded by the utility's ratepayers where, in exchange for their financial support, the utility gives contributors a payment or credit on their utility bill for the value of the electricity produced by the project; or

~~((4))~~ ~~(C)~~ A solar energy system, placed on the property owned by a cooperating local governmental entity that is not in the light and power business or in the gas distribution business, that is capable of generating up to seventy-five kilowatts of electricity, and that is owned by a company whose members are each eligible for an investment cost recovery incentive for the same customer-generated electricity as provided in RCW 82.16.120.

~~((4))~~ ~~(i)~~ For the purposes of "community solar project" as defined in ~~((2)(a))~~ ~~(b)(i)~~ of this subsection:

~~((4))~~ ~~(A)~~ "Company" means an entity that is:

~~((4))~~ ~~(I)~~ A limited liability company; ~~((4))~~ ~~(A)~~ a cooperative formed under chapter 23.86 RCW; or ~~((4))~~ ~~(A)~~ a mutual corporation or association formed under chapter 24.06 RCW; and

~~((4))~~ ~~(II)~~ Not a "utility" as defined in this subsection ~~((2)(b))~~ ~~(1)(b)(ii)~~; and

~~((4))~~ ~~(B)~~ "Nonprofit organization" means an organization exempt from taxation under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended, as of January 1, 2009; and

~~((4))~~ ~~(C)~~ "Utility" means a light and power business, an electric cooperative, or a mutual corporation that provides electricity service.

~~((3))~~ ~~(c)~~ "Customer-generated electricity" means a community solar project or the alternating current electricity that is generated from a renewable energy system located in Washington and installed on an individual's, businesses', or local government's real property that is also provided electricity generated by a light and power business. Except for community solar projects, a system located on a leasehold interest does not qualify under this definition. Except for utility-owned community solar projects, "customer-generated electricity" does not include electricity generated by a light and power business with greater than one thousand megawatt-hours of annual sales or a gas distribution business.

~~((4))~~ ~~(d)~~ "Economic development kilowatt-hour" means the actual kilowatt-hour measurement of customer-generated electricity multiplied by the appropriate economic development factor.

~~((5))~~ ~~(e)~~ "Local governmental entity" means any unit of local government of this state including, but not limited to, counties, cities, towns, municipal corporations, quasi-municipal corporations, special purpose districts, and school districts.

~~((6))~~ ~~(f)~~ "Photovoltaic cell" means a device that converts light directly into electricity without moving parts.

~~((7))~~ ~~(g)~~ "Renewable energy system" means a solar energy system, an anaerobic digester as defined in RCW 82.08.900, or a wind generator used for producing electricity.

~~((8))~~ ~~(h)~~ "Solar energy system" means any device or combination of devices or elements that rely upon direct sunlight as an energy source for use in the generation of electricity.

~~((9))~~ ~~(i)~~ "Solar inverter" means the device used to convert direct current to alternating current in a solar energy system.

~~((10))~~ ~~(j)~~ "Solar module" means the smallest nondivisible self-contained physical structure housing interconnected photovoltaic cells and providing a single direct current electrical output.

~~((11))~~ ~~(k)~~ "Stirling converter" means a device that produces electricity by converting heat from a solar source utilizing a stirling engine.

(2) This section expires June 30, 2031.

**Sec. 827.** RCW 82.16.120 and 2017 3rd sp.s. c 36 s 3 are each amended to read as follows:

(1)(a) Any individual, business, local governmental entity, not in the light and power business or in the gas distribution business, or a participant in a community solar project may apply to the light and power business serving the situs of the system, each fiscal year beginning on July 1, 2005, and ending June 30, 2017, for an investment cost recovery incentive for each kilowatt-hour from a customer-generated electricity renewable energy system.

(b) In the case of a community solar project as defined in RCW 82.16.110~~((2)(a)(i))~~ ~~(1)(b)(i)(A)~~, the administrator must apply for the investment cost recovery incentive on behalf of each of the other owners.

(c) In the case of a community solar project as defined in RCW 82.16.110~~((2)(a)(iii))~~ ~~(1)(b)(i)(C)~~, the company owning the community solar project must apply for the investment cost recovery incentive on behalf of each member of the company.

(2)(a) Before submitting for the first time the application for the incentive allowed under subsection (4) of this section, the applicant must submit to the department of revenue and to the climate and rural energy development center at the Washington State University, established under RCW 28B.30.642, a certification in a form and manner

prescribed by the department that includes, but is not limited to, the information described in (c) of this subsection.

(b) The department may not accept certifications submitted to the department under (a) of this subsection after September 30, 2017.

(c) The certification must include:

(i) The name and address of the applicant and location of the renewable energy system.

(A) If the applicant is an administrator of a community solar project as defined in RCW 82.16.110(~~((2)(a)(i))~~) (1)(b)(i)(A), the certification must also include the name and address of each of the owners of the community solar project.

(B) If the applicant is a company that owns a community solar project as defined in RCW 82.16.110(~~((2)(a)(iii))~~) (1)(b)(i)(C), the certification must also include the name and address of each member of the company;

(ii) The applicant's tax registration number;

(iii) That the electricity produced by the applicant meets the definition of "customer-generated electricity" and that the renewable energy system produces electricity with:

(A) Any solar inverters and solar modules manufactured in Washington state;

(B) A wind generator powered by blades manufactured in Washington state;

(C) A solar inverter manufactured in Washington state;

(D) A solar module manufactured in Washington state;

(E) A stirling converter manufactured in Washington state; or

(F) Solar or wind equipment manufactured outside of Washington state;

(iv) That the electricity can be transformed or transmitted for entry into or operation in parallel with electricity transmission and distribution systems; and

(v) The date that the renewable energy system received its final electrical inspection from the applicable local jurisdiction.

(d) Within thirty days of receipt of the certification the department of revenue must notify the applicant by mail, or electronically as provided in RCW 82.32.135, whether the renewable energy system qualifies for an incentive under this section. The department may consult with the climate and rural energy development center to determine eligibility for the incentive. System certifications and the information contained therein are not confidential tax information under RCW 82.32.330 and are subject to disclosure.

(3)(a) By August 1st of each year through August 1, 2017, the application for the incentive must be made to the light and power business serving the situs of the system by certification in a form and manner prescribed by the

department that includes, but is not limited to, the following information:

(i) The name and address of the applicant and location of the renewable energy system.

(A) If the applicant is an administrator of a community solar project as defined in RCW 82.16.110(~~((2)(a)(i))~~) (1)(b)(i)(A), the application must also include the name and address of each of the owners of the community solar project.

(B) If the applicant is a company that owns a community solar project as defined in RCW 82.16.110(~~((2)(a)(iii))~~) (1)(b)(i)(C), the application must also include the name and address of each member of the company;

(ii) The applicant's tax registration number;

(iii) The date of the notification from the department of revenue stating that the renewable energy system is eligible for the incentives under this section; and

(iv) A statement of the amount of kilowatt-hours generated by the renewable energy system in the prior fiscal year.

(b) Within sixty days of receipt of the incentive certification the light and power business serving the situs of the system must notify the applicant in writing whether the incentive payment will be authorized or denied. The business may consult with the climate and rural energy development center to determine eligibility for the incentive payment. Incentive certifications and the information contained therein are not confidential tax information under RCW 82.32.330 and are subject to disclosure.

(c)(i) Persons, administrators of community solar projects, and companies receiving incentive payments must keep and preserve, for a period of five years, suitable records as may be necessary to determine the amount of incentive applied for and received. Such records must be open for examination at any time upon notice by the light and power business that made the payment or by the department. If upon examination of any records or from other information obtained by the business or department it appears that an incentive has been paid in an amount that exceeds the correct amount of incentive payable, the business may assess against the person for the amount found to have been paid in excess of the correct amount of incentive payable and must add thereto interest on the amount. Interest is assessed in the manner that the department assesses interest upon delinquent tax under RCW 82.32.050.

(ii) If it appears that the amount of incentive paid is less than the correct amount of incentive payable the business may authorize additional payment.

(4) Except for community solar projects, the investment cost recovery incentive may be paid fifteen cents per economic development kilowatt-hour unless requests exceed the amount authorized for credit to the participating light and power business. For community solar projects, the investment cost recovery incentive may be paid thirty cents per economic development kilowatt-hour unless requests

exceed the amount authorized for credit to the participating light and power business. For the purposes of this section, the rate paid for the investment cost recovery incentive may be multiplied by the following factors:

(a) For customer-generated electricity produced using solar modules manufactured in Washington state or a solar stirring converter manufactured in Washington state, two and four-tenths;

(b) For customer-generated electricity produced using a solar or a wind generator equipped with an inverter manufactured in Washington state, one and two-tenths;

(c) For customer-generated electricity produced using an anaerobic digester, or by other solar equipment or using a wind generator equipped with blades manufactured in Washington state, one; and

(d) For all other customer-generated electricity produced by wind, eight-tenths.

(5)(a) No individual, household, business, or local governmental entity is eligible for incentives provided under subsection (4) of this section for more than five thousand dollars per year.

(b) Except as provided in (c) through (e) of this subsection (5), each applicant in a community solar project is eligible for up to five thousand dollars per year.

(c) Where the applicant is an administrator of a community solar project as defined in RCW 82.16.110(~~(2)(a)(i)~~) (1)(b)(i)(A), each owner is eligible for an incentive but only in proportion to the ownership share of the project, up to five thousand dollars per year.

(d) Where the applicant is a company owning a community solar project that has applied for an investment cost recovery incentive on behalf of its members, each member of the company is eligible for an incentive that would otherwise belong to the company but only in proportion to each ownership share of the company, up to five thousand dollars per year. The company itself is not eligible for incentives under this section.

(e) In the case of a utility-owned community solar project, each ratepayer that contributes to the project is eligible for an incentive in proportion to the contribution, up to five thousand dollars per year.

(6) The climate and rural energy development center at Washington State University energy program may establish guidelines and standards for technologies that are identified as Washington manufactured and therefore most beneficial to the state's environment.

(7) The environmental attributes of the renewable energy system belong to the applicant, and do not transfer to the state or the light and power business upon receipt of the investment cost recovery incentive.

(8) No incentive may be paid under this section for kilowatt-hours generated before July 1, 2005, or after June 30, 2017, except as provided in subsections (10) through (12) of this section.

(9) Beginning October 1, 2017, program management, technical review, and tracking responsibilities of the department under this section are transferred to the Washington State University extension energy program. At the earliest date practicable and no later than September 30, 2017, the department must transfer all records necessary for the administration of the remaining incentive payments due under this section to the Washington State University extension energy program.

(10) Participants in the renewable energy investment cost recovery program under this section will continue to receive payments for electricity produced through June 30, 2020, at the same rates their utility paid to participants for electricity produced between July 1, 2015, and June 30, 2016.

(11) In order to continue to receive the incentive payment allowed under subsection (4) of this section, a person or community solar project administrator who has, by September 30, 2017, submitted a complete certification to the department under subsection (2) of this section must apply to the Washington State University extension energy program by April 30, 2018, for a certification authorizing the utility serving the situs of the renewable energy system to annually remit the incentive payment allowed under subsection (4) of this section for each kilowatt-hour generated by the renewable energy system through June 30, 2020.

(12)(a) The Washington State University extension energy program must establish an application process and form by which to collect the system operation data described in RCW 82.16.165(7)(a)(iii) from each person or community solar project administrator applying for a certification under subsection (11) of this section. The Washington State University extension energy program must notify any applicant that providing this data is a condition of certification and that any certification issued pursuant to this section is void as of June 30, 2018, if the applicant has failed to provide the data by that date.

(b) Beginning July 1, 2018, the Washington State University extension energy program must, in a form and manner that is consistent with the roles and processes established under RCW 82.16.165 (19) and (20), calculate for the year and provide to the utility the amount of the incentive payment due to each participant under subsection (11) of this section.

(13) This section expires June 30, 2031.

**Sec. 828.** RCW 82.16.150 and 2010 c 202 s 5 are each amended to read as follows:

(1) Owners of a community solar project as defined in RCW 82.16.110(~~(2)(a)(i) and (iii)~~) (1)(b)(i)(A) and (C) must agree to hold harmless the light and power business serving the situs of the system, including any employee, for the good faith reliance on the information contained in an application or certification submitted by an administrator or company. In addition, the light and power business and any employee is immune from civil liability for the good faith reliance on any misstatement that may be made in such application or certification. Should a light and power

business or employee prevail upon the defense provided in this section, it is entitled to recover expenses and reasonable attorneys' fees incurred in establishing the defense.

(2) This section expires June 30, 2031.

**Sec. 829.** RCW 82.16.155 and 2017 3rd sp.s. c 36 s 2 are each amended to read as follows:

(1) This section is the tax preference performance statement for the tax preference and incentives created under (~~RCW 82.16.130 and~~) sections 4 and 6, chapter 36, Laws of 2017 3rd sp. sess. This performance statement is only intended to be used for subsequent evaluation of the tax preference and incentives. 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 the tax preference created under (~~RCW 82.16.130~~) section 4, chapter 36, Laws of 2017 3rd sp. sess. and incentive payments authorized in section 6, chapter 36, Laws of 2017 3rd sp. sess. as intended to:

(a) Induce participating utilities to make incentive payments to utility customers who invest in renewable energy systems; and

(b) By inducing utilities, nonprofit organizations, and utility customers to acquire and install renewable energy systems, retain jobs in the clean energy sector and create additional jobs.

(3) The legislature's public policy objectives are to:

(a) Increase energy independence from fossil fuels; and

(b) Promote economic development through increasing and improving investment in, development of, and use of clean energy technology in Washington; and

(c) Increase the number of jobs in and enhance the sustainability of the clean energy technology industry in Washington.

(4) It is the legislature's intent to provide the incentives in sections 4 and 6, chapter 36, Laws of 2017 3rd sp. sess. (~~and RCW 82.16.130~~) in order to ensure the sustainable job growth and vitality of the state's renewable energy sector. The purpose of the incentive is to reduce the costs associated with installing and operating solar energy systems by persons or entities receiving the incentive.

(5) As part of its 2021 tax preference reviews, the joint legislative audit and review committee must review the tax preferences and incentives in sections 4 and 6, chapter 36, Laws of 2017 3rd sp. sess. (~~and RCW 82.16.130~~.) The legislature intends for the legislative auditor to determine that the incentive has achieved its desired outcomes if the following objectives are achieved:

(a) Installation of one hundred fifteen megawatts of solar photovoltaic capacity by participants in the incentive program between July 1, 2017, and June 30, 2021; and

(b) Growth of solar-related employment from 2015 levels, as evidenced by:

(i) An increased per capita rate of solar energy-related jobs in Washington, which may be determined by consulting a relevant trade association in the state; or

(ii) Achievement of an improved national ranking for solar energy-related employment and per capita solar energy-related employment, as reported in a nationally recognized report.

(6) In order to obtain the data necessary to perform the review, the joint legislative audit and review committee may refer to data collected by the Washington State University extension energy program and may obtain employment data from the employment security department.

(7) The Washington State University extension energy program must collect, through the application process, data from persons claiming the tax credit under (~~RCW 82.16.130~~) section 4, chapter 36, Laws of 2017 3rd sp. sess. and persons receiving the incentive payments created in (~~RCW 82.16.165~~) section 6, chapter 36, Laws of 2017 3rd sp. sess., as necessary, and may collect data from other interested persons as necessary to report on the performance of chapter 36, Laws of 2017 3rd sp. sess.

(8) All recipients of tax credits or incentive payments awarded under this chapter must provide data necessary to evaluate the tax preference performance objectives in this section as requested by the Washington State University extension energy program or the joint legislative audit and review committee. Failure to comply may result in the loss of a tax credit award or incentive payment in the following year.

(9) This section expires June 30, 2031.

**NEW SECTION. Sec. 830.** The provisions of RCW 82.32.805 and 82.32.808 do not apply to this act.

**NEW SECTION. Sec. 831.** 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 "projects;" strike the remainder of the title and insert "amending RCW 82.16.130, 82.16.160, 82.16.165, 82.16.170, 82.16.110, 82.16.120, 82.16.150, and 82.16.155; adding new sections to chapter 82.16 RCW; creating new sections; providing expiration dates; and declaring an emergency."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2248 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

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

Representative Dye spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2248, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2248, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, Dye, Jenkin, Kraft, McCaslin, Schmick, Shea and Sutherland.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2248, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### RESOLUTION

**HOUSE RESOLUTION NO. 2020-4682**, by Representatives Jinkins, Wilcox, Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wylie, Ybarra, and Young

WHEREAS, The 2020 legislature is drawing to a close; and

WHEREAS, The staff of the House of Representatives has once again meticulously and thoroughly assisted us in our legislative tasks; and

WHEREAS, Nonpartisan staff research and draft thousands of bills and amendments with highest integrity and inform members with data; and

WHEREAS, Workroom staff work tirelessly preparing necessary paperwork supporting the process to ensure our legislative work is uninterrupted; and

WHEREAS, Caucus staff has worked diligently to assist us in our work; and

WHEREAS, Support staff have guarded us, fed us, staffed our committees, and in all ways helped us perform our jobs; and

WHEREAS, Legislative assistants have performed the impossible by shuffling thousands of emails, answering our constantly ringing telephones, keeping our hectic schedules, greeting and meeting our visitors; and

WHEREAS, The dependable and honorable assistance of all these people contribute greatly to our ability to fulfill our duties as state legislators;

NOW, THEREFORE, BE IT RESOLVED, That the members of the House of Representatives extend our sincere appreciation to all who have worked long hours with the highest integrity to serve the greater good for all Washingtonians; and

BE IT FURTHER RESOLVED, That the copies of this resolution be distributed to staff in appreciation for a job well done.

Representative Thai moved adoption of HOUSE RESOLUTION NO. 4682

Representatives Thai and Rude spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4682 was adopted.

### RESOLUTION

**HOUSE RESOLUTION NO. 2020-4686**, by Representatives Jinkins, Wilcox, Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wylie, Ybarra, and Young

WHEREAS, Representative Richard DeBolt was born on November 3, 1965, in Tacoma, Washington; and

WHEREAS, Representative Richard DeBolt traveled extensively as a youth while his father served in the military; and

WHEREAS, Representative Richard DeBolt graduated from Cheyenne East High School in Cheyenne, Wyoming; and

WHEREAS, Representative Richard DeBolt graduated from University of Wyoming where he studied International Relations; and

WHEREAS, Representative Richard DeBolt married his wife, Amy, in 1989; and

WHEREAS, Representative Richard DeBolt and his wife, Amy, have two children: Sophie (DeBolt) Traulsen and Austin DeBolt; and

WHEREAS, Representative Richard DeBolt has been a leader in the business community, including as former Director of the Chehalis-Centralia Chamber of Commerce; and

WHEREAS, Representative Richard DeBolt was elected to the Washington State House of Representatives in 1996; and

WHEREAS, Representative Richard DeBolt has been a pillar in his communities for years having served in several leadership roles, including on the Board of Directors for the United Way of Lewis County; and

WHEREAS, Representative Richard DeBolt has received numerous awards and recognition from various groups for his work in the Washington State Legislature and his communities; and

WHEREAS, Representative Richard DeBolt has advocated for taxpayers, employers, schools, local governments, and more accountability in state government during his time in the Washington State Legislature; and

WHEREAS, Representative Richard DeBolt has provided strong leadership for the House Republican Caucus in various positions, including as House Republican Leader from 2006 to 2013; and

WHEREAS, Representative Richard DeBolt is the ranking Republican on the House Capital Budget Committee, in which he has helped lead efforts to finance K-12 education school construction, enhancements in behavioral and mental health systems, programs to protect the environment, and important projects in communities across the state; and

WHEREAS, Representative Richard DeBolt has led, and continues to lead, efforts for Chehalis River flood-reduction programs; and

WHEREAS, On February 6, 2020, Representative Richard DeBolt announced on the House floor that he would not seek reelection in November 2020; and

WHEREAS, Representative Richard DeBolt's leadership, actions, and devotion to causes have made a positive difference for the people and communities of the 20th Legislative District and the State of Washington; and

WHEREAS, Representative Richard DeBolt looks forward to consulting, traveling, boating, golfing, and spending more time with his family;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize Richard DeBolt for his twenty-four years of dedicated public service to the people and communities of the 20th Legislative District and to the 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 Honorable Richard DeBolt.

Representative Wilcox moved adoption of HOUSE RESOLUTION NO. 4686

Representative Wilcox: Thank you Madam Speaker. I guess in honor of Richard I should button up my jacket. He's always been very careful about that. Madam Speaker, this is the end of an era. It's not just about Representative DeBolt, there's others that are leaving, but Richard is the person that I've sat next to in this chamber for eight years. There's been some strange moments sitting next to Richard. We've become close friends. We've gotten some very strange messages texted to us. For example, frequently, *You're in the shot JT*, or *you're in the shot Richard*, *stop laughing; behave yourself; you're slumping; put your computer down*. One of the really nice things about Richard is the first thing I ever heard from him, I think, when I first ran for office about 11 years ago, was you should be able to say everything that you need to say in three minutes - I thought that the majority would appreciate that. We don't always live by it, but Richard believed it. We've had some really fun hijinks down here in this part of the chamber. One of our deals has been for many years that if either Richard or I stand up to speak, the other person, because they're in the TV shot, is supposed to adopt a posture and an attitude as if we were learning at the feet of Socrates, and it's really really hard to give a speech when the person next to you is doing that, but Richard has always been equal to that. One of my fairly early experiences with Richard happened when I was a freshman, and I'd mentioned before I was on Ways and Means, and inadvertently someone in our caucus, who's no longer here, had subverted the rules and convinced all of us except for Representative Gary Alexander, who was our lead, to support his bill and then broke the news to Gary Alexander, and Richard has always been really good at supporting his ranking members, and so he took all of us in one by one and let us know just how bad we had been, and I think Gary asked Richard not to do that to me because I was so new. I had no clue that you can't trust every person in this building. But Richard let me have it. He lowered the boom, and in case you haven't noticed Richard is capable of being very intimidating, and when I was done, I looked to Richard and said "Well Richard, I've had to do what you're doing quite a few times in my life and I just want you to know that I know from experience you are really good at that." And I've told

people over and over that I've only had half a bad day in my 10 years in the legislature and when Richard lowered the boom on me, that was in the afternoon, so I had a good morning and a really bad half day, and the reason that it was a bad day was because nobody wants to disappoint Richard. There is no one as loyal as Richard. There's also no better delegator - I've never met someone that could delegate better than Richard. What a great talent to have, and you lift everyone up around you Richard. I want you to know that because I bet you're going to do that in your future life. Now not everything that Richard does is perfect. In fact, more than anyone I've ever known, I think Richard walks around the world with two little figures perched on his shoulders - one's an angel, the other one's a demon. I would say that most of the time, maybe 90% of the time, the angel wins, but the demon wins 10% of the time until you get to the last week or two of the session and then the demon, I think, wins about 50% of the time. I've always thought the scariest sight in this building is Richard walking around like he's got nothing to do because he's going to find it. The best example of that, I think, was the first year that he and I sat here when he wasn't leader and he didn't have enough to do and he was looking for things to speak about and if you haven't noticed he's not always paying perfect attention and he heard some things that bothered him. So he jumps up and gives a really rabble-raising speech about how bad this bill is while I am pulling on his sleeve telling him "It's Gina's bill! It's Gina's bill!" They took it down. It took us two years to get that bill back. Well, then to make matters worse about a month later I'm in the back of the chamber here and he starts doing the same thing and I'm sprinting up the aisle hampered to some extent because he's doing it to my bill this time and I can't stop laughing. So that was a fun year for Rich. He doesn't always kill two bills, but it's easier when they're Republican bills. I think the same year, he was a little less intense than he sometimes is; he was playing some games on his laptop or something like that and his phone goes off, and you know that Richard's used to being in trouble because instead of scrambling to turn on his, turn off his phone, he just points at me and I got gaveled. Rich I'm making light of all of this and I think you've learned in the last week or two that there's, there's nobody that has made a bigger difference from the minority over 10 years than you have. I know that people on the other side feel exactly the same way and you're going to have to hear that at length today. I hope you are crying like a baby when this is done because you need to know, it's, you don't often hear that you're loved when you're a leader, but you're going to hear it now. I'm so glad that Amy's here because she's put up with a lot over 24 years. You're like a brother to many people and made a difference here. You've never let being in the minority get in your way. You've never given up; I wish you would sometimes but you really do never give up, and the thing that is just driving me crazy today, Rich, is I should have expected this, but the day that you decide is your last day in the Legislature is one of the most drama-filled days I've ever had here, and thank you Richard, you had to do that to us, didn't you? Thanks Rich.

#### SPEAKER'S PRIVILEGE

The Speaker recognized Representative DeBolt's wife, Amy seated at the Rostrum.

Representative Tharinger: Thank you Madam Speaker. When I joined this house 10 years ago with Minority Leader Wilcox and you, Madam Speaker, Rich DeBolt was the minority leader and I was a freshman and I quickly thought he was one of the most obnoxious people I have ever met. I thought what is this? This guy just keeps popping up, just keeps causing trouble. I'm going "What?" you know, "What kind of, where does a guy like that come from?" Through the years, as I've been able to work with Rich, and I think some of us, and in fact Representative Smith and myself sort of agree to this and then did a little c Capital Budget event for Richard, we noticed a drastic change in Richard when he went from minority leader to a policy person and certainly working with him on the Capital Budget has been one of the highlights for me being in this session. And as JT mentioned, he lifts people up. He lifted me up and he lifted up our whole process because he has a big mind, a big mind, and a big heart and he cares about the citizens of Washington state. He cares about this institution and his skills and that big heart and that big mind will be missed. I certainly will miss him but Rich, forever together, thank you.

Representative Schmick: Well, thank you Madam Speaker. So, Representative DeBolt was the mentor of a former colleague of mine and that was Don Cox - served the 9th district when he was here. And so I asked Don I said, "What about Rich?" and Don said "Well," he said "I would always ask him questions." because he was my mentor, and he says "While he was playing his Game Boy," and he could answer the question. He knew all the answers but was always on that Game Boy." I guess I have another question for you, Rich, and is it really true that you felt that some people were talking too much on the floor so that that you went and came in early one day and loosened the microphones underneath the desk so that when those people got up to speak, all of a sudden their mic wasn't working - I've just heard that that was... but that was from Don Cox he was a, he's a fine man and still get to visit with him today. I will remember one thing always from my tutelage under you and that is *want nothing and shoot the hostage*. I will remember these always. I will say, just to let the House know, when Representative DeBolt asked me to be the health care lead, I told him no three times before he talked me into it, and I did it and I so resent you for that but I have come to enjoy that committee and working with the good lady from the 34<sup>th</sup>. But I just want to tell you, I will miss you. Thank you for all your years of service.

Representative Riccelli: Thank you Madam Speaker. I'm so pleased to stand today as we recognize Richard. Richard and I didn't get off to the greatest start and it's something that we've talked a lot about in our years here. When I came in, I sat where Representative Kloba sat and sometimes Republicans even passed me amendments - forgot I was on that side, and I got up one day as a freshman, and the Minority Leader's job, part of it, is to kind of size up the freshman on the other side; see where they're coming from, and I got up and I gave my speech and thought it was a stem-winder and I was feeling pretty good about myself and Richard stands up and said "We should have gaveled you down!" and I was taken aback. I'm "what's going on here?"

Who is this guy?" and then I said something like "Well, do what you got to do." And quickly, I think, he went to the other side and said "Bergquist tried to fight me." That actually, you know, that first year was, was kind of rough. It was fun that the gentleman, the former gentleman from the 4<sup>th</sup>, Larry Haler said "Great speech kid!" But that first year we didn't chat much and then soon that next year we got together down in the lunchroom and he said "Hey, you know when I came and stepped up to you and did that? Like hey, let's put that aside." and we started chatting and I've learned a lot from you. Like for instance right now, it's a stream of consciousness. I want to have some notes in front of me, but the second year you told me *speak from the heart*. You told me. You didn't have to tell that to some second year Democrat. You said *speak from the heart* and I'm speaking from the heart today, and I know, I think I realized why that's so important - because in your job as Minority Leader, and then your job around here, you knew was about relationships and you knew that what we were saying did matter and sometimes it didn't always feel like you were listened to. And if you notice in my time here, I try my best and we, during those speeches sometimes that are long, we make eye contact because you know how important it is that people listen, that we're all bringing a voice here, and you listened to me. I came to you and you did a fantastic job on Capital Budget working with Rep Tharinger and so many people. But I came to you once on some kitchen equipment that we talked about, but more importantly, a couple years I came back on some dental access stuff and you pushed back and rightfully so, but you listened and we worked together and because of you thousands more people are getting access to dental and you listened. You know, a few years back, too, you grabbed me and it was close to Sine Die and you said "Hey, come up, I got something for you." and you had this thing that hung on your wall and it was an elephant crushing a donkey, and we sat in my office. You said "I want you to have this," and you said "because, you were, you remembered that day." and he said "a lot of people looked at that as that elephant crushing the donkey it was kind of a chest puffing thing," but he said "the donkey was standing up that day, and you said "that reminded me of you." That was so impactful and so meaningful and you get this place and I'll just close by saying, you know, my parents were here the other day and you said something to me, you said "Your mom loved this place." and what I don't, what I know that you believe, and we didn't hang out much outside of this place, but we love this place and this institution and that shows through. You care about this institution, you care about what goes on here, and I hope to help carry that tradition on because I think it's a heck of a tradition in something we should be all honored to carry on. Thank you.

Representative Orcutt: Thank you Madam Speaker. A lot of the House is a little too new to know this that when I came into the Legislature, Richard and I were not in the same district. I was actually in the 18th District at the time, so we were in adjacent districts, and I think Richard was the Floor Leader at the time, but he was also my mentor, and Richard, despite all of the duties that he had in his leadership position, still took time to mentor me. Unfortunately, it was sometimes after I'd done the thing wrong that he mentored me, and sometimes it was kind of like "You screwed up."

And, you know, over time, I've seen Richard kind of go from being a little more blunt to being a little more of a guide - of somebody who guides you, and instead of coming up and confronting you face to face and trying to get you to turn 180 degrees, he comes up beside you and kind of talks you through and you don't realize that while he's talking you through something, he's getting you to turn and go in the right direction and to do things in the right manner. So, he was my mentor when we first got here and a couple of years later he became the caucus leader and I got a chance to watch Richard lead. I got a chance to see his belief in the institution. I got a chance to see his belief in our caucus. I got a chance to see how much he cared for the people in our caucus; how much he cared for the people of the state of Washington, because everything he was doing, everything he was leading us to do was about making this state better for the citizens of the state of Washington and I really appreciated that about him and I started to understand how much he really cared about people. And, you know, along the way he started to have some health problems and had to step down from that leadership position and that was hard for me; I know it was hard for him. I think he did it because he thought it was the best thing, not only for him, but for the caucus and for the institution. And then, somewhere along the way, I ended up being redistricted into the 20<sup>th</sup> so I became his seat mate. So through the years he's been my mentor, he's been my leader, he's been my seatmate, but all that time, he's also been my friend and I very much appreciate my friend. He cares very much about our caucus. He cares very much about the citizens, especially of our district, about the people statewide. He cares about this institution and I so much appreciate all of the lessons that he has helped all of us to learn, and like the gentleman from the third, you know, he's left a legacy, he's left a legacy of leadership and stewardship of what we're granted here as legislators that we need to carry on. Richard, I want to say thank you for being my mentor, thank you for being my leader, thank you for being my seatmate, but mostly, thank you for being my friend.

Representative Fitzgibbon: Thank you Madam Speaker. You're hearing a little bit of a theme on our side and it will probably continue which is that we all like Richard a lot more than we used to. He has this tendency to kind of grow on you like a fungus, and when I started here the same time as Representative Tharinger and you, Madam Speaker, 10 years ago, I came into this body as a young environmentally minded, sort of hot-under-the-collar freshman ready to go into battle, and that was kind of a recipe for a little bit of friction with the Minority Leader at the time and, as we've heard before, he can be kind of intimidating at times, and there were a lot of times that first year in office when you know, he'd kind of storm over and tell me something that I had done that really made their side mad or that I should really knock off doing and some of the time he was right and a lot of times I was right, but, but the thing about that time, which was certainly tough and there's a lot of tension and friction around that, he was never unkind about it. He was never, you know, a mean guy, he just was direct and he picked his battles pretty well, in my experience. He picked to fight about the things that were really important to his district and to his caucus and to him personally and I just, I

valued that because there's a lot of conflict in this place. You know, you and I, Madam Speaker, have talked about productive conflict and how do we exercise productive conflict in this environment. I don't agree with anybody on this floor 100% of the time and some more than others, but I really think that Richard exhibits that and shows us how to disagree with each other in a way where even at the end of the disagreement, we're still disagreeing, but we got somewhere and maybe we understood each other a little bit better and we found a better policy, even if it's one that he didn't end up voting for or that I didn't end up voting for. Then as time went on, you know, I sit here next to the Capital Budget Chair and I also sat next to the previous Capital Budget Chair and when Richard moved into that role and would come over and work with the gentleman to my right or his predecessor, Representative Dunshee, I started to really see that other side of him that we've heard others mention when he developed that focus on policy and I think he really went into the capital budget because he knew that that was a place that his skills as a negotiator, but also just the high impact that the capital budget has on so many of our communities, that that was a great place for him to land after moving out of the role of Minority Leader, and I really started to see this new side of him, really policy focused and budget focused, very results-oriented and it was, it was really great to watch that relationship. I know the capital budget's always been one of our more bipartisan endeavors here, but it was really fun to watch that side of him unfold and I think we got a lot of good things done in every part of the state in the capital budgets that he worked on in that time. It really wasn't until this year though, that I got to know Richard at the level that I do now. When he stepped into the role as Ranking Member on the Environment Committee, I realized just how smart he is, how transparent he is when he wants to be, and I've learned a ton from him and the way that he treats people, the way that he observes people, he's paying attention, even when it seems like he's not paying attention, and he's paying attention, of course, you know I talked about policy already, but he's paying attention to people and what makes them tick, and once, you know, we got to that point we actually talked about what made each other tick and I don't think I've had that conversation with just about anybody here on either side of the aisle. Just to wrap up – you've heard this from a lot of people today, but I'll just, I'll add myself to that list. You've made me a better legislator and you've made probably just about everybody that you interacted with a better legislator and so thank you.

Representative Smith: Thank you Madam Speaker. There's been a lot of incredible things said. I had an amazing story that I wanted to tell just briefly. When Richard began to do more in policy and he was my Assistant Ranking in the ITED committee and I was his Assistant Ranking in Capital, we spent a lot of time together, and I'm sure that that, at times, was wearying for Richard and we were walking in together into our Minority Leader's office and he was so frustrated with me - I'm sure from just the many words I had to say about something, and in that moment, he declared to our Minority Leader...I probably shouldn't tell the rest of that story, so I'm going to skip that one. Here's what I want to say to Richard DeBolt: Other than your faith walk with our Lord, your best decision is sitting next to you. Watching

you and Amy and having both of you love me and love so many of us here and reach out and share life with us and invite us into your lives, thank you. Richard, I just want to say that watching you in these years, first as my leader and then as this incredible gift to Washington State, as someone with enormous intellectual horsepower, governed by a heart for those we serve, has been nothing but a privilege. You have taught me so much about leadership; about servant leadership; about sharing your heart. You are my little brother in faith, in our work, and forever my friend, thank you.

Representative Stonier: Well, thank you Madam Speaker. Richard, a lot of nice things said about you, I'm here to round out the stories. I would stand in support of this resolution, if you'd been kind to me but you haven't been. If you were a welcoming presence when I first arrived in this place, but you were not. You taught me a lot about politics - walking out of a seventh grade classroom in December and into this place as a freshman legislator in the 17th Legislative District, with my seatmates being Representative Harris and Senator Don Benton and you as Minority Leader, I learned a lot. For that I would thank you because I am better, stronger, and smarter because of the tough lessons you taught me. That's probably true for a lot of us here as you've heard. We come from a region of the state that's quite unique. Southwest Washington is different in that there's a river border community to another state with another system of taxation and business. Quite a mix of rural and urban communities; not very many places like our region can you drive through calm beautiful country roads and then find yourself in a town somewhere. The economy, when it tanks, hits our region harder than it does other places, takes a whole lot longer to recover, and your district is still seeing the results of that. When I returned here the second time, you said "You're going to like me a whole lot better now." I said I didn't believe you but, as it turns out, it's true. I like you a whole lot more because, while our politics in our region of the state can be ugly and divisive, the people that you and I serve count on us to find common ground for the sake of their families, their jobs and their futures. So in the last year or so of our co-service here, I stand to thank you for your service to this institution. You care so deeply about making sure this place works. You and I both loved the game of politics as it plays out on the chessboard. I learned years ago that when you take your red book out you're probably up to no good or you just want to see who sweats it over here, but the fact that we are all here to represent our communities and to serve them and that we should put those people we serve above all the politics at times, is what I've come back to do and I thank you for teaching me that lesson. I congratulate you on your redemption and your new found ways to enjoy life as I know you will with Amy, and I commit to you that I will make good on the promise I made to you in your office a couple weeks ago: That we have a community that needs us to come together and find common ground to deliver policy, budgets and good work, and whether you're in office or not, and whether I'm here or not, we know there's a lot of work we can do inside and outside these walls. I appreciate the love and compassion you've shown your caucus, the friendship and the teachings that you've offered mine, and I

look forward to whatever work we can do for Southwest Washington in the future. Congratulations.

Representative Harris: Thank you, Madam Speaker. Madam Speaker, can I read some Richard DeBolt quotes to you?

Madam Speaker: I'm not sure whether or not to say please proceed, but I will.

Representative Harris: Oh, they're not that bad. Madam Speaker, SQUIRREL! "Love the dog hate the dog." "Always be willing to kill the hostage, always." "Want nothing." So when you would go into Richard's office, and you'd say "Geeze, my bill...", he'd go "Harris, want nothing." Wow, really? And then the other one that I liked - "...and today will be a glorious day to die." That is the man, actually that got me in, you know he was mentor to others, but Richard was actually the person that got me to run for office. I ran in 2006 - lost; ran in 2008 - lost, and Richard was always there. I'd call him up and he'd say "You know Paul, I think you'll do better next time." and I you know, and so I did - I finally got elected, and then we started to golf together from time to time and just like politics, if you've ever golfed with Richard DeBolt, nothing's halfway. So, when the ball goes straight, it goes a mile, but when it doesn't go straight it goes a mile the other way. He is a great guy to be your friend. He is loyal. I'll never forget, in our caucus room we have the shield and we really haven't talked about the shield, but I'll never forget my freshman year - I'm another one that came in with the good Speaker, many of us came in together. But Richard talked about the shield and the importance of the shield and how if we all unite and stand behind the shield, it will protect us; that we are far stronger together, than we are being separate and alone - and I will never forget that. I want to thank Richard. You will be missed. You're a great statesman. If you ever want Richard to speak on an issue, he can do it instantaneously and speak on either side - he truly can. He can explain either side to you in 30 seconds and he takes no prep. He's awesome. You will be missed my man. Thank you.

Representative Chopp: Thank you, Madam Speaker. Richard, you and I are brothers; we've been through a whole lot together. An earthquake - living in the People's Portable in the parking lot. And by the way, that is not the definition of, what do you call it, "social distancing," it's just the opposite. We were packed in like sardines, yeah. The Great Recession, a budget crisis, or two actually, and also a fun dinner at the Ram in Lacey - that was so much fun. Through all that and more, we've worked together, we've struggled together, we hassled each other and dealt with family feuds in this place - just like real brothers. Richard, you have done a lot of good for the people of the state of Washington. In your many roles in leadership and on committees, you and I both really enjoyed creating a little trouble for the Healthcare Committee Chair, which she immediately squashed, so I feel your pain brother. In your Capital Budget role, just such great work, working with the Chair on our side. You've touched so many communities and so many lives and I really encourage the two of you to go around the state. Look at what you've done. Look at the school buildings, the college

facilities, the training centers, the childcare centers, the housing projects, one after another. I know you even advocated for projects in my district and so you ought to be proud of what you've done for the people of the state. Richard, also one of your greatest gifts is your ability to deal with people as people. In this imposing building you always work with people as people - not full of yourself, not pretentious, not grandiose, you treated everyone as a friend or colleague; down to Earth, among the people. With you in this place, this truly is the People's House. I don't know if many of you know, that Richard has a college degree in international relations. I mean, I just found that out today. I'm very impressed Richard, but maybe that's why you did such a great job building relationships in this place. Also Richard, you have many talents - your ability to speak your mind to give a great speech on the house floor; you're a great voice for your caucus; you have the gift of gab with anyone and I truly admire that, including your frequent use of zingers at the end of your speeches. Knowing that you probably would be gavel down, you often saved your most pungent points to the end of your speeches. Richard, you and I have an aversion to the usual House Rules. The other day, maybe that was yesterday, seems like a while ago, you were gavelled down by the Speaker for not wearing a tie on the floor and right after that moment, you came back here and asked me to do the same as part of my speech today right now. So at your request and in solidarity with my brother Richard, I renounce neckties and dispense with oppressive formality. Madam Speaker, forgive me.

Representative Kretz: That's a hard one to follow. Thank you, Madam Speaker. You know as we've been sitting here listening to this for the last, well, like two hours now, something like, I think this is a really good example of how Richard usually operates. You know, he came to me and he said "God, you know, we go way back and I'd really like you to speak and there's can only be three on our side" and he went and said the same thing to 35 people. That's how he works. Here we are. But those are two of my favorite people up there - people that have always been there for me. Amy has always been welcoming - been to their house, she's been to the ranch. I can tell you she looks a hell of a lot better on a horse than Richard does. I remember when I first got here, you know, we had the election and then there was reorg right after, and you don't know any of these people that are trying to convince you to support 'em and I really didn't like what Richard had to say. That's a common theme - none of us really liked him at first, but I remember my seatmate at the time, Bob Sump, talking about Richard and his qualifications and, he said he was smart and his mind is lightning fast and he will, you probably noticed this, finish your sentence for you quite often when you're talking to him because he knows what you're thinking. I think his main point though in Richard's support was that there's no one in this place that can drive Frank Chopp crazier than Richard. So that was the main selling point. He did say, though, you probably wouldn't pick him to be your next door neighbor. But I've never seen anybody that was in tune with this place like Richard is. You know, I've seen him sitting up here, things are going on, he's usually doing two or three things at once - Game Boy, whatever, talking to somebody on the phone, and something changes on the floor he knows it before anybody

else does and I've just been amazed over the years at that sense of awareness of what's going on in this place. He's tuned into it like nobody I've ever seen and it's a great talent, especially out here on the floor for a Floor Leader. I can think of some horrible moments. I remember the time in caucus where he confused Cesar Chavez with Che Guevara, and that was quite a speech. You know, I was trying to get some time this morning to work on this and there's a lot of things that I was trying to get jotted down here a lot in the last 10 minutes because I didn't have time this morning and then I kept thinking, you know, most of the stuff I know about Richard should never go on a piece of paper. It was interesting watching him in the early parts of... I got to go back to Bob Sump for a second. So that my freshman class got here after talking to Bob Sump, and the first thing my freshman class did was take him out, you know, which was kind of a crowning glory. But the political ability is like nobody I've ever seen here and when Richard was into the political end of it, I never saw anybody better. There were a lot of good ideas. There were some really bad ones, but it was all done in a really fast brilliant way. Sometimes it was brilliantly creative and sometimes brilliantly idiotic. I'm thinking Postcards From The Edge, things like that; a lot of history there. But I've never seen anybody make such a big change when he went from the political side, focused on that, to policy, and I remember, my early years here, that was the last thing Richard ever wanted to talk about was policy. He was always looking at the political – I think a lot of it was because we had 33 seats, you know, so you're looking at the other end of it. But watching him go into policy has been a real education for me. Watching him immerse himself in it. We heard several other members talk about the experience of working with you how you applied yourself to something that I knew was not your first, first instincts. You know, we were sitting, several people have mentioned the shoot the hostage thing, and Richard and I were in the back office here a few days ago with some of the leadership and we both shot our hostages and everybody went out and Rich and I were sitting there looking at each other and kind of going “did we do the right thing? you know, and I had to say “Richard, if you look around at the floor in that back office, there is years’ worth of blood back there from hostages being shot in that office.” and he was always willing to do it. If it was his it was gone, it had no value and it was gone if it was best for the caucus or another member if the hostage had to go and it was one of the main lessons I learned. I guess I'll just say there's nobody I've enjoyed more here. Nobody that I could trust more and you have always had my back and I'll never forget it. Thanks Richard.

Madam Speaker: Before we move to final passage Representative DeBolt wants me to know, or to let the viewing audience know that hostages are bills for the purposes of this discussion.

HOUSE RESOLUTION NO. 4686 was adopted.

**CONFERENCE COMMITTEE REPORT**

March 11, 2020

Engrossed Substitute Senate Bill No. 6168

Includes “New Item”: YES

Madame Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 6168, Making 2019-2021 fiscal biennium supplemental operating appropriations, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment (H-5432.2) be adopted

and that the bill do pass as recommended by the Conference Committee:

Strike everything after the enacting clause and insert the following:

**"PART I  
GENERAL GOVERNMENT**

**Sec. 101.** 2019 c 415 s 101 (uncodified) is amended to read as follows:

**FOR THE HOUSE OF REPRESENTATIVES**

General Fund—State Appropriation (FY 2020)	.....	(\$40,202,000))
		<u>\$40,403,000</u>
General Fund—State Appropriation (FY 2021)	.....	(\$43,039,000))
		<u>\$44,256,000</u>
Pension Funding Stabilization Account—State		
Appropriation.....		\$4,266,000
<b>TOTAL APPROPRIATION.....</b>		<b>\$87,507,000</b>
		<u>\$88,925,000</u>

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

(1) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 2018 (harassment/legislature). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

(2) \$25,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the joint legislative task force created in section 923 to develop a business plan for the establishment of a publicly owned depository/state bank in Washington state.

**Sec. 102.** 2019 c 415 s 102 (uncodified) is amended to read as follows:

**FOR THE SENATE**

General Fund—State Appropriation (FY 2020)	(( <del>\$28,693,000</del> ))
	<u>\$28,736,000</u>
General Fund—State Appropriation (FY 2021)	(( <del>\$32,675,000</del> ))
	<u>\$33,869,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$2,932,000
TOTAL APPROPRIATION .....	<u>\$64,300,000</u>
	<u>\$65,537,000</u>

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

(1) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 2018 (harassment/legislature). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

(2) \$175,000 of the general fund—state appropriation for fiscal year 2020 and \$175,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a human resource officer consistent with the implementation of the senate's appropriate workplace conduct policy.

(3) \$25,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the joint legislative task force created in section 923 to develop a business plan for the establishment of a publicly owned depository/state bank in Washington state.

**Sec. 103.** 2019 c 415 s 103 (uncodified) is amended to read as follows:

**FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

Performance Audits of Government Account—State	
Appropriation .....	(( <del>\$9,867,000</del> ))
	<u>\$9,844,000</u>
TOTAL APPROPRIATION .....	<u>\$9,867,000</u>
	<u>\$9,844,000</u>

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

(1) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2019-2021 work plan as necessary to efficiently manage workload.

~~((3))~~ (2) \$266,000 of the performance audit of governments account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1216 (school safety & well-being). If the bill is not

enacted by June 30, 2019, the amount provided in this subsection shall lapse.

~~((4))~~ (3) \$17,000 of the performance audits of government account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5025 (self-help housing development and taxes). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

~~((5))~~ (4)(a) \$342,000 of the performance audits of government account—state appropriation is provided solely for the joint legislative audit and review committee to conduct a performance audit of the department of health's ambulatory surgical facility regulatory program. The study must explore:

(i) A comparison of state survey requirements and process and the centers for medicare and medicaid services survey requirements and process;

(ii) The licensing fees required of ambulatory surgical facilities as they relate to actual department of health costs for regulating the facilities;

(iii) Payments received by the department of health from the centers for medicare and medicaid services for surveys conducted on behalf of the centers for medicare and medicaid services; and

(iv) Staffing for the survey program, including any need for an increase or reduction of staff.

(b) The audit must be completed and provided to the legislature by January 1, 2021.

(5) \$100,000 of the performance audits of government account—state appropriation is provided solely for the joint legislative audit and review committee to conduct a performance audit of the health care authority's budget structure, including its chart of accounts. The study must:

(a) Include a comparison of other state medicaid agency budget structures of similar size; and

(b) Be completed and provided to the legislature by September 1, 2021.

**Sec. 104.** 2019 c 415 s 104 (uncodified) is amended to read as follows:

**FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

Performance Audits of Government Account—State	
Appropriation.....	(( <del>\$4,573,000</del> ))
	<u>\$4,585,000</u>
TOTAL APPROPRIATION.....	<u>\$4,573,000</u>
	<u>\$4,585,000</u>

**Sec. 105.** 2019 c 415 s 105 (uncodified) is amended to read as follows:

**FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

General Fund—State Appropriation (FY 2020)	(((\$12,081,000))
	<u>\$12,086,000</u>
General Fund—State Appropriation (FY 2021)	(((\$12,233,000))
	<u>\$13,946,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$822,000
TOTAL APPROPRIATION .....	<u>\$25,136,000</u>
	<u>\$26,854,000</u>

The appropriations in this section are subject to the following conditions and limitations: Within the amounts provided in this section, the joint legislative systems committee shall provide information technology support, including but not limited to internet service, for the district offices of members of the house of representatives and the senate.

**Sec. 106.** 2019 c 415 s 106 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE STATE ACTUARY**

General Fund—State Appropriation (FY 2020)	\$333,000
General Fund—State Appropriation (FY 2021)	\$347,000
State Health Care Authority Administrative Account—	
State Appropriation .....	\$471,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$28,000
Department of Retirement Systems Expense Account—State Appropriation .....	(((\$5,700,000))
	<u>\$5,721,000</u>
TOTAL APPROPRIATION .....	<u>\$6,879,000</u>
	<u>\$6,900,000</u>

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

(1) \$35,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a benchmark analysis of the value of public employee benefits and how those benefits compare to other employers.

(2) During the 2020 legislative interim, the select committee on pension policy shall study the consistency of administrative practices under the portability provisions of chapter 41.54 RCW. In conducting this study, the select committee on pension policy shall:

(a) Convene a study group including representatives of the department of retirement systems, the office of the state actuary, the state institutions of higher education, and the

cities of Seattle, Tacoma, and Spokane. The purpose of this study group is to facilitate the sharing of information and data needed for the select committee on pension policy to conduct the analysis and draft its report;

(b) Review and compare written policies of each of the entities in (a) of this subsection enacted pursuant to carrying out dual membership provisions under chapter 41.54 RCW, as well as any participant data needed to make reasonable comparisons of administrative practices;

(c) Identify differences in administrative practices, and consider the implications for making those practices consistent between entities; and

(d) Report any findings to the appropriate committees of the legislature by December 15, 2020.

**Sec. 107.** 2019 c 415 s 107 (uncodified) is amended to read as follows:

**FOR THE STATUTE LAW COMMITTEE**

General Fund—State Appropriation (FY 2020)	(((\$5,002,000))
	<u>\$5,000,000</u>
General Fund—State Appropriation (FY 2021)	(((\$5,503,000))
	<u>\$5,520,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$566,000
TOTAL APPROPRIATION.....	<u>\$11,071,000</u>
	<u>\$11,086,000</u>

**Sec. 108.** 2019 c 415 s 108 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF LEGISLATIVE SUPPORT SERVICES**

General Fund—State Appropriation (FY 2020)	(((\$4,212,000))
	<u>\$4,213,000</u>
General Fund—State Appropriation (FY 2021)	(((\$4,681,000))
	<u>\$4,694,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$436,000
TOTAL APPROPRIATION.....	<u>\$9,329,000</u>
	<u>\$9,343,000</u>

**Sec. 109.** 2019 c 415 s 111 (uncodified) is amended to read as follows:

**FOR THE SUPREME COURT**

General Fund—State Appropriation (FY 2020)	(((\$8,989,000))
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	<u>\$9,016,000</u>
General Fund—State Appropriation (FY 2021)	.....(( <del>\$9,397,000</del> ))
	<u>\$9,433,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$674,000
TOTAL APPROPRIATION .....	<u>\$19,060,000</u>
	<u>\$19,123,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$163,000 of the general fund—state appropriation for fiscal year 2020 and \$167,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for salary increases for staff attorneys and law clerks based on a 2014 salary survey.

**Sec. 110.** 2019 c 415 s 112 (uncodified) is amended to read as follows:

**FOR THE LAW LIBRARY**

General Fund—State Appropriation (FY 2020)	.....(( <del>\$1,707,000</del> ))
	<u>\$1,708,000</u>
General Fund—State Appropriation (FY 2021)	.....(( <del>\$1,728,000</del> ))
	<u>\$1,739,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$128,000
TOTAL APPROPRIATION .....	<u>\$3,563,000</u>
	<u>\$3,575,000</u>

**Sec. 111.** 2019 c 415 s 113 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON JUDICIAL CONDUCT**

General Fund—State Appropriation (FY 2020)	.....(( <del>\$1,217,000</del> ))
	<u>\$1,280,000</u>
General Fund—State Appropriation (FY 2021)	.....(( <del>\$1,280,000</del> ))
	<u>\$1,614,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$130,000
TOTAL APPROPRIATION .....	<u>\$2,627,000</u>
	<u>\$3,024,000</u>

**Sec. 112.** 2019 c 415 s 114 (uncodified) is amended to read as follows:

**FOR THE COURT OF APPEALS**

General Fund—State Appropriation (FY 2020)	.....(( <del>\$20,390,000</del> ))
	<u>\$20,575,000</u>
General Fund—State Appropriation (FY 2021)	.....(( <del>\$21,313,000</del> ))
	<u>\$21,371,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$1,492,000
TOTAL APPROPRIATION.....	<u>\$43,195,000</u>
	<u>\$43,438,000</u>

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

(1) \$229,000 of the general fund—state appropriation for fiscal year 2020 and \$311,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for salary step increases for eligible employees.

(2) \$606,000 of the general fund—state appropriation for fiscal year 2020 and \$606,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for salary increases for court of appeals law clerks based on a 2014 salary survey.

**Sec. 113.** 2019 c 415 s 115 (uncodified) is amended to read as follows:

**FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund—State Appropriation (FY 2020)	.....(( <del>\$64,569,000</del> ))
	<u>\$64,580,000</u>
General Fund—State Appropriation (FY 2021)	.....(( <del>\$66,736,000</del> ))
	<u>\$72,151,000</u>
General Fund—Federal Appropriation .....	\$2,203,000
General Fund—Private/Local Appropriation	\$681,000
Judicial Stabilization Trust Account—State	
Appropriation.....	\$6,692,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$4,572,000
Judicial Information Systems Account—State	
Appropriation.....	(( <del>\$63,220,000</del> ))
	<u>\$63,233,000</u>
TOTAL APPROPRIATION.....	<u>\$208,673,000</u>
	<u>\$214,112,000</u>

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

(1) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(2) \$1,399,000 of the general fund—state appropriation for fiscal year 2020 and \$1,399,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(3)(a) \$7,000,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula must neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2019-21 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than forty-five days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives and senate fiscal committees no later than sixty days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(4) \$96,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

(5) \$66,000 of the general fund—state appropriation for fiscal year 2020 and \$66,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for DNA testing for alleged fathers in dependency and termination of parental rights cases.

(6) \$237,000 of the general fund—state appropriation for fiscal year 2020 and \$1,923,000 of the general fund—state appropriation for fiscal year 2021 are provided solely

for the expansion of the state interpreter reimbursement program.

(7) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$360,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of public guardianship for guardianship fees, initial assessments, average annual legal fees, and for less restrictive options to support decision-making.

(8) \$1,094,000 of the general fund—state appropriation for fiscal year 2020 and \$1,094,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the statewide fiscal impact on Thurston county courts. It is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

(9) \$25,808,000 of the judicial information systems account—state appropriation is provided solely for judicial branch information technology projects. Expenditures from the judicial information systems account shall not exceed available resources. Judicial branch information technology project prioritization shall be determined by the judicial information system committee.

(10) ~~(\$1,027,000)~~ \$750,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$377,000)~~ \$2,077,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5604 (uniform guardianship, etc.). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

(11) \$68,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 5149 (monitoring w/victim notif.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(12) \$298,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Senate Bill No. 5450 (adding superior court judges). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(13) \$25,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Engrossed Second Substitute Senate Bill No. 5720 (involuntary treatment act). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(14) \$207,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the development and implementation of a statewide online training system for court staff and judicial officers.

(15) \$135,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6268 (abusive litigation/partners). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(16) \$5,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the

implementation of Engrossed Substitute Senate Bill No. 6641 (sex offender treatment avail). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(17) \$333,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the administrative office of the courts to implement a statewide text notification system. The court date notification texting services must provide subscribers with criminal court date notifications and reminders by short message service or text message that includes but is not limited to the court date, session changes, and a court date reminder in advance of the scheduled court date.

(18) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to reimburse counties affected by extraordinary judicial costs arising from a long-term leave of absence by a superior court judge in the Asotin-Columbia-Garfield tri-county judicial district. An affected county may apply to the office for reimbursement for the reasonable costs of expenses incurred since April 24, 2019, for: Travel, lodging, and subsistence of visiting elected judges holding court in the tri-county district under RCW 2.08.140; the state and local shares of pro tempore judge compensation in the tri-county district under RCW 2.08.180; the state and local shares of pro tempore judge compensation under RCW 2.08.180 for a county that has provided a visiting elected judge; and similar county-borne extraordinary expenses that arise directly from the leave of absence. Where appropriate, the office must apportion reimbursement among the district's counties in accordance with RCW 2.08.110.

(19) \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to the YWCA Clark county court-appointed special advocates (CASA) program to fund volunteer efforts, staff, recruitment efforts, public awareness, and programs that assist abused and neglected children involved in legal proceedings.

(20) \$666,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Engrossed Second Substitute House Bill No. 2467 (firearm background checks). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(21) \$112,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2277 (youth solitary confinement). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(22) \$1,214,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2793 (vacating criminal records). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(23) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the administrative office of the courts to develop a domestic violence risk assessment instrument that:

(a) Uses information from relevant court records and prior offenses to predict the likelihood of a domestic violence incident; and

(b) Determines whether law enforcement risk data and domestic violence supplemental forms are useful in determining reoffense.

**Sec. 114.** 2019 c 415 s 116 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF PUBLIC DEFENSE**

General Fund—State Appropriation (FY 2020)	(\$46,538,000)
	<u>\$47,200,000</u>
General Fund—State Appropriation (FY 2021)	(\$46,394,000)
	<u>\$47,644,000</u>
Judicial Stabilization Trust Account—State	
Appropriation.....	((\$3,805,000))
	<u>\$3,809,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$278,000
TOTAL APPROPRIATION.....	<u>\$97,015,000</u>
	<u>\$98,931,000</u>

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

(1) The amounts provided include funding for expert and investigative services in death penalty personal restraint petitions.

(2) \$900,000 of the general fund—state appropriation for fiscal year 2020 and \$900,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the purpose of improving the quality of trial court public defense services. The department must allocate these amounts so that \$450,000 per fiscal year is distributed to counties, and \$450,000 per fiscal year is distributed to cities, for grants under chapter 10.101 RCW.

(3) The office of public defense shall enter into an interagency agreement with the department of children, youth, and families to facilitate the use of federal title IV-E reimbursement for parent representation services.

(4) \$288,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$244,000)~~ \$444,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the parents for parents program. Funds must be used to expand services in new sites and maintain and improve service models for the current programs. Of the amounts provided in this subsection, \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for continuing services in Grant, Cowlitz, Jefferson, Okanogan, and Chelan counties and for providing oversight, coordination, start-up training, technical assistance, and quality monitoring for all sites across the state.

(5)(a) \$305,000 of the general fund—state appropriation for fiscal year 2020 and \$305,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office to contract with a nonprofit organization for:

(i) Continuing legal education and case-specific resources for public defense attorneys; and

(ii) The incarcerated parents project to support incarcerated parents and their families, and public defenders representing incarcerated parents in the child welfare, juvenile, and criminal systems.

(b) The nonprofit organization must have experience providing statewide training and services to state-funded public defense attorneys for indigent clients.

(6) \$4,532,000 of the general fund—state appropriation for fiscal year 2020 and \$4,532,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for salary increases for state-contracted public defense attorneys representing indigent persons on appeal and indigent parents involved in dependency and termination cases.

(7) \$1,389,000 of the general fund—state appropriation for fiscal year 2020 and \$1,388,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional attorneys, social workers, and staff support, for the parents' representation program.

(8) \$180,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a cost-of-living increase for contracted social workers.

(9) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to compensate parents representation program attorneys to prepare parenting plans at the culmination of dependency cases.

**Sec. 115.** 2019 c 415 s 117 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF CIVIL LEGAL AID**

General Fund—State Appropriation (FY 2020)	
.....	(\$20,348,000)
	<u>\$20,949,000</u>
General Fund—State Appropriation (FY 2021)	
.....	(\$22,142,000)
	<u>\$22,951,000</u>
Judicial Stabilization Trust Account—State	
Appropriation .....	\$1,464,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$44,000
TOTAL APPROPRIATION .....	<u>\$43,998,000</u>
	<u>\$45,408,000</u>

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

(1) An amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2020 and an amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2021 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

(2) \$759,000 of the general fund—state appropriation for fiscal year 2020 and \$2,275,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office to continue implementation of the civil justice reinvestment plan.

(3) \$400,000 of the general fund—state appropriation for fiscal year 2020 and \$105,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the children's representation study authorized in chapter 20, Laws of 2017 3rd sp. sess. The report of initial findings to the legislature must be submitted by December 31, 2020.

(4) The office of civil legal aid shall enter into an interagency agreement with the department of children, youth, and families to facilitate the use of federal title IV-E reimbursement for child representation services.

(5) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with the international families justice coalition to expand private capacity to provide legal services for indigent foreign nationals in contested domestic relations and family law cases. Amounts provided in this section may not be expended for direct private legal representation of clients in domestic relations and family law cases.

(6) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Senate Bill No. 5651 (kinship care legal aid). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

(7) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for closing compensation differentials between volunteer legal aid programs and the northwest justice project.

(8) \$1,205,000 of the general fund—state appropriation for fiscal year 2020 and \$1,881,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a vendor rate increase resulting from a collective bargaining agreement between the northwest justice project and its staff union.

(9) ~~(\$300,000)~~ \$307,500 of the general fund—state appropriation for fiscal year 2020 and ~~(\$300,000)~~ \$317,500 of the general fund—state appropriation for fiscal year 2021 are provided solely for a research-based controlled comparative study of the differences in outcomes for tenants facing eviction who receive legal representation and tenants facing eviction without legal representation in unlawful detainer cases filed under the residential landlord tenant act.

Funding must be used to underwrite both the research and the costs of legal representation provided to tenants associated with the study. Researchers will identify four counties to study. A preliminary report must be submitted to the appropriate committees of the legislature by January 31, 2021, and a final report on the study, which includes findings on demographics and outcomes, must be submitted to the appropriate committees of the legislature by ~~(March 31)~~ June 30, 2021.

(10) \$126,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for expenditures made to address fiscal year 2019 caseload driven shortfalls in the children's representation program and the children's representation study.

(11) \$225,000 of the general fund—state appropriation for fiscal year 2020 and \$193,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to wind down the children's representation study authorized in section 28, chapter 20, Laws of 2017 3rd sp.s.

(12) \$492,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to establish a statewide reentry legal aid project. The office of civil legal aid shall enlist support from the statewide reentry council to identify an appropriate nonprofit entity to establish and operate the statewide reentry legal aid project, establish initial priority areas of focus, and determine client service objectives, benchmarks, and intended outcomes. The office of civil legal aid and the statewide reentry council shall provide the relevant legislative committees with an initial status report by December 2021.

(13) \$165,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the automation, deployment, and hosting of an automated family law document assembly system provided for in chapter 299, Laws of 2018.

(14) \$25,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of civil legal aid to provide funding to King county organizations that provide legal services. Of this amount:

(a) \$13,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a nonprofit organization to develop an updated kinship legal services guide based on continuing changes in laws and practices.

(b) \$12,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a bar association to operate a kinship legal services program that trains kinship caregivers about recent enacted guardianship laws.

**Sec. 116.** 2019 c 415 s 118 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE GOVERNOR**

General Fund—State Appropriation (FY 2020)  
 .....((~~\$10,871,000~~))  
 \$9,858,000

General Fund—State Appropriation (FY 2021)  
 .....((~~\$8,900,000~~))

\$10,454,000

Economic Development Strategic Reserve Account— State	
Appropriation.....	(( <del>\$2,000,000</del> ))
	\$7,000,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$674,000
TOTAL APPROPRIATION.....	\$22,445,000
	\$27,986,000

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

(1) \$703,000 of the general fund—state appropriation for fiscal year 2020 and ~~((~~\$703,000~~))~~ \$803,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the education ombuds.

(2) \$61,000 of the general fund—state appropriation for fiscal year 2020 and \$30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 1130 (pub. school language access). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(3) \$311,000 of the general fund—state appropriation for fiscal year 2020 and \$301,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5356 (LGBTQ commission). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(4) ~~((~~\$375,000~~))~~ \$397,000 of the general fund state—appropriation for fiscal year 2020 and ~~((~~\$375,000~~))~~ \$353,000 of the general fund state—appropriation for fiscal year 2021 are provided solely for the office to contract with a neutral third party to establish a process for local, state, tribal, and federal leaders and stakeholders to address issues associated with the possible breaching or removal of the four lower Snake river dams in order to recover the Chinook salmon populations that serve as a vital food source for southern resident orcas. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.

(5) \$110,000 of the general fund—state appropriation in fiscal year 2020 is provided solely for the office of regulatory innovations and assistance to convene agencies and stakeholders to develop a small business bill of rights. Of this amount, a report must be submitted to appropriate legislative policy and fiscal committees by November 1, 2019, to include:

(a) Recommendations of rights and protections for small business owners when interacting with state agencies, boards, commissions, or other entities with regulatory authority over small businesses; and

(b) Recommendations on communication plans that state regulators should consider when communicating these rights and protections to small business owners in advance or at the time of any audit, inspection, interview, site visit, or similar oversight or enforcement activity.

(6) ~~(\$2,003,000)~~ \$966,000 of the general fund—state appropriation in fiscal year 2020 is provided solely for executive protection unit costs.

(7) \$15,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the clemency and pardons board to expedite the review of applications where the petitioner indicates an urgent need for the pardon or commutation, including, but not limited to, a pending deportation order or deportation proceeding.

(8) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the education ombuds, in consultation with the office of the superintendent of public instruction and the Washington state office of equity, to develop a plan to implement a program to promote skills, knowledge, and awareness concerning issues of diversity, equity, and inclusion among families with school-age children. The office of education ombuds shall submit a report with recommendations to the governor and the appropriate committees in the legislature by September 1, 2020.

(9) \$1,289,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of the Washington state office of equity.

**Sec. 117.** 2019 c 415 s 119 (uncodified) is amended to read as follows:

**FOR THE LIEUTENANT GOVERNOR**

General Fund—State Appropriation (FY 2020)	(( <del>\$1,276,000</del> ))
	<u>\$1,313,000</u>
General Fund—State Appropriation (FY 2021)	(( <del>\$1,312,000</del> ))
	<u>\$1,545,000</u>
General Fund—Private/Local Appropriation	\$90,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$54,000
TOTAL APPROPRIATION .....	<del>\$2,732,000</del>
	<u>\$3,002,000</u>

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

(1) \$180,000 of the general fund—state appropriation for fiscal year 2020 and \$179,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the continuation of the complete Washington program and to add new pathways, such as the healthcare industry, to the program.

(2) \$195,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Washington world fellows program.

**Sec. 118.** 2019 c 415 s 120 (uncodified) is amended to read as follows:

**FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund—State Appropriation (FY 2020)	(( <del>\$5,229,000</del> ))
	<u>\$5,532,000</u>
General Fund—State Appropriation (FY 2021)	(( <del>\$5,109,000</del> ))
	<u>\$5,456,000</u>
Public Disclosure Transparency Account—State	
Appropriation.....	(( <del>\$574,000</del> ))
	<u>\$714,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$260,000
TOTAL APPROPRIATION.....	<del>\$11,172,000</del>
	<u>\$11,962,000</u>

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

(1) \$45,000 of the public disclosure transparency account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5861 (legislature/code of conduct). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(2) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$83,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to develop a training course for individuals acting as treasurers or deputy treasurers for candidates pursuant to RCW 42.17A.210. Out of this amount:

(a) The course must provide, at a minimum, a comprehensive overview of:

(i) The responsibilities of treasurers and deputy treasurers;

(ii) The reporting requirements necessary for candidate compliance with chapter 42.17A RCW, including triggers and deadlines for reporting;

(iii) Candidate campaign contribution limits and restrictions under chapter 42.17A RCW;

(iv) The use of the commission's electronic filing system;

(v) The consequences for violation of chapter 42.17A RCW; and

(vi) Any other subjects or topics the commission deems necessary for encouraging effective compliance with chapter 42.17A RCW.

\$112,224,000

(b) The commission must make the course available to all interested individuals no later than September 1, 2019. The course must be provided in a format able to be used both in person and remotely via the internet.

(3) \$140,000 of the public disclosure transparency account—state appropriation is provided solely for staff for business analysis and project management of information technology projects.

(4) No moneys may be expended from the appropriations in this section to establish an electronic directory, archive, or other compilation of political advertising unless explicitly authorized by the legislature.

**Sec. 119.** 2019 c 415 s 121 (uncodified) is amended to read as follows:

**FOR THE SECRETARY OF STATE**

General Fund—State Appropriation (FY 2020)	.....	(\$33,449,000)	
			<u>\$34,997,000</u>
General Fund—State Appropriation (FY 2021)	.....	(\$18,313,000)	
			<u>\$19,562,000</u>
General Fund—Federal Appropriation.		(\$8,097,000)	
			<u>\$8,098,000</u>
Public Records Efficiency, Preservation, and Access Account—State Appropriation	.....	(\$9,363,000)	
			<u>\$9,677,000</u>
Charitable Organization Education Account—State Appropriation	.....	\$900,000	
Washington State ( <del>Heritage Center</del> ) Library <u>Operations</u> Account—State Appropriation	.....	(\$11,498,000)	
			<u>\$11,516,000</u>
Local Government Archives Account—State Appropriation	.....	(\$11,019,000)	
			<u>\$11,027,000</u>
Pension Funding Stabilization Account—State Appropriation	.....	\$960,000	
<u>Election Account—State Appropriation</u>	....	<u>\$1,800,000</u>	
Election Account—Federal Appropriation	.....	(\$4,887,000)	
			<u>\$13,687,000</u>
TOTAL APPROPRIATION	.....	\$98,486,000	

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

(1) \$3,801,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2)(a) \$2,932,000 of the general fund—state appropriation for fiscal year 2020 and \$3,011,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2019-2021 fiscal biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of ongoing funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

(4) \$13,600,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for

operation of the presidential primary election, including reimbursement to (~~reimburse~~) counties for the state's share of presidential primary election costs.

(5) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for humanities Washington speaker's bureau community conversations to expand programming in underserved areas of the state.

(6) \$2,295,000 of the general fund—state appropriation for fiscal year 2020 and \$2,526,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5063 (ballots, prepaid postage). (~~If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~)

(7) \$1,227,000 of the local government archives account—state appropriation and \$28,000 of the public records efficiency, preservation, and access account—state appropriation are provided solely to implement Engrossed Substitute House Bill No. 1667 (public records request administration). (~~If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~)

(8) \$114,000 public records efficiency, preservation, and access account—state appropriation and \$114,000 local government archives account—state appropriation are provided solely for digital archives functionality and is subject to the conditions, limitations, and review provided in (~~section 719 of this act~~) section 701 of this act.

(9) \$198,000 of the general fund—state appropriation for fiscal year 2020, \$198,000 of the general fund—state appropriation for fiscal year 2021, and \$500,000 of the election account—federal appropriation are provided solely for election security improvements.

(10) \$82,000 of the general fund—state appropriation for fiscal year 2020 and \$77,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for election reconciliation reporting. Funding provides for one staff to compile county reconciliation reports, analyze the data, and to complete an annual statewide election reconciliation report for every state primary and general election. The report must be submitted annually on July 31, beginning July 31, 2020, to legislative policy and fiscal committees. The annual report must include reasons for ballot rejection and an analysis of the ways ballots are received, counted, and rejected that can be used by policymakers to better understand election administration.

(11) \$500,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for civic engagement. The secretary of state and county auditors will collaborate to increase voter participation and educate voters about improvements to state election laws that will impact the 2019 and 2020 elections.

(12) \$1,800,000 of the election account—state appropriation for fiscal year 2021 and \$8,800,000 of the election account—federal appropriation for fiscal year 2021 are provided solely to enhance election technology and make

election security improvements. The office of the secretary of state will provide one-time grant funding to county auditors for election security improvements. Election security improvements may include but are not limited to installation of multi-factor authentication, emergency generators, vulnerability scanners, facility access control enhancements, and alarm systems. Funding will be prioritized based on demonstrated need.

(13) \$132,000 of the general fund—state appropriation for fiscal year 2020 and \$520,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for dedicated staffing for maintenance and operations of the voter registration and election management system. These staff will manage database upgrades, database maintenance, system training and support to counties, and the triage and customer service to system users.

(14) \$300,000 of the public records efficiency, preservation, and access account—state appropriation is provided solely for additional project staffing to pack, catalog, and move the states archival collection in preparation for the move to the new library archives building that will be located in Tumwater.

(15) \$674,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Senate Bill No. 6313 (young voters). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(16) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for general election costs for Substitute Senate Joint Resolution No. 8212 (investment of LTC funds). If the resolution is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(17) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the secretary of state to support the capacity for the retention and transition of historical and archived records from the national archives and records administration located at Sandpoint. The secretary of state may explore options, including building storage and access capacity by working with universities, tribes, and museums that have engaged with the Smithsonian institution.

**Sec. 120.** 2019 c 415 s 122 (uncodified) is amended to read as follows:

**FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

General Fund—State Appropriation (FY 2020)	.....	(\$365,000))
		\$380,000
General Fund—State Appropriation (FY 2021)	.....	(\$352,000))
		\$420,000
Pension Funding Stabilization Account—State		
Appropriation.....		\$28,000

TOTAL APPROPRIATION ..... \$745,000  
\$828,000

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

(1) The office shall assist the department of enterprise services on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of enterprise services shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

(2) \$33,000 of the general fund—state appropriation for fiscal year 2020 and \$22,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1713 (Native American women). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(3) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the governor's office of Indian affairs for a task force to evaluate and propose a plan for tribal extradition in Washington.

**Sec. 121.** 2019 c 415 s 123 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS**

General Fund—State Appropriation (FY 2020) .....~~(((\$318,000))~~  
\$332,000  
 General Fund—State Appropriation (FY 2021) .....~~(((\$330,000))~~  
\$425,000

Pension Funding Stabilization Account—State  
 Appropriation ..... \$26,000  
 TOTAL APPROPRIATION ..... \$674,000  
\$783,000

The appropriations in this section ~~((is))~~ are subject to the following conditions and limitations: \$3,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5023 (ethnic studies). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

**Sec. 122.** 2019 c 415 s 124 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER**

State Treasurer's Service Account—State  
 Appropriation..... ~~(((\$19,982,000))~~  
\$20,045,000  
 TOTAL APPROPRIATION ..... \$19,982,000  
\$20,045,000

**Sec. 123.** 2019 c 415 s 125 (uncodified) is amended to read as follows:

**FOR THE STATE AUDITOR**

General Fund—State Appropriation (FY 2020) ..... \$28,000  
 General Fund—State Appropriation (FY 2021) ..... \$32,000  
~~((State))~~ Auditing Services Revolving Account—State  
 Appropriation..... ~~(((\$12,650,000))~~  
\$13,492,000  
 Performance Audits of Government Account—State  
 Appropriation..... ~~(((\$1,679,000))~~  
\$2,502,000  
 TOTAL APPROPRIATION ..... \$14,389,000  
\$16,054,000

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

(1) \$1,585,000 of the performance audit of government account—state appropriation is provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state-funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(2) Within existing resources of the performance audits of government account, the state auditor's office shall conduct a performance audit or accountability audit of Washington charter public schools to satisfy the requirement to contract for an independent performance audit pursuant to RCW 28A.710.030(2).

(3) The state auditor must conduct a performance and accountability audit of practices related to awarding, tracking, and reporting contracts with outside entities and contracts between the University of Washington and affiliated entities. Utilizing the information gathered under section 606(1)(z) of this act, similar provisions from prior biennia, and best practices in contract management and oversight, the auditor must recommend a plan to make contract information, including those for contracted services and consulting, available in a centralized and searchable form. The recommendations of the auditor must be reported to the fiscal committees of the legislature and the office of financial management no later than December 30, 2020.

(4) \$825,000 of the auditing services revolving account—state appropriation is provided solely for accountability and risk based audits.

(5) Within existing resources of the performance audits of government account, the state auditor's office shall conduct a performance audit of the 2020 general election for five counties with low ballot rejection rates and five counties with high ballot rejection rates as chosen by the state auditor. The audit must: Review each county's procedures for identifying, correcting if appropriate, and reviewing and rejecting questionable ballots; examine the accuracy of the ballot rejections; compare each county's practices with requirements of the law and with best practices; compare the counties' practices to one another to determine why ballot rejection rates vary; identify any trends in rejected ballots, including the demographics of the voters whose ballots were rejected; and make recommendations about process or procedure to reduce the rate of rejected ballots while protecting broad access to the ballot. The state auditor shall submit a report containing the results of the audit to the appropriate committees of the legislature and make the report available on its web site.

Sec. 124. 2019 c 415 s 126 (uncodified) is amended to read as follows:

**FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**

General Fund—State Appropriation (FY 2020)	.....(( <u>\$226,000</u> ))	
		<u>\$238,000</u>
General Fund—State Appropriation (FY 2021)	.....(( <u>\$243,000</u> ))	
		<u>\$270,000</u>
Pension Funding Stabilization Account—State Appropriation.....		\$30,000
TOTAL APPROPRIATION .....		<u>\$499,000</u>
		<u>\$538,000</u>

Sec. 125. 2019 c 415 s 127 (uncodified) is amended to read as follows:

**FOR THE ATTORNEY GENERAL**

General Fund—State Appropriation (FY 2020)	.....(( <u>\$14,972,000</u> ))	
		<u>\$15,564,000</u>
General Fund—State Appropriation (FY 2021)	.....(( <u>\$14,940,000</u> ))	
		<u>\$16,531,000</u>
General Fund—Federal Appropriation	.....(( <u>\$15,992,000</u> ))	
		<u>\$17,801,000</u>
Public Service Revolving Account—State Appropriation.....		(( <u>\$4,195,000</u> ))
		<u>\$4,228,000</u>

New Motor Vehicle Arbitration Account—State				
Appropriation.....				\$1,693,000
Medicaid Fraud Penalty Account—State				
Appropriation.....				(( <u>\$5,556,000</u> ))
				<u>\$5,584,000</u>
Child Rescue Fund—State Appropriation.....				\$500,000
Legal Services Revolving Account—State				
Appropriation.....				(( <u>\$276,544,000</u> ))
				<u>\$291,952,000</u>
Local Government Archives Account—State				
Appropriation.....				(( <u>\$348,000</u> ))
				<u>\$356,000</u>
Local Government Archives Account—Local				
.....				\$330,000
Pension Funding Stabilization Account—State				
Appropriation.....				\$1,602,000
Tobacco Prevention and Control Account—State				
Appropriation.....				\$273,000
TOTAL APPROPRIATION.....				<u>\$336,945,000</u>
				<u>\$356,414,000</u>

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

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new cy pres awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) \$58,000 of the general fund—state appropriation for fiscal year 2020 and \$58,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for

implementation of Second Substitute House Bill No. 1166 (sexual assault kits). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(5) \$63,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1399 (paid family and medical leave). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(6) \$44,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1224 (rx drug cost transparency). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(7) \$79,000 of the legal services revolving account—state appropriation is provided solely for implementation of House Bill No. 2052 (marijuana product testing). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(8) \$330,000 of the local government archives account—local appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1667 (public records request admin). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(9) \$161,000 of the general fund—state appropriation for fiscal year 2020 and \$161,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the civil rights unit to provide additional services in defense and protection of civil and constitutional rights for people in Washington.

(10) \$88,000 of the general fund—state appropriation for fiscal year 2020, \$85,000 of the general fund—state appropriation for fiscal year 2021, and \$344,000 of the legal services revolving account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5297 (assistant AG bargaining). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(11) \$700,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(12) \$592,000 of the public service revolving account—state appropriation and \$47,000 of the legal services revolving account—state appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((14))~~ (13) \$200,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a work group to study and institute a statewide program for receiving reports and other information for the public regarding potential self-harm, potential harm, or criminal

acts including but not limited to sexual abuse, assault, or rape. Out of this amount:

(a) The work group must review the aspects of similar programs in Arizona, Michigan, Colorado, Idaho, Nevada, Oregon, Utah, Wisconsin, and Wyoming; and must incorporate the most applicable aspects of those programs to the program proposal;

(b) The program proposal must include a plan to implement a twenty-four hour hotline or app for receiving such reports and information; and

(c) The program proposal and recommendations must be submitted to legislative fiscal committees by July 31, 2020.

~~((15))~~ (14) \$75,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the attorney general to develop an implementation plan to collect and disseminate data on the use of force by public law enforcement agencies and private security services.

(a) The plan must identify how to effectively collect data on the occasions of justifiable homicide or uses of deadly force by a public officer, peace officer, or person aiding under RCW 9A.16.040 by all general authority Washington law enforcement agencies and the department of corrections. The plan must address any necessary statutory changes, possible methods of collection, and any other needs that must be addressed to collect the following information:

(i) The number of tort claims filed and moneys paid in use of force cases;

(ii) The number of incidents in which peace officers discharged firearms at citizens;

(iii) The demographic characteristics of the officers and citizens involved in each incident, including sex, age, race, and ethnicity;

(iv) The agency or agencies employing the involved officers and location of each incident;

(v) The particular weapon or weapons used by peace officers and citizens; and

(vi) The injuries, if any, suffered by officers and citizens.

(b) The implementation plan must also identify how to effectively collect data on the occasions of the use of force requiring the discharge of a firearm by any private security guard employed by any private security company licensed under chapter 18.170 RCW. The plan must address any necessary statutory changes, possible methods of collection, and any other needs that must be addressed to collect the following information:

(i) The number of incidents in which security guards discharged firearms at citizens;

(ii) The demographic characteristics of the security guards and citizens involved in each incident, including sex, age, race, and ethnicity;

(iii) The company employing the involved security guards and the location of each incident;

(iv) The particular weapon or weapons used by security guards and citizens; and

(v) The injuries, if any, suffered by security guards and citizens.

(c) The attorney general must compile reports received pursuant to this subsection and make public the data collected.

(d) The department of licensing, department of corrections, Washington state patrol, and criminal justice training commission must assist the attorney general as necessary to complete the implementation plan.

~~((46))~~ (15) \$4,220,000 of the general fund—federal appropriation and \$1,407,000 of the medicaid fraud penalty account—state appropriation are provided solely for additional staffing and program operations in the medicaid fraud control division.

~~((47) \$4,292,000))~~ (16) \$8,392,000 of the legal services revolving account—state appropriation is provided solely for child welfare and permanency staff.

~~((48))~~ (17) \$141,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5035 (prevailing wage laws). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(18) \$751,000 of the general fund—state appropriation for fiscal year 2021, \$82,000 of the general fund—federal appropriation, \$32,000 of the public service revolving account—state appropriation, \$27,000 of the medicaid fraud penalty account—state appropriation, \$4,529,000 of the legal services revolving account—state appropriation, and \$8,000 of the local government archives account—state appropriation are provided solely for the collective bargaining agreement referenced in section 902 of this act.

(19) \$600,000 of the general fund—state appropriation for fiscal year 2020 and \$616,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for multi-year arbitrations of the state's diligent enforcement of its obligations to receive amounts withheld from tobacco master settlement agreement payments.

(20) \$605,000 of the legal services revolving fund—state appropriation is provided solely for defending challenges to chapter 354, Laws of 2019 that set vapor pressure limits for in-state receipt of crude oil by rail.

(21) \$1,069,000 of the legal services revolving fund—state appropriation is provided solely for the office to compel the United States department of energy to meet Hanford cleanup deadlines.

(22) \$1,563,000 of the legal services revolving fund—state appropriation for fiscal year 2021 is provided solely to defend the state in the *Wolf vs State Board for Community and Technical Colleges* case.

(23) \$59,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6158 (model sexual assault protocols). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(24) \$192,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 2467 (firearm background checks). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(25) \$59,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2511 (domestic workers). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(26) \$244,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2638 (sports wagering/compacts). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(27) \$35,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2662 (total cost of insulin). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(28) \$394,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for two additional investigators and a data consultant for the homicide investigation tracking system (HITS).

**Sec. 126.** 2019 c 415 s 128 (uncodified) is amended to read as follows:

**FOR THE CASELOAD FORECAST COUNCIL**

General Fund—State Appropriation (FY 2020)	(( <del>\$1,907,000</del> ))
	<u>\$2,040,000</u>
General Fund—State Appropriation (FY 2021)	(( <del>\$1,922,000</del> ))
	<u>\$2,063,000</u>
Pension Funding Stabilization Account—State Appropriation	\$168,000
<b>TOTAL APPROPRIATION</b>	<b><u>\$3,997,000</u></b>
	<b><u>\$4,271,000</u></b>

The appropriations (~~within~~) in this section are subject to the following conditions and limitations: \$43,000 of the general fund—state appropriation for fiscal year 2020 and \$27,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the caseload forecast council to provide information, data analysis, and other necessary assistance upon the request of the task force established in section 952 of this act.

**Sec. 127.** 2019 c 415 s 129 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

General Fund—State Appropriation (FY 2020)	.....	(\$94,046,000)	
			<u>\$96,462,000</u>
General Fund—State Appropriation (FY 2021)	.....	(\$92,285,000)	
			<u>\$146,437,000</u>
General Fund—Federal Appropriation	.....	(\$327,876,000)	
			<u>\$327,896,000</u>
General Fund—Private/Local Appropriation	.....	(\$9,107,000)	
			<u>\$9,112,000</u>
Public Works Assistance Account—State Appropriation	.....	(\$8,207,000)	
			<u>\$8,212,000</u>
Lead Paint Account—State Appropriation	...	\$251,000	
Building Code Council Account—State Appropriation	.....	\$16,000	
Liquor Excise Tax Account—State Appropriation	.....	\$1,291,000	
<del>(Economic Development Strategic Reserve Account—State</del>			
<del>Appropriation</del>	.....	<del>\$5,000,000)</del>	
Home Security Fund Account—State Appropriation	.....	(\$60,422,000)	
			<u>\$120,425,000</u>
Energy Freedom Account—State Appropriation	.....	\$5,000	
Affordable Housing for All Account—State Appropriation	.....	\$13,895,000	
Financial Fraud and Identity Theft Crimes Investigation			
and Prosecution Account—State Appropriation	.....	(\$1,975,000)	
			<u>\$2,325,000</u>
Low-Income Weatherization and Structural Rehabilitation			
Assistance Account—State Appropriation		\$1,399,000	
Statewide Tourism Marketing Account—State Appropriation	.....	\$3,028,000	
Community and Economic Development Fee Account—State			
Appropriation	.....	\$4,200,000	

Growth Management Planning and Environmental Review			
Fund—State Appropriation	.....	\$5,800,000	
Pension Funding Stabilization Account—State			
Appropriation	.....	\$1,616,000	
Liquor Revolving Account—State Appropriation	.....	\$5,918,000	
Washington Housing Trust Account—State			
Appropriation	.....	(\$12,944,000)	
			<u>\$67,947,000</u>
Prostitution Prevention and Intervention Account—			
State			
Appropriation	.....	\$26,000	
Public Facility Construction Loan Revolving			
Account—			
State Appropriation	.....	(\$903,000)	
			<u>\$1,076,000</u>
<u>Model Toxics Control Stormwater Account—State</u>			
<u>Appropriation</u>	.....	<u>\$150,000</u>	
<u>Dedicated Marijuana Account—State Appropriation</u>			
<u>(FY 2021)</u>	.....	<u>\$1,100,000</u>	
<u>Andy Hill Cancer Research Endowment Fund Match</u>			
<u>Transfer Account—State Appropriation</u>	...	<u>\$7,454,000</u>	
<u>Community Preservation and Development Authority</u>			
<u>Account—State Appropriation</u>	.....	<u>\$1,000,000</u>	
TOTAL APPROPRIATION	.....	\$650,240,000	
			<u>\$827,041,000</u>

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

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(2) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to resolution Washington to build statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(3) \$375,000 of the general fund—state appropriation for fiscal year 2020 and \$375,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to the retired senior volunteer program.

(4) The department shall administer its growth management act technical assistance and pass-through grants so that smaller cities and counties receive proportionately more assistance than larger cities or counties.

(5) \$375,000 of the general fund—state appropriation for fiscal year 2020 and \$375,000 of the general fund—state appropriation for fiscal year 2021 are provided solely as pass-through funding to Walla Walla Community College for its water and environmental center.

(6) (~~(\$804,000)~~) \$3,304,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$804,000)~~) \$3,304,000 of the general fund—state appropriation for fiscal year 2021 (~~(and \$5,000,000 of the economic development strategic reserve account state appropriation)~~) are provided solely for associate development organizations. During the 2019-2021 biennium, the department shall consider an associate development organization's total resources when making contracting and fund allocation decisions, in addition to the schedule provided in RCW 43.330.086.

(7) \$5,907,000 of the liquor revolving account—state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.

(8) The department is authorized to require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an advisory opinion on whether a proposed electric generation project or conservation resource qualifies to meet mandatory conservation targets.

(9) Within existing resources, the department shall provide administrative and other indirect support to the developmental disabilities council.

(10) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the northwest agriculture business center.

(11) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the regulatory roadmap program for the construction industry and to identify and coordinate with businesses in key industry sectors to develop additional regulatory roadmap tools.

(12) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington new Americans program. The department may require a cash match or in-kind contributions to be eligible for state funding.

(13) \$643,000 of the general fund—state appropriation for fiscal year 2020 and \$643,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a private, nonprofit organization to provide developmental disability ombuds services.

(14) \$1,000,000 of the home security fund—state appropriation, \$2,000,000 of the Washington housing trust account—state appropriation, and \$1,000,000 of the affordable housing for all account—state appropriation are provided solely for the department of commerce for services to homeless families and youth through the Washington youth and families fund.

(15) \$2,000,000 of the home security fund—state appropriation is provided solely for the administration of the grant program required in chapter 43.185C RCW, linking homeless students and their families with stable housing.

(16) \$1,980,000 of the general fund—state appropriation for fiscal year 2020 and \$1,980,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for community beds for individuals with a history of mental illness. Currently, there is little to no housing specific to populations with these co-occurring disorders; therefore, the department must consider how best to develop new bed capacity in combination with individualized support services, such as intensive case management and care coordination, clinical supervision, mental health, substance abuse treatment, and vocational and employment services. Case-management and care coordination services must be provided. Increased case-managed housing will help to reduce the use of jails and emergency services and will help to reduce admissions to the state psychiatric hospitals. The department must coordinate with the health care authority and the department of social and health services in establishing conditions for the awarding of these funds. The department must contract with local entities to provide a mix of (a) shared permanent supportive housing; (b) independent permanent supportive housing; and (c) low and no-barrier housing beds for people with a criminal history, substance abuse disorder, and/or mental illness.

Priority for permanent supportive housing must be given to individuals on the discharge list at the state psychiatric hospitals or in community psychiatric inpatient beds whose conditions present significant barriers to timely discharge.

(17) \$557,000 of the general fund—state appropriation for fiscal year 2020 and \$557,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to design and administer the achieving a better life experience program.

(18) The department is authorized to suspend issuing any nonstatutorily required grants or contracts of an amount less than \$1,000,000 per year.

(19) \$1,070,000 of the general fund—state appropriation for fiscal year 2020 and \$1,070,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the small business export assistance program. The department must ensure that at least one employee is located

outside the city of Seattle for purposes of assisting rural businesses with export strategies.

(20) \$60,000 of the general fund—state appropriation for fiscal year 2020 and \$60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to submit the necessary Washington state membership dues for the Pacific Northwest economic region.

(21) \$1,500,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$1,500,000)~~ \$2,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with organizations and attorneys to provide either legal representation or referral services for legal representation, or both, to indigent persons who are in need of legal services for matters related to their immigration status. Persons eligible for assistance under any contract entered into pursuant to this subsection must be determined to be indigent under standards developed under chapter 10.101 RCW.

(22)(a) \$3,500,000 of the general fund—state appropriation for fiscal year 2020 and \$3,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to support the building operation, maintenance, and service costs of permanent supportive housing projects or units within housing projects that have or will receive funding from the housing trust fund—state account or other public capital funding that:

- (i) Is dedicated as permanent supportive housing units;
- (ii) Is occupied by low-income households with incomes at or below thirty percent of the area median income; and
- (iii) Requires a supplement to rent income to cover ongoing property operating, maintenance, and service expenses.

(b) Permanent supportive housing projects receiving federal operating subsidies that do not fully cover the operation, maintenance, and service costs of the projects are eligible to receive grants as described in this subsection.

(c) The department may use a reasonable amount of funding provided in this subsection to administer the grants.

(23)(a) ~~(\$2,735,000)~~ \$2,091,000 of the general fund—state appropriation for fiscal year 2020, ~~(\$2,265,000)~~ \$3,159,000 of the general fund—state appropriation for fiscal year 2021, and \$7,000,000 of the home security fund—state appropriation are provided solely for the office of homeless youth prevention and protection programs to:

(i) Expand outreach, services, and housing for homeless youth and young adults including but not limited to secure crisis residential centers, crisis residential centers, and HOPE beds, so that resources are equitably distributed across the state;

(ii) Contract with other public agency partners to test innovative program models that prevent youth from exiting public systems into homelessness; and

(iii) Support the development of an integrated services model, increase performance outcomes, and enable providers to have the necessary skills and expertise to effectively operate youth programs.

(b) Of the amounts provided in this subsection:

(i) \$2,000,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to build infrastructure and services to support a continuum of interventions including but not limited to prevention, crisis response, and long-term housing in reducing youth homelessness in four identified communities as part of the anchor community initiative; and

(ii) ~~(\$625,000)~~ \$91,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$625,000)~~ \$1,159,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with one or more nonprofit organizations to provide youth services and young adult housing on a multi-acre youth campus located in the city of Tacoma. Youth services include, but are not limited to, HOPE beds and crisis residential centers to provide temporary shelter and permanency planning for youth under the age of eighteen. Young adult housing includes, but is not limited to, rental assistance and case management for young adults ages eighteen to twenty-four.

(24) \$36,650,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$36,650,000)~~ \$51,650,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the essential needs and housing support program.

(25) \$1,436,000 of the general fund—state appropriation for fiscal year 2020 and \$1,436,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to identify and invest in strategic growth areas, support key sectors, and align existing economic development programs and priorities. The department must consider Washington's position as the most trade-dependent state when identifying priority investments. The department must engage states and provinces in the northwest as well as associate development organizations, small business development centers, chambers of commerce, ports, and other partners to leverage the funds provided. Sector leads established by the department must include the industries of: (a) Aerospace; (b) clean technology and renewable and nonrenewable energy; (c) wood products and other natural resource industries; (d) information and communication technology; (e) life sciences and global health; (f) maritime; and (g) military and defense. The department may establish these sector leads by hiring new staff, expanding the duties of current staff, or working with partner organizations and or other agencies to serve in the role of sector lead.

(26) \$1,237,000 of the liquor excise tax account—state appropriation is provided solely for the department to provide fiscal note assistance to local governments, including increasing staff expertise in multiple subject matter areas, including but not limited to criminal justice, taxes, election impacts, transportation and land use, and

providing training and staff preparation prior to legislative session.

(27) The department must develop a model ordinance for cities and counties to utilize for siting community based behavioral health facilities.

(28) \$198,000 of the general fund—state appropriation for fiscal year 2020 and \$198,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to retain a behavioral health facilities siting administrator within the department to coordinate development of effective behavioral health housing options and provide technical assistance in siting of behavioral health treatment facilities statewide to aide in the governor's plan to discharge individuals from the state psychiatric hospitals into community settings. This position must work closely with the local government legislative authorities, planning departments, behavioral health providers, health care authority, department of social and health services, and other entities to facilitate linkages among disparate behavioral health community bed capacity-building efforts. This position must work to integrate building behavioral health treatment and infrastructure capacity in addition to ongoing supportive housing benefits. By July 1, 2020, the department, in collaboration with the department of social and health services, the department of health, and the health care authority, must submit to the office of financial management and the appropriate committees of the legislature, a report on behavioral health treatment facility capacity. The department must submit updates of the report every six months to the office of financial management and the appropriate committees of the legislature. The format of the report must be developed in consultation with staff from the office of financial management and the appropriate fiscal committees of the legislature. The report must identify current capacity, capacity in development, and average daily utilization by state funded clients for the prior period. The report must summarize data by type of facility and location and must include all facilities licensed by the department of health to provide behavioral health treatment or residential services and all facilities licensed or operated by the department of social and health services that provide behavioral health treatment services or residential support for individuals with enhanced behavioral health support needs. The department of social and health services, the department of health, and the health care authority must provide timely information to the department for inclusion in the reports.

(29)(a) During the 2019-2021 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(30)(a) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—local appropriation are provided solely for the department to contract with a consultant to study the current and ongoing impacts of the SeaTac international airport. The general fund—state funding provided in this subsection serves as a state match and may not be spent unless \$150,000 of local matching funds is transferred to the department. The department must seek feedback on project scoping and consultant selection from the cities listed in (b) of this subsection.

(b) The study must include, but not be limited to:

(i) The impacts that the current and ongoing airport operations have on quality of life associated with air traffic noise, public health, traffic, congestion, and parking in residential areas, pedestrian access to and around the airport, public safety and crime within the cities, effects on residential and nonresidential property values, and economic development opportunities, in the cities of SeaTac, Burien, Des Moines, Tukwila, Federal Way, Normandy Park, and other impacted neighborhoods; and

(ii) Options and recommendations for mitigating any negative impacts identified through the analysis.

(c) The department must collect data and relevant information from various sources including the port of Seattle, listed cities and communities, and other studies.

(d) The study must be delivered to the legislature by June 1, 2020.

(31) Within amounts appropriated in this section, the office of homeless youth prevention and protection must make recommendations to the appropriate committees of the legislature by October 31, 2019, regarding rights that all unaccompanied homeless youth and young adults should

have for appropriate care and treatment in licensed and unlicensed residential runaway and homeless youth programs.

(32) \$787,000 of the general fund—state appropriation for fiscal year 2020 and \$399,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1344 (child care access work group). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(33) \$144,000 of the general fund—state appropriation for fiscal year 2020 and \$144,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a nonprofit organization with offices located in the cities of Maple Valley, Enumclaw, and Auburn to provide street outreach and connect homeless young adults ages eighteen through twenty-four to services in south King county.

(34) \$218,000 of the general fund—state appropriation for fiscal year 2020 and \$61,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1444 (appliance efficiency). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(35) \$100,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1114 (food waste reduction). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(36) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with the city of Federal Way to support after-school recreational and educational programs.

~~((38))~~ (37) \$150,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to convene a work group regarding the development of Washington's green economy based on the state's competitive advantages. The work group must focus on developing economic, education, business, and investment opportunities in energy, water, and agriculture. The work group must consist of at least one representative from the department, the department of natural resources, the department of agriculture, the Washington state department of transportation, a four-year research university, a technical college, the private sector, an economic development council, a city government, a county government, a tribal government, a non-government organization, a statewide environmental advocacy organization, and up to two energy utility providers. The work group must:

(a) Develop an inventory of higher education resources including research, development, and workforce training to foster green economic development in energy, water, and agriculture;

(b) Identify investment opportunities in higher education research, development, and workforce training to enhance and accelerate green economic development;

(c) Make recommendations for green economic development investment opportunities and how state government may serve as a clearing house, or economic center, to support private investments and build the green economy in Washington to serve national and global markets;

(d) Identify opportunities for integrating technology in energy, water, natural resources, and agriculture, and create resource efficiencies including water and energy conservation and smart grid technologies;

(e) Recommend policies at the state and local government level to promote and accelerate development of the green economy in Washington state;

(f) Submit an interim report with the work group recommendations to the appropriate legislative committees by December 1, 2019; and

(g) Submit a final report with the work group recommendations to the appropriate legislative committees by June 30, 2020.

~~((39))~~ (38) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization focused on supporting pregnant women and single mothers who are homeless or at risk of being homeless throughout Pierce county. The grant must be used for providing classes relating to financial literacy, renter rights and responsibilities, parenting, and physical and behavioral health.

~~((40))~~ (39) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide capacity-building grants through the Latino community fund for educational programs and human services support for children and families in rural and underserved communities.

~~((41))~~ (40) \$400,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the city of Bothell to complete the canyon park regional growth center subarea plan.

~~((42))~~ (41) \$172,000 of the general fund—state appropriation for fiscal year 2020 and \$165,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington statewide reentry council for operational staff support, travel, and administrative costs.

~~((44))~~ (42) \$964,000 of the general fund—state appropriation for fiscal year 2020 and \$1,045,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Third Substitute House Bill No. 1257 (energy efficiency). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((45))~~ (43) \$1,500,000 of the general fund—state appropriation for fiscal year 2020 and \$1,500,000 of the general fund—state appropriation for fiscal year 2021 are

provided solely for implementation of chapter 16, Laws of 2017 3rd sp. sess. (E2SSB 5254).

~~((46))~~ (44) General fund—federal appropriations provided in this section assume continued receipt of the federal Byrne justice assistance grant for state and local government drug and gang task forces.

~~((47))~~ (45) \$450,000 of the general fund—state appropriation for fiscal year 2020 and \$450,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization for an initiative to advance affordable housing projects and education centers on public or tax-exempt land in Washington state. The department must award the grant to an organization with an office located in a city with a population of more than six hundred thousand that partners in equitable, transit-oriented development. The grant must be used to:

- (a) Produce an inventory of potentially developable public or tax-exempt properties;
- (b) Analyze the suitability of properties for affordable housing, early learning centers, or community space;
- (c) Organize community partners and build capacity to develop sites, as well as coordinate negotiations among partners and public owners;
- (d) Facilitate collaboration and co-development between affordable housing, early learning centers, or community space;
- (e) Catalyze the redevelopment of ten sites to create approximately fifteen hundred affordable homes; and
- (f) Subcontract with the University of Washington to facilitate public, private, and non-profit partnerships to create a regional vision and strategy for building affordable housing at a scale to meet the need.

~~((48))~~ (46) \$500,000 of the general fund—state appropriation for fiscal 2021 is provided solely for the department to contract with an entity located in the Beacon hill/Chinatown international district area of Seattle to provide low income housing, low income housing support services, or both. To the extent practicable, the chosen location must be colocated with other programs supporting the needs of children, the elderly, or persons with disabilities.

~~((49))~~ (47) \$800,000 of the general fund—state appropriation for fiscal year 2020 and \$800,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide a grant for a criminal justice diversion center pilot program in Spokane county.

(a) Spokane county must report collected data from the pilot program to the department. ~~((The department must submit a report to the appropriate committees of the legislature by October 1, 2020.))~~ The report must contain, at a minimum:

~~((a))~~ (i) An analysis of the arrests and bookings for individuals served in the pilot program;

~~((b))~~ (ii) An analysis of the connections to behavioral health services made for individuals who were served by the pilot program;

~~((c))~~ (iii) An analysis of the impacts on housing stability for individuals served by the pilot program; and

~~((d))~~ (iv) The number of individuals served by the pilot program who were connected to a detoxification program, completed a detoxification program, completed a chemical dependency assessment, completed chemical dependency treatment, or were connected to housing.

(b) No more than fifty percent of the funding provided in this subsection may be used for planning and predevelopment activities related to site readiness and other startup expenses incurred before the pilot program becomes operational.

~~((50))~~ (48)(a) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for one or more better health through housing pilot project. The department must contract with one or more accountable communities of health to work with hospitals and permanent supportive housing providers in their respective accountable community of health regions to plan for and implement the better health through housing pilot project. The accountable communities of health must have established partnerships with permanent supportive housing providers, hospitals, and community health centers.

(b) The pilot project must prioritize providing permanent supportive housing assistance to people who:

- (i) Are homeless or are at imminent risk of homelessness;
- (ii) Have complex physical health or behavioral health conditions; and
- (iii) Have a medically necessary condition, risk of death, negative health outcomes, avoidable emergency department utilization, or avoidable hospitalization without the provision of permanent supportive housing, as determined by a vulnerability assessment tool.

(c) Permanent supportive housing assistance may include rental assistance, permanent supportive housing service funding, or permanent supportive housing operations and maintenance funding. The pilot program shall work with permanent supportive housing providers to determine the best permanent supportive housing assistance local investment strategy to expedite the availability of permanent supportive housing for people eligible to receive assistance through the pilot project.

(d) Within the amounts provided in this subsection, the department must contract with the Washington state department of social and health services division of research and data analysis to design and conduct a study to evaluate the impact of the better health through housing pilot project or projects. The division shall submit a final study report to the governor and appropriate committees of the legislature by June 30, 2021. The study objectives must include:

(i) Baseline data collection of the physical health conditions, behavioral health conditions, housing status, and health care utilization of people who receive permanent supportive housing assistance through the pilot project;

(ii) The impact on physical health and behavioral health outcomes of people who receive permanent supportive housing assistance through the pilot project as compared to people with similar backgrounds who did not receive permanent supportive housing assistance; and

(iii) The impact on health care costs and health care utilization of people who receive permanent supportive housing assistance through the pilot project as compared to people with similar backgrounds who did not receive permanent supportive housing assistance.

(e) A reasonable amount of the amounts provided in this subsection may be used to pay for costs to administer the pilot contracts and housing assistance.

(f) Amounts provided in this subsection do not include funding provided under title XIX or title XXI of the federal social security act, funding from the general fund—federal appropriation, or funding from the general fund—local appropriation for transformation through accountable communities of health, as described in initiative one of the medicaid transformation demonstration waiver under healthier Washington.

(g) The accountable communities of health must annually report the progress and impact of the better health through housing pilot project or projects to the joint select committee on health care oversight by December 1st of each year.

~~((51))~~ (49) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract for the promotion of leadership development, community building, and other services for the Native American community in south King county.

~~((52))~~ (50)(a) ~~((50,000))~~ \$12,000 of the general fund—state appropriation for fiscal year 2020 ~~((is))~~ and \$38,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide to Chelan county to collaborate with the department of fish and wildlife and the Stemilt partnership on the following activities:

(i) Identifying and evaluating possible land exchanges in the Stemilt basin that provide mutual benefits to outdoor recreation and the mission of a public agency; and

(ii) Completing independent appraisals of all properties that may be included in a possible land exchange by ~~((June 30, 2020))~~ January 1, 2021.

(b) \$20,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide to the department of fish and wildlife to complete technical studies, assessments, environmental review, and due diligence for lands included in any potential exchange and for project review for near-and long-term facility

replacement and expansion of the mission ridge ski and board resort.

(c) The department must require the department of fish and wildlife, in collaboration with Chelan county, to submit recommendations for potential land exchange and supporting appraisals and environmental analysis to the Chelan county board of commissioners and the appropriate committees of the legislature by ~~((December 1, 2020))~~ June 1, 2021.

~~((53))~~ (51) \$500,000 of the general fund—state appropriation for fiscal year 2020, ~~((500,000))~~ \$1,500,000 of the general fund—state appropriation for fiscal year 2021 and \$4,500,000 of the home security fund—state appropriation are provided solely for the consolidated homeless grant program.

(a) Of the amounts provided in this subsection, \$4,500,000 of the home security fund—state appropriation is provided solely for permanent supportive housing targeted at those families who are chronically homeless and where at least one member of the family has a disability. The department will also connect these families to medicaid supportive services.

(b) Of the amounts provided in this subsection, \$1,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for diversion services for those families and individuals who are at substantial risk of losing stable housing or who have recently become homeless and are determined to have a high probability of returning to stable housing.

~~((54))~~ (52) \$1,275,000 of the general fund—state appropriation for fiscal year 2020 and \$1,227,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~((55))~~ (53) \$47,000 of the general fund—state appropriation for fiscal year 2020 and \$47,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5223 (electrical net metering). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~((56))~~ (54) \$81,000 of the general fund—state appropriation for fiscal year 2020 and \$76,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5324 (homeless student support). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~((57))~~ (55) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~((58))~~ (56) \$264,000 of the general fund—state appropriation for fiscal year 2020 and ~~((264,000))~~ \$676,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5511 (broadband service). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~ Within the amounts provided in this subsection, the department must translate survey materials used to gather information on broadband access into a minimum of three languages and include demographic data in the report associated with the bill.

~~((59))~~ (57) \$272,000 of the general fund—state appropriation for fiscal year 2020 and \$272,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the lead based paint enforcement activities within the department.

~~((60))~~ (58) \$250,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a one-time grant to the port of Port Angeles for a stormwater management project to protect ancient tribal burial sites and to maintain water quality.

~~((61))~~ (59) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to municipalities using a labor program model designed for providing jobs to individuals experiencing homelessness to lead to full-time employment and stable housing.

~~((62))~~ (60) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of the recommendations by the joint transportation committee's Washington state air cargo movement study to support an air cargo marketing program and assistance program. The department must coordinate promotion activities at domestic and international trade shows, air cargo events, and other activities that support the promotion, marketing, and sales efforts of the air cargo industry.

~~((63))~~ (61) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit for a smart buildings education program to educate building owners and operators on smart building practices and technologies, including the development of onsite and digital trainings that detail how to operate residential and commercial facilities in an energy efficient manner. The grant recipient must be located in a city with a population of more than seven hundred thousand and serve anyone within Washington with an interest in better understanding energy efficiency in commercial and institutional buildings.

~~((64))~~ (62) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide a grant to a nonprofit organization to assist fathers transitioning from incarceration to family reunification. The grant recipient must have experience contracting with:

~~((i))~~ (a) The department of corrections to support offender betterment projects; and

~~((ii))~~ (b) The department of social and health services to provide access and visitation services.

~~((65))~~ (63) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization to promote public education around wildfires to public school students of all ages and to expand outreach on issues related to forest health and fire suppression. The grant recipient shall sponsor projects including, but not limited to, a multi-media traveling presentation.

~~((66))~~ (64) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization to help reduce crime and violence in neighborhoods and school communities. The grant recipient must promote safe streets and community engagement in the city of Tacoma through neighborhood organizing, law enforcement-community partnerships, neighborhood watch programs, youth mobilization, and business engagement.

~~((67))~~ (65) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to increase the financial stability of low income Washingtonians through participation in children's education savings accounts, earned income tax credits, and the Washington retirement marketplace. The grant recipient must be a statewide association of local asset building coalitions that promotes policies and programs in Washington to assist low-and-moderate income residents build, maintain, and preserve assets through investments in education, homeownership, personal savings and entrepreneurship.

~~((68))~~ (66) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization to catalyze a market for mass timber and promote forest health, workforce development, and updates to building codes. The grant recipient must have at least twenty-five years of experience in land acquisition and program management to conserve farmland, create jobs, revitalize small towns, reduce wildfires, and reduce greenhouse emissions.

~~((69))~~ (67) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to assist people with limited incomes in nonmetro areas of the state start and sustain small businesses. The grant recipient must be a nonprofit organization involving a network of microenterprise organizations and professionals to support micro entrepreneurship and access to economic development resources.

~~((70))~~ (68) \$270,000 of the general fund—state appropriation for fiscal year 2020 ~~((\*)~~ and \$250,000 of the

general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization within the city of Tacoma for social services and educational programming to assist Latino and indigenous communities in honoring heritage and culture through the arts, and overcoming barriers to social, political, economic, and cultural community development. Of the amounts provided in this subsection, \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to provide a public policy fellowship program that offers training in grassroots organizing, leadership development, civic engagement, and policy engagement focused on Latino and indigenous community members.

~~((71))~~ (69) \$5,800,000 of the growth management planning and environmental review fund—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1923 (urban residential building). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~ Of the amounts provided in this subsection:

(a) \$5,000,000 is provided solely for grants to cities for costs associated with the bill;

(b) \$500,000 is provided solely for administration costs to the department; and

(c) \$300,000 is provided solely for a grant to the Washington real estate research center.

~~((72))~~ (70) \$100,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to produce a proposal and recommendations for establishing an industrial waste coordination program by December 1, 2019.

(71) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to develop a comprehensive analysis of statewide emissions reduction strategies. This technical analysis must: (a) Identify specific strategies that are likely to be most effective in achieving necessary emissions reductions for key energy uses and customer segments; and (b) be performed by one or more expert consultants, with administrative and policy support provided by the department.

(72) \$7,454,000 of the Andy Hill cancer research endowment fund match transfer account—state appropriation is provided solely for the Andy Hill cancer research endowment program. Amounts provided in this subsection may be used for grants and administration costs.

(73) \$600,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to law enforcement agencies to implement group violence intervention strategies in areas with high rates of gun violence. Grant funding will be awarded to two sites, with priority given to Yakima county and south King county. The sites must be located in areas with high rates of gun violence, include collaboration with the local leaders and community members, use data to identify the individuals most at risk to perpetrate gun violence for interventions, and include a

component that connects individuals to services. Priority is given to sites meeting these criteria who also can demonstrate leveraging existing local or federal resources.

(74) \$80,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to facilitate research on nontraditional workers across the regulatory continuum, including convening cross-agency partners. The purpose of the research is to recommend policies and practices regarding the state's worker and small business programs, address changes in the labor market, and continue work initiated by the independent contractor employment study funded in section 127(47), chapter 299, Laws of 2018. The department must submit a report of its findings to the governor by November 1, 2020.

(75) \$1,343,000 of the financial fraud and identity theft crimes investigation and prosecution account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6074 (financial fraud/theft crimes). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(76) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the operations of the long-term care ombudsman program.

(77) \$607,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to a statewide nonprofit resource center to assist current and prospective homeowners, and homeowners at risk of foreclosure. Funding must be used for activities to prevent mortgage or tax lien foreclosure, housing counselors, foreclosure prevention hotlines, low-income legal services, mediation, and other activities that promote homeownership.

(78) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to nonprofit organizations that primarily serve communities of color and poor rural communities in community planning, technical assistance, and predevelopment as part of the development of capital assets and programs that help reduce poverty and build stronger and more sustainable communities. The funds will be used to further the goal of equitable development of all Washington communities.

(79) \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide a grant to a nonprofit organization in King county to provide adult culinary skills training, housing, and other services to students who are experiencing or at risk of experiencing homelessness.

(80) \$391,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Pacific county to operate or participate in a drug task force to enhance coordination and intelligence while facilitating multijurisdictional criminal investigations.

(81) \$350,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to convene a work group to review and make recommendations for legislation to update the growth management act in light of the road map to Washington's future report produced by

the Ruckelshaus center. The task force must involve stakeholders from diverse perspectives in the process, including but not limited to representatives of counties, cities, the forestry and agricultural industries, the environmental community, Native American tribes, and state agencies. The work group must report on its activities and recommendations by December 1, 2020.

(82) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to produce the biennial report identifying a list of projects to address incompatible developments near military installations as provided in RCW 43.330.520.

(83) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the formation of a healthy energy workers board. The board must conduct an unmet health care needs assessment for Hanford workers and develop recommendations on how these health care needs can be met. The board must also review studies on how to prevent worker exposure, summarize existing results and recommendations, develop key indicators of progress in meeting unmet health care needs, and catalogue the health surveillance systems in use at the Hanford site. The workers board must submit a report to the legislature by June 1, 2021, documenting recommendations on meeting health care needs, progress on meeting key indicators, and, if necessary, recommendations for the establishment of new health surveillance systems at Hanford.

(84) \$23,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for curriculum development and training sessions for a veteran's certified peer counseling pilot program in Lewis county delivered in partnership with a Lewis county veterans museum.

(85) \$60,000,000 of the home security fund—state appropriation is provided solely for increasing local temporary shelter capacity. The amount provided in this subsection is subject to the following conditions and limitations:

(a) A city or county applying for grant funding shall submit a sheltering proposal that aligns with its local homeless housing plan under RCW 43.185C.050. This proposal must include at a minimum:

(i) A strategy for outreach to bring currently unsheltered individuals into shelter;

(ii) Strategies for connecting sheltered individuals to services including but not limited to: Behavioral health, chemical dependency, education or workforce training, employment services, and permanent supportive housing services;

(iii) An estimate on average length of stay;

(iv) An estimate of the percentage of persons sheltered who will exit to permanent housing destinations and an estimate of those that are expected to return to homelessness;

(v) An assessment of existing shelter capacity in the jurisdiction, and the net increase in shelter capacity that will be funded with the state grant; and

(vi) Other appropriate measures as determined by the department.

(b) The department shall not reimburse more than \$56 per day per net additional person sheltered above the baseline of shelter occupancy prior to award of the funding. Eligible uses of funds include shelter operations, shelter maintenance, shelter rent, loan repayment, case management, navigation to other services, efforts to address potential impacts of shelters on surrounding neighborhoods, capital improvements and construction, and outreach directly related to bringing unsheltered people into shelter. The department shall coordinate with local governments to encourage cost-sharing through local matching funds.

(c) The department shall not reimburse more than \$10,000 per shelter bed prior to occupancy, for costs associated with creating additional shelter capacity or improving existing shelters to improve occupancy rates and successful outcomes. Eligible costs prior to occupancy include acquisition, construction, equipment, staff costs, and other costs directly related to creating additional shelter capacity.

(d) For the purposes of this subsection "shelter" means any facility, the primary purpose of which is to provide space for homeless in general or for specific populations of homeless. The shelter must: Be structurally sound to protect occupants from the elements and not pose any threat to health or safety, have means of natural or mechanical ventilation, and be accessible to persons with disabilities, and the site must have hygiene facilities, which must be accessible but do not need to be in the structure.

(86) \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Senate Bill No. 6430 (industrial waste program). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse. Of the amount provided in this subsection, \$250,000 of the general fund—state appropriation is provided solely for industrial waste coordination grants.

(87)(a) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to continue and expand the el nuevo camino pilot project for the purpose of addressing serious youth gang problems in counties in eastern Washington. The department shall adopt policies and procedures as necessary to administer the pilot project, including the application process, disbursement of the grant award to the selected applicants, and tracking compliance and measuring outcomes. Partners, grant recipients, prosecutors, mental health practitioners, schools, and other members of the el nuevo camino pilot project, shall ensure that programs, trainings, recruiting, and other operations for el nuevo camino pilot project prohibit discriminatory practices, including biased treatment and profiling of youth or their communities. For the purposes of this subsection, antidiscriminatory practices prohibit grant recipients or their partners from using factors such as race, ethnicity, national origin, immigration or citizenship status, age, religion, gender, gender identity, gender expression, sexual

orientation, and disability in guiding or identifying affected populations.

(b) An eligible applicant:

(i) Is a county located in Washington or its designee;

(ii) Is located east of the Cascade mountain range;

(iii) Has an identified gang problem;

(iv) Pledges and provides a minimum of sixty percent of matching funds over the same time period of the grant;

(v) Has established a coordinated effort with committed partners, including law enforcement, prosecutors, mental health practitioners, and schools;

(vi) Has established goals, priorities, and policies in compliance with the requirements of (c) of this subsection; and

(vii) Demonstrates a clear plan to engage in long-term antigang efforts after the conclusion of the pilot project.

(c) The grant recipients must:

(i) Work to reduce youth gang crime and violence by implementing the comprehensive gang model of the federal juvenile justice and delinquency prevention act of 1974;

(ii) Increase mental health services to unserved and underserved youth by implementing the best practice youth mental health model of the national center for mental health and juvenile justice;

(iii) Work to keep high-risk youth in school, reenroll dropouts, and improve academic performance and behavior by engaging in a grass roots team approach in schools with the most serious youth violence and mental health problems, which must include a unique and identified team in each district participating in the project;

(iv) Hire a project manager and quality assurance coordinator;

(v) Adhere to recommended quality control standards for Washington state research-based juvenile offender programs as set forth by the Washington state institute for public policy; and

(vi) Report to the department by April 1, 2021, with the following:

(A) The number of youth and adults served through the project and the types of services accessed and received;

(B) The number of youth satisfactorily completing chemical dependency treatment in the county;

(C) The estimated change in domestic violence rates;

(D) The estimated change in gang participation and gang violence;

(E) The estimated change in dropout and graduation rates;

(F) The estimated change in overall crime rates and crimes typical of gang activity;

(G) The estimated change in recidivism for youth offenders in the county; and

(H) Other information required by the department or otherwise pertinent to the pilot project.

(d) The department shall report the information from (c)(vi) of this subsection and other relevant data to the legislature and the governor by June 1, 2021.

(88) \$421,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6288 (office of firearm violence). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(89)(a) \$15,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to support the operation, maintenance, and service costs of permanent supportive housing projects or permanent supportive housing units within housing projects that have or will receive funding from the housing trust fund—state account or other public capital funding where the projects or units:

(i) Are dedicated as permanent supportive housing units;

(ii) Are occupied by low-income households with incomes at or below thirty percent of the area median income; and

(iii) Require a supplement to rental income to cover ongoing property operating, maintenance, and service expenses.

(b) The department may use a maximum of five percent of the appropriations in this subsection to administer the grant program.

(90) \$1,007,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to administer a transitional housing pilot program for nondependent homeless youth. In developing the pilot program, the department will work with the adolescent unit within the department of children, youth, and families, which is focused on cross-system challenges impacting youth, including homelessness.

(91) \$420,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute Senate Bill No. 6495 (housing & essential needs). The amount provided in this subsection is provided solely for essential needs and housing support assistance to individuals newly eligible for housing and essential needs support under Substitute Senate Bill No. 6495. If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(92) \$10,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to make recommendations on a sustainable, transparent, and reactive funding model for the operation of the long-term care ombuds program.

(a) The department must recommend a plan that:

- (i) Serves all residents in long term care equally;
- (ii) Is reactive to changes in service costs; and
- (iii) Is reactive to changes in number of residents and types of facilities served.

(b) The department shall convene not more than three stakeholder meetings that includes representatives from the department of social and health services, the department of commerce, the department of health, the office of financial management, the office of the governor, the long-term care ombuds program, representatives of long term care facilities, representatives for the area agencies on aging, and other stakeholders as appropriate. The department must submit a report with recommendations to the governor and the appropriate fiscal and policy committees of the legislature by December 1, 2020.

(93) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to establish representation in key international markets that will provide the greatest opportunities for increased trade and investment for small businesses in the state of Washington. Prior to entering into any contract for representation, the department must consult with associate development organizations and other organizations and associations that represent small business, rural industries, and disadvantaged business enterprises. By June 1, 2021, the department must transmit a report to the economic development committees of the legislature providing the following information, metrics, and private investment resulting from the department's engagement with international markets:

(a) An overview of the international markets in which the department has established representation and activities and contracts funded with amounts provided in this subsection;

(b) Additional funding invested in Washington companies;

(c) The number of jobs created in Washington; and

(d) The number of partnerships established and maintained by the department with international governments, businesses, and organizations.

(94) \$80,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to establish an identification assistance and support program to assist homeless persons in collecting documentation and procuring an identicard issued by the department of licensing. This program may be operated through a contract for services. The program shall operate in one county west of the crest of the Cascade mountain range with a population of one million or more and one county east of the crest of the Cascade mountain range with a population of five hundred thousand or more.

(95) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of homeless youth to administer a competitive grant process to award funding to licensed youth shelters, HOPE centers, and crisis residential centers to provide behavioral health support services for youth in crisis.

(96) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department of commerce to co-lead a prevention workgroup with the department of children, youth, and families. The workgroup shall focus on preventing youth and young adult homelessness and other related negative outcomes. The workgroup shall consist of members representing the department of social and health services, the employment security department, the health care authority, the office of the superintendent of public instruction, the Washington student achievement council, the interagency workgroup on youth homelessness, community-based organizations, and young people and families with lived experience of housing instability, child welfare involvement or justice system involvement.

(a) The workgroup must develop a preliminary strategic plan to be submitted to the appropriate committees of the legislature by December 31, 2020 that details:

(i) How existing efforts in this area are coordinated;

(ii) The demographics of youth involved in homelessness and other related negative outcomes;

(iii) Recommendations on promising interventions and policy improvements; and

(iv) Detail and descriptions of current prevention funding streams.

(b) The department of commerce shall solicit private funding to support this workgroup. It is the intent of the legislature that this study be supported by a minimum of a one-to-one match with private funds.

(97) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to the pacific science center for a maker and innovation lab. Grant funds are to be used to develop and operate new experiential learning opportunities.

(98) \$1,500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants and associated technical assistance and administrative costs to foster collaborative partnerships that expand child care capacity in communities. Eligible applicants include nonprofit organizations, school districts, educational service districts, and local governments. These funds may be expended only after the approval of the director of the department of commerce and must be used to support activities and planning that helps communities address the shortage of child care, prioritizing partnerships serving in whole or in part areas identified as child care access deserts.

(99) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a regional museum that is working with a national museum of American history and a regional theater to provide educational tools and experiences to students statewide relating to the democratic system in the state of Washington.

(100) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a nonprofit organization formed in 2018 that provides a shared housing and living environment for pregnant women, single

mothers, and their children who are homeless or at risk of being homeless throughout Pierce county. The nonprofit organization must have persons in executive leadership who have experienced family homelessness. The grant must be used for providing classes at the shared housing location on topics such as financial literacy, renter rights and responsibilities, parenting, and physical and behavioral health.

(101) \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to contract with a consultant to study incorporating the unincorporated communities of Fredrickson, Midland, North Clover Creek, Collins, Parkland, Spanaway, Summit-Waller, and Summit View into a single city. The study must include, but not be limited to, the impacts of incorporation on the local tax base, crime, homelessness, infrastructure, public services, and behavioral health services, in the listed communities. The department must submit the study to the appropriate committees of the legislature by June 1, 2021.

(102) \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to Clallam county to conduct an assessment of the needs of the county's homeless population. The assessment must include an analysis of the impacts of substance abuse treatment at the county's substance abuse treatment facilities on the county's homeless population. The assessment must also provide recommendations for improvements of the county's local homeless housing program. Funding provided in this subsection may also be used to implement recommendations from the assessment or to provide shelter, services, and relocation assistance for homeless individuals.

(103) \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of homeless youth prevention and protection programs to create a centralized diversion fund to serve homeless or at-risk youth and young adults, including those who are unsheltered, exiting inpatient programs, or in school. Funding provided in this subsection may be used for short-term rental assistance, offsetting costs for first and last month's rent and security deposits, transportation costs to go to work, and assistance in obtaining photo identification or birth certificates.

(104) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a nonprofit located in King county that serves homeless and at-risk youth and young adults. The grant must be used for a pre-apprenticeship program for youth and young adults experiencing homelessness to prepare and obtain employment in the construction trades by building affordable housing and to earn a high school diploma or equivalent, college credits, or industry certifications.

(105) \$175,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to contract with a nongovernment organization whose primary focus is the economic development of the city of Federal Way. The contract must be for economic development activities with a focus on business expansion,

retention, and attraction, job creation, and workforce development in the south Puget Sound.

(106) \$5,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a pilot program to address the immediate housing needs of low or extremely low-income elderly or disabled adults receiving federal supplemental security, federal social security disability, or federal social security retirement income who have an immediate housing need and live in King, Snohomish, Thurston, Kitsap, Pierce, or Clark counties.

(107) \$25,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to the King county drainage district number 5 for extraordinary audit costs and to perform deferred maintenance on drainage ditches located within the district.

(108) \$150,000 of the model toxics control stormwater account—state appropriation is provided solely for planning work related to stormwater runoff at the aurora bridge and I-5 ship canal bridge. Planning work may include, but is not limited to, coordination with project partners, community engagement, conducting engineering studies, and staff support.

(109) \$750,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to the south King fire and rescue fire protection district located in King county to purchase a maritime emergency response vessel.

(110) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with a nonprofit to provide technical assistance to manufactured home community resident organizations who wish to convert the park in which they reside to resident ownership, pursuant to RCW 59.22.039.

(111) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2342 (comprehensive plan updates). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(112) \$46,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2405 (comm. property/clean energy). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(113) \$1,100,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2870 (marijuana retail licenses). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(114) \$297,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a nonprofit provider of sexual assault services located in Renton. The grant must be used for information technology system improvements.

(115) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to assist people with limited incomes in urban areas of the state start and sustain small businesses. The grant recipient must be a nonprofit organization involving a network of microenterprise organizations and professionals to support micro entrepreneurship and access to economic development resources.

(116) \$1,000,000 of the community preservation and development authority account—state/operating appropriation is provided solely for the operations of the Pioneer Square-International District community preservation and development authority established in RCW 43.167.060.

(117)(a) \$40,000,000 of the Washington housing trust account—state appropriation is provided solely for production and preservation of affordable housing.

(b) In evaluating projects in this subsection, the department must give preference for applications based on some or all of the criteria in RCW 43.185.070(5).

(c) The appropriations in this subsection are subject to the reporting requirements in section 1029 (3) and (4), chapter 413, Laws of 2019.

(118)(a) \$10,000,000 of the Washington housing trust account—state appropriation is provided solely for the preservation of affordable multifamily housing at risk of losing affordability due to expiration of use restrictions that otherwise require affordability including, but not limited to, United States department of agriculture funded multifamily housing.

(b) Within the amount provided in this subsection, the department must implement necessary procedures no later than July 1, 2020, to enable rapid commitment of funds on a first-come, first-served basis to qualifying project proposals that satisfy the goal of long-term preservation of Washington's affordable multifamily housing stock, particularly in rural areas of the state.

(c) The department must adhere to the following award terms and procedures for the rapid response program created under (b) of this subsection:

(i) The funding is not subject to the ninety-day application periods in RCW 43.185.070 or 43.185A.050.

(ii) Awards must be in the form of a recoverable grant with a forty-year low income housing covenant on the land.

(iii) If a capital needs assessment is required, the department must work with the applicant to ensure that this does not create an unnecessary impediment to rapidly accessing these funds.

(iv) Awards may be used for acquisition or for acquisition and rehabilitation of properties to preserve the affordable housing units beyond existing use restrictions and keep them in Washington's housing portfolio.

(v) No single award may exceed \$2,500,000, although the department must consider waivers of this award cap if an applicant demonstrates sufficient need.

(vi) The award limit in (c)(v) of this subsection may only be applied to the use of awards provided under this subsection. The amount awarded under this subsection may not be calculated in award limitations for other housing trust fund awards.

(vii) 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, "greatest public benefit" includes, but is not limited to:

(A) The greatest number of units that will be preserved;

(B) Whether the project has federally funded rental assistance tied to it;

(C) The scarcity of the affordable housing applied for compared to the number of available affordable housing units in the same geographic location; and

(D) The program's established funding priorities under RCW 43.185.070(5).

(d) The appropriations in this subsection are subject to the reporting requirements in section 1029 (3) and (4), chapter 413, Laws of 2019.

(119)(a) \$5,000,000 of the Washington housing trust account—state appropriation is provided solely for housing preservation grants or loans to be awarded competitively.

(b) 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 to be provided prior to contract execution. Funds may not be used to add or expand the capacity of the property.

(c) To allocate preservation funds, the department must review applications and evaluate projects based on the following criteria:

(i) The age of the property, with priority given to buildings that are more than fifteen years old;

(ii) The population served, with priority given to projects with at least fifty percent of the housing units being occupied by families and individuals at or below fifty percent area median income;

(iii) The degree to which the applicant demonstrates that the improvements will result in a reduction of operating or utilities costs, or both;

(iv) The potential for additional years added to the affordability period of the property; and

(v) Other criteria that the department considers necessary to achieve the purpose of this program.

(d) The appropriations in this subsection are subject to the reporting requirements in section 1029 (3) and (4), chapter 413, Laws of 2019.

(120) \$500,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department of commerce to contract with a nonprofit organization to establish and operate a center for child care retention and expansion. The nonprofit organization must be a Bellingham, Washington-based nonprofit community action agency with fifty years of experience serving homeless and low-income families and individuals.

(a) Funding provided in this subsection may be used for, but is not limited to, the following purposes:

(i) Creating a rapid response team trained to help child care businesses whose continuity of operations is threatened;

(ii) Developing business model prototypes for new child care settings; and

(iii) Assisting existing or new child care businesses in assessing readiness for expansion or acquisition.

(b) Of the amounts provided in this subsection:

(i) \$120,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for staffing at the center for child care; and

(ii) \$380,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the nonprofit organization to distribute grants to third party child care providers and nongovernmental organizations. Nonprofit entities applying for funding as a statewide network must:

(A) Have an existing infrastructure or network of academic, innovation, and mentoring program grant-eligible entities;

(B) Provide after-school and summer programs with youth development services; and

(C) Provide proven and tested recreational, educational, and character-building programs for children ages six to eighteen years of age.

**Sec. 128.** 2019 c 415 s 130 (uncodified) is amended to read as follows:

**FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund—State Appropriation (FY 2020) .....((~~\$860,000~~))

\$874,000

General Fund—State Appropriation (FY 2021) .....((~~\$888,000~~))

\$914,000

Pension Funding Stabilization Account—State Appropriation..... \$102,000

Lottery Administrative Account—State Appropriation ..... \$50,000

TOTAL APPROPRIATION ..... \$1,900,000

\$1,940,000

**Sec. 129.** 2019 c 415 s 131 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund—State Appropriation (FY 2020) .....((~~\$28,833,000~~))

\$29,306,000

General Fund—State Appropriation (FY 2021) .....((~~\$12,303,000~~))

\$13,799,000

General Fund—Federal Appropriation .....((~~\$32,512,000~~))

\$33,013,000

General Fund—Private/Local Appropriation .....\$5,526,000

Economic Development Strategic Reserve Account—State

Appropriation.....\$330,000

Personnel Service Account—State Appropriation .....((~~\$35,133,000~~))

\$35,360,000

Higher Education Personnel Services Account—State Appropriation.....\$1,497,000

Statewide Information Technology System Development

Maintenance and Operations Revolving

Account—State Appropriation .....((~~\$13,298,000~~))

\$32,921,000

Office of Financial Management Central Service Account—

State Appropriation.....((~~\$20,710,000~~))

\$21,118,000

Pension Funding Stabilization Account—State Appropriation.....\$2,446,000

Performance Audits of Government Account—State Appropriation.....\$678,000

TOTAL APPROPRIATION .....\$153,266,000

\$175,994,000

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

(1)(a) The student achievement council and all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW shall ensure that data needed to analyze and evaluate the effectiveness of state

financial aid programs are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

(i) The number of state need grant and college bound recipients;

(ii) The number of students on the unserved waiting list of the state need grant;

(iii) Persistence and completion rates of state need grant recipients and college bound recipients as well as students on the state need grant unserved waiting list, disaggregated by institution of higher education;

(iv) State need grant recipients and students on the state need grant unserved waiting list grade point averages; and

(v) State need grant and college bound scholarship program costs.

(b) The student achievement council shall submit student unit record data for state financial aid program applicants and recipients to the education data center.

(c) The education data center shall enter data sharing agreements with the joint legislative audit and review committee and the Washington state institute for public policy to ensure that legislatively directed research assignments regarding state financial aid programs may be completed in a timely manner.

(2)(a) (~~(\$10,000,000)~~) \$29,623,000 of the statewide information technology system development revolving account—state appropriation is provided solely for (~~(continuation of readiness activities for)~~) the one Washington program agency financial reporting system replacement, phase 1A core financials. Of the amounts provided in this subsection:

(i) (~~(\$7,082,000)~~) \$7,082,000 of the statewide information technology system development revolving account—state appropriation is provided solely for organizational enterprise resource planning, organizational change management, and procurement contracts in fiscal year 2020.

(ii) \$459,000 of the statewide information technology system development revolving account—state appropriation is provided solely for staff in fiscal year 2020.

(iii) \$1,000,000 of the statewide information technology system development revolving account—state appropriation is provided solely for other contractual services or project staffing in fiscal year 2020.

(iv) (~~(\$459,000)~~) \$1,366,000 of the statewide information technology system development revolving account—state appropriation is provided solely for program staff in fiscal year 2021.

(v) \$442,000 of the statewide information technology system development revolving account—state appropriation is provided solely for dedicated integration development staffing in fiscal year 2021. This staff will work to expand the states integration layer.

(vi) \$140,000 of the statewide information technology system development revolving account—state appropriation is provided solely for a dedicated statewide accounting consultant in fiscal year 2021. This staff will work with state agencies to standardize workflow and work with the systems integrator to configure the agency financial reporting system replacement. The staff will also update applicable state administrative and accounting manual chapters to document new standardized workflows.

(vii) (~~(\$1,000,000)~~) \$19,576,000 of the statewide information technology system development revolving account—state appropriation is provided solely for other contractual services or project staffing in fiscal year 2021.

(b) Beginning September 30, 2019, the office of financial management shall provide written quarterly reports on the one Washington program to the legislative fiscal committees and the legislative evaluation and accountability program committee to include how (~~(funding was spent for the prior quarter)~~) funding was spent for the prior quarter and what the ensuing quarter budget will be by fiscal month. The written report must also include:

(i) A list of quantifiable deliverables accomplished and the expenditures by deliverable by fiscal month;

(ii) A report on the contract full time equivalent charged and paid to each vendor by fiscal month; and

(iii) A report identifying each state agency that received change management vendor work from the information technology pool by fiscal month.

(c) Prior to spending any funds, the director of the office of financial management must agree to the spending and sign off on the spending.

(d) This subsection is subject to the conditions, limitations, and review requirements of (~~(section 719 of this act)~~) section 701 of this act.

(e) Financial reporting for the agency change management funding must be coded and charged discretely in the agency financial reporting system each fiscal month so that it can be differentiated from the noninformation technology pool change management budget and costs.

(3) Within existing resources, the labor relations section shall produce a report annually on workforce data and trends for the previous fiscal year. At a minimum, the report must include a workforce profile; information on employee compensation, including salaries and cost of overtime; and information on retention, including average length of service and workforce turnover.

(4) \$12,741,000 of the personnel service account—state appropriation in this section is provided solely for administration of orca pass benefits included in the 2019-2021 collective bargaining agreements and provided to nonrepresented employees as identified in section 996 of this act. The office of financial management must bill each agency for that agency's proportionate share of the cost of orca passes. The payment from each agency must be deposited in to the personnel service account and used to purchase orca passes. The office of financial management

may consult with the Washington state department of transportation in the administration of these benefits.

(5) \$12,485,000 of the personnel service fund appropriation is provided solely for the administration of a flexible spending arrangement (FSA) plan. Agencies shall pay their proportional cost for the program as determined by the office of financial management. Total amounts billed by the office of financial management for this purpose may not exceed the amount provided in this subsection. The office of financial management may, through interagency agreement, delegate administration of the program to the health care authority.

(6) \$1,536,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5741 (all payer claims database), and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act. ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(7) \$157,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Substitute House Bill No. 1949 (firearm background checks). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(8) Within amounts appropriated in this section, funding is provided to implement Second Substitute House Bill No. 1497 (foundational public health).

(9) \$110,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the office of financial management to determine annual primary care medical expenditures in Washington, by insurance carrier, in total and as a percentage of total medical expenditure. Where feasible, this determination must also be broken down by relevant characteristics such as whether expenditures were for in-patient or out-patient care, physical or mental health, by type of provider, and by payment mechanism.

(a) The determination must be made in consultation with statewide primary care provider organizations using the state's all payer claims database and other existing data.

(b) For purposes of this section:

(i) "Primary care" means family medicine, general internal medicine, and general pediatrics.

(ii) "Primary care provider" means a physician, naturopath, nurse practitioner, physician assistant, or other health professional licensed or certified in Washington state whose clinical practice is in the area of primary care.

(iii) "Primary care medical expenditures" means payments to reimburse the cost of physical and mental health care provided by a primary care provider, excluding prescription drugs, vision care, and dental care, whether paid on a fee-for-service basis or as a part of a capitated rate or other type of payment mechanism.

(iv) "Total medical expenditure" means payments to reimburse the cost of all health care and prescription drugs, excluding vision care and dental care, whether paid on a fee-

for-service basis or as part of a capitated rate or other type of payment mechanism.

(c) By December 1, 2019, the office of financial management shall report its findings to the legislature, including an explanation of its methodology and any limits or gaps in existing data which affected its determination.

(10) \$1,200,000 of the office of financial management central services—state appropriation is provided solely for the education research and data center to set up a data enclave and to work on complex data sets. This is subject to the conditions, limitations and review requirements of ~~((section 719 of this act))~~ section 701 of this act. The data enclave for customer access must include twenty-five users, to include one user from each of the following entities:

(a) The house;

(b) The senate;

(c) The legislative evaluation and accountability program committee;

(d) The joint legislative audit and review committee; and

(e) The Washington state institute for public policy.

(11) ~~(((\$345,000 of the statewide information technology system development revolving account—state appropriation is provided solely for modifications to the facilities portfolio management tool to expand the ability to track leases of land, buildings, equipment, and vehicles. This is subject to the conditions, limitations, and review requirements of section 719 of this act.))~~

~~((4))~~) \$250,000 of the office of financial management central service—state appropriation is provided solely for a dedicated budget staff for the work associated with the information technology cost pool projects. The staff will be responsible for providing a monthly financial report after each fiscal month close to fiscal staff of the senate ways and means and house appropriations committees to reflect at least:

(a) Fund balance of the information technology pool account;

(b) Amount by project of funding approved to date and for the last fiscal month;

(c) Amount by agency of funding approved to date and for the last fiscal month;

(d) Total amount approved to date and for the last fiscal month; ~~((and))~~

(e) Amount of expenditure on each project by the agency to date and for the last fiscal month;

(f) A projection for the information technology pool account by fiscal month through the 2019-2021 fiscal biennium close, and as a calculation of amount spent to date as a percentage of total appropriation;

(g) A projection of each project by fiscal month through the 2019-2021 fiscal biennium close, and a

calculation of amount spent to date as a percentage of total project cost; and

(h) A list of agencies and projects that have not yet been approved for funding by the office of financial management.

~~((15))~~ (12) \$15,000,000 of the general fund—state appropriation for fiscal year 2020, \$159,000 of the general fund—state appropriation for fiscal year 2021, and \$5,000,000 of the general fund—private/local appropriation are provided solely for the office of financial management to prepare for the 2020 census. No funds provided under this subsection may be used for political purposes. The office must:

(a) Complete outreach and a communication campaign that reaches the state's hardest to count residents;

(b) Perform frequent outreach to the hard-to-count population both in person through community messengers and through various media avenues;

(c) Establish deliverable-based outreach contracts with nonprofit organizations and local and tribal contracts;

(d) Consider the recommendations of the statewide complete count committee;

(e) Prepare documents in multiple languages to promote census participation;

(f) Provide technical assistance with the electronic census forms; and

(g) Hold in reserve \$5,000,000 of the general fund—state appropriation for fiscal year 2020 and \$5,000,000 of the general fund—private/local appropriation, until January 1, 2020, for contracting with community based organizations with historical access to and credibility with hard-to-count people to support outreach to the hardest to count and last-mile efforts.

(13) Within existing resources and in consultation with the office of the superintendent of public instruction, the office of financial management shall review and report on the pupil transportation funding system for K-12 education. The report shall include findings and recommendations and shall be submitted to the governor and the appropriate committees of the legislature by August 1, 2020. This report shall include review of the following:

(a) The formula components and modeling approach in RCW 28A.160.192;

(b) The data used in the analysis for completeness, validity, and appropriateness;

(c) The timing requirements and whether they could be changed;

(d) The STARS model for appropriateness, functionality, and alignment with statute; and

(e) The capacity and resources of the office of the superintendent of public instruction to produce the transportation analysis.

(14) \$192,000 of the general fund—state appropriation for fiscal year 2020 and \$288,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of financial management to contract for project management and fiscal modeling to support collaborations with the office of the superintendent of public instruction and department of children, youth, and families to complete a report with options and recommendations for administrative efficiencies and long-term strategies which align and integrate high-quality early learning programs administered by both agencies. The report is due to the governor and the appropriate committees of the legislature by September 1, 2020.

(15) When determining financial feasibility and submitting a request for funds necessary to implement collective bargaining agreements for the 2021-2023 fiscal biennium, the office of financial management should request funds from the state general fund rather than the state wildlife account for the department of fish and wildlife cost. The legislature intends that requests for funds not be made from accounts with insufficient fund balances and where the administering agency lacks the statutory authority to generate additional revenue to the account.

(16) The office shall consult with agencies of the state, including but not limited to the department of natural resources, state parks and recreation commission, department of fish and wildlife, conservation commission, Puget Sound partnership, recreation and conservation office, and department of ecology, to prioritize actions and investments that mitigate the effects of climate change and strengthen the resiliency of communities and the natural environment. The recommended prioritization list shall be submitted to the governor and the legislature by November 1, 2020, to be considered for funding from the climate resiliency account created in section 924 of this act.

(17) The education research and data center must provide data requested by the joint legislative audit and review committee or the Washington state institute for public policy within six months from the date of the initial formal request. The education research and data center and data contributors must notify the joint committee or the institute in writing if they determine the data request does not comply with the federal educational rights and privacy act, no later than twenty-one days after the initial formal request.

(18) \$40,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of financial management to review and report on vendor rates for services provided to low-income individuals at the department of children, youth, and families, the department of corrections, and the department of social and health services. The report must be submitted to the governor and the appropriate committees of the legislature by December 1, 2020, and must include review of, at least:

(a) The current rates for services by vendor;

(b) A history of increases to the rates since fiscal year 2010 by vendor;

(c) A comparison of how the vendor increases and rates compare to inflation; and

(d) A summary of the billing methodology for the vendor rates.

(19) \$150,000 of the general fund—state appropriation for fiscal year 2021 and \$150,000 of the general fund—federal appropriation are provided solely for the office to seek an independent audit of the health care authority's administrative costs and expenditures. The audit must be provided to the legislature no later than September 1, 2021, and must include all administrative costs associated with the medicaid program, including, but not limited to costs expended by the authority for:

(a) Staff necessary to operate the program;

(b) Administrative costs associated with managed care plan operation;

(c) Other administrative costs incurred through additional third party administrators or administrators of medicaid or medicaid-related programs; and

(d) Fiscal intermediaries and third party administrators engaged on behalf of the authority.

(20) \$350,000 of the general fund—state appropriation for fiscal year 2021, and \$350,000 of the general fund—federal appropriation are provided solely to contract with one or more research or actuarial entities to examine the delivery of behavioral and physical health care services for which the health care authority contracts with a risk-bearing fiscal intermediary, excluding any contracts for employee benefit programs. A report must be provided to the legislature no later than September 1, 2021, and must include:

(a) A description of the types of payment methods currently used by risk-bearing fiscal intermediaries to establish provider payments. The report must identify, and, to the extent practicable, quantify, instances of case payment rates, broad encounter rates, value-based purchasing, subcapitation, or similar methodologies;

(b) Options available to the legislature and the governor to ensure that risk-bearing fiscal intermediaries meet standards for quality and access to care; and

(c) Options available to the legislature and the governor to modify payment rates to providers that offer services under medicaid managed care. To the extent practicable, for each option the report must discuss the potential implications to federal funding and client access to care for both state-funded and private pay patients and identify whether the option could be restricted to particular types of service, provider specializations, client characteristics, care settings, geographic areas, or other relevant, identified demographic criteria.

(21) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the education research and data center to expand its higher education finance report on the education research and data center web site to include budget, expenditure, and revenue data for institutions of higher education. The budget, expenditure,

and revenue data must be by fund for each institution and for all appropriated, nonappropriated, and nonallotted funds, including the source and use of tuition and fee revenue. Expenditure data must include program and activity information. Revenue data must include source of funds.

(22) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided on a one-time basis solely for the office to work with a correctional facility located in Des Moines, Washington serving the confinement needs of multiple member cities and a number of contract agencies to study and review the most cost effective delivery options for providing medication assisted treatment to individuals located in local jails and state correctional facilities. The office shall provide a report to the legislature and the appropriate fiscal committees of the legislature by November 10, 2020, which includes recommendations for and the costs associated with providing safe, effective treatment and coordination of care. The study and report must include identification of alternative revenue sources.

(23) \$90,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the education research and data center to conduct a statewide study of opportunity youth. The center shall provide a report of its findings to the appropriate committees of the legislature by December 31, 2020. The study must include:

(a) The number of people in Washington between the ages of sixteen and twenty-nine who have enrolled in Washington schools or participated in the Washington workforce between 2015 and 2019 before completely opting out, including:

(i) The rate of young people without a high school diploma or a high school equivalency certificate who are disconnected from high school;

(ii) The rate of young people with a high school diploma, but without a postsecondary credential, who are disconnected from postsecondary education and may or may not be working;

(iii) The rate of young people with a postsecondary credential, but not enrolled in postsecondary education, who are disconnected from the Washington workforce; and

(iv) The rate of young people disconnected from the Washington workforce and not enrolled in Washington schools.

(b) The education levels for each of the following age bands: 16-18, 19-21, 22-24, 25-29. The education levels include:

(i) No diploma;

(ii) High school diploma or high school equivalency certificate;

(iii) Some higher education but no degree;

(iv) Associates degree;

(v) Bachelor's degree;

(vi) Graduate degree or higher; and

(vii) Degree (associates or higher).

(c) The employment levels for each of the following age bands: 16-18, 19-21, 22-24, 25-29. The employment levels include:

(i) Not employed;

(ii) Part-time; and

(iii) Full-time.

(d) Disaggregation of data to the extent possible by race, gender, native or foreign born, income above or below 200 percent of the poverty line, average salary, and job industry.

**Sec. 130.** 2019 c 415 s 132 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Account—State Appropriation .....	<del>(\$45,688,000)</del>
	<u>\$47,550,000</u>
TOTAL APPROPRIATION .....	<u>\$45,688,000</u>
	<u>\$47,550,000</u>

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

(1) \$173,000 of the administrative hearing revolving account—state appropriation is provided solely for the implementation of chapter 13, Laws of 2019 (SHB 1399).

(2) \$46,000 of the administrative hearings revolving account—state appropriation is provided solely for the implementation of Second Substitute House Bill No. 1645 (parental improvement). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 131.** 2019 c 415 s 133 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE LOTTERY**

Lottery Administrative Account—State Appropriation .....	<del>(\$29,854,000)</del>
	<u>\$29,858,000</u>
TOTAL APPROPRIATION .....	<u>\$29,854,000</u>
	<u>\$29,858,000</u>

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

(1) No portion of this appropriation may be used for acquisition of gaming system capabilities that violate state law.

(2) Pursuant to RCW 67.70.040, the commission shall take such action necessary to reduce retail commissions to an average of 5.1 percent of sales.

**Sec. 132.** 2019 c 415 s 134 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON HISPANIC AFFAIRS**

General Fund—State Appropriation (FY 2020) .....	<del>(\$401,000)</del>
	<u>\$438,000</u>
General Fund—State Appropriation (FY 2021) .....	<del>(\$413,000)</del>
	<u>\$465,000</u>
Pension Funding Stabilization Account—State Appropriation .....	\$26,000
TOTAL APPROPRIATION .....	<u>\$840,000</u>
	<u>\$929,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$3,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5023 (ethnic studies). ~~(If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.)~~

**Sec. 133.** 2019 c 415 s 135 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

General Fund—State Appropriation (FY 2020) .....	<del>(\$318,000)</del>
	<u>\$321,000</u>
General Fund—State Appropriation (FY 2021) .....	<del>(\$301,000)</del>
	<u>\$408,000</u>
Pension Funding Stabilization Account—State Appropriation .....	\$26,000
TOTAL APPROPRIATION .....	<u>\$645,000</u>
	<u>\$755,000</u>

**Sec. 134.** 2019 c 415 s 136 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS**

Department of Retirement Systems Expense Account—State Appropriation .....	<del>(\$60,059,000)</del>
	<u>\$61,964,000</u>
TOTAL APPROPRIATION .....	<u>\$60,059,000</u>
	<u>\$61,964,000</u>

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

(1) ~~(\$160,000)~~ \$166,000 of the department of retirement systems—state appropriation is provided solely

for the administrative costs associated with implementation of Substitute House Bill No. 1661 (higher education retirement). If the bill is not enacted by June 30, ~~((2019))~~ 2020, the amount provided in this subsection shall lapse.

(2) \$106,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of Senate Bill No. 5350 (optional life annuity). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(3) \$139,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of Engrossed Substitute House Bill No. 1308 or Senate Bill No. 5360 (retirement system defaults). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(4) \$44,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of House Bill No. 1408 (survivorship benefit options). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(5) \$53,000 of the department of retirement systems—state appropriation is provided solely for implementation of Senate Bill No. 6417 (survivor option change). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(6) \$48,000 of the department of retirement systems—state appropriation is provided solely for implementation of Engrossed House Bill No. 1390 (public employees retirement systems). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(7) \$44,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with ongoing implementation and administrative costs associated with House Bill No. 2189 (PSERS/comp restoration work). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(8) \$144,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with ongoing implementation of chapter 259, Laws of 2019 (E2SHB 1139).

(9) \$38,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with ongoing implementation and administrative costs associated with Substitute House Bill No. 2544 (definition of veteran). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 135.** 2019 c 415 s 137 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF REVENUE**

General Fund—State Appropriation (FY 2020)	(( <del>\$150,681,000</del> ))
	<u>\$150,901,000</u>
General Fund—State Appropriation (FY 2021)	(( <del>\$144,287,000</del> ))
	<u>\$153,625,000</u>
Timber Tax Distribution Account—State Appropriation	(( <del>\$7,289,000</del> ))
	<u>\$7,368,000</u>
Business License Account—State Appropriation	(( <del>\$20,606,000</del> ))
	<u>\$20,666,000</u>
Waste Reduction, Recycling, and Litter Control Account—State Appropriation	\$168,000
Model Toxics Control Operating Account—State Appropriation	\$119,000
Financial Services Regulation Account—State Appropriation	\$5,000,000
Pension Funding Stabilization Account—State Appropriation	\$13,486,000
TOTAL APPROPRIATION	<u>\$341,636,000</u>
	<u>\$351,333,000</u>

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

(1) \$142,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Second Substitute House Bill No. 1059 (B&O return filing due date). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(2)(a) ~~((~~\$4,150,000~~))~~ \$4,268,000 of the general fund—state appropriation for fiscal year 2020 and ~~((~~\$1,921,000~~))~~ \$3,238,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to implement 2019 revenue legislation.

(b) Within the amounts provided in this subsection, sufficient funding is provided for the department to implement section 11 of Engrossed Substitute Senate Bill No. 5183 (manufactured/mobile homes).

(c)(i) Of the amounts provided in this subsection, ~~((~~\$1,061,000~~))~~ \$711,000 of the general fund—state appropriation for fiscal year 2020 and ~~((~~\$977,000~~))~~ \$1,327,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to facilitate a tax structure work group, initially created within chapter 1, Laws of 2017 3rd sp. sess. (SSB 5883) and hereby reauthorized.

(ii) In addition to the membership as set forth in chapter 1, Laws of 2017 3rd sp. sess., the tax structure work

group is expanded to include (~~nonvoting~~) voting members as follows:

(A) The president of the senate must appoint two members from each of the two largest caucuses of the senate;

(B) The speaker of the house of representatives must appoint two members from each of the two largest caucuses of the house of representatives; and

(C) The governor must appoint one member who represents the office of the governor.

(iii) The work group must include the following nonvoting members:

(A) One representative of the department;

(B) One representative of the association of Washington cities; and

(C) One representative of the Washington state association of counties.

(iv) All voting members of the work group must indicate, in writing, their interest in serving on the tax structure work group and provide a statement of understanding that the commitment to serve on the tax structure work group is through December 31, 2024. Elected officials not reelected to their respective offices may be relieved of their responsibilities on the tax structure work group. Vacancies on the tax structure work group must be filled within sixty days of notice of the vacancy. The work group must choose a chair or cochair from among its legislative membership. The chair is, or cochair is, responsible for convening the meetings of the work group no less than quarterly each year. Recommendations and other decisions of the work group may be approved by a simple majority vote. All work group members may have a representative attend meetings of the tax structure work group in lieu of the member, but voting by proxy is not permitted. Staff support for the work group must be provided by the department. The department may engage one or more outside consultants to assist in providing support for the work group. Members of the work group must serve without compensation but may be reimbursed for travel expenses under RCW 44.04.120, 43.03.050, and 43.03.060.

(v) The duties of the work group are to:

(A) By December 1, 2019, convene no less than one meeting to elect a chair, or cochair, and conduct other business of the work group;

(B) By December ~~(+)~~ 31, 2020, the department and technical advisory group must prepare a summary report of their preliminary findings and alternatives described in (c)(vii) of this subsection;

(C) By May 1, 2021, the work group must:

(I) Hold no less than one meeting in Olympia to review the preliminary findings described in (c)(vii) of this subsection. At least one meeting must engage stakeholder groups, as described in (c)(vi)(A) of this subsection;

(II) Begin to plan strategies to engage taxpayers and key stakeholder groups to encourage participation in the public meetings described in (c)(vii) of this subsection;

(III) Present the summary report described in (c)(vii) of this subsection in compliance with RCW 43.01.036 to the appropriate committees of the legislature;

(IV) Be available to deliver a presentation to the appropriate committees of the legislature including the elements described in (c)(vi)(B) of this subsection; and

(V) Finalize the logistics of the engagement strategies described in (c)(v)(D) of this subsection; and

(D) After the conclusion of the 2021 legislative session, the work group must:

(I) Hold no less than five public meetings in geographically dispersed areas of the state;

(II) Present the findings described in (c)(vii) of this subsection and alternatives to the state's current tax structure at the public meetings;

(III) Provide an opportunity at the public meetings for taxpayers to engage in a conversation about the state tax structure including, but not limited to, providing feedback on possible recommendations for changes to the state tax structure and asking questions about the report and findings and alternatives to the state's current tax structure presented by the work group;

(IV) Utilize methods to collect taxpayer feedback before, during, or after the public meetings that may include, but is not limited to: Small group discussions, in-person written surveys, in-person visual surveys, online surveys, written testimony, and public testimony;

(V) Encourage legislators to inform their constituents about the public meetings that occur within and near their legislative districts;

(VI) Inform local elected officials about the public meetings that occur within and near their communities; and

(VII) Summarize the feedback that taxpayers and other stakeholders communicated during the public meetings and other public engagement methods, and submit a final summary report, in accordance with RCW 43.01.036, to the appropriate committees of the legislature. This report may be submitted as an appendix or update to the summary report described in (c)(vii) of this subsection.

(vi)(A) The stakeholder groups referenced by (c)(v)(C)(I) of this subsection must include, at a minimum, organizations and individuals representing the following:

(I) Small, start-up, or low-margin business owners and employees or associations expressly dedicated to representing these businesses, or both; and

(II) Individual taxpayers with income at or below one hundred percent of area median income in their county of residence or organizations expressly dedicated to representing low-income and middle-income taxpayers, or both;

(B) The presentation referenced in (c)(v)(C)(IV) of this subsection must include the following elements:

(I) The findings and alternatives included in the summary report described in (c)(vii) of this subsection; and

(II) The preliminary plan to engage taxpayers directly in a robust conversation about the state's tax structure including, presenting the findings described in (c)(vii) of this subsection and alternatives to the state's current tax structure, and collecting feedback to inform development of recommendations.

(vii) The duties of the department, with assistance of one or more technical advisory groups, are to:

(A) With respect to the final report of findings and alternatives submitted by the Washington state tax structure study committee to the legislature under section 138, chapter 7, Laws of 2001 2nd sp. sess.:

(I) Update the data and research that informed the recommendations and other analysis contained in the final report;

(II) Estimate how much revenue all the revenue replacement alternatives recommended in the final report would have generated for the 2017-2019 fiscal biennium if the state had implemented the alternatives on January 1, 2003;

(III) Estimate the tax rates necessary to implement all recommended revenue replacement alternatives in order to achieve the revenues generated during the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council;

(IV) Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities, for (c)(vii)(A)(II) and (III) of this subsection; and

(V) Estimate how much revenue would have been generated in the 2017-2019 fiscal biennium, if the incremental revenue alternatives recommended in the final report would have been implemented on January 1, 2003, excluding any recommendations implemented before the effective date of this section;

(B) With respect to the recommendations in the final report of the 2018 tax structure work group:

(I) Conduct economic modeling or comparable analysis of replacing the business and occupation tax with an alternative, such as corporate income tax or margins tax, and estimate the impact on taxpayers, such as tax paid as a share of total business revenue for various business activities, assuming the same revenues generated by business and occupation taxes during the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council; and

(II) Estimate how much revenue would have been generated for the 2017-2019 fiscal biennium if the one percent revenue growth limit on regular property taxes was replaced with a limit based on population growth and

inflation if the state had implemented this policy on January 1, 2003;

(C) To analyze our economic competitiveness with border states:

(I) Estimate the revenues that would have been generated during the 2017-2019 fiscal biennium, had Washington adopted the tax structure of those states, assuming the economic tax base for the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council; and

(II) Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities for (c)(vii)(C)(I) of this subsection;

(D) To analyze our economic competitiveness in the context of a national and global economy, provide comparisons of the effective state and local tax rate of the tax structure during the 2017-2019 fiscal biennium and various alternatives under consideration, as they compare to other states and the federal government, as well as consider implications of recent changes to federal tax law;

(E) To the degree it is practicable, conduct tax incidence analysis of the various alternatives under consideration to account for the impacts of tax shifting, such as business taxes passed along to consumers and property taxes passed along to renters;

(F) To the degree it is practicable, present findings and alternatives by geographic area, in addition to statewide; and

(G) Conduct other analysis as directed by the work group.

(3) \$63,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(4) Within existing resources, the department must compile a report on the annual amount of state retail sales tax collected under chapter 82.08 RCW on sales occurring at area fairs and county fairs as described in RCW 15.76.120. The report must be submitted to the appropriate committees of the legislature by December 1, 2019.

(5) \$4,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to implement 2020 revenue legislation.

(6) \$47,000 of the business license account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 6632 (business licensing services). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(7) By January 1, 2021, and by January 1st of each year thereafter, the department must notify the fiscal committees of the legislature of the amount of taxes

collected on qualified transactions and paid to each compacting tribe in the prior fiscal year under Substitute Senate Bill No. 6601 or Substitute House Bill No. 2803 (Indian tribes compact/taxes).

(8) Within amounts appropriated in this section, the department shall update the document titled "Washington Action Plan - FAA Policy Concerning Airport Revenue" to reflect changes to Washington tax code regarding hazardous substances. The department, in consultation with the aviation division of the Washington state department of transportation, shall develop and recommend a methodology to segregate and track actual amounts collected from the hazardous substance tax under chapter 82.21 RCW and the petroleum products tax under chapter 82.23A RCW as imposed on aviation fuel. The department must submit a report, including the recommended methodology, to the fiscal committees of the legislature by January 11, 2021.

(9) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to evaluate long-term funding options to support the operations of the Pioneer Square-International District community preservation and development authority established in RCW 43.167.060. The department must provide a report to the governor and appropriate committees of the legislature by June 30, 2021, with recommendations for funding options including but not limited to an impact fee on tickets sold for events held in major public facilities located adjacent to the geographic area established by the authority. In developing its recommendations, the department must consult with the authority, King county, the city of Seattle, and the owners and operators of major public facilities projects located adjacent to the geographic area established by the authority.

Sec. 136. 2019 c 415 s 138 (uncodified) is amended to read as follows:

**FOR THE BOARD OF TAX APPEALS**

General Fund—State Appropriation (FY 2020)	.....	(\$2,382,000)
		<u>\$2,543,000</u>
General Fund—State Appropriation (FY 2021)	.....	(\$2,421,000)
		<u>\$2,598,000</u>
Pension Funding Stabilization Account—State Appropriation.....		\$162,000
<b>TOTAL APPROPRIATION .....</b>		<b>\$4,965,000</b>
		<u>\$5,303,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$30,000 of the general fund—state appropriation for fiscal year 2020 and \$9,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the board to continue maintaining its legacy case management software and conduct a feasibility study to determine how best to update or replace the case management software.

Sec. 137. 2019 c 415 s 139 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

General Fund—State Appropriation (FY 2020)	.....	\$109,000
General Fund—State Appropriation (FY 2021)	.....	(\$101,000)
		<u>\$760,000</u>
Minority and Women's Business Enterprises		
Account—State Appropriation .....		(\$5,347,000)
		<u>\$5,352,000</u>
<b>TOTAL APPROPRIATION.....</b>		<b>\$5,557,000</b>
		<u>\$6,221,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of minority and women's business enterprises to enter into an interagency agreement with the Washington state department of transportation for the department to write a surety bonding program report. This report is due to the governor by December 1, 2020.

Sec. 138. 2019 c 415 s 140 (uncodified) is amended to read as follows:

**FOR THE INSURANCE COMMISSIONER**

General Fund—Federal Appropriation .....		\$4,661,000
Insurance Commissioner's Regulatory Account—State		
Appropriation.....		(\$69,673,000)
		<u>\$68,917,000</u>
Insurance Commissioner's Fraud Account—State		
Appropriation.....		\$1,784,000
<b>TOTAL APPROPRIATION.....</b>		<b>\$74,334,000</b>
		<u>\$75,362,000</u>

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

(1) \$536,000 of the insurance commissioners regulatory account—state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5526 (individual health insurance market). ((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))

(2) \$45,000 of the insurance commissioners regulatory account—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1879 (Rx drug utilization management). ((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))

(3) \$397,000 of the insurance commissioners regulatory account—state appropriation is provided solely to implement Substitute House Bill No. 1075 (consumer

competitive group insurance). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(4) \$1,015,000 of the insurance commissioners regulatory account—state appropriation is provided solely to implement Second Substitute House Bill No. 1065 (out-of-network health). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(5) \$60,000 of the insurance commissioners regulatory account—state appropriation is provided solely for implementation of chapter 16, Laws of 2019 (HB 1001) (service contract providers).

(6) \$84,000 of the insurance commissioners regulatory account—state appropriation is provided solely for implementation of chapter 56, Laws of 2019 (SSB 5889) (insurance communications confidentiality).

(7) \$125,000 of the insurance commissioners regulatory account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5602 (reproductive health care). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(8) \$125,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for staffing and supporting the work of the natural disaster and resiliency workgroup for Substitute Senate Bill No. 5106 (natural disaster mitigation). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(9) Within the amounts appropriated in this section, the commissioner shall review how pharmacy benefit managers are regulated in other states and report the findings to the governor and appropriate committees of the legislature by September 15, 2019.

(10) \$333,000 of the insurance commissioners regulatory account—state appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 5601 (health care benefit managers). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(11) \$1,784,000 of the insurance commissioners fraud account—state appropriation is provided solely for the implementation of Senate Bill No. 6049 (insurance fraud account). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(12) \$10,000 of the insurance commissioners regulatory account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6050 (insurance guaranty fund). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(13) \$61,000 of the insurance commissioners regulatory account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6051 (medicare part D supplement). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(14) \$30,000 of the insurance commissioners regulatory account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6052 (life insurance/behavior). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(15) \$45,000 of the insurance commissioners regulatory account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2662 (total cost of insulin). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(16) \$323,000 of the insurance commissioners regulatory account—state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6331 (captive insurance). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(17) \$15,000 of the insurance commissioners regulatory account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6404 (health plans/prior authorization). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(18) \$10,000 of the insurance commissioners regulatory account—state appropriation is provided solely for the implementation of Second Engrossed Senate Bill No. 5887 (prior authorization). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(19)(a) The office of the insurance commissioner and the health care authority shall convene a work group to determine next steps for insurance coverage of specialty palliative care as defined in the Bree collaborative's 2019 palliative care report. The office of the insurance commissioner and the health care authority shall cochair the work group.

(b) The work group shall consist of the executive director of the Bree collaborative; commercial health insurance companies regulated by the office of the insurance commissioner; managed care organizations; the Washington state hospital association; an organization representing palliative care providers; an organization representing home health agencies; an organization representing hospice services; and a pediatric palliative care provider.

(c) The work group shall report its recommendations to the health care committees of the legislature, and the joint legislative executive committee on aging and disability issues by November 1, 2020.

(20) \$23,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Second Substitute House Bill No. 2457 (health care cost board). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(21) \$32,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Substitute House Bill No. 2554 (health plan exclusions). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(22) \$71,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2642 (sub. use disorder coverage). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

**Sec. 139.** 2019 c 415 s 142 (uncodified) is amended to read as follows:

**FOR THE STATE INVESTMENT BOARD**

State Investment Board Expense Account—State	
Appropriation .....	<del>(\$60,028,000)</del>
	<u>\$60,101,000</u>
TOTAL APPROPRIATION .....	<del>\$60,028,000</del>
	<u>\$60,101,000</u>

**Sec. 140.** 2019 c 415 s 143 (uncodified) is amended to read as follows:

**FOR THE LIQUOR AND CANNABIS BOARD**

General Fund—State Appropriation (FY 2020)	<del>(\$356,000)</del>
	<u>\$355,000</u>
General Fund—State Appropriation (FY 2021)	<del>(\$392,000)</del>
	<u>\$566,000</u>
General Fund—Federal Appropriation.	<del>(\$3,034,000)</del>
	<u>\$3,035,000</u>
General Fund—Private/Local Appropriation .	\$75,000
Dedicated Marijuana Account—State Appropriation (FY 2020)	<del>(\$11,662,000)</del>
	<u>\$11,649,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2021)	<del>(\$11,625,000)</del>
	<u>\$12,148,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$80,000
Liquor Revolving Account—State Appropriation	<del>(\$74,514,000)</del>
	<u>\$74,902,000</u>
TOTAL APPROPRIATION .....	<del>\$101,738,000</del>
	<u>\$102,810,000</u>

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

(1) The liquor and cannabis board may require electronic payment of the marijuana excise tax levied by RCW 69.50.535. The liquor and cannabis board may allow a waiver to the electronic payment requirement for good cause as provided by rule.

(2) The traceability system is subject to the conditions, limitations, and review provided in ~~(section 719 of this act)~~ section 701 of this act.

(3) \$70,000 of the liquor revolving account—state appropriation is provided solely to implement chapter 61, Laws of 2019 (SHB 1034) (restaurant/soju endorsement).

(4) \$23,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$23,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Substitute House Bill No. 1794 (marijuana business agreements). ~~(If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.)~~

(5) \$722,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$591,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5318 (marijuana license compliance). ~~(If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.)~~

(6) \$350,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$350,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the board to hire additional staff for cannabis enforcement and licensing activities.

(7) \$100,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 is provided solely for the board to convene a work group to determine the feasibility of and make recommendations for varying the marijuana excise tax rate based on product potency. The work group must submit a report of its findings to the appropriate committees of the legislature by December 1, 2019.

(8) \$71,000 of the liquor revolving account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5006 (sale of wine by microbrewery). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(9) \$178,000 of the liquor revolving account—state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5549 (distillery marketing and sales). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(10) \$56,000 of the liquor revolving account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6392 (local wine industry license). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(11) \$42,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6206 (marijuana compliance certification). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(12) \$65,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for

implementation of House Bill No. 2826 (marijuana vapor products). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(13) \$348,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2870 (marijuana retail licenses). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(14) \$172,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 6254 (vapor products). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(15) \$30,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for the board to convene a task force on marijuana odor with members as provided in this subsection.

(a) The governor shall appoint seven members, who must include a representative from the following:

- (i) The state liquor and cannabis board;
- (ii) The department of ecology;
- (iii) The department of health;
- (iv) The Washington state department of agriculture;
- (v) A state association of counties;
- (vi) A state association of cities; and
- (vii) A representative from the recreational marijuana community or a marijuana producer, processor, or retailer licensed by the state liquor and cannabis board.

(b) The task force shall choose its chair from among its membership. The state liquor and cannabis board shall convene the initial meeting of the task force.

(c) The task force shall review the following issues: The available and most appropriate ways or methods to mitigate, mask, conceal, or otherwise address marijuana odors and emissions and the potentially harmful impact of marijuana odors and emissions on people who live, work, or are located in close proximity to a marijuana production or processing facility, including but not limited to: (a) Filtering systems; (b) natural odor masking mechanisms or odor concealing mechanisms; (c) zoning and land use controls and regulations; and (d) changes to state laws and regulations including, but not limited to, laws and regulations related to nuisance and public health.

(d) Staff support for the task force must be provided by the board.

(e) Members of the task force are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(f) The task force must report its findings and recommendations to the governor and the majority and

minority leaders of the two largest caucuses of the house of representatives and the senate by December 31, 2020.

**Sec. 141.** 2019 c 415 s 144 (uncodified) is amended to read as follows:

**FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

General Fund—State Appropriation (FY 2020)	\$173,000
General Fund—State Appropriation (FY 2021)	\$123,000
General Fund—Private/Local Appropriation	(((\$16,725,000))
	<u>\$16,642,000</u>
Public Service Revolving Account—State Appropriation	(((\$41,545,000))
	<u>\$42,054,000</u>
Public Service Revolving Account—Federal Appropriation	<u>\$230,000</u>
Pipeline Safety Account—State Appropriation	(((\$3,506,000))
	<u>\$2,571,000</u>
Pipeline Safety Account—Federal Appropriation	(((\$3,202,000))
	<u>\$4,163,000</u>
TOTAL APPROPRIATION	<u>\$65,274,000</u>
	<u>\$65,956,000</u>

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

(1) Up to \$800,000 of the public service revolving account—state appropriation in this section is for the utilities and transportation commission to supplement funds committed by a telecommunications company to expand rural broadband service on behalf of an eligible governmental entity. The amount in this subsection represents payments collected by the utilities and transportation commission pursuant to the Qwest performance assurance plan.

(2) \$330,000 of the public service revolving account—state appropriation is provided solely for implementation of Engrossed Third Substitute House Bill No. 1257 (energy efficiency). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~

~~(4))~~ (3) \$95,000 of the public service revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1512 (transportation electrification). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~

~~(6))~~ (4) \$50,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the commission to convene a work group on preventing

underground utility damage. The work group is subject to the following requirements:

(a) The utilities and transportation commission shall contract with an independent facilitator for the work group to facilitate and moderate meetings, provide objective facilitation and negotiation between work group members, ensure participants receive information and guidance so that they respond in a timely manner, and synthesize agreements and points under negotiation.

(b) The work group shall discuss topics such as, but not limited to: How facility operators and excavators schedule meeting times and places; new requirements for marking locatable underground facilities; a definition of "noninvasive methods"; the procedures that must take place when an excavator discovers (and may or may not damage) an underground facility; positive response procedures; utility identification procedures for newly constructed and replacement underground facilities; the membership composition of the dig law safety committee; liability for damage occurring from an excavation when either the excavator or the facility operator fails to comply with the statutory requirements relating to notice requirements or utility marking requirements; and ensuring consistency with the pipeline and hazardous materials safety administration towards a uniform national standard.

(c) The work group shall include, but is not limited to, members representing cities, counties, public and private utility companies, construction and excavator communities, water-sewer districts, and other government entities with underground facilities.

(d) The work group shall meet a minimum of four times and produce a report with recommendations to the governor and legislature by December 1, 2019.

~~((7))~~ (5) \$123,000 of the general fund—state appropriation for fiscal year 2020, \$123,000 of the general fund—state appropriation for fiscal year 2021, and \$814,000 of the public services revolving account—state appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~

~~(8))~~ (6) \$14,000 of the public service revolving account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1112 (hydrofluorocarbons emissions). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~

~~(9))~~ (7) The appropriations in this section include sufficient funding for the implementation of Second Substitute Senate Bill No. 5511 (broadband service).

(8) \$580,000 of the public service revolving account—state appropriation and \$15,000 of the pipeline safety account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 2518 (natural gas transmission). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

**Sec. 142.** 2019 c 415 s 145 (uncodified) is amended to read as follows:

**FOR THE MILITARY DEPARTMENT**

General Fund—State Appropriation (FY 2020)	(((\$9,900,000))
	<u>\$10,101,000</u>
General Fund—State Appropriation (FY 2021)	(((\$10,269,000))
	<u>\$11,403,000</u>
General Fund—Federal Appropriation	(((\$118,165,000))
	<u>\$119,228,000</u>
Enhanced 911 Account—State Appropriation	(((\$43,745,000))
	<u>\$43,746,000</u>
Disaster Response Account—State Appropriation	(((\$28,774,000))
	<u>\$49,998,000</u>
Disaster Response Account—Federal Appropriation	(((\$97,048,000))
	<u>\$134,058,000</u>
Military Department Rent and Lease Account—State Appropriation	(((\$615,000))
	<u>\$1,066,000</u>
Military Department Active State Service Account—State Appropriation	\$400,000
Oil Spill Prevention Account—State Appropriation	\$1,040,000
Worker and Community Right to Know Fund—State Appropriation	(((\$1,848,000))
	<u>\$1,849,000</u>
Pension Funding Stabilization Account—State Appropriation	\$1,244,000
TOTAL APPROPRIATION	<u>\$313,048,000</u>
	<u>\$374,133,000</u>

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

(1) The military department shall submit a report to the office of financial management and the legislative fiscal committees ~~((on))~~ by February 1st and October 31st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end

of the 2019-2021 biennium based on current revenue and expenditure patterns.

(2) \$40,000,000 of the general fund—federal appropriation is provided solely for homeland security, subject to the following conditions: Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee.

(3) \$625,000 of the general fund—state appropriation for fiscal year 2020 and \$625,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the conditional scholarship program pursuant to chapter 28B.103 RCW.

(4) \$11,000,000 of the enhanced 911 account—state appropriation is provided solely for financial assistance to counties.

(5) \$784,000 of the disaster response account—state appropriation is provided solely for fire suppression training, equipment, and supporting costs to national guard soldiers and airmen.

(6) \$100,000 of the enhanced 911 account—state appropriation is provided solely for the department, in collaboration with a representative group of counties, public service answering points, and first responder organizations, to submit a report on the 911 system to the appropriate legislative committees by October 1, 2020. The report must include:

(a) The actual cost per fiscal year for the state, including all political subdivisions, to operate and maintain the 911 system including, but not limited to, the ESInet, call handling equipment, personnel costs, facility costs, contractual costs, administrative costs, and legal fees.

(b) The difference between the actual state and local costs and current state and local 911 funding.

(c) Potential cost-savings and efficiencies through the consolidation of equipment, regionalization of services or merging of facilities, positive and negative impacts on the public, legal or contractual restrictions, and appropriate actions to alleviate these constraints.

(7) \$118,000 of the general fund—state appropriation for fiscal year 2020 and \$118,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5012 (governmental continuity). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse-))~~

(8) ~~(\$464,000)~~ \$659,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$464,000)~~ \$2,087,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to procure and install ~~(sixteen)~~ thirty-nine all-hazard alert broadcast sirens to increase inundation zone coverage to alert individuals of an impending tsunami or other disaster.

(9) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the

department to procure and install seismic monitoring stations and global navigation satellite systems that integrate with the early warning system known as ShakeAlert.

(10) \$120,000 of the general fund—state appropriation for fiscal year 2020 and \$120,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to support an education and public outreach program in advance of the new early earthquake warning system known as ShakeAlert.

(11) \$80,000 of the general fund—state appropriation for fiscal year 2020 and \$23,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing Substitute Senate Bill No. 5106 (natural disaster mitigation). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse-))~~

(12) \$200,000 of the military department rental and lease account—state appropriation is provided solely for maintenance staffing.

(13) \$251,000 of the military department rental and lease account—state appropriation is provided solely for the maintenance and operation, including equipment replacement, of the communications infrastructure at camp Murray.

**Sec. 143.** 2019 c 415 s 146 (uncodified) is amended to read as follows:

**FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**

General Fund—State Appropriation (FY 2020)	(( <del>\$2,238,000</del> ))
	<u>\$2,237,000</u>
General Fund—State Appropriation (FY 2021)	(( <del>\$2,283,000</del> ))
	<u>\$2,291,000</u>
Personnel Service Account—State Appropriation	(( <del>\$4,282,000</del> ))
	<u>\$4,343,000</u>
Higher Education Personnel Services Account—State Appropriation	(( <del>\$1,410,000</del> ))
	<u>\$1,412,000</u>
Pension Funding Stabilization Account—State Appropriation	\$228,000
TOTAL APPROPRIATION	<u>\$10,441,000</u>
	<u>\$10,511,000</u>

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

(1) \$122,000 of the general fund—state appropriation for fiscal year 2020 and \$112,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the administrative costs associated with implementation of Substitute House Bill No. 1575 (collective bargaining/dues).

~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(2) The appropriations in this section include sufficient funding for the implementation of Senate Bill No. 5022 (granting interest arbitration to certain higher education uniformed personnel).

(3) \$56,000 of the personnel service account—state appropriation is provided solely for the administrative costs associated with ongoing implementation and administrative costs associated with Substitute House Bill No. 2017 (admin. law judge bargaining). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 144.** 2019 c 415 s 148 (uncodified) is amended to read as follows:

**FOR THE BOARD OF ACCOUNTANCY**

Certified Public Accountants' Account—State	
Appropriation .....	<del>(\$3,631,000)</del>
	<u>\$3,833,000</u>
TOTAL APPROPRIATION .....	<u>\$3,631,000</u>
	<u>\$3,833,000</u>

**Sec. 145.** 2019 c 415 s 147 (uncodified) is amended to read as follows:

**FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS**

Volunteer Firefighters' and Reserve Officers'	
Administrative Account—State Appropriation	
.....	<del>(\$1,020,000)</del>
	<u>\$1,121,000</u>
TOTAL APPROPRIATION .....	<u>\$1,020,000</u>
	<u>\$1,121,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$100,000 of the volunteer firefighters' and reserve officers' administrative account—state appropriation is provided solely for legal and consultation fees and services necessary for the board for volunteer firefighters' and reserve officers to address issues related to plan qualification with the federal internal revenue service. The board shall report on the measures taken, and the results to that point, to the appropriate legislative fiscal committees by December 15, 2020.

**Sec. 146.** 2019 c 415 s 149 (uncodified) is amended to read as follows:

**FOR THE FORENSIC INVESTIGATION COUNCIL**

Death Investigations Account—State Appropriation	
.....	<del>(\$692,000)</del>
	<u>\$746,000</u>
TOTAL APPROPRIATION .....	<u>\$692,000</u>
	<u>\$746,000</u>

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

(1) \$250,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

(2) \$210,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in identifying human remains.

**Sec. 147.** 2019 c 415 s 150 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$4,732,000)</del>
	<u>\$4,810,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$4,795,000)</del>
	<u>\$6,324,000</u>
General Fund—Private/Local Appropriation	\$102,000
Building Code Council Account—State Appropriation	
.....	<del>(\$1,519,000)</del>
	<u>\$1,966,000</u>
TOTAL APPROPRIATION .....	<u>\$11,148,000</u>
	<u>\$13,202,000</u>

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

(1) ~~(\$4,371,000)~~ \$4,343,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$4,371,000)~~ \$4,354,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the payment of facilities and services charges to include campus rent, utilities, parking, and contracts, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, legislative support services, and joint legislative systems committee. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(2) In accordance with RCW 46.08.172 and 43.135.055, the department is authorized to increase parking

fees in fiscal years 2020 and 2021 as necessary to meet the actual costs of conducting business.

(3) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have written approval from the director of the department of enterprise services. Agencies that are exempted from the requirement are the Washington state patrol, Washington state department of transportation, and the department of natural resources.

(4) From the fee charged to master contract vendors, the department shall transfer to the office of minority and women's business enterprises in equal monthly installments \$1,500,000 in fiscal year 2020 and \$1,300,000 in fiscal year 2021.

(5) \$100,000 of the general fund—state appropriation in fiscal year 2020 and \$100,000 of the general fund—state appropriation in fiscal year 2021 is provided solely for the agency to procure cyber incident insurance on behalf of forty-three small to medium sized agencies that are currently without this coverage.

(6)(a) During the 2019-2021 fiscal biennium, the department must revise its master contracts with vendors, including cooperative purchasing agreements under RCW 39.26.060, to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the public entity using the contract or agreement of the department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(d) Any cost for the implementation of this section must be recouped from the fees charged to master contract vendors.

(7) \$10,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to query and inventory all state agency use and amounts of glyphosate. Within amounts provided, the department must offer to pay to state agencies the difference in costs for using alternatives for vegetation control. A report to the appropriate committees of the legislature on the findings of the query and inventory must be made by December 31, 2019.

(8)(a) (~~(\$5,000)~~) \$45,000 of the general fund—state appropriation for fiscal year 2020 (~~(is)~~) and \$70,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a legislative work group to study and make recommendations on a monument on the capital campus to honor residents who died in the global war in terror. The department of enterprise services must staff the work group, which shall be composed of:

(i) One member from each of the four major caucuses of the legislature;

(ii) The director of the department of veterans affairs or his or her designee;

(iii) The director of the Washington state parks and recreation commission or his or her designee;

(iv) The director of the department of enterprise services or his or her designee;

(v) The director of the Washington state military department or his or her designee;

(vi) The secretary of state or his or her designee;

(vii) The state archivist or his or her designee;

(viii) A representative of the capitol campus design advisory committee that is not the secretary of state or a legislative member already designated to be part of the work group; and

(ix) Two representatives from veterans organizations appointed by the governor.

(b) The work group shall choose two cochairs from among its legislative membership. The legislative membership shall convene the initial meeting of the work group before November 1, 2019.

(c) The work group shall:

(i) Conduct a study of the feasibility of establishing a new memorial on the capitol campus to honor fallen service members from the global war on terrorism;

(ii) Provide the names of the recommended individuals to be honored at the memorial;

(iii) Recommend locations where the memorial could be constructed on the capitol campus and provide any permit requirements or other restrictions that may exist for each location;

(iv) Provide potential draft designs that could be used for the memorial;

(v) Provide information regarding the anticipated funding needed for:

(A) The design, construction, and placement of the memorial;

(B) Any permits that may be required;

(C) Anticipated ongoing maintenance cost for the memorial based on potential materials used and historical maintenance of other memorials on campus; and

(D) An unveiling ceremony or other expenses that may be necessary for the memorial;

(vi) Make recommendations regarding the funding sources that may be available, which may include solicitation of private funds or a method for obtaining the necessary funds; and

(vii) Make recommendations regarding an agency, committee, or commission to coordinate the design, construction, and placement of a memorial on the capitol campus.

(d) Legislative members of the work group shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members shall be reimbursed for travel expenses in accordance with chapter 43.03 RCW.

(e) The work group shall submit a report of its recommendations to the appropriate committees of the legislature in accordance with RCW 43.01.036 by ~~((November 1, 2020))~~ June 30, 2021.

~~(9) ((The department may expend private local funds for new signage designating the Joan Benoit Samuelson marathon park if the private local funds are received for that specific purpose.~~

~~(40))~~(a) Within existing resources, beginning October 31, 2019, the department, in collaboration with consolidated technology services, must provide a report to the governor and fiscal committees of the legislature by October 31st of each calendar year that reflects information technology contract information based on a contract snapshot from June 30 of that calendar year. The department will coordinate to receive contract information for all contracts to include those where the department has delegated authority so that the report includes statewide contract information. The report must contain a list of all information technology contracts to include the agency name, contract number, vendor name, the contract term start and end dates, the contract dollar amount in total, contract dollar amount by state fiscal year to include contract spending projections for each ensuing state fiscal year through the contract term, and type of service delivered. The list of contracts must be provided electronically in excel and sortable by all fields.

(b) In determining the type of service delivered, groupings must include agreed upon items by the department, the office of the chief information officer, senate fiscal staff, and house fiscal staff. This grouping criteria must be agreed upon by August 31, 2019.

~~((44))~~ (10) The department must use any new resources provided for civic education solely for the free-to-schools civic education program.

(11) Within existing resources, the department must study the increase in tort claims filed generally and with a specific focus on the increase in tort claims filed and payouts made against the department of children, youth, and families. The study must include an assessment of the source of the payouts, such as jury awards, court judgments, mediation, and arbitration awards. The department should determine the root cause for these increases and develop recommendations on how to reduce the number of tort claims filed and payouts made. The department must coordinate its work with the department of children, youth, and families and the office of the attorney general. A report must be provided to the office of financial management and the appropriate committees of the legislature by November 1, 2020.

(12) In collaboration with the office of the governor, the department will add a diversity, equity, and inclusion training module to the learning management system by June 30, 2021.

(13) \$447,000 of the building code council account—state appropriation is provided solely for an economic study, additional staffing for the council, and to upgrade the web site. Upgrading the web site is subject to the conditions, limitations, and review provided in section 701 of this act.

**Sec. 148.** 2019 c 415 s 151 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

General Fund—State Appropriation (FY 2020)	(((\$1,926,000))
.....	<u>\$2,133,000</u>
General Fund—State Appropriation (FY 2021)	(((\$1,979,000))
.....	<u>\$2,328,000</u>
General Fund—Federal Appropriation (((\$2,150,000))	<u>\$2,300,000</u>
General Fund—Private/Local Appropriation..	\$14,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$136,000
TOTAL APPROPRIATION.....	<u>\$6,205,000</u>
	<u>\$6,911,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$103,000 of the general fund—state appropriation for fiscal year 2020 and \$103,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for archaeological determinations and excavations of inadvertently discovered skeletal human remains, and removal and reinterment of such remains when necessary.

**Sec. 149.** 2019 c 415 s 152 (uncodified) is amended to read as follows:

**FOR THE CONSOLIDATED TECHNOLOGY SERVICES AGENCY**

General Fund—State Appropriation (FY 2020)	\$188,000
.....	
General Fund—State Appropriation (FY 2021)	\$188,000
.....	
Consolidated Technology Services Revolving Account—	
State Appropriation .....	(( <del>\$25,048,000</del> ))
	<u>\$29,522,000</u>
<del>((Consolidated Technology Services Revolving</del>	
<del>Nonappropriated Account State Appropriation</del>	
.....	<del>\$244,176,000))</del>
TOTAL APPROPRIATION .....	\$269,600,000
	<u>\$29,898,000</u>

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

(1) (~~(\$12,297,000)~~) \$11,468,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of the chief information officer. Of this amount:

(a) (~~(\$2,000,000)~~) \$1,663,000 of the consolidated technology services revolving account—state appropriation is provided solely for experienced information technology project managers to provide critical support to agency IT projects that are subject to the provisions of (~~section 719 of this act~~) section 701 of this act. The staff will:

- (i) Provide master level project management guidance to agency IT stakeholders;
- (ii) Consider statewide best practices from the public and private sectors, independent review and analysis, vendor management, budget and timing quality assurance and other support of current or past IT projects in at least Washington state and share these with agency IT stakeholders and legislative fiscal staff at least quarterly, beginning July 1, 2020; and
- (iii) Beginning December 31, 2019, provide independent recommendations to legislative fiscal committees by December of each calendar year on oversight of IT projects.

(b)(i) \$250,000 of the consolidated technology services revolving account—state appropriation is provided solely to ensure that the state has a more nimble, extensible information technology dashboard. Dashboard elements must include at the minimum:

- (A) Start date of the project;
- (B) End date of the project when the project will close out and implementation will occur;

(C) Term of the project in fiscal years across all biennia to reflect the start of the project through the end of the project;

(D) Total project cost from start date through end date in total dollars, and a subtotal of near general fund outlook;

(E) Estimated annual fiscal year cost for maintenance and operations after implementation and close out;

(F) Actual spend by fiscal year and in total for fiscal years that are closed; and

(G) Date a feasibility study was completed.

(ii) The office of the chief information officer may recommend additional elements be included but must have agreement with legislative fiscal committees and the office of financial management prior to including the additional elements.

(c) The agency must ensure timely posting of project data on the information technology dashboard for at least each project funded in the budget to include, at a minimum, posting on the new dashboard:

(i) The budget funded level by project for each project within thirty calendar days of the budget being signed into law;

(ii) The project historical expenditures through fiscal year 2019, by June 30, 2020, for all projects that started prior to July 1, 2019; and

(iii) Whether each project has completed a feasibility study, by June 30, 2020.

(2) (~~(\$12,751,000)~~) \$13,001,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security. Of this amount:

(a) \$800,000 of the consolidated technology services revolving account—state appropriation is provided solely for the computer emergency readiness to review security designs of computer systems and to complete security evaluations of state agency systems and applications to identify vulnerabilities and opportunities for system hardening.

(b) \$768,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security to decrypt network traffic to identify and evaluate network traffic for malicious activity and threats, and is subject to the conditions, limitations, and review provided in (~~section 719 of this act~~) section 701 of this act.

(c) \$608,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security to complete cyber security designs for new platforms, databases, and applications.

(3) The consolidated technology services agency shall work with customer agencies using the Washington state electronic records vault (WASERV) to identify opportunities to:

(a) Reduce storage volumes and costs associated with vault records stored beyond the agencies' record retention schedules; and

(b) Assess a customized service charge as defined in chapter 304, Laws of 2017 for costs of using WASERV to prepare data compilations in response to public records requests.

(4)(a) In conjunction with the office of the chief information officer's prioritization of proposed information technology expenditures, agency budget requests for proposed information technology expenditures must include the following:

(i) The agency's priority ranking of each information technology request;

(ii) The estimated cost by fiscal year and by fund for the current biennium;

(iii) The estimated cost by fiscal year and by fund for the ensuing biennium;

(iv) The estimated total cost for the current and ensuing biennium;

(v) The total cost by fiscal year, by fund, and in total, of the information technology project since it began;

(vi) The estimated cost by fiscal year and by fund over all biennia through implementation and close out and into maintenance and operations;

(vii) The estimated cost by fiscal year and by fund for service level agreements once the project is implemented;

(viii) The estimated cost by fiscal year and by fund for agency staffing for maintenance and operations once the project is implemented; and

(ix) The expected fiscal year when the agency expects to complete the request.

(b) The office of the chief information officer and the office of financial management may request agencies to include additional information on proposed information technology expenditure requests.

(5) The consolidated technology services agency must not increase fees charged for existing services without prior approval by the office of financial management. The agency may develop fees to recover the actual cost of new infrastructure to support increased use of cloud technologies.

(6) Within existing resources, the agency must provide oversight of state procurement and contracting for information technology goods and services by the department of enterprise services.

(7) Within existing resources, the agency must host, administer, and support the state employee directory in an online format to provide public employee contact information.

(8) ~~(\$1,524,000 of the consolidated technology services revolving account non appropriated is provided solely to the logging and monitoring project and is subject to~~

~~the conditions, limitations, and review provided in section 719 of this act.~~

~~(9))~~ \$750,000 of the ~~((general fund state appropriation for fiscal year 2020))~~ consolidated technology services revolving account—state appropriation is provided for the office to conduct a statewide cloud computing readiness assessment to prepare for the migration of core services to cloud services, including ways it can leverage cloud computing to reduce costs. The assessment must:

(a) Inventory state agency assets, associated service contracts, and other relevant information;

(b) Identify impacts to state agency staffing resulting from the migration to cloud computing including:

(i) Skill gaps between current on-premises computing practices and how cloud services are procured, secured, administered, maintained, and developed; and

(ii) Necessary retraining and ongoing training and development to ensure state agency staff maintain the skills necessary to effectively maintain information security and understand changes to enterprise architectures;

(c) Identify additional resources needed by the agency to enable sufficient cloud migration support to state agencies; and

(d) Be submitted as a report, by June 30, 2020, to the governor and the appropriate committees of the legislature that summarizes statewide cloud migration readiness and makes recommendations for migration goals.

~~((10))~~ (9) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (a) The status of any information technology projects currently being developed or implemented that affect the coalition; (b) funding needs of these current and future information technology projects; and (c) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(10) \$4,303,000 of the consolidated technology services revolving account—state appropriation is provided solely for the creation and ongoing delivery of information technology services tailored to the needs of small agencies. The scope of services must include, at a minimum, full-service desktop support, service assistance, security, and consultation.

**Sec. 150.** 2019 c 415 s 153 (uncodified) is amended to read as follows:

**FOR THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

Professional Engineers' Account—State Appropriation.....	(\$4,863,000)
	\$5,534,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$4,863,000</b>
	<b>\$5,534,000</b>

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

(1) \$4,172,000 of the professional engineers' account—state appropriation is provided solely for implementation of House Bill No. 1176 (businesses and professions). ((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))

(2) \$1,480,000 of the professional engineers' account—state appropriation is provided solely for the business and technology modernization project pursuant to an interagency agreement with the department of licensing and is subject to the conditions, limitations, and review provided in section 701 of this act.

**Sec. 151.** 2019 c 415 s 141 (uncodified) is amended to read as follows:

**FOR THE LAW ENFORCEMENT OFFICERS' AND FIREFIGHTERS' PLAN 2 RETIREMENT BOARD**

General Fund—State Appropriation (FY 2020) .....	\$50,000
<u>Law Enforcement Officers' and Firefighters' Plan 2 Expense Nonappropriated Fund—State Appropriation .....</u>	<u>\$50,000</u>
<b>TOTAL APPROPRIATION .....</b>	<b>\$100,000</b>

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

(1) The \$50,000 general fund—state appropriation in this section is for the law enforcement officers' and firefighters' retirement system plan 2 board to study the tax, legal, fiscal, policy, and administrative issues related to allowing tribal law enforcement officers to become members of the law enforcement officers' and firefighters' plan 2 retirement system. This funding is in addition to other expenditures in the nonappropriated law enforcement officers' and firefighters' retirement system plan 2 expense

account. In preparing this study, the department of retirement systems, the attorney general's office, and the office of the state actuary shall provide the board with any information or assistance the board requests. The board shall also receive stakeholder input as part of its deliberation. The board shall submit a report of the results of this study to the legislature by January 1, 2020.

(2) \$50,000 of the law enforcement officers' and firefighters' plan 2 expense nonappropriated fund—state appropriation is provided solely for a study of the pension benefits provided to emergency medical technicians providing services in King county between October 1, 1978 and January 1, 2003. The board shall examine the legal and fiscal implications of extending membership in the plan for these periods, including King county employers that might be included, the benefits that would be paid to members on a prospective and retroactive basis, and the contribution requirements and plan liability that would be created for employers, employees, and the state.

**PART II  
HUMAN SERVICES**

**Sec. 201.** 2019 c 415 s 201 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to

the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(4) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in the health care authority. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(5) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department of social and health services are subject to technical oversight by the office of the chief information officer.

(6)(a) The department shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the department and its contractors. Prior to open enrollment, the department shall coordinate with the health care authority to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(b) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The department shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for public assistance benefits.

(7) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must

include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (a) The status of any information technology projects currently being developed or implemented that affect the coalition; (b) funding needs of these current and future information technology projects; and (c) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in (~~section 719 of this act~~) section 701 of this act.

(8)(a) The appropriations to the department of social and health services in this act must be expended for the programs and in the amounts specified in this act. However, after May 1, 2020, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2020 among programs and subprograms after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2020 caseload forecasts and utilization assumptions in the long-term care, developmental disabilities, and public assistance programs, the department may transfer state appropriations that are provided solely for a specified purpose. The department may not transfer funds, and the director of the office of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(c) The department may not transfer appropriations from any other program or subprogram to the mental health program. Within the mental health program, the department may transfer appropriations that are provided solely for a specified purpose as needed to fund actual expenditures through the end of fiscal year 2020.

(d) The department may not transfer appropriations for the developmental disabilities program to any other program or subprograms of the department of social and health services.

**Sec. 202.** 2019 c 415 s 202 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND  
HEALTH SERVICES—MENTAL HEALTH  
PROGRAM**

(1) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2020)	.....	(\$400,740,000)
		<u>\$423,815,000</u>
General Fund—State Appropriation (FY 2021)	.....	(\$417,578,000)
		<u>\$440,131,000</u>
General Fund—Federal Appropriation	.....	(\$117,745,000)
		<u>\$119,930,000</u>
General Fund—Private/Local Appropriation	.....	(\$27,800,000)
		<u>\$26,965,000</u>
Pension Funding Stabilization Account—State		
Appropriation .....	\$33,300,000	
TOTAL APPROPRIATION .....	<del>\$997,163,000</del>	<u>\$1,044,141,000</u>

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

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$311,000 of the general fund—state appropriation for fiscal year 2020 and \$310,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (1)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood. The department must collect data from the city of Lakewood on the use of the funds and the number of calls responded to by the community policing program and submit a report with this information to the office of financial management and the appropriate fiscal committees of the legislature each December of the fiscal biennium.

(c) \$45,000 of the general fund—state appropriation for fiscal year 2020 and \$45,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) \$19,000 of the general fund—state appropriation for fiscal year 2020 and \$19,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for payment to the city of Medical Lake for police services

provided by the city at eastern state hospital and adjacent areas. The city must submit a proposal to the department for a community policing program for eastern state hospital and adjacent areas by September 30, 2019.

(e) \$135,000 of the general fund—state appropriation for fiscal year 2020 and \$135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to hire an on-site safety compliance officer, stationed at Western State Hospital, to provide oversight and accountability of the hospital's response to safety concerns regarding the hospital's work environment.

(f) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to track compliance with RCW 71.05.365 requirements for transition of state hospital patients into community settings within fourteen days of the determination that they no longer require active psychiatric treatment at an inpatient level of care. The department must use these funds to track the following elements related to this requirement: (i) The date on which an individual is determined to no longer require active psychiatric treatment at an inpatient level of care; (ii) the date on which the behavioral health entities and other organizations responsible for resource management services for the person is notified of this determination; and (iii) the date on which the individual is transitioned to the community or has been re-evaluated and determined to again require active psychiatric treatment at an inpatient level of care. The department must provide this information in regular intervals to behavioral health entities and other organizations responsible for resource management services. The department must summarize the information and provide a report to the office of financial management and the appropriate committees of the legislature on progress toward meeting the fourteen day standard by December 1, 2019 and December 1, 2020.

(g) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department, in collaboration with the health care authority, to develop and implement a predictive modeling tool which identifies clients who are at high risk of future involvement with the criminal justice system and for developing a model to estimate demand for civil and forensic state hospital bed needs pursuant to the following requirements.

(i) The predictive modeling tool must be developed to leverage data from a variety of sources and identify factors that are strongly associated with future criminal justice involvement. The department must submit a report to the office of financial management and the appropriate committees of the legislature which describes the following: (A) The proposed data sources to be used in the predictive model and how privacy issues will be addressed; (B) modeling results including a description of measurable factors most strongly predictive of risk of future criminal justice involvement; (C) an assessment of the accuracy, timeliness, and potential effectiveness of the tool; (D) identification of interventions and strategies that can be effective in reducing future criminal justice involvement of

high risk patients; and (E) the timeline for implementing processes to provide monthly lists of high-risk client to contracted managed care organizations and behavioral health entities.

(ii) The model for civil and forensic state hospital bed need must be developed and updated in consultation with staff from the office of financial management and the appropriate fiscal committees of the state legislature. The model shall incorporate factors for capacity in state hospitals as well as contracted facilities, which provide similar levels of care, referral patterns, wait lists, lengths of stay, and other factors identified as appropriate for predicting the number of beds needed to meet the demand for civil and forensic state hospital services. Factors should include identification of need for the services and analysis of the effect of community investments in behavioral health services and other types of beds that may reduce the need for long-term civil commitment needs. The department must submit a report to the legislature by October 1, 2019, with an update of the model and the estimated civil and forensic state hospital bed need by November 1, 2020, and each November 1st thereafter through the end of fiscal year 2027. The department must continue to update the model on a calendar quarterly basis and provide updates to the office of financial management and the appropriate committees of the legislature accordingly.

(h) (~~(\$2,982,000)~~) \$2,097,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$2,199,000)~~) \$3,084,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The department, in collaboration with the health care authority and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, crisis diversion and supports, education and training, and workforce development.

(i) \$6,450,000 of the general fund—state appropriation for fiscal year 2020 and \$7,147,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to maintain and further increase implementation of efforts to improve the timeliness of competency evaluation services for individuals who are in local jails pursuant to chapter 5, Laws of 2015 (SSB 5889) (timeliness of competency treatment and evaluation services). This funding must be used solely to maintain increases in the number of competency evaluators that began in fiscal year 2016 and further increase the number of staff providing competency evaluation services. During the 2019-2021 fiscal biennium, the department must use a portion of these amounts to increase the number of forensic evaluators pursuant to the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP.

(j) \$56,441,000 of the general fund—state appropriation for fiscal year 2020, \$63,159,000 of the general fund—state appropriation for fiscal year 2021, and \$2,127,000 of the general fund—federal appropriation are provided solely for implementation of efforts to improve the timeliness of competency restoration services pursuant to chapter 5, Laws of 2015 (SSB 5889) (timeliness of competency treatment and evaluation services). These amounts must be used to maintain increases that began in fiscal year 2016 and further increase the number of forensic beds at western state hospital and eastern state hospital. Pursuant to chapter 7, Laws of 2015 1st sp. sess. (2E2SSB 5177) (timeliness of competency treatment and evaluation services), the department may contract some of these amounts for services at alternative locations if the secretary determines that there is a need. During the 2019-2021 fiscal biennium, the department must use a portion of these amounts to increase forensic bed capacity at the state hospitals pursuant to the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP.

(k) (~~(\$67,463,000)~~) \$86,601,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$67,463,000)~~) \$86,705,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to continue to implement an acuity based staffing tool at western state hospital and eastern state hospital in collaboration with the hospital staffing committees. (~~(Of the amounts provided in each fiscal year, \$33,102,000 is provided on a one-time basis.)~~)

(i) The staffing tool must be designed and implemented to identify, on a daily basis, the clinical acuity on each patient ward and determine the minimum level of direct care staff by profession to be deployed to meet the needs of the patients on each ward. The department must also continue to update, in collaboration with the office of financial management's labor relations office, the staffing committees, and state labor unions, an overall state hospital staffing plan that looks at all positions and functions of the facilities and that is informed by a review of the Oregon state hospital staffing model.

(ii) Within these amounts, the department must establish, monitor, track, and report monthly staffing and expenditures at the state hospitals, including overtime and use of locums, to the functional categories identified in the recommended staffing plan. The allotments and tracking of staffing and expenditures must include all areas of the state hospitals, must be done at the ward level, and must include contracted facilities providing forensic restoration services as well as the office of forensic mental health services. By December 1, 2019, the department and hospital staffing committees must submit a report to the office of financial management and the appropriate committees of the legislature that includes the following: (A) Progress in implementing the acuity based staffing tool; (B) a comparison of average monthly staffing expenditures to budgeted staffing levels and to the recommended state hospital staffing plan by function and at the ward level; and (C) metrics and facility performance for the use of overtime

and extra duty pay, patient length of stay, discharge management, active treatment planning, medication administration, patient and staff aggression, and staff recruitment and retention. The department must use information gathered from implementation of the clinical staffing tool and the hospital-wide staffing model to provide budget oversight and accountability and inform and prioritize future budget requests for staffing at the state hospitals.

(iii) The department must submit calendar quarterly reports to the office of financial management and the appropriate committees of the legislature that include monitoring of monthly spending, staffing levels, overtime and use of locums compared to allotments and to the recommended state hospital staffing model. The format for these reports must be developed in consultation with staff from the office of financial management and the appropriate committees of the legislature. The reports must include an update from the hospital staffing committees.

(iv) Monthly staffing levels and related expenditures at the state hospitals must not exceed official allotments without prior written approval from the director of the office of financial management. In the event the director of the office of financial management approves an increase in monthly staffing levels and expenditures beyond what is budgeted, notice must be provided to the appropriate committees of the legislature within thirty days of such approval. The notice must identify the reason for the authorization to exceed budgeted staffing levels and the time frame for the authorization. Extensions of authorizations under this subsection must also be submitted to the director of the office of financial management for written approval in advance of the expiration of an authorization. The office of financial management must notify the appropriate committees of the legislature of any extensions of authorizations granted under this subsection within thirty days of granting such authorizations and identify the reason and time frame for the extension.

(l) \$11,285,000 of the general fund—state appropriation for fiscal year 2020 and \$10,581,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to implement strategies to improve patient and staff safety at eastern and western state hospitals. These amounts must be used for implementing a new intensive care model program at western state hospital. Remaining amounts may be used for enclosure of nursing stations, increasing the number of security guards, and provision of training on patient and staff safety. The department must provide implementation reports to the office of financial management and the appropriate committees of the legislature as follows:

(i) A report must be submitted by December 1, 2019, which includes a description of the intensive care model being implemented, a profile of the types of patients being served at the program, the staffing model being used for the program, and preliminary information on outcomes associated with the program. The outcomes section should include tracking data on facility wide metrics related to patient and staff safety as well as individual outcomes related to the patients served on the unit.

(ii) A report must be submitted by December 1, 2020, which provides an update on the implementation of the intensive care model, any changes that have occurred, and updated information on the outcomes associated with implementation of the program.

(m) \$4,262,000 of the general fund—state appropriation for fiscal year 2021 and \$2,144,000 of the general fund—federal appropriation are provided solely to open a new unit at the child study treatment center which shall serve up to eighteen children.

(n) \$2,593,000 of the general fund—state appropriation for fiscal year 2020 and \$2,593,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to increase services to patients found not guilty by reason of insanity under the *Ross v. Laswhay* settlement agreement.

(o) Within the amounts provided in this subsection, the department must facilitate the development of a volunteer support group and create a pilot program to encourage the visitation of patients by families and loved ones.

(i) The department must organize and coordinate the activities of a volunteer support group. The activities of the support group may include but are not limited to raising funds and providing support for (A) assisting family members who want to visit western state hospital with transportation and housing costs; (B) increasing patient opportunities to participate in activities such as arts and crafts, library, sports, and music; (C) allowing for the provision of service dogs to live at western state hospital; and (D) engaging in education about western state hospital to the public and public officials.

(ii) The department must establish a pilot program to increase visitation by families and loved ones. The department must designate a staff person to coordinate the pilot program. The pilot program shall: (A) Direct western state hospital staff at all levels that families will be encouraged to visit selected patients; (B) allow for the decision on whether a patient and or family would benefit from a visit to be made by a patients clinical care team; (C) facilitate communication between case workers and families and loved ones regarding invitations to visit; (D) provide for a welcoming space for family visits to occur in a location outside of the patient's ward; and (E) arrange, within available resources, for travel and accommodation subsidies for families of limited means.

(p) Within the amounts provided in this subsection, the department must develop and submit an annual state hospital performance report for eastern and western state hospitals. Each measure included in the performance report must include baseline performance data, agency performance targets, and performance for the most recent fiscal year. The performance report must include a one page dashboard as well as charts for each fiscal and quality of care measure broken out by hospital and including but not limited to (i) monthly FTE expenditures compared to allotments; (ii) monthly dollar expenditures compared to allotments; (iii) monthly FTE expenditures per ten thousand patient bed days; (iv) monthly dollar expenditures per ten thousand patient bed days; (v) percentage of FTE expenditures for

overtime; (vi) average length of stay by category of patient; (vii) average monthly civil wait list; (viii) average monthly forensic wait list; (ix) rate of staff assaults per 10,000 bed days; (x) rate of patient assaults per 10,000 bed days; (xi) average number of days to release after a patient has been determined to be clinically ready for discharge; and (xii) average monthly vacancy rates for key clinical positions. The department must submit the state hospital performance report to the office of financial management and the appropriate committees of the legislature by November 1, 2020, and provide annual updates thereafter.

(q) \$1,660,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to repair, replace, or upgrade failing infrastructure at western and eastern state hospitals.

(r) \$1,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a cost of living adjustment to the personal needs allowance pursuant to RCW 74.09.340.

**(2) PROGRAM SUPPORT**

General Fund—State Appropriation (FY 2020)	(((\$5,884,000))
	<u>\$5,812,000</u>
General Fund—State Appropriation (FY 2021)	(((\$5,763,000))
	<u>\$5,736,000</u>
General Fund—Federal Appropriation.....	\$315,000
TOTAL APPROPRIATION .....	<u>\$11,962,000</u>
	<u>\$11,863,000</u>

**Sec. 203.** 2019 c 415 s 203 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM**

(1)(a) The appropriations to the department of social and health services in this section must be expended for the programs and in the amounts specified in this section. However, after May 1, 2020, unless prohibited by this act, the department may transfer appropriations for fiscal year 2020 among programs and subprograms of this section after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2020 caseload forecasts and utilization assumptions in the developmental disabilities program, the department may transfer state appropriations that are provided solely for a specified purpose. The department may not transfer funds, and the director of the office of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the

maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

**(2) COMMUNITY SERVICES**

General Fund—State Appropriation (FY 2020)	(((\$737,825,000))
	<u>\$732,559,000</u>
General Fund—State Appropriation (FY 2021)	(((\$803,041,000))
	<u>\$810,256,000</u>
General Fund—Federal Appropriation	(((\$1,591,789,000))
	<u>\$1,579,826,000</u>
General Fund—Private/Local Appropriation	.....\$4,024,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$6,364,000
<u>Developmental Disability Community Trust</u>	
<u>Account—State</u>	
<u>Appropriation.....</u>	<u>\$1,000,000</u>
TOTAL APPROPRIATION.....	<u>\$3,143,043,000</u>
	<u>\$3,134,029,000</u>

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

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(i) The current annual renewal license fee for adult family homes is \$225 per bed beginning in fiscal year 2020 and \$225 per bed beginning in fiscal year 2021. A processing fee of \$2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 must be charged when adult family home providers file a change of ownership application.

(ii) The current annual renewal license fee for assisted living facilities is \$116 per bed beginning in fiscal year 2020 and \$116 per bed beginning in fiscal year 2021.

(iii) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2020 and \$359 per bed beginning in fiscal year 2021.

(c) \$7,527,000 of the general fund—state appropriation for fiscal year 2020, \$16,092,000 of the general fund—state appropriation for fiscal year 2021, and \$29,989,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2019-2021 fiscal biennium.

(d) \$1,058,000 of the general fund—state appropriation for fiscal year 2020, \$2,245,000 of the general fund—state appropriation for fiscal year 2021, and \$4,203,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(e) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(f) Community residential cost reports that are submitted by or on behalf of contracted agency providers are required to include information about agency staffing including health insurance, wages, number of positions, and turnover.

(g) \$1,705,000 of the general fund—state appropriation for fiscal year 2020, \$1,688,000 of the general fund—state appropriation for fiscal year 2021, and \$1,465,000 of the general fund—federal appropriation are provided solely for the development and implementation of thirteen enhanced respite beds across the state for children. These services are intended to provide families and caregivers with a break in caregiving, the opportunity for behavioral stabilization of the child, and the ability to partner with the state in the development of an individualized service plan that allows the child to remain in his or her family home. The department must provide the legislature with a respite utilization report in January of each year that provides information about the number of children who have used enhanced respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(h) \$2,025,000 of the general fund—state appropriation for fiscal year 2020 and \$2,006,000 of the general fund—state appropriation for fiscal year 2021 are

provided solely for the development and implementation of thirteen community respite beds across the state for adults. These services are intended to provide families and caregivers with a break in caregiving and the opportunity for stabilization of the individual in a community-based setting as an alternative to using a residential habilitation center to provide planned or emergent respite. The department must provide the legislature with a respite utilization report by January of each year that provides information about the number of individuals who have used community respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(i) \$4,005,000 of the general fund—state appropriation for fiscal year 2020, \$6,084,000 of the general fund—state appropriation for fiscal year 2021, and \$9,826,000 of the general fund—federal appropriation are provided solely to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(i) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, and assisted living facility beds.

(ii) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (i)(i) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(iii) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (i)(i) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(iv) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(j) \$1,029,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for state-operated behavioral health group training homes for clients with developmental disabilities who require a short-term placement for crisis stabilization following a hospital stay. The developmental disabilities administration shall research and assess options to claim federal medicaid funds

for state-operated behavioral health group training homes and report its findings to the governor and appropriate legislative committees by December 1, 2019.

(k) \$605,000 of the general fund—state appropriation for fiscal year 2020, \$1,627,000 of the general fund—state appropriation for fiscal year 2021, and \$1,797,000 of the general fund—federal appropriation are provided solely for expanding the number of clients receiving services under the basic plus medicaid waiver. Approximately three hundred fifty additional clients are anticipated to graduate from high school during the 2019-2021 fiscal biennium and will receive employment services under this expansion.

(l) \$20,243,000 of the general fund—state appropriation for fiscal year 2020, ~~(\$41,933,000)~~ \$44,855,000 of the general fund—state appropriation for fiscal year 2021, and ~~(\$60,976,000)~~ \$63,822,000 of the general fund—federal appropriation are provided solely to increase rates for community residential service providers offering supported living, group home, and licensed staff residential services to individuals with developmental disabilities. The amounts in this subsection (l) include funding to increase the rate by 13.5 percent effective January 1, 2020, and by 1.8 percent effective January 1, 2021.

The amounts provided in this subsection must be used to improve the recruitment and retention of quality direct care staff to better protect the health and safety of clients with developmental disabilities.

~~((#))~~ (m) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to establish parent-to-parent programs for parents of children with developmental disabilities in Ferry, Pend Oreille, Stevens, San Juan, and Wahkiakum counties.

~~((#))~~ (n) \$401,000 of the general fund—state appropriation for fiscal year 2020, \$424,000 of the general fund—state appropriation for fiscal year 2021, and \$1,043,000 of the general fund—federal appropriation are provided solely to assist home care agencies with implementing electronic visit verification systems that are compliant with the federal 21st century cures act no later than January 1, 2020.

~~((#))~~ (o) \$3,626,000 of the general fund—state appropriation for fiscal year 2020, \$4,757,000 of the general fund—state appropriation for fiscal year 2021, and \$10,444,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

~~((#))~~ (p) \$63,000 of the general fund—state appropriation for fiscal year 2020, \$44,000 of the general fund—state appropriation for fiscal year 2021, and ~~(\$62,000)~~ \$106,000 of the general fund—federal appropriation are provided solely to begin implementing an asset verification system that is compliant with the federal medicaid extenders act by January 1, 2021 and is subject to the conditions, limitation, and review provided in ~~(section 719 of this act)~~ section 701 of this act.

~~((#))~~ (q) \$13,000 of the general fund—state appropriation for fiscal year 2020, \$20,000 of the general fund—state appropriation for fiscal year 2021, and \$23,000 of the general fund—federal appropriation are provided solely to implement chapter 70, Laws of 2019 (SHB 1199).

~~((#))~~ (r) \$153,000 of the general fund—state appropriation for fiscal year 2020, \$356,000 of the general fund—state appropriation for fiscal year 2021, and \$643,000 of the general fund—federal appropriation are provided solely to increase rates for assisted living facility providers consistent with chapter 225, Laws of 2018 (SHB 2515) and for a rate add-on to providers that serve sixty percent or more medicaid clients.

~~((#))~~ (s) \$193,000 of the general fund—state appropriation for fiscal year 2020, \$385,000 of the general fund—state appropriation for fiscal year 2021, and \$654,000 of the general fund—federal appropriation are provided solely for a ten percent rate increase, effective January 1, 2020, for nurse delegation, private duty nursing, and supported living nursing services.

~~((#))~~ (t) \$3,490,000 of the general fund—local appropriation and \$3,490,000 of the general fund—federal appropriation are provided solely to implement Senate Bill No. 5359 (residential services and supports). The annual certification renewal fee for community residential service businesses is \$847 per client in fiscal year 2020 and \$859 per client in fiscal year 2021. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs. ~~(If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~((#))~~ (u) The appropriations in this section include sufficient funding to implement Second Substitute Senate Bill No. 5672 (adult family ~~(homes)~~ homes specialty services).

~~((#))~~ (v) \$100,000 of the general fund—state appropriation for fiscal year 2020, \$95,000 of the general fund—state appropriation for fiscal year 2021, and \$195,000 of the general fund—federal appropriation are provided solely for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

~~((#))~~ (w) \$4,886,000 of the general fund—state appropriation for fiscal year 2020, \$7,150,000 of the general fund—state appropriation for fiscal year 2021, and \$11,894,000 of the general fund—federal appropriation are provided solely to complete the three-year phase in of forty-seven clients from residential habilitation centers to state operated living alternatives.

~~((#))~~ (x) \$2,279,000 of the general fund—state appropriation for fiscal year 2020, \$2,279,000 of the general fund—state appropriation for fiscal year 2021, and \$4,558,000 of the general fund—federal appropriation are provided solely for additional staffing resources for the transition of clients living in the intermediate care facilities at Rainier school, Fircrest school, and Lakeland village to

state operated living alternatives to address deficiencies identified by the centers for medicare and medicaid services.

~~((bb))~~ (y) \$51,000 of the general fund—state appropriation for fiscal year 2020, ~~(\$54,000)~~ \$108,000 of the general fund—state appropriation for fiscal year 2021, and ~~(\$134,000)~~ \$203,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by five cents per hour effective July 1, 2019, and by an additional five cents per hour effective July 1, 2020.

~~((ee))~~ (z) \$1,798,000 of the general fund—state appropriation for fiscal year 2020, \$2,422,000 of the general fund—state appropriation for fiscal year 2021, and \$4,219,000 of the general fund—federal appropriation are provided solely for state-operated living alternative homes.

(i) Of the amounts provided in this subsection, \$480,000 of the general fund—state appropriation for fiscal year 2020, \$646,000 of the general fund—state appropriation for fiscal year 2021, and \$1,125,000 of the general fund—federal appropriation are provided solely to place residents in transition from the Rainier PAT A intermediate care facility.

(ii) Of the amounts provided in this subsection, \$420,000 of the general fund—state appropriation for fiscal year 2020, \$565,000 of the general fund—state appropriation for fiscal year 2021, and \$985,000 of the general fund—federal appropriation are provided solely to place developmental disability administration clients upon discharge from a hospital stay when the clients' previous providers are unable to manage the clients' care needs.

(aa) \$75,000 of the general fund—state appropriation for fiscal year 2021 and \$96,000 of the general fund—federal appropriation are provided solely to implement House Bill No. 2380 (home care agencies). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(bb) \$60,000 of the general fund—state appropriation for fiscal year 2020, \$120,000 of the general fund—state appropriation for fiscal year 2021, and \$120,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 6419 (habilitation center clients). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(cc) \$145,000 of the general fund—state appropriation for fiscal year 2020, \$146,000 of the general fund—state appropriation for fiscal year 2021, and \$214,000 of the general fund—federal appropriation are provided solely to review the no-paid services caseload pursuant to Engrossed Substitute Senate Bill No. 6040 (developmental disability budgeting).

(dd) \$6,000 of the general fund—state appropriation for fiscal year 2021 and \$4,000 of the general fund—federal appropriation are provided solely for a cost of living adjustment to the personal needs allowance pursuant to RCW 74.09.340.

~~((2))~~ (3) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2020)	(\$119,201,000)
	<u>\$119,274,000</u>
General Fund—State Appropriation (FY 2021)	(\$120,511,000)
	<u>\$120,754,000</u>
General Fund—Federal Appropriation	(\$233,122,000)
	<u>\$233,430,000</u>
General Fund—Private/Local Appropriation	\$27,041,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$11,396,000
TOTAL APPROPRIATION.....	<u>\$511,271,000</u>
	<u>\$511,895,000</u>

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

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) \$495,000 of the general fund—state appropriation for fiscal year 2020 and \$495,000 of the general fund—state appropriation for fiscal year 2021 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(c) The residential habilitation centers may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(d) \$830,000 of the general fund—state appropriation for fiscal year 2020 and \$135,000 of the general fund—federal appropriation are provided solely for the loss of federal revenue and the transition of residents due to the decertification of the Rainier school PAT A intermediate care facility by the centers for medicare and medicaid services in calendar year 2019. It is the intent of the legislature that the developmental disabilities administration complete the transitions of Rainier PAT A residents by September 2019.

(e) \$3,455,000 of the general fund—state appropriation for fiscal year 2020, \$3,455,000 of the general fund—state appropriation for fiscal year 2021, and \$6,910,000 of the general fund—federal appropriation are provided solely for additional staffing resources for clients living in the intermediate care facilities at Rainier school, Fircrest school, and Lakeland village to address deficiencies identified by the centers for medicare and medicaid services and to gather information for the 2020 legislative session

that will support appropriate levels of care for residential habilitation center clients.

(i) The department of social and health services must contract with the William D. Ruckelshaus center or other neutral third party to continue the facilitation of meetings and discussions about how to support appropriate levels of care for residential habilitation center clients based on the clients' needs and ages. The options explored in the meetings and discussions must include, but are not limited to, the longer-term issues identified in the January 2019 report to the legislature, including shifting care and staffing needs, crisis stabilization, alternative uses of residential habilitation center campus, and transforming adult family homes. An agreed-upon preferred longer term vision must be included within a report to the office of financial management and appropriate fiscal and policy committees of the legislature before December 1, 2019. The report must describe the policy rationale, implementation plan, timeline, and recommended statutory changes for the preferred long-term vision.

(ii) The parties invited to participate in the meetings and discussions must include:

(A) One member from each of the two largest caucuses in the senate, who shall be appointed by the majority leader and minority leader of the senate;

(B) One member from each of the two largest caucuses in the house of representatives, who shall be appointed by the speaker and minority leader of the house of representatives;

(C) One member from the office of the governor, appointed by the governor;

(D) One member from the developmental disabilities council;

(E) One member from the ARC of Washington;

(F) One member from the Washington federation of state employees;

(G) One member from the service employees international union 1199;

(H) One member from the developmental disabilities administration within the department of social and health services;

(I) One member from the aging and long term support administration within the department of social and health services; and

(J) Two members who are family members or guardians of current residential habilitation center residents.

(K) Staff support for the work group must be provided by the department of social and health services.

~~((3))~~ (4) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2020)  
 .....((~~\$2,558,000~~))  
\$2,536,000

General Fund—State Appropriation (FY 2021)  
 .....((~~\$2,660,000~~))  
\$2,640,000  
 General Fund—Federal Appropriation ((~~\$3,080,000~~))  
\$3,203,000  
 Pension Funding Stabilization Account—State  
 Appropriation.....\$270,000  
 TOTAL APPROPRIATION.....\$8,568,000  
\$8,649,000

~~((4))~~ (5) SPECIAL PROJECTS

General Fund—State Appropriation (FY 2020)  
 .....\$62,000  
 General Fund—State Appropriation (FY 2021)  
 .....\$62,000  
 General Fund—Federal Appropriation .....\$1,092,000  
 Pension Funding Stabilization Account—State  
 Appropriation.....\$4,000  
 TOTAL APPROPRIATION.....\$1,220,000

**Sec. 204.** 2019 c 415 s 204 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—AGING AND ADULT SERVICES PROGRAM**

General Fund—State Appropriation (FY 2020)  
 .....((~~\$1,313,688,000~~))  
\$1,320,605,000  
 General Fund—State Appropriation (FY 2021)  
 .....((~~\$1,454,323,000~~))  
\$1,482,768,000  
 General Fund—Federal Appropriation  
 .....((~~\$3,465,113,000~~))  
\$3,457,726,000  
 General Fund—Private/Local Appropriation  
 .....((~~\$37,765,000~~))  
\$37,729,000  
 Traumatic Brain Injury Account—State Appropriation  
 .....\$4,558,000  
 Skilled Nursing Facility Safety Net Trust Account—  
 State Appropriation.....\$133,360,000  
 Pension Funding Stabilization Account—State  
 Appropriation.....\$12,392,000  
 Long-Term Services and Supports Trust Account—  
 State  
 Appropriation.....((~~\$2,437,000~~))

\$2,937,000

TOTAL APPROPRIATION ..... \$6,423,636,000

\$6,452,075,000

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

(1)(a) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate may not exceed (~~(\$220.37)~~) \$229.10 for fiscal year 2020 and may not exceed (~~(\$251.49)~~) \$250.71 for fiscal year 2021.

(b) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(2) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(a) The current annual renewal license fee for adult family homes is \$225 per bed beginning in fiscal year 2020 and \$225 per bed beginning in fiscal year 2021. A processing fee of \$2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 shall be charged when adult family home providers file a change of ownership application.

(b) The current annual renewal license fee for assisted living facilities is \$116 per bed beginning in fiscal year 2020 and \$116 per bed beginning in fiscal year 2021.

(c) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2020 and \$359 per bed beginning in fiscal year 2021.

(3) The department is authorized to place long-term care clients residing in nursing homes and paid for with state-only funds into less restrictive community care settings while continuing to meet the client's care needs.

(4) \$1,858,000 of the general fund—state appropriation for fiscal year 2020 and \$1,857,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operation of the volunteer services program. Funding must be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

(5) \$15,748,000 of the general fund—state appropriation for fiscal year 2020, \$33,024,000 of the general fund—state appropriation for fiscal year 2021, and \$62,298,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees

international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2019-2021 fiscal biennium.

(6) \$6,320,000 of the general fund—state appropriation for fiscal year 2020, \$13,142,000 of the general fund—state appropriation for fiscal year 2021, and \$24,768,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(7) \$5,094,000 of the general fund—state appropriation for fiscal year 2020 and \$5,094,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for services and support to individuals who are deaf, hard of hearing, or deaf-blind.

(8) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(9) In accordance with RCW 18.390.030, the biennial registration fee for continuing care retirement communities shall be \$900 for each facility.

(10) \$479,000 of the general fund—state appropriation for fiscal year 2020 and \$479,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the kinship navigator program in the Colville Indian reservation, Yakama Nation, and other tribal areas.

(11) Within available funds, the aging and long term support administration must maintain a unit within adult protective services that specializes in the investigation of financial abuse allegations and self-neglect allegations.

(12) Within amounts appropriated in this subsection, the department shall assist the legislature to continue the work of the joint legislative executive committee on planning for aging and disability issues.

(a) A joint legislative executive committee on aging and disability is continued, with members as provided in this subsection.

(i) Four members of the senate, with the leaders of the two largest caucuses each appointing two members, and four members of the house of representatives, with the leaders of the two largest caucuses each appointing two members;

(ii) A member from the office of the governor, appointed by the governor;

(iii) The secretary of the department of social and health services or his or her designee;

(iv) The director of the health care authority or his or her designee;

(v) A member from disability rights Washington and a member from the office of long-term care ombuds;

(vi) The insurance commissioner or his or her designee, who shall serve as an ex officio member; and

(vii) Other agency directors or designees as necessary.

(b) The committee must make recommendations and continue to identify key strategic actions to prepare for the aging of the population in Washington, including state budget and policy options, and may conduct, but are not limited to, the following tasks:

(i) Identify strategies to better serve the health care needs of an aging population and people with disabilities to promote healthy living and palliative care planning;

(ii) Identify strategies and policy options to create financing mechanisms for long-term service and supports that allow individuals and families to meet their needs for service;

(iii) Identify policies to promote financial security in retirement, support people who wish to stay in the workplace longer, and expand the availability of workplace retirement savings plans;

(iv) Identify ways to promote advance planning and advance care directives and implementation strategies for the Bree collaborative palliative care and related guidelines;

(v) Identify ways to meet the needs of the aging demographic impacted by reduced federal support;

(vi) Identify ways to protect the rights of vulnerable adults through assisted decision-making and guardianship and other relevant vulnerable adult protections;

(vii) Identify options for promoting client safety through residential care services and consider methods of protecting older people and people with disabilities from physical abuse and financial exploitation; and

(viii) Identify other policy options and recommendations to help communities adapt to the aging demographic in planning for housing, land use, and transportation.

(c) Staff support for the committee shall be provided by the office of program research, senate committee services, the office of financial management, and the department of social and health services.

(d) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives, and the office of financial management. Joint committee expenditures and meetings are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. Meetings of the task force must be scheduled and conducted in accordance with the rules of both the senate and the house of representatives. The joint committee members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate. Advisory committee members may not receive compensation or reimbursement for travel and expenses.

(13) \$315,000 of the general fund—state appropriation for fiscal year 2020, \$315,000 of the general fund—state appropriation for fiscal year 2021, and \$630,000 of the general fund—federal appropriation are provided solely for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(14) \$135,000 of the general fund—state appropriation for fiscal year 2020, \$135,000 of the general fund—state appropriation for fiscal year 2021, and \$270,000 of the general fund—federal appropriation are provided solely for financial service specialists stationed at the state psychiatric hospitals. Financial service specialists will help to transition clients ready for hospital discharge into alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state hospitals.

(15)(a) No more than (~~(\$102,880,000)~~) \$79,799,000 of the general fund—federal appropriation may be expended for tailored support for older adults and medicaid alternative care described in initiative 2 of the medicaid transformation demonstration waiver under healthier Washington. The department shall not increase general fund—state expenditures on this initiative. The secretary in collaboration with the director of the health care authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) No more than \$2,525,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the department and the health care authority shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its providers third party administrator. The department and the authority in consultation with the medicaid forecast work group shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The department shall not increase general fund—state expenditures under this initiative. The secretary in cooperation with the director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes.

The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(16) \$13,303,000 of the general fund—state appropriation for fiscal year 2020, \$15,891,000 of the general fund—state appropriation for fiscal year 2021, and

\$36,390,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

(17) \$40,000 of the general fund—state appropriation for fiscal year 2020, \$40,000 of the general fund—state appropriation for fiscal year 2021, and \$80,000 of the general fund—federal appropriation are provided solely for the department, in partnership with the department of health and the health care authority, to assist a collaborative public-private entity with implementation of recommendations in the state plan to address alzheimer's disease and other dementias.

(18) \$428,000 of the general fund—state appropriation for fiscal year 2020, ~~(\$446,000)~~ \$1,761,000 of the general fund—state appropriation for fiscal year 2021, and ~~(\$896,000)~~ \$2,520,000 of the general fund—federal appropriation are provided solely for case managers at the area agencies on aging to coordinate care for medicaid clients with mental illness who are living in their own homes. Work shall be accomplished within existing standards for case management and no requirements will be added or modified unless by mutual agreement between the department of social and health services and area agencies on aging.

(19) \$117,000 of the general fund—state appropriation for fiscal year 2020 and \$116,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with an organization to provide educational materials, legal services, and attorney training to support persons with dementia. The funding provided in this subsection must be used for:

(a) An advance care and legal planning toolkit for persons and families living with dementia, designed and made available online and in print. The toolkit should include educational topics including, but not limited to:

(i) The importance of early advance care, legal, and financial planning;

(ii) The purpose and application of various advance care, legal, and financial documents;

(iii) Dementia and capacity;

(iv) Long-term care financing considerations;

(v) Elder and vulnerable adult abuse and exploitation;

(vi) Checklists such as "legal tips for caregivers," "meeting with an attorney," and "life and death planning;"

(vii) Standardized forms such as general durable power of attorney forms and advance health care directives; and

(viii) A selected list of additional resources.

(b) Webinars about the dementia legal and advance care planning toolkit and related issues and topics with subject area experts. The subject area expert presenters must provide their services in-kind, on a volunteer basis.

(c) Continuing legal education programs for attorneys to advise and assist persons with dementia. The continuing education programs must be offered at no cost to attorneys who make a commitment to participate in the pro bono program.

(d) Administrative support costs to develop intake forms and protocols, perform client intake, match participating attorneys with eligible clients statewide, maintain records and data, and produce reports as needed.

(20) \$18,000 of the traumatic brain injury account—state appropriation is provided solely to implement Substitute House Bill No. 1532 (domestic violence TBIs). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(21) \$543,000 of the general fund—state appropriation for fiscal year 2020, \$495,000 of the general fund—state appropriation for fiscal year 2021, and ~~(\$543,000)~~ \$1,038,000 of the general fund—federal appropriation are provided solely to begin implementing an asset verification system that is compliant with the federal medicaid extenders act by January 1, 2021 and is subject to the conditions, limitation, and review provided in ~~((section 719 of this act))~~ section 701 of this act. Of the amounts provided in this subsection, \$75,000 of the general fund—state appropriation in fiscal year 2020 and \$75,000 of the general fund—federal appropriation are provided solely for a feasibility study of information technology solutions for an asset verification system. The feasibility study shall consider the department's existing case management systems that may be required to interface with the asset verification system. The department shall work with the health care authority to develop a long-term strategy for an asset verification system that complies with federal requirements, maximizes efficient use of staff time, supports accurate client financial eligibility determinations, and incorporates relevant findings from the feasibility study, and shall report its findings and recommendation to the governor and appropriate legislative committees no later than December 1, 2019.

(22) ~~(\$2,437,000)~~ \$2,937,000 of the long-term services and supports trust account—state appropriation is provided solely to implement Second Substitute House Bill No. 1087 (long-term services and support). Of the amounts provided in this subsection, ~~(\$217,000)~~ \$717,000 is provided solely for a contract with the state actuary. ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(23) \$2,373,000 of the general fund—state appropriation for fiscal year 2020, \$2,459,000 of the general fund—state appropriation for fiscal year 2021, and \$6,215,000 of the general fund—federal appropriation are provided solely to assist home care agencies with implementing electronic visit verification systems that are compliant with the federal 21st century cures act no later than January 1, 2020.

(24) \$727,000 of the general fund—state appropriation for fiscal year 2020, \$1,455,000 of the general fund—state appropriation for fiscal year 2021, and \$2,469,000 of the general fund—federal appropriation are provided solely for a ten percent rate increase, effective January 1, 2020, for in-

home skilled nursing services, nurse delegation, in-home private duty nursing, and adult family home private duty nursing.

(25) \$3,353,000 of the general fund—local appropriation and \$1,055,000 of the general fund—federal appropriation are provided solely to implement Senate Bill No. 5359 (residential services and supports). The annual certification renewal fee for community residential service businesses is \$847 per client in fiscal year 2020 and \$859 per client in fiscal year 2021. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs. ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(26) \$17,481,000 of the general fund—state appropriation for fiscal year 2020, \$28,471,000 of the general fund—state appropriation for fiscal year 2021, and \$41,031,000 of the general fund—federal appropriation are provided solely to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(a) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, assisted living facility beds, and specialized dementia beds.

(b) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (a) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(c) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (a) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(d) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(27) \$1,344,000 of the general fund—state appropriation for fiscal year 2020 and \$1,344,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the kinship care support program.

(28) \$306,000 of the general fund—state appropriation for fiscal year 2020, ~~(((\$317,000))~~ \$634,000 of the general fund—state appropriation for fiscal year 2021, and ~~(((\$794,000))~~ \$1,198,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by five cents per hour effective July 1, 2019, and by an additional five cents per hour effective July 1, 2020.

(29) \$94,000 of the general fund—state appropriation for fiscal year 2020 and \$94,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to establish a pilot project to provide personal care services to homeless seniors and persons with disabilities from the time the person presents at a shelter to the time the person becomes eligible for medicaid personal care services.

(a) The department shall contract with a single nonprofit organization that provides personal care services to homeless persons and operates a twenty-four hour homeless shelter, and that is currently partnering with the department to bring medicaid personal care services to homeless seniors and persons with disabilities.

(b) The department shall submit a report by December 1, 2020, to the governor and appropriate legislative committees. The report shall address findings and outcomes of the pilot and recommendations.

~~(((\$31))~~ (30) \$3,669,000 of the general fund—state appropriation for fiscal year 2020, \$8,543,000 of the general fund—state appropriation for fiscal year 2021, and \$15,434,000 of the general fund—federal appropriation are provided solely to increase rates for assisted living facility providers consistent with chapter 225, Laws of 2018 (SHB 2515) and to provide a rate add-on to providers that serve sixty percent or more ~~((medicare))~~ medicaid clients.

~~(((\$32))~~ (31) \$375,000 of the general fund—state appropriation for fiscal year 2020, ~~(((\$375,000))~~ \$637,000 of the general fund—state appropriation for fiscal year 2021, and ~~(((\$750,000))~~ \$1,016,000 of the general fund—federal appropriation are provided solely to increase rates for adult day health and adult day care providers effective July 1, 2019, and to increase rates by 6 percent effective July 1, 2020.

~~(((\$33))~~ (32) The appropriations in this section include sufficient funding for the implementation of Second Substitute Senate Bill No. 5672 (adult family homes specialty services).

(33) No later than December 31, 2021, the department of social and health services and the health care authority shall submit a waiver request to the federal department of health and human services to authorize presumptive medicaid eligibility determinations for clients preparing for acute care hospital discharge who may need long-term services and supports. The department and the authority shall hold stakeholder discussions, including opportunities for public review and comment, during development of the waiver request. Upon submission of the waiver request, the department and the authority shall submit a report to the governor and the appropriate legislative committees that

describes the request and identifies any statutory changes that may be necessary if the federal government approves the request.

(34) \$926,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for community-based resources for dementia education and support in two areas of the state, including dementia resource catalyst staff and direct services for people with dementia and their family caregivers.

(35) \$439,000 of the general fund—state appropriation for fiscal year 2021 and \$559,000 of the general fund—federal appropriation are provided solely to implement House Bill No. 2380 (home care agencies). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(36) The appropriations in this section include sufficient funding to implement Engrossed Substitute House Bill No. 1023 (adult family homes/8 beds). A nonrefundable fee of \$455 shall be charged for each application to increase bed capacity at an adult family home to seven or eight beds.

(37)(a) The department is authorized, when granting a limited exception to a nursing facility from the registered nurse coverage requirement under the process described in RCW 74.42.360(3)(b), to consider the competitiveness of wages and benefits offered by the facility as compared to nursing facilities with comparable geographic or metropolitan areas within Washington state and the provider's recruitment and retention efforts.

(b) In addition to the review required in RCW 74.42.360(3)(b)(ii), the department, along with a stakeholder work group, shall conduct a review of the exceptions process to determine if it is still necessary. As part of this review, the department shall provide the legislature with a report that includes enforcement and citation data for facilities that received an exception in the three previous fiscal years compared to comparable facilities that did not receive an exception. The report must include a similar comparison of data, provided to the department by the long-term care ombuds, on long-term care ombuds referrals for facilities that were granted an exception in the three previous fiscal years versus those without an exception. This report, along with a recommendation as to whether the exceptions process should continue, is due to the legislature no later than June 30, 2021.

(38) \$1,364,000 of the general fund—state appropriation for fiscal year 2021 and \$1,633,000 of the general fund—federal appropriation are provided solely to increase rates for specialized dementia care services.

(39) \$77,000 of the general fund—state appropriation for fiscal year 2021 and \$76,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6205 (long-term care workers). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(40) \$17,000 of the general fund—state appropriation for fiscal year 2021 and \$12,000 of the general fund—federal appropriation is provided solely for a cost of living

adjustment to the personal needs allowance pursuant to RCW 74.09.340.

**Sec. 205.** 2019 c 415 s 205 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ECONOMIC SERVICES PROGRAM**

General Fund—State Appropriation (FY 2020)	.....	(\$362,649,000)
		<u>\$354,021,000</u>
General Fund—State Appropriation (FY 2021)	.....	(\$365,538,000)
		<u>\$364,531,000</u>
General Fund—Federal Appropriation	.....	(\$1,453,819,000)
		<u>\$1,460,971,000</u>
General Fund—Private/Local Appropriation	.....	\$5,416,000
Domestic Violence Prevention Account—State Appropriation.....		\$2,404,000
Pension Funding Stabilization Account—State Appropriation.....		(\$26,754,000)
		<u>\$26,349,000</u>
Administrative Contingency Account—State Appropriation.....		\$4,000,000
TOTAL APPROPRIATION.....		<u>\$2,220,580,000</u>
		<u>\$2,217,692,000</u>

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

(1)(a) ~~(\$77,346,000)~~ \$67,875,000 of the general fund—state appropriation for fiscal year 2020, ~~(\$74,058,000)~~ \$68,063,000 of the general fund—state appropriation for fiscal year 2021, ~~(\$808,761,000)~~ \$835,701,000 of the general fund—federal appropriation, \$4,000,000 of the administrative contingency account—state appropriation, and ~~(\$5,662,000)~~ \$5,585,000 of the pension funding stabilization account—state appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. The department must create a WorkFirst budget structure that allows for transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure must include budget units for the following: Cash assistance, child care, WorkFirst activities, and administration of the program. Within these budget units, the department must develop program index codes for specific activities and develop allotments and track expenditures using these codes. The department shall report

to the office of financial management and the relevant fiscal and policy committees of the legislature prior to adopting a structure change.

(b)(i) (~~(\$266,668,000)~~) \$265,980,000 of the amounts in (a) of this subsection is for assistance to clients, including grants, diversion cash assistance, and additional diversion emergency assistance including but not limited to assistance authorized under RCW 74.08A.210. The department may use state funds to provide support to working families that are eligible for temporary assistance for needy families but otherwise not receiving cash assistance.

(ii) Of the amounts in (a) of this subsection, \$1,213,000 of the general fund—state appropriation for fiscal year 2020 and \$989,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(c)(i) (~~(\$158,316,000)~~) \$155,622,000 of the amounts in (a) of this subsection is for WorkFirst job search, education and training activities, barrier removal services, limited English proficiency services, and tribal assistance under RCW 74.08A.040. The department must allocate this funding based on client outcomes and cost effectiveness measures. Within amounts provided in this subsection (1)(c), the department shall implement the working family support program.

(ii) \$2,430,000 of the amounts provided in this subsection (1)(c) is for enhanced transportation assistance. The department must prioritize the use of these funds for the recipients most in need of financial assistance to facilitate their return to work. The department must not utilize these funds to supplant repayment arrangements that are currently in place to facilitate the reinstatement of drivers' licenses.

(iii) Of the amounts in (a) of this subsection, \$864,000 of the general fund—state appropriation for fiscal year 2020 and \$649,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(d)(~~(+)~~) \$353,402,000 of the general fund—federal appropriation is for the working connections child care program under RCW 43.216.020 within the department of children, youth, and families. The department is the lead agency for and recipient of the federal temporary assistance for needy families grant. A portion of this grant must be used to fund child care subsidies expenditures at the department of children, youth, and families. The department shall work in collaboration with the department of children, youth, and families to track the average monthly child care subsidy caseload and expenditures by fund type including the child care development fund, general fund—state, and the temporary assistance for needy families grant for the purpose of estimating the monthly temporary assistance for needy families grant reimbursement.

(e) \$68,496,000 of the general fund—federal appropriation is for child welfare services within the department of children, youth, and families.

(f)(i) (~~(\$122,945,000)~~) \$137,723,000 of the amounts in (1)(a) of this section is for WorkFirst administration and overhead.

(ii) Of the amounts in (a) of this subsection, \$218,000 of the general fund—state appropriation for fiscal year 2020 and \$39,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(iii) Of the amount in (f) of this subsection, \$284,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 6478 (economic assistance programs). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(iv) Of the amount in (f) of this subsection, \$291,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute House Bill No. 2441 (TANF access). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(g) The amounts in subsections (1)(b) through (e) of this section shall be expended for the programs and in the amounts specified. However, the department may transfer up to ten percent of funding between subsections (1)(b) through (f) of this section. The department shall provide notification prior to any transfer to the office of financial management and to the appropriate legislative committees and the legislative-executive WorkFirst poverty reduction oversight task force. The approval of the director of financial management is required prior to any transfer under this subsection.

(h) Each calendar quarter, the department shall provide a maintenance of effort and participation rate tracking report for temporary assistance for needy families to the office of financial management, the appropriate policy and fiscal committees of the legislature, and the legislative-executive WorkFirst poverty reduction oversight task force. The report must detail the following information for temporary assistance for needy families:

(i) An overview of federal rules related to maintenance of effort, excess maintenance of effort, participation rates for temporary assistance for needy families, and the child care development fund as it pertains to maintenance of effort and participation rates;

(ii) Countable maintenance of effort and excess maintenance of effort, by source, provided for the previous federal fiscal year;

(iii) Countable maintenance of effort and excess maintenance of effort, by source, for the current fiscal year, including changes in countable maintenance of effort from the previous year;

(iv) The status of reportable federal participation rate requirements, including any impact of excess maintenance of effort on participation targets;

(v) Potential new sources of maintenance of effort and progress to obtain additional maintenance of effort;

(vi) A two-year projection for meeting federal block grant and contingency fund maintenance of effort, participation targets, and future reportable federal participation rate requirements; and

(vii) Proposed and enacted federal law changes affecting maintenance of effort or the participation rate, what impact these changes have on Washington's temporary assistance for needy families program, and the department's plan to comply with these changes.

(j) In the 2019-2021 fiscal biennium, it is the intent of the legislature to provide appropriations from the state general fund for the purposes of (b) through (f) of this subsection if the department does not receive additional federal temporary assistance for needy families contingency funds in each fiscal year as assumed in the budget outlook.

(2) \$2,545,000 of the general fund—state appropriation for fiscal year 2020 and \$2,546,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for naturalization services.

(3) \$2,366,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services; and \$2,366,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services.

(4) On January 1, 2020, and annually thereafter, the department must report to the governor and the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(5) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be one hundred percent of the federal supplemental nutrition assistance program benefit amount.

(6) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income

benefits. Those cases shall be given high priority for naturalization funding through the department.

(7) \$3,682,000 of the general fund—state appropriation for fiscal year 2020, \$1,344,000 of the general fund—state appropriation for fiscal year 2021, and \$10,333,000 of the general fund—federal appropriation are provided solely for the continuation of the ESAR project and ~~((are))~~ implementation of a disaster recovery plan. The funding is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(8) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(9) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$1,000,000))~~ \$1,200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operational support of the Washington information network 211 organization.

(10) ~~(((\$96,000))~~ \$748,000 of the general fund—state appropriation for fiscal year 2020, ~~\$2,930,000 of the general fund—state appropriation for fiscal year 2021,~~ and ~~(((\$775,000))~~ \$576,000 of the general fund—federal appropriation are provided solely to ~~((begin implementing))~~ implement an asset verification system that is compliant with the federal medicaid extenders act by January 1, 2021 and is subject to the conditions, limitations, and review provided in section 701 of this act.

(11) Within amounts appropriated in this section, the department must conduct a comprehensive study of the WorkFirst transportation pilot. The department must submit a report by November 1, 2020, to the governor and the appropriate fiscal and policy committees that includes a cost benefit analysis of the transportation pilot. At a minimum, the report must include the total annual cost of the pilot since implementation, total annual number of clients accessing transportation services through the pilot, impacts to sanctions and the participation rate, employment outcomes, caseload impacts, department recommendations, and lessons learned.

(12) \$2,375,000 of the general fund—state appropriation for fiscal year 2021 and \$44,000 of the general fund—federal appropriation are provided solely to eliminate the supplied shelter grant standard for the pregnant women assistance, refugee cash assistance, and the aged, blind, or disabled assistance programs.

(13) \$164,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Third Substitute Senate Bill No. 5164 (trafficking victims assist.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(14)(a) \$142,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for staff

and information technology costs associated with extending health care coverage for an additional ten months for postpartum persons who are eligible under pregnancy eligibility rules at the end of the sixty day postpartum period, to provide a total of twelve months postpartum coverage.

(b) The department must coordinate system changes with the health care authority and the health benefit exchange.

(15) \$1,121,000 of the general fund—state appropriation for fiscal year 2021 and \$1,107,000 of the general fund—federal appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 5144 (child support pass-through). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(16) \$228,000 of the general fund—state appropriation for fiscal year 2021 is provided to eliminate the mid-certification review for aged participants in the aged, blind, and disabled program.

**Sec. 206.** 2019 c 415 s 206 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM**

General Fund—State Appropriation (FY 2020)	.....	(\$16,656,000)	
			<u>\$16,663,000</u>
General Fund—State Appropriation (FY 2021)	.....	(\$17,605,000)	
			<u>\$17,632,000</u>
General Fund—Federal Appropriation	.....	(\$109,571,000)	
			<u>\$109,595,000</u>
Pension Funding Stabilization Account—State			
Appropriation .....		\$2,024,000	
TOTAL APPROPRIATION .....		<u>\$145,856,000</u>	
			<u>\$145,914,000</u>

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

(1) The department of social and health services vocational rehabilitation program shall participate in the development of an implementation plan to build statewide capacity among school districts to improve transition planning for students in special education who meet criteria for services from the developmental disabilities administration, pursuant to section 501(3)(c) of this act.

(2) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for supported employment services for additional eligible clients with the most significant disabilities who would

otherwise be placed on the federally required order of selection waiting list.

**Sec. 207.** 2019 c 415 s 207 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—SPECIAL COMMITMENT PROGRAM**

General Fund—State Appropriation (FY 2020)	.....	(\$53,965,000)	
			<u>\$52,711,000</u>
General Fund—State Appropriation (FY 2021)	.....	(\$54,800,000)	
			<u>\$53,921,000</u>
Pension Funding Stabilization Account—State			
Appropriation.....		\$4,580,000	
TOTAL APPROPRIATION.....		<u>\$113,345,000</u>	
			<u>\$111,212,000</u>

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

(1) The special commitment center may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(2) \$705,000 of the general fund—state appropriation for fiscal year 2020 and \$784,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to expand its King county secure transition facility from six beds to twelve beds beginning January 1, 2020.

(3) \$225,000 of the general fund—state appropriation for fiscal year 2020 and \$210,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to hire staff to provide medical transportation and hospital watch services for individuals in need of medical care outside the main facility.

(4) \$158,000 of the general fund—state appropriation for fiscal year 2020 and \$152,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to hire an administrator to coordinate siting efforts for new secure community transition facilities to house individuals transitioning to the community from the main facility.

**Sec. 208.** 2019 c 415 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund—State Appropriation (FY 2020)	.....	(\$31,403,000)	
			<u>\$31,806,000</u>

General Fund—State Appropriation (FY 2021)	(((\$32,427,000))
	<u>\$36,863,000</u>
General Fund—Federal Appropriation	(((\$44,592,000))
	<u>\$48,142,000</u>
Pension Funding Stabilization Account—State	
Appropriation	(((\$6,044,000))
	<u>\$6,449,000</u>
TOTAL APPROPRIATION	\$114,466,000
	<u>\$123,260,000</u>

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

(1) Within amounts appropriated in this section, the department shall provide to the department of health, where available, the following data for all nutrition assistance programs funded by the United States department of agriculture and administered by the department. The department must provide the report for the preceding federal fiscal year by February 1, 2020, and February 1, 2021. The report must provide:

- (a) The number of people in Washington who are eligible for the program;
- (b) The number of people in Washington who participated in the program;
- (c) The average annual participation rate in the program;
- (d) Participation rates by geographic distribution; and
- (e) The annual federal funding of the program in Washington.

(2) \$47,000 of the general fund—state appropriation for fiscal year 2020, \$47,000 of the general fund—state appropriation for fiscal year 2021, and \$142,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

**Sec. 209.** 2019 c 415 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund—State Appropriation (FY 2020)	(((\$36,426,000))
	<u>\$36,524,000</u>
General Fund—State Appropriation (FY 2021)	(((\$38,154,000))
	<u>\$41,064,000</u>

General Fund—Federal Appropriation	(((\$41,143,000))
	<u>\$42,178,000</u>
TOTAL APPROPRIATION	\$115,723,000
	<u>\$119,766,000</u>

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

(1) Within the amounts appropriated in this section, the department must extend master property insurance to all buildings owned by the department valued over \$250,000 and to all locations leased by the department with contents valued over \$250,000.

(2) \$63,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

**Sec. 210.** 2019 c 415 s 210 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY**

During the 2019-2021 fiscal biennium, the health care authority shall provide support and data as required by the office of the state actuary in providing the legislature with health care actuarial analysis, including providing any information in the possession of the health care authority or available to the health care authority through contracts with providers, plans, insurers, consultants, or any other entities contracting with the health care authority.

Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the health care authority are subject to technical oversight by the office of the chief information officer.

The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (1) The status of any information technology projects currently being developed or implemented that affect the coalition; (2) funding needs of these current and future information technology projects; and (3) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in (~~section 719 of this act~~) section 701 of this act.

The appropriations to the health care authority in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2020, unless prohibited by this act, the authority may transfer general fund—state appropriations for fiscal year 2020 among programs after approval by the director of the office of financial management. To the extent that appropriations in sections 211 through 215 are insufficient to fund actual expenditures in excess of caseload forecast and utilization assumptions, the authority may transfer general fund—state appropriations for fiscal year 2020 that are provided solely for a specified purpose. The authority may also transfer general fund—state appropriations for fiscal year 2020 that are provided solely for a specified purpose within section 215 of this act to cover any deficits in section 215 of this act resulting from assumptions related to the return of \$35,000,000 in general fund—state behavioral health organization reserves in fiscal year 2020. The authority may not transfer funds, and the director of the office of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this section. The written notification must include a narrative explanation and justification of changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications and transfers.

**Sec. 211.** 2019 c 415 s 211 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—MEDICAL ASSISTANCE**

General Fund—State Appropriation (FY 2020)	.....	(\$2,281,076,000))
		<u>\$2,378,633,000</u>
General Fund—State Appropriation (FY 2021)	.....	(\$2,325,882,000))
		<u>\$2,440,100,000</u>
General Fund—Federal Appropriation	.....	(\$11,597,642,000))
		<u>\$12,319,236,000</u>
General Fund—Private/Local Appropriation	.....	(\$285,918,000))
		<u>\$246,218,000</u>
Emergency Medical Services and Trauma Care Systems		
Trust Account—State Appropriation	.....	\$15,086,000
Hospital Safety Net Assessment Account—State		
Appropriation	.....	(\$721,718,000))
		<u>\$715,909,000</u>
Medicaid Fraud Penalty Account—State		
Appropriation	.....	(\$10,364,000))
		<u>\$10,208,000</u>
Dedicated Marijuana Account—State		
Appropriation (FY 2020)	.....	(\$18,951,000))
		<u>\$20,870,000</u>
Dedicated Marijuana Account—State		
Appropriation (FY 2021)	.....	(\$19,341,000))
		<u>\$20,953,000</u>
Pension Funding Stabilization Account—State		
Appropriation	.....	\$4,544,000
Medical Aid Account—State Appropriation		\$538,000
TOTAL APPROPRIATION	.....	<u>\$17,281,060,000</u>
		<u>\$18,172,295,000</u>

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

(1) The authority shall not accept or expend any federal funds received under a medicaid transformation waiver under healthier Washington except as described in subsections (2) and (3) of this section until specifically approved and appropriated by the legislature. To ensure compliance with legislative directive budget requirements and terms and conditions of the waiver, the authority shall

implement the waiver and reporting requirements with oversight from the office of financial management. The legislature finds that appropriate management of the innovation waiver requires better analytic capability, transparency, consistency, timeliness, accuracy, and lack of redundancy with other established measures and that the patient must be considered first and foremost in the implementation and execution of the demonstration waiver. In order to effectuate these goals, the authority shall: (a) Require the Dr. Robert Bree collaborative and the health technology assessment program to reduce the administrative burden upon providers by only requiring performance measures that are nonduplicative of other nationally established measures. The joint select committee on health care oversight will evaluate the measures chosen by the collaborative and the health technology assessment program for effectiveness and appropriateness; (b) develop a patient satisfaction survey with the goal to gather information about whether it was beneficial for the patient to use the center of excellence location in exchange for additional out-of-pocket savings; (c) ensure patients and health care providers have significant input into the implementation of the demonstration waiver, in order to ensure improved patient health outcomes; and (d) in cooperation with the department of social and health services, consult with and provide notification of work on applications for federal waivers, including details on waiver duration, financial implications, and potential future impacts on the state budget, to the joint select committee on health care oversight prior to submitting waivers for federal approval. By federal standard, the medicaid transformation demonstration waiver shall not exceed the duration originally granted by the centers for medicare and medicaid services and any programs created or funded by this waiver do not create an entitlement. Beginning May 15, 2019, and continuing through December 15, 2019, by the 15th of each month, the director in consultation with the secretary shall report to the fiscal chair of the appropriate committees of the legislature in the manner and form requested the status of the medicaid transformation waiver, including any anticipated or proposed changes to accruals or expenditures.

(2) No more than ~~((\$305,659,000))~~ \$153,357,000 of the general fund—federal appropriation and no more than ~~((\$157,284,000))~~ \$86,190,000 of the general fund—local appropriation may be expended for transformation through accountable communities of health described in initiative 1 of the medicaid transformation demonstration wavier under healthier Washington, including preventing youth drug use, opioid prevention and treatment, and physical and behavioral health integration. Under this initiative, the authority shall take into account local input regarding community needs. In order to ensure transparency to the appropriate fiscal committees of the legislature, the authority shall provide fiscal staff of the legislature query ability into any database of the fiscal intermediary that authority staff would be authorized to access. The authority shall not increase general fund—state expenditures under this initiative. The director shall also report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees. By December 15, 2019, the authority in

collaboration with each accountable community of health shall demonstrate how it will be self-sustaining by the end of the demonstration waiver period, including sources of outside funding, and provide this reporting to the joint select committee on health care oversight. If by the third year of the demonstration waiver there are not measurable, improved patient outcomes and financial returns, the Washington state institute for public policy will conduct an audit of the accountable communities of health, in addition to the process set in place through the independent evaluation required by the agreement with centers for medicare and medicaid services.

(3)(a) No more than \$79,829,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its third party administrator. The authority and the department in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not increase general fund—state expenditures under this initiative. The director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) No more than \$89,476,000 of the general fund—federal appropriation and no more than \$36,548,000 of the general fund—local appropriation may be expended for the medicaid quality improvement program. Under federal regulations, the medicaid quality improvement program is authorized and allows states to design quality improvement programs for the medicaid population in ways that support the state's quality goals. Medicaid quality improvement program payments will not count against initiative 1 of the medicaid transformation demonstration waiver spending limit and are excluded from the waiver's budget neutrality calculation. Apple health managed care organizations and their partnering providers will receive medicaid quality improvement program payments as they meet designated milestones. Partnering providers and apple health managed care organizations will work together to achieve medicaid quality improvement program goals according to the performance period timelines and reporting deadlines as set forth by the authority. The authority shall only utilize the medicaid quality improvement program to support the transformation waiver and shall not pursue its use for other purposes. Any programs created or funded by the medicaid quality improvement program do not create an entitlement. The authority shall not increase general fund—state, federal, or local expenditures under this program. The director shall report to the joint select committee on health care oversight not less than quarterly on financial and health outcomes. The director shall report to the fiscal committees of the

legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(4) Annually, no later than November 1st, the authority shall report to the governor and appropriate committees of the legislature: (a) Savings attributed to behavioral and physical integration in areas that are scheduled to integrate in the following calendar year, and (b) savings attributed to behavioral and physical health integration and the level of savings achieved in areas that have integrated behavioral and physical health.

(5) Sufficient amounts are appropriated in this subsection to implement the medicaid expansion as defined in the social security act, section 1902(a)(10)(A)(i)(VIII).

(6) The legislature finds that medicaid payment rates, as calculated by the health care authority pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that the cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(7) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(8) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(9) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(10) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(11) \$4,261,000 of the general fund—state appropriation for fiscal year 2020, \$4,261,000 of the general fund—state appropriation for fiscal year 2021, and \$8,522,000 of the general fund—federal appropriation are provided solely for low-income disproportionate share hospital payments.

(12) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible

for services under Title XIX or XXI of the federal social security act due to their citizenship status.

(13) (~~(\$6,000,000)~~) (a) \$7,000,000 of the general fund—federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

(b) The authority, in consultation with the department of social and health services and the nursing homes operated by public hospitals in (a) of this subsection, must develop a plan with recommendations for an upper payment limit calculation and the supplemental payment model for nursing homes operated by a public hospital district. The group must consider how to restructure payments under (a) of this subsection, taking into consideration alternate upper payment limit calculation. If upon completion of the plan, the authority determines it can implement the recommendations of the group within the amounts provided in (a) of this subsection, the authority must submit a state plan amendment, if necessary, and submit a report to the fiscal committees of the legislature no later than September 30, 2020.

(c) \$193,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the authority to provide a one-time grant to a standalone skilled nursing facility operated by a public hospital district in Grant county. This grant is provided as a one-time offset to address the impact of the recoupment requirements of this subsection (13).

(14) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2019-2021 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2020, and by November 1, 2021, that evaluate whether savings continue to exceed costs for this program.

If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2020 and fiscal year 2021, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2019-2021 biennial operating appropriations act and in effect on July 1, 2015, (b) one-half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2019-2021 fiscal biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. (~~(\$537,000)~~) \$759,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$522,000)~~) \$740,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for state grants for the participating hospitals.

(15) The health care authority shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

(16) The health care authority shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes,

including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

(17) The authority shall submit reports to the governor and the legislature by September 15, 2020, and no later than September 15, 2021, that delineate the number of individuals in medicaid managed care, by carrier, age, gender, and eligibility category, receiving preventative services and vaccinations. The reports should include baseline and benchmark information from the previous two fiscal years and should be inclusive of, but not limited to, services recommended under the United States preventative services task force, advisory committee on immunization practices, early and periodic screening, diagnostic, and treatment (EPSDT) guidelines, and other relevant preventative and vaccination medicaid guidelines and requirements.

(18) Managed care contracts must incorporate accountability measures that monitor patient health and improved health outcomes, and shall include an expectation that each patient receive a wellness examination that documents the baseline health status and allows for monitoring of health improvements and outcome measures.

(19) Sufficient amounts are appropriated in this section for the authority to provide an adult dental benefit.

(20) The health care authority shall coordinate with the department of social and health services to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(21) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The health care authority shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for medical assistance benefits.

(22) \$90,000 of the general fund—state appropriation for fiscal year 2020, \$90,000 of the general fund—state appropriation for fiscal year 2021, and \$180,000 of the general fund—federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program.

(23) Within the amounts appropriated in this section, the authority shall reimburse for primary care services provided by naturopathic physicians.

(24) Within the amounts appropriated in this section, the authority shall continue to provide coverage for pregnant

teens that qualify under existing pregnancy medical programs, but whose eligibility for pregnancy related services would otherwise end due to the application of the new modified adjusted gross income eligibility standard.

(25) Sufficient amounts are appropriated in this section to remove the mental health visit limit and to provide the shingles vaccine and screening, brief intervention, and referral to treatment benefits that are available in the medicaid alternative benefit plan in the classic medicaid benefit plan.

(26) The authority shall use revenue appropriated from the dedicated marijuana fund for contracts with community health centers under RCW 69.50.540 in lieu of general fund—state payments to community health centers for services provided to medical assistance clients, and it is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

(27) Beginning no later than January 1, 2018, for any service eligible under the medicaid state plan for encounter payments, managed care organizations at the request of a rural health clinic shall pay the full published encounter rate directly to the clinic. At no time will a managed care organization be at risk for or have any right to the supplemental portion of the claim. Payments will be reconciled on at least an annual basis between the managed care organization and the authority, with final review and approval by the authority.

(28) Sufficient funds are provided for the authority to remove payment and billing limitations identified during the review process required for implementation of chapter 226, Laws of 2017 (behavioral health care – primary care integration) for health and behavior codes, psychotherapy codes, and to continue to offer face-to-face tobacco cessation counseling only for pregnant individuals. Additional funding is provided to increase the rates for the health and behavior codes and psychotherapy codes identified through the stakeholder work group process required under chapter 226, Laws of 2017 (SSB 5779) by ten percent.

(29)(a) \$34,145,000 of the general fund—state appropriation for fiscal year 2021 and \$5,898,000 of the general fund—federal appropriation are provided solely for the compromise of claims in the reconciliation process for rural health clinics for the calendar years 2014-2017. The authority may not recover the state portion of rural health clinic reconciliations for calendar years 2014-2017 for which no state accrual was made. If the authority determines there are unliquidated prior period accrual balances available to refund the federal government for these years, these amounts must be used prior to the amounts provided under this subsection.

(b) By October 15, 2019, the authority shall report to the governor and relevant committees of the legislature the status of rural health clinic reconciliations for calendar years 2011-2013, including any use of available unliquidated prior period accrual balances to refund the federal government for those calendar years. Additionally, the report shall include the status of rural health clinic reconciliations for calendar years 2014-2017, including anticipated amounts owed to or

from rural health clinics from the reconciliation process for those fiscal years. The authority shall not recover the state portion of rural health reconciliations for calendar years 2011-2013 for which no general fund state accrual was made. The authority shall not pursue recoveries for calendar years 2014-2017 until after the legislature has an opportunity to take action during the 2020 legislative session. If the legislature does not take any action on rural health clinic reconciliations for calendar years 2014-2017, recoveries shall commence per administrative rule.

(c) Beginning with fiscal year 2020, and for each subsequent year thereafter, the authority shall reconcile on an annual basis with rural health centers.

(d) Beginning with fiscal year 2020, and for each subsequent year thereafter, the authority shall properly accrue for any anticipated reconciliations with rural health centers during the fiscal year close process following generally accepted accounting practices.

(30) Sufficient amounts are appropriated in this section for the authority to provide a medicaid equivalent adult dental benefit to clients enrolled in the medical care service program.

(31) \$300,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$300,000)~~ \$600,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Bree collaborative to support collaborative learning and targeted technical assistance for quality improvement initiatives. The collaborative must use these amounts to hire one full-time staff person to promote the adoption of Bree collaborative recommendations and to hold two conferences focused on the sharing of best implementation practices.

(32) Within the amounts appropriated in this section, the authority shall reimburse for maternity ~~(support)~~ services provided by doulas. The authority and the department of health must consult with stakeholders and develop methods to secure approval from the centers for medicare and medicaid services for reimbursement for doulas. The authority will report the group's recommendations to the appropriate committees of the legislature by December 1, 2020.

(33) The authority shall facilitate a home health work group consisting of home health provider associations, hospital associations, managed care organizations, the department of social and health services, and the department of health to develop a new medicaid payment methodology for home health services. The authority must submit a report with final recommendations and a proposed implementation timeline to the appropriate committees of the legislature by November 30, 2019. The work group must consider the following when developing the new payment methodology:

(a) Reimbursement for telemedicine;

(b) Reimbursement for social work for clients with behavioral health needs;

(c) An additional add-on for services in rural or underserved areas;

(d) Quality metrics for home health providers serving medical assistance clients including reducing hospital readmission;

(e) The role of home health in caring for individuals with complex, physical, and behavioral health needs who are able to receive care in their own home, but are unable to be discharged from hospital settings; and

(f) Partnerships between home health and other community resources that enable individuals to be served in a cost-effective setting that also meets the individual's needs and preferences.

(34) \$969,000 of the general fund—state appropriation for fiscal year 2020, \$2,607,000 of the general fund—state appropriation for fiscal year 2021, and \$1,268,000 of the general fund—federal appropriation are provided solely to create and operate a tele-behavioral health video call center staffed by the University of Washington's department of psychiatry and behavioral sciences. The center must provide emergency department providers, primary care providers, and county and municipal correctional facility providers with on-demand access to psychiatric and substance use disorder clinical consultation. When clinically appropriate and technically feasible, the clinical consultation may also involve direct assessment of patients using tele-video technology. The center must be available from 8 a.m. to 5 p.m. in fiscal year 2020 and twenty-four hours a day in fiscal year 2021. Of the federal amounts provided in this subsection, \$700,000 is from the substance abuse prevention and treatment federal block grant and is to support addiction medicine services through the call center.

(35) \$300,000 of the general fund—federal appropriation, from the substance abuse prevention and treatment federal block grant amount, is provided solely for medication interaction services through the Washington state poison center.

(36) Within the amounts appropriated in this section, the authority shall review the current diagnosis-related group high outlier claim policies and examine the impact of increasing the current high outlier threshold. To the extent necessary, the authority shall seek actuarial support for this work. The authority must provide a report to the appropriate committees of the legislature by December 31, 2019, that:

(a) Outlines several options for increasing the threshold;

(b) Describes the impact of these options on hospitals, the state, and medicaid managed care organizations; and

(c) Identifies any technical challenge or limitations of changes to the threshold.

(37) Within the amounts appropriated in this section, the authority to include allergen control bed and pillow covers as part of the durable medical equipment benefit for children with an asthma diagnosis enrolled in medical assistance programs.

(38) Sufficient amounts are appropriated in this section to increase the hourly rate by ten percent for registered nurses and licensed practical nurses providing

skilled nursing services for children who require medically intensive care in a home setting. This rate increase begins on January 1, 2020.

(39) Sufficient amounts are appropriated in this section to increase the daily rate by ten percent for registered nurses and licensed practical nurses providing skilled nursing services to medically intensive children's program clients who reside in a group home setting. This rate increase begins on January 1, 2020.

(40) (~~(\$400,000)~~) \$439,000 of the general fund—state appropriation for fiscal year 2020 (~~(\*)~~) and \$519,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Substitute Senate Bill No. 5526 (individual health insurance market). (~~(If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.)~~)

(41) \$22,000 of the general fund—state appropriation for fiscal year 2020, \$159,000 of the general fund—state appropriation for fiscal year 2021, and \$181,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1199 (health care/disability). (~~(If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.)~~)

(42) \$290,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$165,000)~~) \$463,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Second Substitute House Bill No. 1224 (Rx drug cost transparency) with up to an additional year for initial reporting due within the 2019-2021 fiscal biennium. (~~(If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.)~~)

(43) \$1,053,000 of the general fund—state appropriation for fiscal year 2020 and \$2,222,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Substitute Senate Bill No. 5741 (all payer claims database). (~~(If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.)~~)

(44) \$2,374,000 of the general fund—state appropriation for fiscal year 2020 and \$2,374,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the kidney disease program.

(45) The authority shall work with the department of health, other state agencies, and other hepatitis C virus medication purchasers to establish a comprehensive procurement strategy. As part of this work, the authority shall estimate, by program, any savings that will result from lower medication costs. It is the intent of the legislature to evaluate reinvesting any savings to expand treatment for individuals enrolled in state covered groups and to further the public health elimination effort during the 2020 legislative session. By October 31, 2019, the authority and department shall report to the governor and relevant committees of the legislature on:

(a) The progress of the procurement;

(b) The estimated savings resulting from lower medication costs;

(c) Funding needed for public health interventions to eliminate the hepatitis C virus;

(d) The current status of treatment; and

(e) A plan to implement the elimination effort.

(46) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$533,000 for fiscal year 2021 are provided solely for implementation of Engrossed Senate Bill No. 5274 (pacific islanders dental). Open enrollment periods and special enrollment periods must be consistent with the enrollment periods for the COFA medical program, through the health benefit exchange, and program administration must be consistent with the pacific islander medical program. The first open-enrollment period for the COFA dental program must begin no later than November 1, 2020. The dental services must be consistent with the adult medicaid dental coverage, including state payment of premiums, out-of-pocket costs for covered benefits under the qualified dental plan, and costs for noncovered qualified dental plan benefits consistent with, but not to exceed, the medicaid adult dental coverage. ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(47) During the 2019-2021 biennium, sufficient amounts are provided in this section for the authority to provide services identical to those services covered by the Washington state family planning waiver program as of August 2018 to individuals who:

(a) Are over nineteen years of age;

(b) Are at or below two hundred and sixty percent of the federal poverty level as established in WAC 182-505-0100;

(c) Are not covered by other public or private insurance; and

(d) Need family planning services and are not currently covered by or eligible for another medical assistance program for family planning.

(48) \$282,000 of the general fund—state appropriation for fiscal year 2020 and \$754,000 of the general fund—federal appropriation are provided solely for the implementation of Senate Bill No. 5415 (Indian health improvement). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(49) \$3,150,000 of the general fund—state appropriation for fiscal year 2020 and \$3,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to reimburse dental health aid therapists for services performed in tribal facilities for medicaid clients. The authority must leverage any federal funding that may become available as a result of appeal decisions from the centers for medicare and medicaid services.

(50) Sufficient amounts are appropriated within this section for the authority to incorporate the expected outcomes and criteria to measure the performance of service coordination organizations as provided in chapter 70.320 RCW into contracts with managed care organizations that provide services to clients. The authority is directed to:

(a) Contract with an external quality improvement organization to annually analyze the performance of managed care organizations providing services to clients under this chapter based on seven performance measures. The analysis required under this subsection must:

(i) Measure managed care performance in four common measures across each managed care organization, including:

(A) At least one common measure must be weighted towards having the potential to impact managed care costs; and

(B) At least one common measure must be weighted towards population health management, as defined by the measure; and

(ii) Measure managed care performance in an additional three quality focus performance measures specific to a managed care organization. Quality focus performance measures chosen by the authority must:

(A) Be chosen from the statewide common measure set;

(B) Reflect specific measures where a managed care organization has poor performance; and

(C) Be substantive and clinically meaningful in promoting health status.

(b) By September 1, 2019, the authority shall set the four common measures to be analyzed across all managed care organizations.

(c) By September 1, 2019, the authority shall set three quality focus performance measures specific to each managed care organization. The authority must determine performance measures for each managed care organization based on the criteria established in (a)(ii) of this subsection.

(d) By September 15, 2019, and annually thereafter, the authority shall notify each managed care organization of the performance measures for the organization for the subsequent plan year.

(e) Beginning in plan year 2020, two percent of the total plan year funding appropriated to each managed care organization that provides services to clients under chapter 70.320 RCW shall be withheld. At least seventy-five percent of the withhold shall be held contingent on each managed care organization's performance on the seven performance measures identified in this section. Each managed care organization may earn back the annual withhold if the external quality improvement organization finds that the managed care organization:

(i) Made statistically significant improvement in the seven performance measures as compared to the preceding plan year; or

(ii) Scored in the top national medicaid quartile of the performance measures.

(f) The amount of withhold annually paid to each managed care organization shall be proportional to findings

of statistically significant improvement or top national medicaid quartile scoring by a managed care organization.

(g) For no more than two of the four quality focus performance measures, the authority may use an alternate methodology to approximate top national medicaid quartile performance where top quartile performance data is unavailable.

(h) For the purposes of this subsection, "external quality improvement organization" means an organization that meets the competence and independence requirements under 42 C.F.R. Sec. 438.354, as it existed on the effective date of this section.

(51) \$1,805,727,000 of the general fund—state appropriation for fiscal year 2020 and \$1,876,135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the authority to implement the recommendations of the centers for medicare and medicaid services center for program integrity as provided to the authority in the January 2019 Washington focused program integrity review final report. The authority is directed to:

(a) Organize all program integrity activities into a centralized unit or under a common protocol addressing provider enrollment, fraud and abuse detection, investigations, and law enforcement referrals that is more reflective of industry standards;

(b) Ensure appropriate resources are dedicated to prevention, detection, investigation, and suspected provider fraud at both the authority and at contracted managed care organizations;

(c) Ensure all required federal regulations are being followed and are incorporated into managed care contracts;

(d) Directly audit managed care encounter data to identify fraud, waste, and abuse issues with managed care organization providers;

(e) Initiate data mining activities in order to identify fraud, waste, and abuse issues with managed care organization providers;

(f) Implement proactive data mining and routine audits of validated managed care encounter data;

(g) Assess liquidated damages to managed care organizations when fraud, waste, or abuse with managed care organization providers is identified;

(h) Require managed care organizations submit accurate reports on overpayments, including the prompt reporting of overpayments identified or recovered, specifying overpayments due to fraud, waste, or abuse;

(i) Implement processes to ensure integrity of data used for rate setting purposes;

(j) Refine payment suspension policies; and

(k) Ensure all federal database exclusion checks are performed at the appropriate intervals. The authority shall update managed care contracts as appropriate to reflect these requirements.

(52) \$96,130,000 of the general fund—state appropriation for fiscal year 2020 and \$100,476,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for fee-for-service dental services. The authority must provide these services through fee-for-service and may not proceed with either a carved-out or carved-in managed care dental option. Any contracts that have been procured or that are in the process of being procured shall not be entered into or implemented. By November 15, 2019, the authority shall report to the governor and appropriate committees of the legislature a plan to improve access to dental services for medicaid clients. This plan should address options for carve-in, carve-out, fee-for-service, and other models that would improve access and outcomes for adults and children. The plan should also include the cost for any options provided.

(53) During the 2019-2021 fiscal biennium, the authority must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(a) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(b) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(i) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(ii) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(iii) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(c) The provision must allow for the termination of the contract if the authority or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(d) The authority must implement this provision with any new contract and at the time of renewal of any existing contract.

(54) The authority is prohibited to direct any funds to safe-injection sites for the illicit use of drugs.

(55) \$1,400,000 of the general fund—state appropriation for fiscal year 2020, \$1,400,000 of the general fund—state appropriation for fiscal year 2021, and \$7,000,000 of the general fund—federal appropriation are provided solely to increase the rates paid to rural hospitals

that meet the criteria in (a) through (d) of this subsection. Payments for state and federal medical assistance programs for services provided by such a hospital, regardless of the beneficiary's managed care enrollment status, must be increased to one hundred fifty percent of the hospital's fee-for-service rates. The authority must discontinue this rate increase after June 30, 2021, and return to the payment levels and methodology for these hospitals that were in place as of January 1, 2018. Hospitals participating in the certified public expenditures program may not receive increased reimbursement for inpatient services. Hospitals qualifying for this rate increase must:

(a) Be certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013;

(b) Have had less than one hundred fifty acute care licensed beds in fiscal year 2011;

(c) Have a level III adult trauma service designation from the department of health as of January 1, 2014; and

(d) Be owned and operated by the state or a political subdivision.

(56) Within the amounts appropriated within this section the authority shall conduct an evaluation of purchasing arrangements and paid claims or encounter data for prescription drugs under managed care contracts for plan years 2017 and 2018 and compare these to contract purchasing agreements under the same years for the prescription drug consortium and identify any cost differences. The authority shall report its findings to the governor and appropriate committees of the legislature by November 15, 2019.

(57) The health care authority is directed to convene a work group on establishing a universal health care system in Washington. ~~(((\$500,000))~~ \$338,000 of the general fund—state appropriation for fiscal year 2020 ~~((is))~~ and \$162,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the health care authority to contract with one or more consultants to perform any actuarial and financial analyses necessary to develop options under (b)(vi) of this subsection.

(a) The work group must consist of a broad range of stakeholders with expertise in the health care financing and delivery system, including but not limited to:

(i) Consumers, patients, and the general public;

(ii) Patient advocates and community health advocates;

(iii) Large and small businesses with experience with large and small group insurance and self-insured models;

(iv) Labor, including experience with Taft-Hartley coverage;

(v) Health care providers that are self-employed and health care providers that are otherwise employed;

(vi) Health care facilities such as hospitals and clinics;

(vii) Health insurance carriers;

(viii) The Washington health benefit exchange and state agencies, including the office of financial management, the office of the insurance commissioner, the department of revenue, and the office of the state treasurer; and

(ix) Legislators from each caucus of the house of representatives and senate.

(b) The work group must study and make recommendations to the legislature on how to create, implement, maintain, and fund a universal health care system that may include publicly funded, publicly administered, and publicly and privately delivered health care that is sustainable and affordable to all Washington residents including, but not limited to:

(i) Options for increasing coverage and access for uninsured and underinsured populations;

(ii) Transparency measures across major health system actors, including carriers, hospitals, and other health care facilities, pharmaceutical companies, and provider groups that promote understanding and analyses to best manage and lower costs;

(iii) Innovations that will promote quality, evidence-based practices leading to sustainability, and affordability in a universal health care system. When studying innovations under this subsection, the work group must develop recommendations on issues related to covered benefits and quality assurance and consider expanding and supplementing the work of the Robert Bree collaborative and the health technology assessment program;

(iv) Options for ensuring a just transition to a universal health care system for all stakeholders including, but not limited to, consumers, businesses, health care providers and facilities, hospitals, health carriers, state agencies, and entities representing both management and labor for these stakeholders;

(v) Options to expand or establish health care purchasing in collaboration with neighboring states; and

(vi) Options for revenue and financing mechanisms to fund the universal health care system. The work group shall contract with one or more consultants to perform any actuarial and financial analyses necessary to develop options under this subsection.

(c) The work group must report its findings and recommendations to the appropriate committees of the legislature by November 15, 2020. Preliminary reports with findings and preliminary recommendations shall be made public and open for public comment by November 15, 2019, and May 15, 2020.

(58) \$23,000 of the general fund—state appropriation for fiscal year 2020, \$2,000 of the general fund—state appropriation for fiscal year 2021, and \$36,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(59) \$1,667,000 of the general fund—state appropriation for fiscal year 2020, \$855,000 of the general fund—state appropriation for fiscal year 2021, and \$1,867,000 of the general fund—federal appropriation are provided solely for the Washington rural health access preservation pilot program.

(60) \$612,000 of the general fund—state appropriation for fiscal year 2021 and \$1,088,000 of the general fund—federal appropriation are provided solely for the authority to increase the nonemergency medical transportation broker administrative rate to ensure access to health care services for medicaid patients.

(61) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the authority to develop a public-private partnership with a state-based oral health foundation to connect medicaid patients to dental services and reduce barriers to accessing care. The authority shall submit a progress report to the appropriate committees of the legislature by June 30, 2021.

(62)(a) \$1,192,000 of the general fund—state appropriation for fiscal year 2020 and \$3,970,000 of the general fund—federal appropriation are provided solely for reconciliation of payment under alternate payment methodology four (APM4) for federally qualified health centers (FQHC) for state fiscal year 2020. The authority shall use unliquidated prior accrual balances to reconcile state fiscal years 2018 and 2019.

(b) By August 1, 2020, the authority shall convene representatives from FQHCs participating in the APM4 methodology, the FQHC association, the office of financial management, and fiscal committees of the legislature to evaluate and amend the APM4 model and memorandum of understanding.

(c) The authority in collaboration with the representatives in (b) of this subsection must develop an updated APM4 model and memorandum of understanding that:

(i) Complies with budget neutrality requirements and spending limits as required under the omnibus appropriations act;

(ii) Identifies predictable spending targets;

(iii) Clearly defines quality performance standards for participating FQHCs;

(iv) Requires progressively increasing standards of quality performance for participating FQHCs;

(v) Clearly defines financial performance expectations for participating FQHCs;

(vi) Requires progressively increasing standards of financial performance for participating FQHCs; and

(vii) Requires that reconciliation payments made under APM4 may not fall below the payment level required by the federal law for qualifying face-to-face encounters.

(d) The authority in collaboration with the office of financial management and representatives from fiscal committees of the legislature shall conduct an evaluation of

the APM4 model to determine its cost effectiveness and impact on patient outcomes and report its findings and recommendations to the appropriate committees of the legislature by November 15, 2022.

(e) The authority shall not enter into any future value-based arrangements with federally qualified health centers or rural health clinics prior to receiving approval from the office of financial management and the appropriate committees of the legislature.

(f) The authority shall require all managed care organizations to provide information to the authority to account for all payments to FQHCs to include how payments are made, including any additional payments and whether there is a sub-capitation arrangement or value-based purchasing arrangement.

(g) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall reconcile on an annual basis with FQHCs contracting under APM4.

(h) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall properly accrue for any anticipated reconciliations with FQHCs contracting under APM4 during the fiscal year close process following generally accepted accounting practices.

(63) \$70,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to implement Engrossed House Bill No. 2755 (air ambulance cost transp.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(64) \$611,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to implement Second Substitute House Bill No. 2457 (health care cost board). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(65) \$259,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to implement Engrossed Second Substitute House Bill No. 2662 (total cost of insulin). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(66) The health care authority shall submit a state plan amendment to the centers for medicare and medicaid services to maintain children's health insurance program coverage as secondary payer for eligible child dependents of employees eligible for school employee or public employee benefit coverage. The intent of the legislature for this option is to provide children the best access to health care coverage while prioritizing efficient use of state funds. No later than October 15, 2020, the authority shall report to the fiscal committees of the legislature and the office of financial management on the status of the state plan amendment and the impact to the state. The health care authority shall implement the amendment in calendar year 2020, once approved by the centers for medicare and medicaid services.

(67) \$250,000 of the general fund—state appropriation for fiscal year 2020, \$250,000 of the general fund—state appropriation for fiscal year 2021, and \$500,000 of the general fund—federal appropriation are provided solely to increase the rates paid to provide education and clinical

training for dental professionals and students in the care of persons with developmental or acquired disabilities, or both.

(68) \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for mental health training for maternity support services and infant case managers across the state. The authority must use the amounts provided in this subsection for scholarships or other support for training that assists maternity support services and infant case management providers in identification, referral, and provision of culturally competent, evidence-based mental health interventions.

(69) \$510,000 of the general fund—state appropriation for fiscal year 2021 and \$76,000 of the general fund—federal appropriation are provided solely for the authority to collaborate with the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital to extend the partnership access line for moms and partnership access line for kids referral assistance service programs, as described in RCW 71.24.061(3)(a), until June 30, 2021.

(70) \$66,000 of the general fund—state appropriation for fiscal year 2021 and \$66,000 of the general fund—federal appropriation are provided solely for the authority to identify, analyze, and address health equity disparities in access and outcomes for individuals in the medicaid population.

(71) \$200,000 of the general fund—state appropriation for fiscal year 2021 and \$200,000 of the general fund—federal appropriation are provided solely for contracting with the office of equity to implement Substitute House Bill No. 2905 (baby, child dentistry access). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(72) \$150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the development of a system to address individuals with intellectual and developmental disabilities who present in an emergency in crisis. The system must include crisis plans to be available to emergency room providers; and education and training for emergency room providers in how to best serve this population to provide immediate intervention to prevent acute care admissions and support the individual to return to their current living arrangements.

(73) \$187,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a full-time employee to coordinate client assessments and implement plans for patients who are hospitalized and likely to need post discharge services including placement in community or out of state settings. Client assessments must include information regarding the individual's specific care needs, whether medical, behavioral, or cognitive, and ability to perform activities of daily living. The coordinator must collaborate with the department of social and health services, the department of children, youth, and families, and health care organizations to promote the transition of patients to postacute care settings.

(74) \$331,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to an

organization managing the Washington patient safety coalition to support the communication and resolution programs certification program to improve outcomes for patients by providing feedback to health care organizations.

(75) \$120,000 of the general fund—state appropriation for fiscal year 2021 and \$120,000 of the general fund—federal appropriation are provided solely for the authority to identify ways to maximize federal financial participation and any new opportunities to leverage federal funding. In collaboration with the department of health, the authority must explore options to leverage federal funding for foundational public health. The authority may use the amounts in this subsection for staff support and one-time contracting.

(76)(a) Within amounts provided in this section, the authority must establish a primary care collaborative. The authority shall invite representatives from at least the following to participate:

- (i) Health care consumers;
- (ii) Behavioral health treatment providers;
- (iii) Employers that offer self-insured health benefit plans;
- (iv) The office of the insurance commissioner;
- (v) Medicaid-managed care organizations;
- (vi) Commercial health insurance carriers;
- (vii) The University of Washington school of medicine;
- (viii) The Elson S. Floyd college of medicine;
- (ix) The Pacific Northwest University of Health Sciences;
- (x) A statewide organization representing federally qualified health centers;
- (xi) A statewide organization representing hospitals and health systems;
- (xii) A statewide organization representing local public health districts;
- (xiii) A statewide professional association for family physicians;
- (xiv) A statewide professional association for pediatricians;
- (xv) A statewide professional association for physicians;
- (xvi) A statewide professional association for nurse practitioners; and
- (xvii) The centers for medicare and medicaid services.

(b) By December 1, 2020, the collaborative shall report findings and recommendations, including any recommended statutory changes, to the governor and appropriate committees of the legislature regarding statewide spending on primary care, addressing:

(i) How to define "primary care" for purposes of determining current and desired levels of primary care spending by public and private payers as a proportion of overall health care spending;

(ii) Barriers to the access and use of all the data needed to determine current and desired levels of primary care spending, and how to overcome them;

(iii) What the desired level of primary care spending is in this state, and the annual progress needed to achieve that level of spending in a reasonable period of time;

(iv) How and by whom it should annually be determined whether desired levels of primary care spending are being achieved;

(v) Methods to incentivize the achievement of desired levels of primary care spending;

(vi)(A) Specific practices and methods of reimbursement to achieve and sustain desired levels of primary care spending, including but not limited to: Supporting advanced, integrated primary care involving a multidisciplinary team of health and social service professionals; addressing social determinants of health within the primary care setting; leveraging innovative uses of efficient, interoperable health information technology; increasing the primary care workforce; and reinforcing to patients the value of primary care, and eliminating any barriers to access.

(B) As much as possible, the practices and methods specified must hold primary care providers accountable for improved health outcomes, not increase the administrative burden on primary care providers or overall health care spending in the state, allow for uniform implementation across payers, and take into account differences in urban and rural delivery settings; and

(vii) The ongoing role of the collaborative in guiding and overseeing the development and application of primary care spending targets, and the implementation and evaluation of strategies to achieve them.

(c) In developing its report, the collaborative shall be informed by existing work in this state and others regarding primary care, including but not limited to the December 2019 report by the office of financial management, the work of the Bree collaborative, the work of the AIMS center and the center for health workforce studies at the University of Washington, and the work of the health care authority to strengthen primary care within state purchased health care.

(77) No later than December 31, 2021, the health care authority, in partnership with the department of social and health services as described in section 204(33) of this act, shall submit a waiver request to the federal department of health and human services to authorize presumptive medicaid eligibility determinations for clients preparing for acute care hospital discharge who may need long-term services and supports. The department and the authority shall hold stakeholder discussions, including opportunities for public review and comment, during development of the waiver request. Upon submission of the waiver request, the department and the authority shall submit a report to the

governor and the appropriate legislative committees that describes the request and identifies any statutory changes that may be necessary if the federal government approves the request.

(78) \$1,857,000 of the general fund—state appropriation for fiscal year 2021 and \$3,146,000 of the general fund—federal appropriation are provided solely to maintain and increase access for behavioral health services through increased provider rates. The rate increases are effective in January 2021 and must be applied to the following codes for children and adults enrolled in the medicaid program: 90832, 90833, 90834, 90837, H0004, H0036, H2015, H2021, H0023, 90836, 90838, 96156, 96158, 96159, 96164, 96165, 96167, 96168, 96170, 96171, 90845, 90846, 90847, 90849, 90853, 90785, and 90791. The authority may use a substitute code in the event that any of the codes identified in this subsection are discontinued and replaced with an updated code covering the same service. Within the amounts provided in this subsection the authority must:

(a) Implement this rate increase in accordance with the process established in Engrossed House Bill No. 2584 (behavioral health rates);

(b) Raise the state fee-for-service rates for these codes by up to fifteen percent, except that the state medicaid rate may not exceed the published medicare rate or an equivalent relative value unit rate if a published medicare rate is not available;

(c) Require in contracts with managed care organizations that, beginning in calendar year 2021, managed care organizations pay no lower than the fee-for-service rate for these codes, and adjust managed care capitation rates accordingly; and

(d) Not duplicate rate increases provided in subsection (79) of this section.

(79) \$9,922,000 of the general fund—state appropriation for fiscal year 2021 and \$19,072,000 of the general fund—federal appropriation are provided solely to maintain and increase access for primary care services for medicaid-enrolled patients through increased provider rates beginning January 1, 2021. Within the amounts provided in this subsection the authority must:

(a) Increase the medical assistance rates for primary care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least fifteen percent above medical assistance rates in effect on January 1, 2020;

(b) Increase the medical assistance rates for pediatric critical care, neonatal critical care, and neonatal intensive care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least twenty-one percent above medical assistance rates in effect on January 1, 2020;

(c) Apply reimbursement rates required under this subsection to payment codes in a manner consistent with the temporary increase in medicaid reimbursement rates under federal rules and guidance in effect on January 1, 2014,

implementing the patient protection and affordable care act, except that the authority may not require provider attestations;

(d) Pursue state plan amendments to require medicaid managed care organizations to increase rates under this subsection through adoption of a uniform percentage increase for network providers pursuant to 42 C.F.R. Sec. 438.6(c)(1)(iii)(B), as existing on January 1, 2020; and

(e) Not duplicate rate increases provided in subsection (78) of this section.

(80) \$770,000 of the general fund—state appropriation for fiscal year 2021 and \$800,000 of the general fund—federal appropriation are provided solely to increase home health rates beginning January 1, 2021.

(81) \$100,000 of the general fund—state appropriation for fiscal year 2021 and \$100,000 of the general fund—federal appropriation are provided solely for the authority to lead, in coordination with the department of health and other agencies and purchasers, a comprehensive procurement strategy for the purchase of HIV antiviral drugs. The authority is directed to develop a strategy to cover antiviral drugs with preferred status and without any prior authorization or expedited prior authorization requirements or protocols. The authority is directed to collaborate with agencies and issue a single request for proposals for a joint, value-based purchasing agreement for HIV antiviral drugs from one or more pharmaceutical manufacturers in January 2021. This joint purchasing agreement will aim to reduce the costs of the drugs, increase the numbers of Washingtonians treated, and improve the health outcomes of people living with HIV. The authority is directed to collaborate with other state agencies, and to engage multi-state or national organizations, to develop a strategy to assess the interest and ability of extending the state's purchasing and public health strategy to not only Washington's other major purchasers of health care and commercial insurers, but also other states or purchasers. This work may include either working to partner with a multi-state collaborative or other states individually. The authority shall work with Washington's health benefit exchange and the office of the insurance commissioner to explore purchasing options for the health insurance markets.

(82)(a) Within the amounts appropriated within this section, the authority shall implement Engrossed Substitute Senate Bill No. 6534 (ambulance quality assurance fee). The authority is directed to submit a state plan amendment (SPA) pursuant to the terms of Engrossed Substitute Senate Bill No. 6534 without delay once the bill becomes effective. If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(b) The authority, in collaboration with an association representing private emergency ambulance providers and an organization representing employees of private emergency ambulance providers, shall develop reporting requirements prior to June 30, 2021, to account for how funds from the quality assurance fee program and base rate increase are spent. The reporting requirements should include, but not be limited to, the percent of the add-on fee and base rate increase used to increase wages; to which category of workers' wages these increases apply, specifically whether

wage increases are being used to increase wages for emergency medical technicians whose statewide average dollars-per-hour wage was less than \$25 per hour in calendar year 2020; and, whether the add-on and base rate increase are being used to address resulting wage compression for related job classes immediately affected by wage increases to emergency medical technicians.

(83) The health care authority shall work with the department of social and health services to assess a Katie Beckett waiver and a tax equity and fiscal responsibility act (TEFRA) waiver to expand coverage for children with significant disabilities who meet federal requirements for such services. No later than October 15, 2020, the authority shall report to the fiscal committees of the legislature and the office of financial management the number of children who would be eligible if such waivers were approved, the services for which they would be eligible, and the potential impact to the state budget.

(84) \$108,000 of the general fund—state appropriation for fiscal year 2020 and \$417,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 6088 (Rx drug affordability board). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(85) \$2,362,000 of the general fund—state appropriation for fiscal year 2021 and \$4,132,000 of the general fund—federal appropriation are provided solely to increase the rates paid to low volume, small rural hospitals that meet the criteria in (a) through (d) of this subsection. Payments for state and federal medical assistance programs for services provided by such a hospital, regardless of the beneficiary's managed care enrollment status, must be increased to one hundred fifty percent of the hospital's fee-for-service rates beginning July 1, 2020. The authority must discontinue this rate increase after June 30, 2021, and return to the payment levels and methodology for these hospitals that were in place as of June 30, 2020. A hospital qualifying for this rate increase must:

(a) Have fewer than seventy available acute beds as reported in the hospital's 2018 department of health year-end report;

(b) Not be currently designated as a critical access hospital, and not meet the current federal eligibility requirements for designation as a critical access hospital;

(c) Not be a certified public expenditure hospital;

(d) Have combined medicare and medicaid inpatient days greater than eighty percent as reported in the hospital's 2018 cost report.

(86) \$242,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6128 (postpartum period/medicaid). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse. The funding in this subsection is provided solely for staff and information technology costs associated with system changes required in preparation for extending health care coverage for an additional ten months for postpartum

persons who are eligible under pregnancy eligibility rules at the end of the sixty day postpartum period, to provide a total of twelve months postpartum coverage. The authority must coordinate system changes with the department of social and health services and the health benefit exchange.

**Sec. 212.** 2019 c 415 s 212 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—PUBLIC EMPLOYEES' BENEFITS BOARD AND EMPLOYEE BENEFITS PROGRAM**

State Health Care Authority Administrative Account—State

Appropriation .....	(\$35,274,000)	
		<u>\$37,604,000</u>
TOTAL APPROPRIATION .....	\$35,274,000	
		<u>\$37,604,000</u>

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

(1) Any savings resulting from reduced claims costs or other factors identified after March 1, 2019, must be reserved for funding employee benefits in the 2021-2023 fiscal biennium. The health care authority shall deposit any moneys received on behalf of the uniform medical plan resulting from rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys received as a result of prior uniform medical plan claims payments, in the public employees' and retirees' insurance account to be used for insurance benefits. The authority may, however, conduct a request for information about a diabetes disease management program.

(2) Any changes to benefits must be approved by the public employees' benefits board. The board shall not make any changes to benefits without considering a comprehensive analysis of the cost of those changes, and shall not increase benefits unless savings achieved under subsection (3) of this section or offsetting cost reductions from other benefit revisions are sufficient to fund the changes. However, the funding provided anticipates that the public employees' benefits board may increase the availability of nutritional counseling in the uniform medical plan by allowing a lifetime limit of up to twelve nutritional counseling visits, and may increase hearing aid benefits to reflect the provisions of chapter 159, Laws of 2018, for the plan year beginning January 1, 2021. Provided further, that within the amount provided, the health care authority may update the public employees benefits board benefits enrollment process. The board may also, within the amounts provided, use cost savings to enhance the basic long-term disability benefit.

(3) Except as may be provided in a health care bargaining agreement, to provide benefits within the level of funding provided in part IX of this bill, the public employees' benefits board shall require or make any or all of the following: Employee premium copayments, increases increase in point-of-service cost sharing, the implementation

of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(4) The board shall collect a surcharge payment of not less than twenty-five dollars per month from members who use tobacco products, and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(5) \$7,000 of the state health care authority administrative account—state appropriation in this section is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amount in this subsection shall lapse.))~~

(6) \$1,705,000 of the state health care authority administrative account—state appropriation in this section is provided solely for implementation of Engrossed Substitute Senate Bill No. 6189 (SEBB coverage eligibility). If the bill is not enacted by June 30, 2020, the amount in this subsection shall lapse.

(7) \$149,000 of the state health care authority administrative account—state appropriation is provided solely for a full-time equivalent employee dedicated to work on retiree health care. The authority will provide any necessary information to the office of the state actuary to support an analysis of medicare eligible health care benefits. The authority will convene a stakeholder work group to discuss the plans available to medicare eligible retirees. The stakeholder work group, at a minimum, must include representatives of the office of financial management and representatives of the largest associations representing retirees receiving benefits under the public employees' benefits board. The work group shall identify priorities and preferences that should be considered if changes were made to the medicare eligible retiree plans. A summary of the work group's feedback must be provided to the office of the state actuary by September 1, 2020.

**Sec. 213.** 2019 c 415 s 213 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—SCHOOL EMPLOYEES' BENEFITS BOARD**

School Employees' Insurance Administrative Account—State

Appropriation.....	(\$25,343,000)	
		<u>\$27,766,000</u>
TOTAL APPROPRIATION.....	\$25,343,000	
		<u>\$27,766,000</u>

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

(1) By February 5, 2020, the health care authority shall report to the appropriate committees of the legislature on the total amount by school district, educational service district, and charter school billed for January benefits and a detailed list of school districts, educational service districts, and charter schools that have not remitted payment for January coverage as of January 31, 2020.

(2) \$2,000 of the appropriation in this section is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amount in this subsection shall lapse.))~~

(3) The health care authority must study the potential cost savings and improved efficiency in providing insurance benefits to the employers and employees participating in the public employees' and school employees' benefits board systems that could be gained by consolidating the systems. The consolidation options studied must maintain separate risk pools for medicare-eligible and non-medicare eligible employees and retirees, assume a consolidation date of January 1, 2022, and incorporate the experiences gained by health care authority during the initial implementation and operation of the school employees' benefits board program. The study must be submitted to the committees of the house of representatives and the senate overseeing health care and the omnibus operating budget by November 15, 2020.

(4) \$2,002,000 of the school employees' insurance administrative account—state appropriation in this section is provided solely for implementation of Engrossed Substitute Senate Bill No. 6189 (SEBB coverage eligibility). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 214.** 2019 c 415 s 214 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—HEALTH BENEFIT EXCHANGE**

General Fund—State Appropriation (FY 2020)	\$6,407,000
General Fund—State Appropriation (FY 2021)	<del>(\$5,234,000)</del>
	<u>\$5,659,000</u>
General Fund—Federal Appropriation	<del>(\$52,128,000)</del>
	<u>\$50,055,000</u>
Health Benefit Exchange Account—State Appropriation	<del>(\$57,720,000)</del>
	<u>\$60,117,000</u>
TOTAL APPROPRIATION	<del>\$121,489,000</del>
	<u>\$122,238,000</u>

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

(1) The receipt and use of medicaid funds provided to the health benefit exchange from the health care authority

are subject to compliance with state and federal regulations and policies governing the Washington apple health programs, including timely and proper application, eligibility, and enrollment procedures.

(2)(a) By July 15th and January 15th of each year, the authority shall make a payment of one-half the general fund—state appropriation and one-half the health benefit exchange account—state appropriation to the exchange.

(b) The exchange shall monitor actual to projected revenues and make necessary adjustments in expenditures or carrier assessments to ensure expenditures do not exceed actual revenues.

(c) Payments made from general fund—state appropriation and health benefit exchange account—state appropriation shall be available for expenditure for no longer than the period of the appropriation from which it was made. When the actual cost of materials and services have been fully determined, and in no event later than the lapsing of the appropriation, any unexpended balance of the payment shall be returned to the authority for credit to the fund or account from which it was made, and under no condition shall expenditures exceed actual revenue.

(3) \$50,000 of the general fund—state appropriation for fiscal year 2020, \$50,000 of the general fund—state appropriation for fiscal year 2021, and \$1,048,000 of the health benefit exchange account—state appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5526 (individual health insurance market). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(4) \$1,173,000 of the general fund—state appropriation for fiscal year 2020 is provided for the exchange to enhance Washington healthplanfinder so eligible COFA citizens can obtain dental coverage. Open enrollment periods and special enrollment periods for the COFA dental program shall be consistent with the enrollment periods for the COFA medical program. The first open-enrollment period for the COFA dental program must begin no later than November 1, 2020.

(5) \$426,000 of the health benefit exchange account—state appropriation and \$874,000 of the general fund—federal appropriation are provided solely for cloud platform costs and are subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(6) \$968,000 of the health benefit exchange account—state appropriation and \$1,978,000 of the general fund—federal appropriation are provided solely for system integrator procurement and are subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(7) \$152,000 of the health benefit exchange account—state appropriation for fiscal year 2021 is provided solely to implement Substitute House Bill No. 2554 (health plan exclusions). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(8) \$172,000 of the health benefit exchange account—state appropriation for fiscal year 2021 is provided solely to implement Engrossed Second Substitute House Bill No. 2662 (total cost of insulin). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(9)(a) \$325,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for staff and information technology costs associated with system changes required in preparation for extending health care coverage for an additional ten months for postpartum persons who are eligible under pregnancy eligibility rules at the end of the sixty day postpartum period, to provide a total of twelve months postpartum coverage.

(b) The exchange must coordinate system changes with the department of social and health services and the health care authority.

(10) \$100,000 of the general fund—state appropriation for fiscal 2021 is provided solely for the exchange to contract with an independent actuarial consultant to conduct an assessment of the impact of a state requirement that individuals enroll in health coverage. The assessment shall consider the effects of this requirement on revenue, individual market enrollment, individual market premiums, and the uninsured rate. The exchange shall submit assessment findings to the chairs of the health committees of the legislature no later than December 15, 2020.

**Sec. 215.** 2019 c 415 s 215 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—COMMUNITY BEHAVIORAL HEALTH PROGRAM**

General Fund—State Appropriation (FY 2020)	(( <del>\$556,003,000</del> ))
	<u>\$579,402,000</u>
General Fund—State Appropriation (FY 2021)	(( <del>\$604,424,000</del> ))
	<u>\$652,344,000</u>
General Fund—Federal Appropriation	(( <del>\$1,966,699,000</del> ))
	<u>\$2,076,337,000</u>
General Fund—Private/Local Appropriation	\$36,513,000
Criminal Justice Treatment Account—State Appropriation	(( <del>\$12,986,000</del> ))
	<u>\$17,486,000</u>
Problem Gambling Account—State Appropriation	(( <del>\$1,461,000</del> ))
	<u>\$1,961,000</u>
Medicaid Fraud Penalty Account—State Appropriation	\$51,000
Dedicated Marijuana Account—State Appropriation	

(FY 2020)	\$28,490,000
Dedicated Marijuana Account—State Appropriation (FY 2021)	\$28,493,000
Pension Funding Stabilization Account—State Appropriation	\$1,714,000
<b>TOTAL APPROPRIATION</b>	<u><b>\$3,236,834,000</b></u>
	<u><b>\$3,422,791,000</b></u>

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

(1) For the purposes of this section, "behavioral health entities" means managed care organizations and administrative services organizations in regions where the authority is purchasing medical and behavioral health services through fully integrated contracts pursuant to RCW 71.24.380, and behavioral health organizations in regions that have not yet transitioned to fully integrated managed care.

(2) Within the amounts appropriated in this section, funding is provided for implementation of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. In addition to amounts provided solely for implementation of the settlement agreement, class members must have access to supports and services funded throughout this section for which they meet eligibility and medical necessity requirements. The authority must include language in contracts that requires regional behavioral health entities to develop and implement plans for improving access to timely and appropriate treatment for individuals with behavioral health needs and current or prior criminal justice involvement who are eligible for services under these contracts.

(3) \$15,605,000 of the general fund—state appropriation for fiscal year 2020, \$15,754,000 of the general fund—state appropriation for fiscal year 2021, and \$4,789,000 of the general fund—federal appropriation are provided solely for the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The department, in collaboration with the health care authority and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, crisis diversion and supports, education and training, and workforce development.

(4) ((~~\$8,777,000~~)) \$7,657,000 of the general fund—state appropriation for fiscal year 2020, ((~~\$10,424,000~~)) \$11,544,000 of the general fund—state appropriation for fiscal year 2021, and \$20,197,000 of the general fund—federal appropriation are provided solely for the authority and behavioral health entities to continue to contract for implementation of high-intensity programs for assertive

community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to behavioral health entities with PACT teams, the authority shall consider the differences between behavioral health entities in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The authority may allow behavioral health entities which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under subsection (7) of this section. The authority and behavioral health entities shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(5) From the general fund—state appropriations in this section, the authority shall assure that behavioral health entities reimburse the department of social and health services aging and long term support administration for the general fund—state cost of medicaid personal care services that enrolled behavioral health entity consumers use because of their psychiatric disability.

(6) \$3,520,000 of the general fund—federal appropriation is provided solely for the authority to maintain a pilot project to incorporate peer bridging staff into behavioral health regional teams that provide transitional services to individuals returning to their communities.

(7) \$81,930,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$81,930,000)~~) \$85,122,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of behavioral health entity spending must be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. These amounts must be distributed to behavioral health entities as follows:

(a) Of the amount provided for fiscal year 2020, seventy percent must be distributed to behavioral health administrative service organizations and thirty percent to managed care organizations. The percentage of funding provided to each behavioral health administrative services organization must be proportionate to the fiscal year 2019 regional allocation of flexible nonmedicaid funds.

(b) \$3,939,000 of the fiscal year 2021 amounts must be distributed to behavioral health administrative service organizations. Of the remaining amount for fiscal year 2021, eighty percent must be distributed to behavioral health administrative service organizations and twenty percent to managed care organizations. The percentage of funding provided to each behavioral health administrative services organization must be proportionate to the fiscal year 2020 regional allocation of flexible nonmedicaid funds.

(c) The authority must include the following language in medicaid contracts with behavioral health entities unless they are provided formal notification from the center for medicaid and medicare services that the language will result in the loss of federal medicaid participation: "The contractor may voluntarily provide services that are in addition to those

covered under the state plan, although the cost of these services cannot be included when determining payment rates unless including these costs are specifically allowed under federal law or an approved waiver."

(8) The authority is authorized to continue to contract directly, rather than through contracts with behavioral health entities for children's long-term inpatient facility services.

(9) \$1,204,000 of the general fund—state appropriation for fiscal year 2020 and \$1,204,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting one hundred eighty-day commitment hearings at the state psychiatric hospitals.

(10) Behavioral health entities may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, behavioral health entities may use a portion of the state funds allocated in accordance with subsection (7) of this section to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

(11) \$2,291,000 of the general fund—state appropriation for fiscal year 2020 and \$2,291,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The authority must collect information from the behavioral health entities on their plan for using these funds, the numbers of individuals served, and the types of services provided and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(12) Within the amounts appropriated in this section, funding is provided for the authority to develop and phase in intensive mental health services for high needs youth consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

(13) The authority must establish minimum and maximum funding levels for all reserves allowed under behavioral health organization and administrative services organization contracts and include contract language that clearly states the requirements and limitations. The authority must monitor and ensure that behavioral health organization and administrative services organization reserves do not exceed maximum levels. The authority must monitor revenue and expenditure reports and must require a behavioral health organization or administrative services organization to submit a corrective action plan on how it will spend its excess reserves within a reasonable period of time, when its reported reserves exceed maximum levels established under the contract. The authority must review and approve such plans and monitor to ensure compliance.

If the authority determines that a behavioral health organization or administrative services organization has failed to provide an adequate excess reserve corrective action plan or is not complying with an approved plan, the authority must reduce payments to the entity in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the authority determines that the entity has come into substantial compliance with an approved excess reserve corrective action plan.

(14) During the 2019-2021 fiscal biennium, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted directly between the authority and providers rather than through contracts with behavioral health organizations.

(15) Within the amounts appropriated in this section, the authority may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, post-partum, and parenting women. For all contractors: (a) Service and other outcome data must be provided to the authority by request; and (b) indirect charges for administering the program must not exceed ten percent of the total contract amount.

(16) \$3,500,000 of the general fund—federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(17) Within the amounts provided in this section, behavioral health entities must provide outpatient chemical dependency treatment for offenders enrolled in the medicaid program who are supervised by the department of corrections pursuant to a term of community supervision. Contracts with behavioral health entities must require that behavioral health entities include in their provider network specialized expertise in the provision of manualized, evidence-based chemical dependency treatment services for offenders. The department of corrections and the authority must develop a memorandum of understanding for department of corrections offenders on active supervision who are medicaid eligible and meet medical necessity for outpatient substance use disorder treatment. The agreement will ensure that treatment services provided are coordinated, do not result in duplication of services, and maintain access and quality of care for the individuals being served. The authority must provide all necessary data, access, and reports to the department of corrections for all department of corrections offenders that receive medicaid paid services.

(18) The criminal justice treatment account—state appropriation is provided solely for treatment and treatment support services for offenders with a substance use disorder pursuant to RCW 71.24.580. The authority must offer counties the option to administer their share of the distributions provided for under RCW 71.24.580(5)(a). If a county is not interested in administering the funds, the authority shall contract with behavioral health entities to

administer these funds consistent with the plans approved by local panels pursuant to RCW 71.24.580(5)(b). The authority must provide a report to the office of financial management and the appropriate committees of the legislature which identifies the distribution of criminal justice treatment account funds by September 30, 2019.

(19) No more than \$27,844,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the authority or its providers or third party administrator. The department and the authority in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not increase general fund—state expenditures under this initiative. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(20) \$6,858,000 of the general fund—state appropriation for fiscal year 2020, \$6,858,000 of the general fund—state appropriation for fiscal year 2021, and \$8,046,000 of the general fund—federal appropriation are provided solely to maintain new crisis triage or stabilization centers. Services in these facilities may include crisis stabilization and intervention, individual counseling, peer support, medication management, education, and referral assistance. The authority shall monitor each center's effectiveness at lowering the rate of state psychiatric hospital admissions.

(21) \$1,125,000 of the general fund—federal appropriation is provided solely for the authority to develop a memorandum of understanding with the department of health for implementation of chapter 297, Laws of 2017 (opioid treatment programs). The authority must use these amounts to reimburse the department of health for costs incurred through the implementation of the bill.

(22) \$6,655,000 of the general fund—state appropriation for fiscal year 2020, \$10,015,000 of the general fund—state appropriation for fiscal year 2021, and \$12,965,000 of the general fund—federal appropriation are provided solely for the operation of secure withdrawal management and stabilization facilities. The authority may not use any of these amounts for services in facilities that are subject to federal funding restrictions that apply to institutions for mental diseases, unless they have received a waiver that allows for full federal participation in these facilities. Within these amounts, funding is provided to increase the fee for service rate for these facilities up to \$650 per day. The authority must require in contracts with behavioral health entities that, beginning in calendar year

2020, they pay no lower than the fee for service rate. The authority must coordinate with regional behavioral health entities to identify and implement purchasing strategies or regulatory changes that increase access to services for individuals with complex behavioral health needs at secure withdrawal management and stabilization facilities.

(23) \$23,090,000 of the general fund—state appropriation for fiscal year 2020, \$23,090,000 of the general fund—state appropriation for fiscal year 2021, and \$92,444,000 of the general fund—federal appropriation are provided solely to maintain the enhancement of community-based behavioral health services that was funded in fiscal year 2019. Twenty percent of the general fund—state appropriation amounts for each regional service area must be contracted to the behavioral health administrative services organizations and used to increase their nonmedicaid funding and the remainder must be used to increase medicaid rates above FY 2018 levels. Effective January 2020, the medicaid funding is intended to increase rates for behavioral health services provided by licensed and certified community behavioral health agencies as defined by the department of health. This funding must be allocated to the managed care organizations proportionate to their medicaid enrollees. The authority must require the managed care organizations to provide a report on their implementation of this funding. The authority must submit a report to the legislature by December 1, 2020, summarizing how this funding was used and provide information for future options of increasing behavioral health provider rates through directed payments. The report must identify different mechanisms for implementing directed payment for behavioral health providers including but not limited to minimum fee schedules, across the board percentage increases, and value-based payments. The report must provide a description of each of the mechanisms considered, the timeline that would be required for implementing the mechanism, and whether and how the mechanism is expected to have a differential impact on different providers. The report must also summarize the information provided by managed care organizations in implementing the funding provided under this section.

(24) \$27,917,000 of the general fund—state appropriation for fiscal year 2020, \$36,095,000 of the general fund—state appropriation for fiscal year 2021, and ~~(\$60,644,000)~~ \$46,889,000 of the general fund—federal appropriation are provided solely for the department to contract with community hospitals or freestanding evaluation and treatment centers to provide long-term inpatient care beds as defined in RCW 71.24.025. Within these amounts, the authority must meet the requirements for reimbursing counties for the judicial services for patients being served in these settings in accordance with RCW 71.05.730. The authority must coordinate with the department of social and health services in developing the contract requirements, selecting contractors, and establishing processes for identifying patients that will be admitted to these facilities.

(a) Sufficient amounts are provided in fiscal year 2020 for the authority to reimburse community hospitals serving medicaid clients in long-term inpatient care beds as defined

in RCW 71.24.025 at a rate of \$1,171 per day, or the hospital's current psychiatric inpatient per diem rate, whichever is higher. ~~((The))~~ In fiscal year 2020, the rate paid to hospitals in this subsection cannot exceed one-hundred percent of the hospitals eligible costs based on their most recently completed medicare cost report. ~~((The authority in collaboration with the Washington state hospital association must convene a work group to develop a methodology for reimbursing community hospitals serving these clients. In developing this methodology, the authority must account for cost structure differences between teaching hospitals and other hospital types. The authority must provide a report to the appropriate committees of the legislature by December 1, 2019. The report must:~~

~~(a) Describe the methodology developed by the work group;~~

~~(b) Identify cost differences between teaching hospitals and other hospital types;~~

~~(c) Provide options for incentivizing community hospitals to offer long term inpatient care beds day beds including a rate recommendation;~~

~~(d) Identify the cost associated with any recommended changes in rates or rate setting methodology; and~~

~~(e) Outline an implementation plan.))~~

(b) Sufficient amounts are provided in fiscal year 2021 for the authority to reimburse providers serving medicaid clients in long-term inpatient care beds as defined in RCW 71.24.025 as follows: (i) Community hospitals whose costs exceed their current rates based on their most recently filed medicare cost report at one hundred percent of the hospital's eligible costs documented in the most recently filed medicare cost report; (ii) community hospitals that do not have a filed medicare cost report on file with the authority at the statewide average rate based on the average of provider specific long-term inpatient care rates or the provider's current per diem rate, whichever is higher; (iii) community hospitals whose costs do not exceed their current rates based on their most recently filed medicare cost report at a rate of \$940 per day; and (iv) nonhospital residential treatment centers certified to provide long-term inpatient care beds as defined in RCW 71.24.025 at a rate that reflects a five percent increase from their fiscal year 2020 rate for serving medicaid clients in long-term inpatient care beds as defined in RCW 71.24.025.

(c) The authority must provide a report to the office of financial management and the appropriate committees of the legislature by December 1, 2020, on the impact of the rate increases provided in fiscal year 2021 on long-term psychiatric inpatient provider capacity and utilization. The report must also include information on short-term psychiatric inpatient provider capacity and utilization and clearly identify which providers increased overall capacity and which converted short-term to long-term beds.

(d) It is the intent of the legislature that future rate increases for long-term inpatient providers be informed by the health care growth benchmark established by the health care cost transparency board pursuant to Second Substitute

House Bill No. 2457 (health care cost board). The legislature also intends to prioritize future rate increases for providers that increase their overall psychiatric inpatient capacity and utilization.

(e) The authority in collaboration with the Washington state hospital association must convene a work group to further refine the methodology for reimbursing community hospitals serving these clients. The authority must provide a report to the appropriate committees of the legislature by December 1, 2020. The report must include options for incorporating additional factors into future rate adjustments and identify where there may be overlap within the different options. The report must include the following areas and provide a description of the option and the methodology and implementation costs associated with each option:

(i) Acuity adjustments for providers serving individuals with higher levels of behavioral health or physical health care needs;

(ii) Retroactive reconciliation adjustments for providers whose total costs for serving clients under this subsection are higher or lower than payments received by the authority and any additional payers.

(25) \$1,455,000 of the general fund—state appropriation for fiscal year 2020, \$1,401,000 of the general fund—state appropriation for fiscal year 2021, and \$3,210,000 of the general fund—federal appropriation are provided solely for the implementation of intensive behavioral health treatment facilities within the community behavioral health service system pursuant to Second Substitute House Bill No. 1394 (behavioral health facilities).

(26) \$21,000 of the general fund—state appropriation for fiscal year 2020, \$152,000 of the general fund—state appropriation for fiscal year 2021, and \$173,000 of the general fund—federal appropriation are provided solely to implement chapter 70, Laws of 2019 (SHB 1199) (health care/disability).

(27)(a) \$12,878,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$12,878,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided for:

(i) A memorandum of understanding with the department of children, youth, and families to provide substance abuse treatment programs;

(ii) A contract with the Washington state institute for public policy to conduct a cost-benefit evaluation of the implementations of chapter 3, Laws of 2013 (Initiative Measure No. 502);

(iii) Designing and administering the Washington state healthy youth survey and the Washington state young adult behavioral health survey;

(iv) Maintaining increased services to pregnant and parenting women provided through the parent child assistance program;

(v) Grants to the office of the superintendent of public instruction for life skills training to children and youth;

(vi) Maintaining increased prevention and treatment service provided by tribes and federally recognized American Indian organization to children and youth;

(vii) Maintaining increased residential treatment services for children and youth;

(viii) Training and technical assistance for the implementation of evidence-based, research based, and promising programs which prevent or reduce substance use disorder;

(ix) Expenditures into the home visiting services account; and

(x) Grants to community-based programs that provide prevention services or activities to youth.

(b) The authority must allocate the amounts provided in (a) of this subsection amongst the specific activities proportionate to the fiscal year 2019 allocation.

(28)(a) \$1,125,000 of the general fund—state appropriation for fiscal year 2020 and \$1,125,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Spokane behavioral health entities to implement services to reduce utilization and the census at eastern state hospital. Such services must include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

(b) At least annually, the Spokane county behavioral health entities shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(29) ~~(\$24,819,000)~~ \$29,288,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to assist behavioral health entities with the costs of providing services to medicaid clients receiving services in psychiatric facilities classified as institutions of mental diseases. The authority must distribute these amounts proportionate to the number of bed days for medicaid clients in institutions for mental diseases that were excluded from behavioral health ~~(organization)~~ entity calendar year 2019 capitation rates because they exceeded the amounts allowed under federal regulations. The authority must also use these amounts to directly pay for costs that are ineligible for medicaid reimbursement in institutions of mental disease facilities for American Indian and Alaska Natives who opt to receive behavioral health services on a fee-for-service basis. The amounts used for these individuals must be reduced from the allocation of the behavioral health

~~((organization))~~ entities where the individual resides. If a behavioral health ~~((organization))~~ entity receives more funding through this subsection than is needed to pay for the cost of their medicaid clients in institutions for mental diseases, they must use the remainder of the amounts to provide other services not covered under the medicaid program. The authority must submit an application for a waiver to allow, by July 1, 2020, for full federal participation for medicaid clients in mental health facilities classified as institutions of mental diseases. The authority must submit a report on the status of the waiver to the office of financial management and the appropriate committees of the legislature by December 1, 2019.

(30) The authority must require all behavioral health organizations transitioning to full integration to either spend down or return all reserves in accordance with contract requirements and federal and state law. Behavioral health organization reserves may not be used to pay for services to be provided beyond the end of a behavioral health organization's contract or for startup costs in full integration regions except as provided in this subsection. The authority must ensure that any increases in expenditures in behavioral health reserve spend-down plans are required for the operation of services during the contract period and do not result in overpayment to providers. If the nonfederal share of reserves returned during fiscal year 2020 exceeds \$35,000,000, the authority shall use some of the amounts in excess of \$35,000,000 to support the final regions transitioning to full integration of physical and behavioral health care. These amounts must be distributed proportionate to the population of each regional area covered. The maximum amount allowed per region is \$3,175 per 1,000 residents. These amounts must be used to provide a reserve for nonmedicaid services in the region to stabilize the new crisis services system.

(31) \$1,850,000 of the general fund—state appropriation for fiscal year 2020, \$1,850,000 of the general fund—state appropriation for fiscal year 2021, and \$13,312,000 of the general fund—federal appropriation are provided solely for the authority to implement a medicaid state plan amendment which provides for substance use disorder peer support services to be included in behavioral health capitation rates beginning in fiscal year 2020 in accordance with section 213(5)(ss), chapter 299, Laws of 2018. The authority shall require managed care organizations to provide access to peer support services for individuals with substance use disorders transitioning from emergency departments, inpatient facilities, or receiving treatment as part of hub and spoke networks.

(32) \$1,256,000 of the general fund—state appropriation for fiscal year 2021 and \$1,686,000 of the general fund—federal appropriation are provided solely for the authority to increase the number of residential beds for pregnant and parenting women. These amounts may be used for startup funds and ongoing costs associated with two new sixteen bed pregnant and parenting women residential treatment programs.

(33) Within the amounts appropriated in this section, the authority must maintain a rate increase for community hospitals that provide a minimum of 200 medicaid

psychiatric inpatient days pursuant to the methodology adopted to implement section 213(5)(n), chapter 299, Laws of 2018 (ESSB 6032) (partial veto).

(34) \$1,393,000 of the general fund—state appropriation for fiscal year 2020, \$1,423,000 of the general fund—state appropriation for fiscal year 2021, and \$5,938,000 of the general fund—federal appropriation are provided solely for the authority to implement discharge wraparound services for individuals with complex behavioral health conditions transitioning or being diverted from admission to psychiatric inpatient programs. The authority must coordinate with the department of social and health services in establishing the standards for these programs.

(35) \$850,000 of the general fund—federal appropriation is provided solely to contract with a nationally recognized recovery residence organization and to create a revolving fund for loans to operators of recovery residences seeking certification in accordance with Second Substitute House Bill No. 1528 (recovery support services). ~~((If the bill is not enacted by June 30, 2019, the amount in this subsection shall lapse.))~~

(36) \$212,000 of the general fund—state appropriation for fiscal year 2020, \$212,000 of the general fund—state appropriation for fiscal year 2021, and \$124,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1874 (adolescent behavioral health). Funding is provided specifically for the authority to provide an online training to behavioral health providers related to state law and best practices in family-initiated treatment, adolescent-initiated treatment, and other services and to conduct an annual survey to measure the impacts of implementing policies resulting from the bill. ~~((If the bill is not enacted by June 30, 2019, the amounts in this subsection shall lapse.))~~

(37) \$500,000 of the general fund—state appropriation for fiscal year 2020, \$500,000 of the general fund—state appropriation for fiscal year 2021, and \$1,000,000 of the general fund—federal appropriation are provided solely for the authority to implement a memorandum of understanding with the criminal justice training commission to provide funding for community grants pursuant to Second Substitute House Bill No. 1767 (alternatives to arrest). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(38) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for provision of crisis stabilization services to individuals who are not eligible for medicaid in Whatcom county. The authority must coordinate with crisis stabilization providers, managed care organizations, and behavioral health administrative services organizations throughout the state to identify payment models that reflect the unique needs of crisis stabilization and crisis triage providers. The report must also include an analysis of the estimated gap in nonmedicaid funding for crisis stabilization and triage facilities throughout the state. The authority must provide a report to the office of financial management and the

appropriate committees of the legislature on the estimated nonmedicaid funding gap and payment models by December 1, 2019.

(39) The authority must conduct an analysis to determine whether there is a gap in fiscal year 2020 behavioral health entity funding for services in institutions for mental diseases and submit a report to the office of financial management and the appropriate committees of the legislature by November 1, 2019. The report must be developed in consultation with the office of financial management and staff from the fiscal committees of the legislature and must include the following elements: (a) The increase in the number of nonmedicaid bed days in institutions for mental diseases from fiscal year 2017 to fiscal year 2019 by facility and the estimated annual cost associated with these increased bed days in FY 2020; (b) the increase in the number of medicaid bed days in institutions for mental diseases from fiscal year 2017 to fiscal year 2019 by facility and the estimated annual cost associated with these increased bed days in FY 2020; (c) the amount of funding assumed in current behavioral health entity medicaid capitation rates for institutions for mental diseases bed days that are currently allowable under medicaid regulation or waivers; (d) the amounts provided in subsection (29) of this section to assist with costs in institutions for mental diseases not covered in medicaid capitation rates; and (e) any remaining gap in behavioral health entity funding for institutions for mental diseases for medicaid or nonmedicaid clients.

(40) \$1,968,000 of the general fund—state appropriation for fiscal year 2020, \$3,396,000 of the general fund—state appropriation for fiscal year 2021, and \$12,150,000 of the general fund—federal appropriation are provided solely for support of and to increase clubhouse facilities across the state. The authority shall work with the centers for medicare and medicaid services to review opportunities to include clubhouse services as an optional "in lieu of" service in managed care organization contracts in order to maximize federal participation. The authority must provide a report to the office of financial management and the appropriate committees of the legislature on the status of efforts to implement clubhouse programs and receive federal approval for including these services in managed care organization contracts as an optional "in lieu of" service.

(41) \$1,000,000 of the general fund—federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the authority to contract on a one-time basis with the University of Washington behavioral health institute to develop and disseminate model programs and curricula for inpatient and outpatient treatment for individuals with substance use disorder and co-occurring disorders. The behavioral health institute will provide individualized consultation to behavioral health agencies in order to improve the delivery of evidence-based and promising practices and overall quality of care. The behavioral health institute will provide training to staff of behavioral health agencies to enhance the quality of substance use disorder and co-occurring treatment delivered.

(42) The number of beds allocated for use by behavioral health entities at eastern state hospital shall be one hundred ninety two per day. The number of nonforensic beds allocated for use by behavioral health entities at western state hospital shall be five hundred twenty-seven per day. During fiscal year 2020, the authority must reduce the number of beds allocated for use by behavioral health entities at western state hospital by sixty beds to allow for the repurposing of two civil wards at western state hospital to provide forensic services. Contracted community beds provided under subsection (24) of this section shall be allocated to the behavioral health entities in lieu of beds at western state hospital and be incorporated in their allocation of state hospital patient days of care for the purposes of calculating reimbursements pursuant to RCW 71.24.310. It is the intent of the legislature to continue the policy of expanding community based alternatives for long-term civil commitment services that allow for state hospital beds to be prioritized for forensic patients.

(43) \$190,000 of the general fund—state appropriation for fiscal year 2020, \$947,000 of the general fund—state appropriation for fiscal ~~((year))~~ year 2021, and \$1,023,000 of the general fund—federal appropriation are provided solely for the authority to develop a statewide plan to implement evidence-based coordinated specialty care programs that provide early identification and intervention for psychosis in behavioral health agencies in accordance with Second Substitute Senate Bill No. 5903 (children's mental health). ~~((If the bill is not enacted by June 30, 2019, the amounts in this subsection shall lapse.))~~

(44) \$708,000 of the general fund—state appropriation for fiscal year 2021 and \$799,000 of the general fund—federal appropriation are provided solely for implementing mental health peer respite centers and a pilot project to implement a mental health drop-in center beginning ~~((January))~~ July 1, 2020, in accordance with Second Substitute House Bill No. 1394 (behavioral health facilities).

(45) ~~((250,000))~~ \$500,000 of the general fund—state appropriation for fiscal year 2020 ~~((and \$250,000 of the general fund—state appropriation for fiscal year 2021 are))~~ is provided on a one-time basis solely for a licensed youth residential psychiatric substance abuse and mental health agency located in Clark county to invest in staff training and increasing client census. This amount must be allocated subject to a contract with the authority concerning staffing levels, critical action plans, and client services.

(46) \$509,000 of the general fund—state appropriation for fiscal year 2020, \$494,000 of the general fund—state appropriation for fiscal year 2021, and \$4,823,000 of the general fund—federal appropriation are provided solely for diversion grants to establish new law enforcement assisted diversion programs outside of King county consistent with the provisions of Substitute Senate Bill No. 5380 (opioid use disorder).

(47) The authority must compile all previous reports and collaborate with any work groups created during the 2019-2021 fiscal biennium for the purpose of establishing the implementation plan for transferring the full risk of long-

term inpatient care for mental illness into the behavioral health entity contracts by January 1, 2020.

(48) \$225,000 of the general fund—state appropriation for fiscal year 2020 and \$225,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to continue funding one pilot project in Pierce county to promote increased utilization of assisted outpatient treatment programs. The authority shall provide a report to the legislature by October 15, 2020, which must include the number of individuals served, outcomes to include changes in use of inpatient treatment and hospital stays, and recommendations for further implementation based on lessons learned from the pilot project.

(49) \$18,000 of the general fund—state appropriation for fiscal year 2020, \$18,000 of the general fund—state appropriation for fiscal year 2021, and \$36,000 of the general fund—federal appropriation are provided solely for the implementation of Substitute Senate Bill No. 5181 (involuntary treatment procedures). ~~((If the bill is not enacted by June 30, 2019, the amounts in this subsection shall lapse.))~~

(50) \$814,000 of the general fund—state appropriation for fiscal year 2020, \$800,000 of the general fund—state appropriation for fiscal year 2021, and \$1,466,000 of the general fund—federal appropriation are provided solely for the authority to implement the recommendations of the state action alliance for suicide prevention, to include suicide assessments, treatment, and grant management.

(51) Within existing appropriations, the authority shall prioritize the prevention and treatment of intravenous opiate-based drug use.

(52) \$446,000 of the general fund—state appropriation for fiscal year 2020, \$446,000 of the general fund—state appropriation for fiscal year 2021, and \$178,000 of the general fund—federal appropriation are provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices. The institute must work with the authority to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds. The authority must collect information from the institute on the use of these funds and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(53) \$60,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the authority to provide a one-time grant to the city of Maple Valley to support a pilot project for a community resource coordinator position for the city of Maple Valley, Tahoma school district, and the greater Maple Valley area. This amount must be used to develop programs, projects, and training that specifically address mental health awareness and education and facilitate access to school-based and community resources. The grant must require a report be submitted by the city of Maple Valley to the authority and the Maple Valley city council which summarizes the services provided and the perceived value of the community resource coordinator position for the community. The authority must

submit the report to the office of financial management and the appropriate committees of the legislature by June 30, 2021.

(54) \$215,000 of the general fund—state appropriation for fiscal year 2020 and \$165,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for provision of crisis stabilization services in Island county. The authority must use this amount to contract for start-up and treatment services that are not reimbursable under medicaid provided in a crisis stabilization center in Island county. The authority must continue to coordinate with crisis stabilization providers and behavioral health entities to identify funding gaps for non-Medicaid services and payment models that reflect the unique needs of these facilities.

(55) \$200,000 of the general fund—state appropriation for fiscal year 2020 is provided on a one-time basis solely for the authority to contract with a family-centered substance use disorder treatment program which provides behavioral health services to families engaged in the foster system in Spokane county. This amount must be used to provide wraparound behavioral health services to individuals enrolled in the program.

(56) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for training support grants for community mental health and substance abuse providers. The authority must implement these services in partnership with and through the regional accountable communities of health or the University of Washington behavioral health institute. The grants must provide flexible funding for training and mentoring of clinicians serving children and youth. The authority must consult with stakeholders, including but not limited to, behavioral health experts in services for children and youth, providers, and consumers, to develop guidelines for how the funding could be used, with a focus on evidence-based and promising practices, continuing education requirements, and quality-monitoring infrastructure.

(57) \$50,000 of the general fund—state appropriation for fiscal year 2021 and \$50,000 of the general fund—federal appropriation are provided solely for the authority to work with the actuaries responsible for establishing behavioral health capitation rates, the University of Washington behavioral health institute, managed care organizations, and community mental health and substance use disorder providers to develop strategies for enhancing behavioral health provider reimbursement to promote behavioral health workforce development efforts. The authority must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2020, that identifies: (a) A description of the actuarial assumptions related to clinical supervision included in the development of calendar year 2020 managed care behavioral health capitation rates and the relative dollar value of these assumptions; (b) available information on whether and to what extent managed care organizations are accounting for clinical supervision in establishing behavioral health provider reimbursement methodologies and rates; (c) identification of provider reimbursement models through managed care organizations

that effectively incentivize the expansion of internships and entry level opportunities for clinicians; and (d) recommendations for accountability mechanisms to demonstrate that amounts included in behavioral health capitation rates for clinical supervision are passed on to mental health and substance abuse agencies that provide internships and entry level opportunities for clinicians.

(58) \$281,000 of the general fund—state appropriation for fiscal year 2020, \$259,000 of the general fund—state appropriation for fiscal year 2021 and \$1,285,000 of the general fund—federal appropriation are provided solely to support the administrative costs associated with the application and implementation of a federal waiver allowing for full federal participation in mental health treatment facilities identified as institutions of mental diseases.

(59) \$128,000 of the general fund—state appropriation for fiscal year 2021 and \$123,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed House Bill No. 2584 (behavioral health rates). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(60) \$139,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2737 (children's mental health work group). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(61) \$766,000 of the general fund—state appropriation for fiscal year 2021 and \$1,526,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 2642 (substance use disorder coverage). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(62) \$31,000 of the general fund—state appropriation for fiscal year 2020, \$94,000 of the general fund—state appropriation for fiscal year 2021, and \$125,000 of the general fund—federal appropriation are provided solely to conduct an analysis on the impact of changing policy in the apple health program to match best practices for mental health assessment and diagnosis for infants and children from birth through five years of age. The analysis must include cost estimates from the authority and the actuaries responsible for establishing medicaid managed care rates on the annual impact associated with policy changes in assessment and diagnosis of infants and children from birth through age five that at a minimum: (a) Allow reimbursement for three to five sessions for intake and assessment; (b) allow reimbursement for assessments in home or community settings, including reimbursement for clinician travel; and (c) require clinician use of the diagnostic classification of mental health and developmental disorders of infancy and early childhood. The authority must submit a report to the office of financial management and the appropriate committees of the legislature summarizing the results of the analysis and cost estimates by December 1, 2020.

(63) As an element of contractual network adequacy requirements and reporting, the authority shall direct managed care organizations to make all reasonable efforts to develop or maintain contracts with provider networks that

leverage local, federal, or philanthropic funding to enhance effectiveness of medicaid-funded integrated care services. These networks must promote medicaid clients' access to a system of services that addresses additional social support services and social determinants of health as defined in RCW 43.20.025 in a manner that is integrated with the delivery of behavioral health and medical treatment services.

(64) \$864,000 of the general fund—state appropriation for fiscal year 2021 and \$1,788,000 of the general fund—federal appropriation are provided solely for the implementation of Second Engrossed Second Substitute Senate Bill No. 5720 (involuntary treatment act). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(65) \$200,000 of the general fund—federal appropriation for fiscal year 2021 is provided solely for the implementation of Substitute Senate Bill No. 6191 (adverse childhood experience). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(66) Within existing resources, the authority shall implement Substitute Senate Bill No. 6259 (Indian behavioral health sys).

(67) \$1,260,000 of the general fund—state appropriation for fiscal year 2021 and \$840,000 of the general fund—federal appropriation are provided solely for the authority to increase rates to parent-child assistance program providers in an effort to stabilize the workforce and increase training and evaluation.

(68) \$2,537,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to ensure a smooth transition to integrated managed care for behavioral health regions and to maintain the existing level of regional behavioral health crisis and diversion programs, and other required behavioral health administrative service organization services. These amounts must be used to support the regions transitioning to full integration of physical and behavioral health care beginning January 1, 2020. These amounts must be distributed proportionate to the population of each regional area covered. The maximum amount allowed per region is \$2,494 per one thousand residents. These amounts must be used to provide a reserve for nonmedicaid services in the region and to stabilize the new crisis services system.

(69) \$846,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to implement a statewide pilot project to provide increased access to emergent and nonemergent transportation to secure withdrawal management and stabilization services facilities under the involuntary treatment act for individuals detained with substance use disorders. The authority shall review the implementation of the statewide pilot and provide a report to the legislature no later than December 15, 2020, to include data on costs and the increased number of trips.

(70) \$15,000 of the general fund—state appropriation for fiscal year 2021 and \$15,000 of the general fund—federal appropriation are provided solely for the authority to develop a value-based case rate payment model for comprehensive community behavioral health services. It is

the intent of the legislature to strengthen the community behavioral health system in order to promote recovery and whole person care, avoid unnecessary institutionalization and ensure access to care in the least restrictive setting possible, and incentivize value-based alternative payment models. Therefore, the authority in collaboration with the Washington council for behavioral health must convene a work group to develop a case rate payment model for comprehensive community behavioral health services. The authority must submit a report to the legislature by October 31, 2020. The report must: (a) Identify a comprehensive package of services to be provided by community behavioral health agencies that are licensed and certified by the department of health as defined in RCW 71.24.025; (b) describe the methodology used to develop an actuarially sound case rate model for this comprehensive package of services, and propose a medicaid case rate or range of rates; and (c) identify key quality performance metrics focused on health and recovery as well as quality incentive payment mechanisms that reinforce value over volume.

(71) \$500,000 of the problem gambling account—state appropriation is provided solely for the authority to contract for a problem gambling adult prevalence study. The prevalence study must review both statewide and regional results about beliefs and attitudes toward gambling, gambling behavior and preferences, and awareness of treatment services. The study should also estimate the level of risk for problem gambling and examine correlations with broader behavioral and mental health measures. The health care authority shall submit results of the prevalence study to the problem gambling task force and the legislature by June 30, 2021.

(72) \$4,500,000 of the criminal justice treatment account—state appropriation for fiscal year 2021 is provided solely for the authority to provide funding for the setting up of new therapeutic courts for cities or counties or for the expansion of services being provided to an already existing therapeutic court that engages in evidence-based practices, to include medication assisted treatment in jail settings pursuant to RCW 71.24.580. Funding provided under this subsection shall not supplant existing funds utilized for this purpose.

(73) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the authority to contract with a statewide mental health nonprofit serving consumers and families that provides free community and school-based mental health education and support programs. Funding shall be used to provide access to programs tailored to peers living with mental illness, family members of people with mental illness, and the community.

(74) In establishing, re-basing, enhancing, or otherwise updating medicaid rates for behavioral health services, the authority and contracted actuaries shall use a transparent process that provides an opportunity for medicaid managed care organizations, behavioral health administrative service organizations, and behavioral health provider agencies, and their representatives, to review and provide data and feedback on proposed rate changes within their region or regions of service operation. The authority and contracted actuaries shall consider the information

gained from this process and make adjustments allowable under federal law when appropriate.

(75) The authority shall seek input from representatives of the managed care organizations (MCOs), licensed community behavioral health agencies, and behavioral health administrative service organizations to develop the format of a report which addresses revenues and expenditures for the community behavioral health programs. The report shall include, but not be limited to (i) revenues and expenditures for community behavioral health programs, including medicaid and nonmedicaid funding; (ii) access to services, service denials, and utilization by state plan modality; (iii) claims denials and record of timely payment to providers; (iv) client demographics; and (v) social and recovery measures and managed care organization performance measures. The authority shall submit the report for the preceding calendar year to the governor and appropriate committees of the legislature on or before July 1st of each year.

(76) \$1,801,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the authority to implement two pilot programs for intensive outpatient services and partial hospitalization services for certain children and adolescents.

(a) The effective date of the pilot sites is January 1, 2021.

(b) The two pilots must be contracted with a hospital that provides psychiatric inpatient services to children and adolescents in a city with the largest population east of the crest of the Cascade mountains and a hospital that provides psychiatric inpatient services to children and adolescents in a city with the largest population west of the crest of the Cascade mountains.

(c) The authority must establish minimum standards, eligibility criteria, authorization and utilization review processes, and payment methodologies for the pilot programs in contract.

(d) Eligibility for the pilot sites is limited pursuant to the following:

(i) Children and adolescents discharged from an inpatient hospital treatment program who require the level of services offered by the pilot programs in lieu of continued inpatient treatment;

(ii) Children and adolescents who require the level of services offered by the pilot programs in order to avoid inpatient hospitalization; and

(iii) Services may not be offered if there are less costly alternative community based services that can effectively meet the needs of an individual referred to the program.

(f) The authority must collect data on the pilot sites and work with the actuaries responsible for establishing managed care rates for medicaid enrollees to develop and submit a report to the office of financial management and the appropriate committees of the legislature. A preliminary report must be submitted by December 1, 2021, and a final

report must be submitted by December 1, 2022. The reports must include the following information:

(i) A narrative description of the services provided at each pilot site and identification of any specific gaps the sites were able to fill in the current continuum of care;

(ii) Clinical outcomes and estimated reductions in psychiatric inpatient costs associated with each of the pilot sites;

(iii) Recommendations for whether either or both of the pilot models should be expanded statewide; whether modifications should be made to the models to better address gaps in the continuum identified through the pilot sites, and whether statewide implementation should be achieved through a state plan amendment or some other mechanism for leveraging federal medicaid match; and

(iv) Actuarial projections on the statewide need for services related to the pilot sites and estimated costs of adding each of the services to the medicaid behavioral health benefit for children and adolescents and adults.

**Sec. 216.** 2019 c 415 s 216 (uncodified) is amended to read as follows:

**FOR THE HUMAN RIGHTS COMMISSION**

General Fund—State Appropriation (FY 2020)	(((\$2,510,000))
	<u>\$2,630,000</u>
General Fund—State Appropriation (FY 2021)	(((\$2,543,000))
	<u>\$3,007,000</u>
General Fund—Federal Appropriation.	(((\$2,613,000))
	<u>\$2,614,000</u>
Pension Funding Stabilization Account—State Appropriation.....	\$190,000
<b>TOTAL APPROPRIATION .....</b>	<b><u>\$7,856,000</u></b>
	<u>\$8,441,000</u>

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

(1) \$103,000 of the general fund—state appropriation for fiscal year 2020 and \$97,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5602 (reproductive health care). ((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))

(2) \$107,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Senate Bill No. 6034 (pregnancy discrim. complaints). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 217.** 2019 c 415 s 217 (uncodified) is amended to read as follows:

**FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

Worker and Community Right to Know Fund—State Appropriation.....	\$10,000
Accident Account—State Appropriation .....	(((\$24,326,000))
	<u>\$24,437,000</u>
Medical Aid Account—State Appropriation .....	(((\$24,327,000))
	<u>\$24,438,000</u>
<b>TOTAL APPROPRIATION .....</b>	<b><u>\$48,663,000</u></b>
	<u>\$48,885,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$114,000 of the accident account—state appropriation and \$114,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 2409 (industrial insur./employers). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

**Sec. 218.** 2019 c 415 s 218 (uncodified) is amended to read as follows:

**FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

General Fund—State Appropriation (FY 2020)	(((\$25,649,000))
	<u>\$27,447,000</u>
General Fund—State Appropriation (FY 2021)	(((\$25,697,000))
	<u>\$31,639,000</u>
General Fund—Private/Local Appropriation .....	(((\$6,630,000))
	<u>\$7,339,000</u>
Death Investigations Account—State Appropriation .....	\$682,000
Municipal Criminal Justice Assistance Account—State Appropriation.....	\$460,000
Washington Auto Theft Prevention Authority Account—State Appropriation.....	\$8,167,000
24/7 Sobriety Account—State Appropriation.	\$20,000
Pension Funding Stabilization Account—State Appropriation.....	\$460,000
<b>TOTAL APPROPRIATION .....</b>	<b><u>\$67,765,000</u></b>
	<u>\$76,214,000</u>

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

(1) \$5,000,000 of the general fund—state appropriation for fiscal year 2020 and \$5,000,000 of the general fund—state appropriation for fiscal year 2021, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130.

(2) (~~(\$2,248,000)~~) \$2,768,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$2,269,000)~~) \$2,789,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for seventy-five percent of the costs of providing (~~(nine)~~) eleven additional statewide basic law enforcement trainings in each fiscal year. The criminal justice training commission must schedule its funded classes to minimize wait times throughout each fiscal year and meet statutory wait time requirements. The criminal justice training commission must track and report the average wait time for students at the beginning of each class and provide the findings in an annual report to the legislature due in December of each year. At least (~~(two)~~) three classes must be held in Spokane each year.

(3) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(4) (~~(\$429,000)~~) \$1,179,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$429,000)~~) \$1,179,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for expenditure into the nonappropriated Washington internet crimes against children account for the implementation of chapter 84, Laws of 2015.

(5) \$2,000,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the mental health field response team program administered by the Washington association of sheriffs and police chiefs. The association must distribute \$3,000,000 in grants to the phase one regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services, et. al.*, U.S. District Court-Western District, Cause No. 14-cv-01178-MJP. The association must submit an annual report to the Governor and appropriate committees of the legislature by September 1st of each year of the biennium. The report shall include best practice recommendations on law enforcement and behavioral health field response and include outcome measures on all grants awarded.

(6) \$450,000 of the general fund—state appropriation for fiscal year 2020 and \$449,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for crisis intervention training for the phase one regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services, et. al.*, U.S. District Court-Western District, Cause No. 14-cv-01178-MJP.

(7) \$534,000 of the death investigations account—state appropriation is provided solely for the commission to update and expand the medicolegal forensic investigation training currently provided to coroners and medical

examiners from eighty hours to two-hundred forty hours to meet the recommendations of the national commission on forensic science for certification and accreditation. Funding is contingent on the death investigation account receiving three dollars of the five dollar increase in vital records fees from the passage of Engrossed Substitute Senate Bill No. 5332 (vital statistics). (~~(If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.)~~)

(8) \$10,000 of the general fund—state appropriation for fiscal year 2020, \$22,000 of the general fund—state appropriation for fiscal year 2021, and \$10,000 of the general fund—local appropriation are provided solely for an increase in vendor rates on the daily meals provided to basic law enforcement academy recruits during their training.

(9) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Second Substitute House Bill No. 1767 (alternatives to arrest/jail). (~~(If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.)~~)

(10) (~~(\$75,000)~~) \$397,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$75,000)~~) \$397,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a vendor rate increase (~~(of seven tenths of one percent)~~) for the Washington association of sheriffs and police chiefs.

(11) \$2,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Washington association of sheriffs and police chiefs to administer the sexual assault kit initiative project under RCW 36.28A.430, to assist multidisciplinary community response teams seeking resolutions to cases tied to previously unsubmitted sexual assault kits, and to provide support to survivors of sexual assault offenses. The commission must report to the governor and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations by June 30, 2021, on the number of sexual assault kits that have been tested, the number of kits remaining to be tested, the number of sexual assault cases that had hits to other crimes, the number of cases that have been reinvestigated, the number of those cases that were reinvestigated using state funding under this appropriation, and the local jurisdictions that were a recipient of a grant under the sexual assault kit initiative project.

(12) \$20,000 of the general fund—state appropriation for fiscal year 2020 and \$20,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington association of sheriffs and police chiefs to work with local law enforcement agencies and the Washington fire chiefs association to provide helmets to persons contacted by local law enforcement or an official of a local fire department for not wearing a helmet while riding a skateboard or bicycle in order to reduce traumatic brain injuries throughout the state. The Washington association of sheriffs and police chiefs shall work in conjunction with the Washington fire chiefs association in administering the helmet distribution program.

(13) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Engrossed Substitute House Bill No. 2318 (criminal investigatory practices). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(14) \$316,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for House Bill No. 2926 (critical stress management programs). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(15) \$830,000 of the general fund—state appropriation for fiscal year 2021 and \$155,000 of the general fund—local appropriation are provided solely for Second Substitute House Bill No. 2499 (correctional officer certification). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(16) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the criminal justice training commission to develop and finalize the curriculum for the de-escalation law enforcement training as required under Initiative 940, the law enforcement training and community safety act.

(17) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Substitute Senate Bill No. 6570 (law enforcement officer mental health and wellness). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 219.** 2019 c 415 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund—State Appropriation (FY 2020)	.....	(\$13,107,000))	
			\$14,426,000
General Fund—State Appropriation (FY 2021)	.....	(\$11,696,000))	
			\$26,698,000
General Fund—Federal Appropriation....			\$11,876,000
Asbestos Account—State Appropriation.....			\$590,000
Electrical License Account—State Appropriation	.....	(\$58,068,000))	
			\$58,124,000
Farm Labor Contractor Account—State Appropriation	.....		\$28,000
Worker and Community Right to Know Fund—			
State Appropriation .....			\$1,039,000
Construction Registration Inspection Account—			
State Appropriation .....		(\$23,888,000))	
			\$25,453,000
Public Works Administration Account—State			

Appropriation.....				(\$10,988,000))
				\$11,001,000
Manufactured Home Installation Training Account—				
State Appropriation.....				\$412,000
Pension Funding Stabilization Account—State				
Appropriation .....				\$1,434,000
Accident Account—State				
Appropriation .....				(\$392,548,000))
				\$396,164,000
Accident Account—Federal				
Appropriation .....				(\$15,674,000))
				\$16,439,000
Medical Aid Account—State				
Appropriation .....				(\$397,545,000))
				\$399,802,000
Medical Aid Account—Federal				
Appropriation .....				(\$3,515,000))
				\$3,650,000
Plumbing Certificate Account—State				
Appropriation .....				(\$2,004,000))
				\$3,401,000
Pressure Systems Safety Account—State				
Appropriation .....				(\$4,667,000))
				\$4,672,000
TOTAL APPROPRIATION.....				\$949,079,000
				\$975,209,000

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

(1) \$40,988,000 of the accident account—state appropriation and \$40,986,000 of the medical aid account—state appropriation are provided solely for the labor and industries workers' compensation information system replacement project and are subject to the conditions, limitations, and review provided in ~~(section 719 of this act)~~ section 701 of this act.

(2) \$250,000 of the medical aid account—state appropriation and \$250,000 of the accident account—state appropriation are provided solely for the department of labor and industries safety and health assessment and research for prevention program to conduct research to address the high injury rates of the janitorial workforce. The research must quantify the physical demands of common janitorial work tasks and assess the safety and health needs of janitorial workers. The research must also identify potential risk factors associated with increased risk of injury in the janitorial workforce and measure workload based on the strain janitorial work tasks place on janitors' bodies. The department must conduct interviews with janitors and their employers to collect information on risk factors, identify the tools, technologies, and methodologies used to complete

work, and understand the safety culture and climate of the industry. The department must issue an initial report to the legislature, by June 30, 2020, assessing the physical capacity of workers in the context of the industry's economic environment and ascertain usable support tools for employers and workers to decrease risk of injury. After the initial report, the department must produce annual progress reports, beginning in 2021 through the year 2022 or until the tools are fully developed and deployed. The annual progress reports must be submitted to the legislature by December 1st of each year such reports are due.

(3) \$1,700,000 of the accident account—state appropriation and \$300,000 of the medical aid account—state appropriation are provided solely for a contract with a permanently registered Washington sector intermediary to provide supplemental instruction for information technology apprentices. Funds spent for this purpose must be matched by an equal amount of funding from the information technology industry members, except small and mid-sized employers. Up to \$1,000,000 may be spent to provide supplemental instruction for apprentices at small and mid-sized businesses. "Small and mid-sized businesses" means those that have fewer than one hundred employees or have less than five percent annual net profitability. The sector intermediary will collaborate with the state board for community and technical colleges to integrate and offer related supplemental instruction through one or more Washington state community or technical colleges by the 2020-21 academic year.

(4) \$1,360,000 of the accident account—state appropriation and \$240,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries to establish a health care apprenticeship program.

(5) \$273,000 of the accident account—state appropriation and \$273,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries safety and health assessment research for prevention program to conduct research to prevent the types of work-related injuries that require immediate hospitalization. The department will develop and maintain a tracking system to identify and respond to all immediate in-patient hospitalizations and will examine incidents in defined high-priority areas, as determined from historical data and public priorities. The research must identify and characterize hazardous situations and contributing factors using epidemiological, safety-engineering, and human factors/ergonomics methods. The research must also identify common factors in certain types of workplace injuries that lead to hospitalization. The department must submit an initial report to the governor and appropriate legislative committees by August 30, 2020, and annually thereafter, summarizing work-related immediate hospitalizations and prevention opportunities, actions that employers and workers can take to make workplaces safer, and ways to avoid severe injuries.

(6) \$666,000 of the accident account—state appropriation and \$243,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5175 (firefighter safety). (~~¶~~

~~the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(7) \$2,257,000 of the public works administration account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5035 (prevailing wage laws). Of this amount, \$464,100 is provided to incorporate information technology changes to the complaint activity tracking system, public works suite, accounts receivable collections, and the pay accounts receivable collections systems, and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act. (~~If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(8) \$37,000 of the accident account—state appropriation and \$33,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). (~~If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(9) \$52,000 of the accident account—state appropriation is provided solely for the complaint activity tracking system adjustment project, which will add functionality related to conducting company-wide wage investigations. This funding is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(10) \$850,000 of the accident account—state appropriation and \$850,000 of the medical aid account—state appropriation are provided solely for issuing and managing contracts with customer-trusted groups to develop and deliver information to small businesses and their workers about workplace rights, regulations and services administered by the agency.

(11) (~~(\$4,676,000))~~ \$5,721,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$2,092,000))~~ \$504,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for increasing rates for medical and health care service providers treating persons in the crime victim compensation program. Of the amounts provided in this subsection, \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the crime victims compensation program to pay for medical exams related to victims of suspected child abuse. No later than September 30, 2020, the department shall report to the legislature the following information, for each fiscal year from fiscal year 2016 through fiscal year 2020:

(a) The type of claims received by victims of suspected child abuse;

(b) The total number of claims received by victims of suspected child abuse;

(c) The type of claims paid to victims of suspected child abuse;

(d) The total number of claims paid to victims of suspected child abuse; and

(e) The total amounts of claims paid to victims of suspected child abuse.

(12) \$744,000 of the accident account—state appropriation and \$744,000 of the medical aid account—state appropriation are provided solely for customer service staffing at field offices.

(13) \$3,432,000 of the accident account—state appropriation and \$606,000 of the medical aid account—state appropriation are provided solely for the division of occupational safety and health to add workplace safety and health consultants, inspectors, and investigators.

(14) \$788,000 of the accident account—state appropriation and \$140,000 of the medical aid account—state appropriation are provided solely for apprenticeship staffing to respond to inquiries and process registrations.

(15) \$2,608,000 of the accident account—state appropriation and \$3,541,000 of the medical aid account—state appropriation are provided solely for claims management staffing to reduce caseloads.

(16) \$1,072,000 of the public works administration account—state appropriation is provided solely for implementation of Substitute House Bill No. 1295 (public works contracting). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(17) \$695,000 of the accident account—state appropriation and \$124,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1817 (high hazard facilities). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(18) \$67,000 of the accident account—state appropriation and \$66,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 1909 (industrial ins. claim records). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(19) ~~(\$313,000 of the accident account—state appropriation and \$312,000 of the medical aid account—state appropriation)~~ \$273,000 of the general fund—state appropriation for fiscal year 2020 and \$352,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(20) \$683,000 of the accident account—state appropriation and \$683,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 2409 (industrial insur./employers). Of the amounts provided in this subsection, \$176,000 of the accident account—state appropriation and \$176,000 medical aid account—state appropriation are subject to the conditions, limitations, and review provided in section 701 of this act. If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(21) \$1,507,000 of the construction registration inspection account—state appropriation is provided solely for additional staff to conduct and facilitate additional elevator inspections.

(22) \$320,000 of the accident account—state appropriation and \$75,000 of the medical aid account—state appropriation are provided solely for implementation of chapter 296, Laws of 2019 (SHB 1155).

(23) \$1,393,000 of the plumbing certificate account—state appropriation is provided solely for implementation of Senate Bill No. 6170 (plumbing registration and licenses). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(24) \$150,000 of the accident account—state appropriation and \$26,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Senate Bill No. 6421 (farm internship program extension). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(25) \$625,000 of the accident account—state appropriation and \$625,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 6440 (workers' compensation medical exams). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(26) \$255,000 of the accident account—state appropriation and \$45,000 of the medical aid account—state appropriation are provided solely for two additional crane inspectors to work in King county.

(27) \$280,000 of the accident account—state appropriation and \$50,000 of the medical aid account—state appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 6473 (asbestos building materials). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(28) \$918,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 6181 (crime victim compensation program). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse. The department shall report to the legislature no later than July 31, 2021, the following information for fiscal year 2021 regarding the benefits available under Second Substitute Senate Bill No. 6181:

(a) The number of claims received by month;

(b) The number of claims rejected by month;

(c) The number and amounts of claims paid by month;  
and

(d) The average processing time for claims.

(29) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a nonprofit organization located in Seattle whose primary mission is to empower vulnerable workers in low-wage industries and from marginalized communities to provide

peer training to similar workers in order to prevent sexual harassment and assault of workers in low-wage industries.

(30)(a) \$15,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to promote workforce development in aerospace and aerospace related supply chain industries by: Expanding the number of registered apprenticeships, preapprenticeships, and aerospace-related programs; and providing support for registered apprenticeships or programs in aerospace and aerospace-related supply chain industries.

(b) Grants awarded under this section may be used for:

(i) Equipment upgrades or new equipment purchases for training purposes;

(ii) New training space and lab locations to support capacity needs and expansion of training to veterans and veteran spouses, and underserved populations;

(iii) Curriculum development and instructor training for industry experts;

(iv) Tuition assistance for degrees in engineering and high-demand degrees that support the aerospace industry; and

(v) Funding to increase capacity and availability of child care options for shift work schedules.

(c) An entity is eligible to receive a grant under this subsection if it is a nonprofit, nongovernmental, or institution of higher education that provides training opportunities, including apprenticeships, preapprenticeships, preemployment training, aerospace-related degree programs, or incumbent worker training to prepare workers for the aerospace and aerospace-related supply chain industries.

(31) \$240,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide staff support to the aerospace workforce council created in House Bill No. 2945 (aerospace business and occupation taxes and world trade compliance) or Senate Bill No. 6690 (aerospace business and occupation taxes and world trade compliance). If neither bill is enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 220.** 2019 c 415 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

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

(a) The department of veterans affairs shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys must be spent for services authorized in this act or

in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(b) Each year, there is fluctuation in the revenue collected to support the operation of the state veteran homes. When the department has foreknowledge that revenue will decrease, such as from a loss of census or from the elimination of a program, the legislature expects the department to make reasonable efforts to reduce expenditures in a commensurate manner and to demonstrate that it has made such efforts. By December 31, ~~((2019))~~ 2020, the department must: (i) Develop and implement a sustainable staffing model for the institutional services program to keep expenditures commensurate with the program revenue; and (ii) report to the legislature regarding its expenditures. In response to any request by the department for general fund—state appropriation to backfill a loss of revenue, the legislature shall consider the department's efforts in reducing its expenditures in light of known or anticipated decreases to revenues.

(2) HEADQUARTERS

General Fund—State Appropriation (FY 2020)	.....	(\$4,088,000)
		<u>\$3,369,000</u>
General Fund—State Appropriation (FY 2021)	.....	(\$4,119,000)
		<u>\$4,173,000</u>
Charitable, Educational, Penal, and Reformatory Institutions Account—State Appropriation.....		\$10,000
Pension Funding Stabilization Account—State Appropriation.....		\$185,000
TOTAL APPROPRIATION.....		<u>\$8,402,000</u>
		<u>\$7,737,000</u>

(3) FIELD SERVICES

General Fund—State Appropriation (FY 2020)	.....	\$6,602,000
General Fund—State Appropriation (FY 2021)	.....	(\$6,770,000)
		<u>\$7,029,000</u>
General Fund—Federal Appropriation		(\$4,435,000)
		<u>\$5,253,000</u>
General Fund—Private/Local Appropriation	.....	(\$4,958,000)
		<u>\$5,324,000</u>
Veteran Estate Management Account—Private/Local		

Appropriation .....	\$708,000
Pension Funding Stabilization Account—State Appropriation.....	\$444,000
Veterans Stewardship ( <del>Nonappropriated</del> ) Account—State Appropriation .....	\$300,000
Veterans Innovation Program Account—State Appropriation .....	\$100,000
TOTAL APPROPRIATION .....	<del>\$24,317,000</del>
	\$25,760,000

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

(a) \$1,338,000 of the general fund—federal appropriation and \$120,000 of the general fund—local appropriation are provided solely for the expansion of the transitional housing program at the Washington soldiers home.

(b) \$300,000 of the general fund—state appropriation for fiscal year 2020, \$300,000 of the general fund—state appropriation for fiscal year 2021, and \$100,000 of the veterans innovation account—state appropriation are provided solely for veterans innovation program grants.

(c) \$300,000 of the veterans stewardship nonappropriated account—state appropriation is provided solely for the department's traumatic brain injury program.

(d) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Second Substitute House Bill No. 1448 (veterans service officers). (~~If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~)

(e)(i) \$140,000 of the general fund—state appropriation for fiscal year 2020 and \$142,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to develop a statewide plan to reduce suicide among service members, veterans, and their families. In developing the plan, the department shall:

(A) Collaborate with government and nongovernment agencies and organizations to establish promising best practices for suicide awareness and prevention materials, training, and outreach programs targeted to service members, veterans, and their families;

(B) Cultivate peer-led organizations serving veterans in transition and recovery;

(C) Create statewide suicide awareness and prevention training programs with content specific to service members, veterans, and their families; and

(D) Provide safer homes materials and distribute safe firearms storage devices, to the Washington national guard, the Washington state patrol, allied veteran groups, and other organizations serving or employing veterans, following the recommendations of the suicide-safer homes task force.

(ii) The department must report to the legislature regarding the development of the plan no later than December 1, 2020.

(f) \$128,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 5900 (LGBTQ coordinator/veterans). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(g) \$128,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Senate Bill No. 6626 (military spouse liaison). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(4) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2020) .....	(\$13,379,000)
	\$13,155,000
General Fund—State Appropriation (FY 2021) .....	(\$14,565,000)
	\$14,453,000
General Fund—Federal Appropriation .....	(\$85,479,000)
	\$101,679,000
General Fund—Private/Local Appropriation .....	(\$28,737,000)
	\$20,744,000
Pension Funding Stabilization Account—State Appropriation.....	\$1,464,000
TOTAL APPROPRIATION.....	\$143,624,000
	\$151,495,000

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

(a) The amounts provided in this subsection include a general fund—state backfill for a revenue shortfall at the Washington soldiers home in Orting and the Walla Walla veterans home.

(b) If the department receives additional unanticipated federal resources at any point during the remainder of the 2019-2021 fiscal biennium, an equal amount of general fund—state must be placed in unallotted status so as not to exceed the total appropriation level specified in this subsection. The department may submit as part of the policy level budget submittal documentation required by RCW 43.88.030 a request to maintain the general fund—state resources that were unallotted as required by this subsection.

(5) CEMETERY SERVICES

General Fund—State Appropriation (FY 2020) .....	\$100,000
General Fund—State Appropriation (FY 2021) .....	\$100,000

General Fund—Federal Appropriation.....	\$688,000	
<b>TOTAL APPROPRIATION .....</b>	<b>\$888,000</b>	
<b>Sec. 221.</b> 2019 c 415 s 221 (uncodified) is amended to read as follows:		
<b>FOR THE DEPARTMENT OF HEALTH</b>		
General Fund—State Appropriation (FY 2020)		
.....	(\$75,208,000)	
		<u>\$79,582,000</u>
General Fund—State Appropriation (FY 2021)		
.....	(\$72,760,000)	
		<u>\$85,728,000</u>
General Fund—Federal Appropriation		
.....	(\$581,269,000)	
		<u>\$579,457,000</u>
General Fund—Private/Local Appropriation		
.....	(\$184,174,000)	
		<u>\$192,631,000</u>
Hospital Data Collection Account—State		
Appropriation.....	\$362,000	
Health Professions Account—State Appropriation		
.....	(\$144,746,000)	
		<u>\$147,610,000</u>
Aquatic Lands Enhancement Account—State		
Appropriation.....	\$633,000	
Emergency Medical Services and Trauma Care		
Systems		
Trust Account—State Appropriation.....	\$10,091,000	
Safe Drinking Water Account—State Appropriation		
.....	(\$6,050,000)	
		<u>\$6,057,000</u>
Drinking Water Assistance Account—Federal		
Appropriation .....	(\$16,974,000)	
		<u>\$17,000,000</u>
Waterworks Operator Certification Account—		
State Appropriation .....	\$1,990,000	
Drinking Water Assistance Administrative Account—		
State Appropriation .....	(\$1,228,000)	
		<u>\$1,628,000</u>
Site Closure Account—State Appropriation	\$183,000	
Biotoxin Account—State Appropriation		
.....	(\$1,693,000)	
		<u>\$1,694,000</u>
Model Toxics Control Operating Account—		
State Appropriation .....	(\$4,465,000)	

Medicaid Fraud Penalty Account—State		
Appropriation .....	(\$1,326,000)	
		<u>\$1,374,000</u>
Medical Test Site Licensure Account—State		
Appropriation.....	(\$2,703,000)	
		<u>\$3,233,000</u>
<u>Secure Drug Take-Back Program Account—State</u>		
Appropriation.....	\$1,008,000	
Youth Tobacco and Vapor Products Prevention		
Account—		
State Appropriation.....	(\$4,373,000)	
		<u>\$4,237,000</u>
Dedicated Marijuana Account—State Appropriation		
(FY 2020) .....	\$10,786,000	
Dedicated Marijuana Account—State Appropriation		
(FY 2021) .....	\$10,616,000	
Public Health Supplemental Account—Private/Local		
Appropriation.....	(\$3,668,000)	
		<u>\$5,237,000</u>
Pension Funding Stabilization Account—State		
Appropriation.....	\$3,816,000	
Accident Account—State Appropriation .....	\$362,000	
Medical Aid Account—State Appropriation...	\$54,000	
<b>TOTAL APPROPRIATION .....</b>	<b>\$1,139,530,000</b>	
		<u>\$1,169,837,000</u>

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

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the

legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) During the 2019-2021 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to twenty-five dollars annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(3) In accordance with RCW 43.20B.110, 43.135.055, and 71.24.035, the department is authorized to adopt license and certification fees in fiscal years 2020 and 2021 to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(4) Within the amounts appropriated in this section, and in accordance with RCW 43.20B.110 and 70.41.100, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 70.41.080.

(5) In accordance with RCW 70.96A.090, 71.24.035, 43.20B.110, and 43.135.055, the department is authorized to adopt fees for the review and approval of mental health and substance use disorder treatment programs in fiscal years 2020 and 2021 as necessary to support the costs of the regulatory program. The department's fee schedule must have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(6) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the

coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (a) The status of any information technology projects currently being developed or implemented that affect the coalition; (b) funding needs of these current and future information technology projects; and (c) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in ~~(section 719 of this act)~~ section 701 of this act.

(7)(a) \$285,000 of the general fund—state appropriation for fiscal year 2020 and \$15,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the governor's interagency coordinating council on health disparities to establish a task force to develop a proposal for the creation of an office of equity. The purpose of the office of equity is to promote access to equitable opportunities and resources that reduce disparities, including racial and ethnic disparities, and improve outcomes statewide across all sectors of government. The council must provide staff support and coordinate community and stakeholder outreach for the task force.

(b) The task force shall include:

(i) The chair of the interagency coordinating council on health disparities, or the chair's designee, who shall serve as the chair of the task force;

(ii) Two members of the house of representatives, appointed by the speaker of the house of representatives;

(iii) Two members from the senate, appointed by the president of the senate;

(iv) A representative from the office of the governor, appointed by the governor;

(v) A representative from the office of financial management's diversity, equity, and inclusion council, appointed by the governor;

(vi) A representative from the office of minority and women's business enterprises, appointed by the director of the office of minority and women's business enterprises;

(vii) A representative from each ethnic commission, appointed by the director of each respective commission;

(viii) A representative from the women's commission, appointed by the director of the commission;

(ix) A representative from the human rights commission, appointed by the director of the commission;

(x) The director of the governor's office of Indian affairs, or the director's designee;

(xi) A member of the disability community, appointed by the chair of the governor's committee on disability issues and employment; and

(xii) A member of the lesbian, gay, bisexual, transgender, and queer community, appointed by the office of the governor.

(c) The task force must submit a preliminary report to the governor and legislature by December 15, 2019. The task force must submit a final proposal to the governor and the legislature by July 1, 2020. The final proposal must include the following recommendations:

(i) A mission statement and vision statement for the office;

(ii) A definition of "equity," which must be used by the office to guide its work;

(iii) The organizational structure of the office, which must include a community liaison for the office;

(iv) A plan to engage executive level management from all agencies;

(v) Mechanisms for facilitating state policy and systems change to promote equity, promoting community outreach and engagement, and establishing standards for the collection, analysis, and reporting of disaggregated data regarding race and ethnicity;

(vi) Mechanisms for accountability to ensure that performance measures around equity are met across all agencies, including recommendations on audits of agencies and other accountability tools as deemed appropriate; and

(vii) A budget proposal including estimates for costs and staffing.

(d) Nonlegislative members of the task force must be reimbursed for expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060. Legislative members must be reimbursed for expenses incurred in accordance with RCW 44.04.120.

(8) \$400,000 of the general fund—state appropriation for fiscal year 2020 and \$400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a community-based nonprofit organization located in Yakima valley to develop a Spanish-language public radio media campaign aimed at preventing opioid use disorders through education outreach programs. The goal of the radio media campaign is reaching underserved populations, who may have limited literacy and who may experience cultural and informational isolation, to address prevention, education, and treatment for opioid users or those at risk for opioid use. The nonprofit organization must coordinate with stakeholders who are engaged in promoting healthy and educated choices about drug use and abuse to host four workshops and two conferences that present the latest research and best practices. The department, in coordination with the nonprofit, must provide a preliminary report to the legislature no later than December 31, 2020. A final report must be submitted to the legislature no later than June 30, 2021. Both reports must include: (a) A description of the outreach programs and their

implementation; (b) a description of the workshops and conferences held; (c) the number of individuals who participated in or received services in relation to the outreach programs; and (d) any relevant demographic data regarding those individuals.

(9)(a) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nursing care quality assurance commission to continue the work group on nurses in long-term care settings.

(b) The work group must base its work on the assessment of long-term care workforce needs required by chapter 299, Laws of 2018, and included in the long-term care workforce development report to the governor and the legislature submitted in December 2018. The commission shall maintain existing membership of the work group, may add additional stakeholder representation, and may create such technical advisory committees as may be necessary to accomplish its purposes.

(c) Work group priorities for the 2019-2021 fiscal biennium include:

(i) Identifying data sources necessary to ensure workers are achieving timely training, testing, and certification;

(ii) Working with regional workforce development councils to project worker shortages and on-going demands;

(iii) Establishing revised nursing assistant training that aligns directly with the learning outcomes of the competency-based common curriculum, and improves access, reduces costs, increases consistency across evaluators, increases pass rates, and provides support for languages other than English;

(iv) Recommending requirements to improve skilled nursing facility staffing models and address deficiencies in resident care; and

(v) Creating a competency-based common curriculum for nursing assistant training that includes knowledge and skills relevant to current nursing assistant practices; integrated specialty training on mental health, developmental disabilities, and dementia; and removing or revising outdated content. The curriculum must not unnecessarily add additional training hours, and must meet all applicable federal and state laws. The curriculum must be designed with seamless progression from or toward any point on the educational continuum.

(d) The commission must provide an interim report on the activities of the work group and its findings and recommendations for statutory and regulatory changes to the governor and legislature by November 15, 2019, and a final report to the governor and legislature by November 15, 2020.

(10) \$172,000 of the general fund—state appropriation for fiscal year 2020 and \$172,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5425 (maternal

mortality reviews). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(11) \$399,000 of the general fund—local appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5332 (vital statistics). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(12) \$52,000 of the general fund—state appropriation for fiscal year 2020, \$22,000 of the general fund—state appropriation for fiscal year 2021, \$11,000 of the general fund—local appropriation, and \$107,000 of the health professions account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5380 (opioid use disorder). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(13) \$80,000 of the general fund—state appropriation for fiscal year 2020, \$7,000 of the general fund—state appropriation for fiscal year 2021, and \$32,000 of the health professions account—state appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(14) \$132,000 of the general fund—state appropriation for fiscal year 2020 and \$132,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5550 (pesticide application safety). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(15) \$14,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Second Substitute Senate Bill No. 5846 (international medical graduates). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(16) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the midwifery licensure and regulatory program to supplement revenue from fees. The department shall charge no more than five hundred twenty-five dollars annually for new or renewed licenses for the midwifery program.

(17)(a) \$62,000 of the general fund—state appropriation for fiscal year 2020 and \$63,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the King county local health jurisdiction, as part of the foundational public health services, to conduct a study on the population health impact of the SeaTac airport communities.

(b) By December 1, 2020, the King county local health jurisdiction shall submit a report to the appropriate committees of the legislature that must include:

(i) An analysis of existing data sources and an oversample of the best start for kids child health survey to produce airport community health profiles within a one mile, five mile, and ten mile radius of the airport;

(ii) A comprehensive literature review concerning the community health effects of airport operations, including a strength of evidence analysis;

(iii) The findings of the University of Washington school of public health study on ultrafine particulate matter at the airport and surrounding areas; and

(iv) Any recommendations to address health issues related to the impact of the airport on the community.

(18) \$1,000,000 of the youth tobacco and vapor products prevention account—state appropriation is provided solely, as part of foundational public health services, for the department to support local health jurisdictions to provide youth tobacco and vapor prevention programs, including the necessary outreach and education for Engrossed House Bill No. 1074 (tobacco and vapor/age).

(19) ~~((~~\$94,000~~))~~ \$126,000 of the general fund—state appropriation for fiscal year 2020 ~~((~~is~~))~~ and \$120,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(20) The department shall report to the fiscal committees of the legislature by December 1, 2019, and December 1, 2020, if it anticipates that the amounts raised by ambulatory surgical facility licensing fees will not be sufficient to defray the cost of regulating ambulatory surgical facilities. The report shall identify the amount of state general fund money necessary to compensate for the insufficiency.

(21) \$162,000 of the general fund—state appropriation for fiscal year 2020 ~~((~~is~~))~~ and \$61,000 of the general fund—state appropriation for fiscal year 2021 ~~((~~and \$2,007,000 of the general fund—federal appropriation~~))~~ are provided solely to create a statewide data system to provide early intervention services for all children appropriately screened for developmental delays, to track developmental screenings and delays identified in children, and to assist with care coordination and early intervention; and is subject to the conditions, limitations, and review provided in ~~((~~section 719 of this act~~))~~ section 701 of this act.

(22) \$420,000 of the health professions account—state appropriation is provided solely for a work group to develop policy and practice recommendations to increase access to clinical training and supervised practice for the behavioral health workforce. The work group shall include representatives from the department, the workforce training and education coordinating board, and other appropriate stakeholders. The recommendations of the work group must address the following potential barriers: (a) reimbursement and incentives for supervision of interns and trainees; (b) supervision requirements; (c) competency-based training; (d) licensing reciprocity or the feasibility of an interstate licensing compact, or both; and (e) background checks, including barriers to work related to an applicant's criminal history or substance use disorder. The board must convene and facilitate the work group, and recommendations may be presented in two phases. Recommendations presented in the

first phase must be provided by December 1, 2019. Recommendations presented in the second phase must be provided by December 1, 2020.

(23) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington poison center. This funding is provided in addition to funding provided pursuant to RCW 69.50.540.

(24) \$21,000 of the general fund—state appropriation for fiscal year 2020 and \$4,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the development of a palliative care road map to provide information and guidance to providers, patients, families, and caregivers of individuals living with a serious or life-threatening illness. The department must work in consultation with appropriate stakeholders, including but not limited to, the health care authority, the department of social and health services, and hospital-based, outpatient, and community-based palliative care providers. The department must complete the document and make hard copies available for distribution no later than September 30, 2020.

(25) \$750,000 of the general fund—state appropriation for fiscal year 2020 ~~((\*\*))~~ and \$750,000 of the general fund—state appropriation for fiscal year 2021 are provided to continue the collaboration between local public health, accountable communities of health, and health care providers to reduce potentially preventable hospitalizations in Pierce county. This collaboration will build from year ~~((one))~~ two planning to align care coordination efforts across health care systems and support the accountable communities of health initiatives, including innovative, collaborative models of care. Strategies include the following, to reduce costly hospitalizations: (a) ~~((Increasing immunizations for bacterial pneumonia and influenza; (b) screening, brief intervention, and referral to treatment for alcohol, tobacco, and other drugs, and for depression; and (c) the sharing of health system wide data regarding usage and access patterns. By December 15, 2019, the collaborative shall provide a report to the legislature that illustrates the successes and challenges of the project.))~~ Analyze heart failure data to identify sub populations and risk factors and use this data to determine targeted interventions; (b) support provider and clinic implementation of screening, brief intervention, and referral to treatment through immunizations and ensure other areas of the county and state can duplicate the strategies; and (c) provide resources to achieve results and support collaboration across local health care systems and providers.

(26) \$55,000 of the health professions account—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1768 (substance use disorder professionals). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(27) \$14,000 of the health professions account—state appropriation is provided solely to implement Substitute House Bill No. 1865 (acupuncture and Eastern medicine). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(28)(a) \$257,000 of the general fund—state appropriation for fiscal year 2020 and \$304,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the suicide-safer homes task force defined in RCW 43.70.445 to:

(i) Expand support to industries, professions, and workplaces impacted by high rates of suicide, develop and provide online resources to disseminate best practices in workplace mental health and suicide prevention, and provide trainings for industries with the highest suicide rates and who are unable to pay for trainings;

(ii) Conduct a workplace suicide summit;

(iii) Deliver the task force's SAFER intervention and firearms and medication locking devices in partnership with nongovernment organizations in twelve rural communities across Washington; and

(iv) Develop and distribute a tool kit for suicide prevention and curriculum for firearms safety instructors for their inclusion in firearms safety courses.

(b) The task force shall distribute to all firearms dealers in the state suicide awareness and prevention materials tailored to firearms owners that are developed. Firearms dealers are strongly encouraged to post on the premises and make available to firearms purchasers and transferees the suicide awareness and prevention materials.

(c) The task force shall provide a report to the legislature regarding the directives of this subsection, and the report shall be included in the task force's final report to the legislature by December 1, 2020.

(29) \$16,000 of the general fund—state appropriation for fiscal year 2020 and \$8,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the pharmacy quality assurance commission to:

(a) Distribute or make available through electronic means to all licensed pharmacies suicide awareness and prevention materials developed by the suicide-safer homes task force, and each licensed pharmacy shall, when deemed appropriate through patient evaluation, make available to patients at the point of care the suicide awareness and prevention materials distributed by the commission; and

(b) Survey each pharmacist licensed under this chapter on methods to bridge the gap between practice and suicide awareness and prevention training, including identifying barriers that exist in putting the training into practice. The commission shall consult with the suicide-safer homes task force in developing the survey. The commission may distribute the survey as part of each pharmacist's license renewal. The commission shall compile and analyze the survey data and report the results to the appropriate committees of the legislature by November 15, 2020.

(30) \$1,310,000 of the health professions account—state appropriation is provided solely for the Washington medical commission for clinical health care investigators.

(31) \$3,210,000 of the health professions account—state appropriation is provided solely for the nursing care

quality assurance commission to address increased complaints.

(32) Within the amounts appropriated in this section, and in accordance with RCW 43.70.110 and 71.12.470, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 71.12.485.

(33) \$18,000,000 of the general fund—local appropriation is provided solely for the department to provide core medical services, case management, and support services for individuals living with human immunodeficiency virus.

(34) \$1,606,000 of the general fund—local appropriation is provided solely for staff, equipment, testing supplies, and materials necessary to add Pompe disease and MPS-I to the mandatory newborn screening panel. The department is authorized to increase the newborn screening fee by \$10.50.

(35) \$332,000 of the general fund—local appropriation is provided solely for testing supplies necessary to perform x-linked adrenoleukodystrophy newborn screening panel testing. The department is authorized to increase the newborn screening fee by \$1.90.

(36) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to conduct formative research and development regarding dementia and the value and importance of early detection, diagnosis, and planning for the public, including racial and ethnic groups who are at increased risk. Qualified department staff or contracted experts must: (a) Investigate existing evidence-based messages and public awareness campaign strategies; and (b) develop, place, and evaluate messages through a short-term digital awareness campaign in at least two, but no more than four, targeted areas of the state.

(37) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a nonprofit organization that provides support and education for adults, children, and families impacted by cancer. The nonprofit must provide programs and services that include, but are not limited to, adult support groups, camps for children impacted by cancer, education programs for teens to reduce future risk of cancer, and emotional and social support to families dealing with cancer.

(38) \$20,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to conduct a study on the state producing generic prescription drugs, with a priority on insulin. By December 1, 2019, the department shall submit a report of its findings and recommendations to the legislature.

(39) \$2,000,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Substitute House Bill No. 1587 (increasing access to fruits and vegetables). ~~(If the bill~~

~~is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.)~~

(40) The department must submit an application for an extension or renewal of its current grant pursuant to the federal food insecurity incentives program. If an extension or renewal of the current grant is not permitted, the department must apply for a new grant under the same program, which was reauthorized in December 2018.

(41) \$22,000 of the general fund—state appropriation for fiscal year 2020 and \$22,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed House Bill No. 1638 (vaccine preventable diseases). ~~(If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.)~~

(42) \$207,000 of the health professions account—state appropriation is provided solely to implement chapter 69, Laws of 2019 (SHB 1198) (sexual misconduct notification).

(43) \$203,000 of the general fund—state appropriation for fiscal year 2020 and \$66,000 of the general fund—local appropriation are provided solely to implement Second Substitute House Bill No. 1394 (behavioral health facilities). ~~(If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.)~~

(44) \$36,000 of the health professions account—state appropriation is provided solely to implement House Bill No. 1554 (dental hygienists). ~~(If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.)~~

(45) \$189,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 is provided solely to implement Engrossed Substitute House Bill No. 1094 (medical marijuana renewals). ~~(If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.)~~

(46) \$200,000 of the general fund—local appropriation is provided solely to implement chapter 68, Laws of 2019 (HB 1177) (dental laboratory registry).

(47) \$88,000 of the general fund—state appropriation for fiscal year 2020 and \$87,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for an online tutorial and link to web-based, continuing education funded by the centers for disease control for training for the primary care health workforce regarding the protocols for perinatal monitoring, birth-dose immunization, early diagnosis, linkage to care, and treatment for persons diagnosed with chronic hepatitis B or hepatitis using the project ECHO telehealth model operated by the University of Washington. Training shall focus on increased provider proficiency and increased number of trained providers in areas with high rates of reported cases of hepatitis B or hepatitis, including regions with high incidence of drug use or upward trend of children who have not received hepatitis B virus vaccinations according to centers for disease control recommendations. All digital and hardcopy training, educational, and outreach materials for this program must be culturally relevant and linguistically diverse.

(48) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$90,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to the department of health for a task force established to recommend strategies for incorporating environmental justice principles into how state agencies discharge their responsibilities.

(a) The membership of the task force established under this section is as follows:

(i) The director of the department of commerce, or the director's designee;

(ii) The director of the department of ecology, or the director's designee;

(iii) The executive director of the Puget Sound partnership, or the executive director's designee;

(iv) The secretary of the department of transportation, or the secretary's designee;

(v) The secretary of the department of health, or the secretary's designee;

(vi) The chair of the energy facility site evaluation council, or the chair's designee;

(vii) The chair of the governor's interagency council on health disparities, or the chair's designee;

(viii) The commissioner of public lands, or the commissioner's designee;

(ix) A member from an organization representing statewide environmental justice issues, appointed by the governor;

(x) Three members from community-based organizations, appointed by the cochairs specified under (b) of this subsection, the nominations of which are based upon maintaining a balanced and diverse distribution, of representation from census tracts that are ranked at an eight or higher on the cumulative impact analysis and of ethnic, geographic, gender, sexual orientation, age, socioeconomic status, and occupational representation, where practicable;

(xi) A tribal leader, invited by the governor;

(xii) One member from an association representing business interests, appointed by the governor;

(xiii) One member from a union or other organized labor association representing worker interests, appointed by the governor;

(xiv) The director of the department of agriculture, or the director's designee; and

(xv) One member from an organization representing statewide agricultural interests, appointed by the governor.

(b) The representative of statewide environmental justice interests, and the chair of the governor's interagency council on health disparities, or the chair's designee, must cochair the task force.

(c) The governor's interagency council on health disparities shall provide staff support to the task force. The

interagency council may work with other agencies, departments, or offices as necessary to provide staff support to the task force.

(d) The task force must submit a final report of its findings and recommendations to the appropriate committees of the legislature and the governor by October 31, 2020, and in compliance with RCW 43.01.036. The goal of the final report is to provide guidance to agencies, the legislature, and the governor, and at a minimum must include the following:

(i) Guidance for state agencies regarding how to use a cumulative impact analysis tool developed by the department of health. Guidance must cover how agencies identify highly impacted communities and must be based on best practices and current demographic data;

(ii) Best practices for increasing public participation and engagement by providing meaningful opportunities for involvement for all people, taking into account barriers to participation that may arise due to race, color, ethnicity, religion, income, or education level;

(iii) Recommendations for establishing measurable goals for reducing environmental health disparities for each community in Washington state and ways in which state agencies may focus their work towards meeting those goals;

(iv) Model policies for prioritizing highly impacted communities and vulnerable populations for the purpose of reducing environmental health disparities and advancing a healthy environment for all residents.

(e) If time and resources permit, the task force may also include in its final report:

(i) Recommendations for creating and implementing equity analysis into all significant planning, programmatic and policy decision making, and investments. The equity analysis methods may include a process for describing potential risks to, benefits to, and opportunities for highly impacted communities and vulnerable populations;

(ii) Best practices and needed resources for cataloging and cross-referencing current research and data collection for programs within all state agencies relating to the health and environment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state.

(f) Members of the task force who are not state employees must be compensated in accordance with RCW 43.03.240 and are entitled to reimbursement individually for travel expenses incurred in the performance of their duties as members of the task force in accordance with RCW 43.03.050 and 43.03.060. The expenses of the task force must be paid by the governor's interagency council on health disparities.

(g) The task force must hold four regional meetings to seek input from, present their work plan and proposals to, and receive feedback from communities throughout the state. The following locations must be considered for these meetings: Northwest Washington, central Puget Sound

region, south Puget Sound region, southwest Washington, central Washington, and eastern Washington.

(h) Reports submitted under this section must be available for public inspection and copying through the governor's interagency council on health disparities and must be posted on its web site.

(49) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for testing of lead in public schools. The department must determine which school districts have the highest priority and test those districts first. The department and the school districts for which tests are conducted must provide to parents, educators, school staff, and the public clear communications regarding the test results, the consequences of even low levels of exposure or ingestion, such as cognitive deficits, reduction in IQ, and neurological development, and the information that no level of lead in drinking water is safe. The communications must include a comparison of the results to the recommendation of the American academy of pediatrics (August 2017) and the national toxicology program of the national institutes of health and the center for disease control, regardless of whether the level exceeds the standard for action pursuant to the federal lead and copper rule. Communications regarding test results where levels exceed the level recommended by the American academy of pediatrics must be accompanied by examples of actions districts may take to prevent exposure, including automated flushing of water fountains and sinks, and installation of certified water filters or bottle filling stations.

(50) \$68,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 2378 (physician assistants). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(51) \$88,000 of the health professions account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2411 (suicide prevention/providers). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(52) \$724,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2426 (psychiatric patient safety). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(53) \$14,000 of the general fund—state appropriation for fiscal year 2020 and \$55,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 2731 (student head injury reports). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(54) \$16,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed House Bill No. 2755 (air ambulance cost transp.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(55) \$66,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2419 (death with dignity barriers). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(56) \$111,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to distribute a fruit and vegetable benefit of no less than thirty-two dollars per summer farmers market season to each eligible participant in the women, infant, and children farmers market nutrition program.

(57) \$1,300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for farmers market and grocery store basic food incentives for participants in the supplemental nutrition assistance program.

(58) \$52,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to collaborate, pursuant to section 501 of this act, with the office of the superintendent of public instruction in preparation of its report of findings related to statewide implementation of RCW 28A.210.383, authorizing prescriptions for, and the use of, school supplies of epinephrine autoinjectors.

(59)(a) Within amounts provided in this section, the department of health must convene a work group to collect information and establish guidelines and recommendations for how the office of the insurance commissioner can include telemedicine services in network adequacy requirements. The work group must consider the following:

(i) Changes to state statutes or rulemaking necessary for network adequacy to accommodate the use of telemedicine;

(ii) Changes to state statutes or rulemaking necessary regarding telemedicine and the scope of practice for providers;

(iii) Any other changes necessary for state statutes or rulemaking;

(iv) The best process for initial determinations of appropriate providers and services for telemedicine; and

(v) A method for updating the initial determinations as technology and practices change.

(b) The work group shall consist of the following members:

(i) State agency medical directors from the department of health, the health care authority, the department of labor and industries, the state board of health, the department of veteran affairs, the office of the insurance commissioner, and the department of corrections;

(ii) The chair of the Washington state telehealth collaborative;

(iii) The association of Washington health care plans; and

(iv) Health care providers.

(c) The work group must submit a final report with the work group recommendations to the appropriate legislative committees by January 1, 2021.

(60) Within amounts provided in this section, the department shall:

(a) Keep a monthly record of the wait times for processing applications for certification as an emergency medical technician, starting with the time the application is received until the certification is approved or denied. The record shall include the number of applications processed and the median and average wait times per month. The department shall provide a summary of the monthly wait times to the legislature no later than December 1, 2020.

(b) Conduct a review of the levels of emergency medicine competency applicable to military personnel and determine the equivalency of such levels to the standards required by the department for certification as an emergency medical technician in Washington state. The department shall report its findings to the legislature by December 1, 2020.

(61) \$1,674,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 6254 (vapor products). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse. Of this amount, \$1,164,000 is for implementation of the ingredient tracking system and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(62) The appropriations in this section include sufficient funding for the implementation of:

(a) Second Substitute Senate Bill No. 6309 (WIC fruit & veg. benefit);

(b) Substitute Senate Bill No. 6086 (opioid use/medications);

(c) Substitute Senate Bill No. 6526 (prescription drug reuse);

(d) Senate Bill No. 6038 (acupuncture and eastern med.); and

(e) Substitute Senate Bill No. 6663 (eating disorders & diabetes).

(63) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to convene a work group of relevant stakeholders to propose funding and policy initiatives to address the spread of sexually transmitted infections in Washington. The work group should focus on the prevention of infections and expanding access to pre- and post-exposure prophylaxis treatments. The department must provide a report of the work group recommendations to the legislature by December 15, 2020.

(64) \$19,000 of the health professions account—state appropriation is provided solely for implementation of Senate Bill No. 6143 (podiatric medical board). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(65) \$76,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6570 (law enforce. mental health). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(66) \$83,000 of the health professions account—state appropriation for fiscal year 2021 is provided solely for implementation of Senate Bill No. 6551 (international medical grads). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(67) \$20,000 of the health professions account—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute Senate Bill No. 6641 (sex offender treatment avail). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(68) \$492,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to coordinate with local health jurisdictions to establish and maintain comprehensive group B programs to ensure safe drinking water. These funds shall be used to support the costs of the development and adoption of rules, policies, and procedures, and for technical assistance, training, and other program-related costs.

(69) \$1,223,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to improve behavioral health and suicide prevention through any of the following: Implementation of the recommendations of the agricultural industry task force; providing support to tribes in developing and implementing culturally appropriate, evidence-based programs and tribal best practices to support youth and adults; developing continuing education for mental health professionals and partnering with agencies and organizations serving high-risk populations; and developing and implementing postvention aftercare programs, developing a community health worker training module, and creating a safer homes community campaign on suicide prevention.

(70) Within its existing resources, the department shall work with a stakeholder group to review current statutes, certification of practices in other states, and qualification standards regarding colon hydrotherapy and produce recommendations for implementation of a certification program for colon hydrotherapists in the state of Washington. The department must submit recommendations to the legislature no later than October 20, 2020.

(71) \$6,000 of the general fund—state appropriation for fiscal year 2020 and \$360,000 of the general fund—local appropriation is provided solely for staff, equipment, testing supplies, and materials necessary to add spinal muscular atrophy to the mandatory newborn screening panel. The department is authorized to increase the newborn screening fee by \$4.30 for this purpose. The department shall report to the fiscal committees of the legislature by December 1, 2020, if it anticipates that the amounts raised by the screening fee will not be sufficient to cover the costs of administering the program. The report shall identify the amount of any fee increase necessary to cover such costs.

(72) \$1,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to cover increased costs for the child profile health promotion notification system. The department shall review its processes for efficiencies and possible technological advances to reduce costs in future biennia. The department should review at least the following: (a) Use of technology; (b) frequency of communication; (c) available alternative funding sources; and (d) use of the system for other public awareness campaigns that might create new funding streams. The department shall report its findings and any recommendations to the legislature by December 15, 2020.

(73) Sufficient funding is provided in this section to implement Engrossed Substitute House Bill No. 2576 (private detention facilities).

**Sec. 222.** 2019 c 415 s 222 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2020, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2020 between programs. The department may not transfer funds, and the director of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any deviations from appropriation levels. The written notification must include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

**(1) ADMINISTRATION AND SUPPORT SERVICES**

General Fund—State Appropriation (FY 2020)	.....	<del>(\$68,636,000)</del>
		\$68,583,000
General Fund—State Appropriation (FY 2021)	.....	<del>(\$69,672,000)</del>
		\$74,332,000
General Fund—Federal Appropriation.....		\$400,000
Pension Funding Stabilization Account—State		
Appropriation .....		\$7,616,000
TOTAL APPROPRIATION .....		<del>\$146,324,000</del>
		\$150,931,000

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

~~((b))~~ (a) Within the funds appropriated in the subsection the department shall review and update the

necessary business requirements for implementation of a comprehensive electronic health records system. The department will utilize its feasibility study from 2013 and the health informatics roadmap completed in 2017 to update its business requirements and complete a request for information process by May 31, 2021. The department shall submit a report to the governor and the legislature outlining the system specifications and a cost model for implementation no later than June 30, 2021. This subsection is subject to the conditions, limitations, and review requirements of ~~((section 719 of this act))~~ section 701 of this act.

~~((e))~~ (b) \$13,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~

~~((d))~~ (c)(i) During the 2019-2021 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(A) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(B) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(I) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(II) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(III) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(ii) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iii) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

~~((e))~~ (d) The appropriations in this subsection include sufficient funding for the implementation of Second Substitute Senate Bill No. 5021 (DOC/interest arbitration).

(e) \$219,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Engrossed Second

Substitute House Bill No. 1521 (government contracting). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(2) CORRECTIONAL OPERATIONS

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$563,549,000)</del>
	<u>\$564,329,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$582,774,000)</del>
	<u>\$599,334,000</u>
General Fund—Federal Appropriation.....	\$818,000
Washington Auto Theft Prevention Authority Account—	
State Appropriation .....	<del>(\$4,680,000)</del>
	<u>\$4,679,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$62,920,000
TOTAL APPROPRIATION .....	<u>\$1,214,741,000</u>
	<u>\$1,232,080,000</u>

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

(a) The department may contract for local jail beds statewide to the extent that it is at no net cost to the department. The department shall calculate and report the average cost per offender per day, inclusive of all services, on an annual basis for a facility that is representative of average medium or lower offender costs. The department shall not pay a rate greater than \$85 per day per offender excluding the costs of department of corrections provided services, including evidence-based substance abuse programming, dedicated department of corrections classification staff on-site for individualized case management, transportation of offenders to and from department of corrections facilities, and gender responsive training for Yakima jail staff assigned to the unit. The capacity provided at local correctional facilities must be for offenders whom the department of corrections defines as close medium or lower security offenders. Programming provided for offenders held in local jurisdictions is included in the rate, and details regarding the type and amount of programming, and any conditions regarding transferring offenders must be negotiated with the department as part of any contract. Local jurisdictions must provide health care to offenders that meet standards set by the department. The local jail must provide all medical care including unexpected emergent care. The department must utilize a screening process to ensure that offenders with existing extraordinary medical/mental health needs are not transferred to local jail facilities. If extraordinary medical conditions develop for an inmate while at a jail facility, the jail may transfer the offender back to the department, subject to terms of the negotiated agreement. Health care costs incurred prior to transfer are the responsibility of the jail.

(b) \$501,000 of the general fund—state appropriation for fiscal year 2020 and \$501,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to maintain the facility, property, and assets at the institution formerly known as the maple lane school in Rochester.

(c) The appropriations in this subsection include sufficient funding for the implementation of Substitute Senate Bill No. 5492 (motor vehicle felonies).

(d) \$1,861,000 of the general fund—state appropriation for fiscal year 2020 and \$1,861,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract for the costs associated with use of offender bed capacity in lieu of prison beds for a therapeutic community program in Yakima county. The department shall provide a report to the legislature by December 15, 2019, outlining the program, its outcomes, and any improvements made over the previous contracted beds.

(e) \$3,314,000 of the general fund—state appropriation for fiscal year 2020 and \$3,014,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to increase custody staffing in its prison facilities to provide watch staff for hospital stays, mental health needs, and suicide watches to reduce overtime hours. The department shall track and report to the legislature on the changes in working conditions and overtime usage for nursing services by November 15, 2019.

(f) ~~(\$1,774,000)~~ \$1,071,000 of the general fund—state appropriation for fiscal year 2020 and \$1,567,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement the settlement agreement in *Disability Rights Washington v. Inslee, et al.*, U.S. District Court for the Western District of Washington, cause No. 18-5071, for the portions of the agreement that require additional staff necessary to supervise individuals with greater out-of-cell time and to facilitate access to programming, treatment, and other required activities. If the settlement agreement is not fully executed and approved by the court before September 1, 2019, this appropriation shall lapse.

(g) ~~(\$764,000 of the general fund—state appropriation for fiscal year 2020 and)~~ \$663,000 of the general fund—state appropriation for fiscal year 2021 ~~(are)~~ is provided solely for the department for payment of debt service associated with a certificate of participation for the equipment at the coyote ridge corrections center and its security electronics network project.

(h) \$16,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Third Substitute House Bill No. 1504 (impaired driving). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(i) \$335,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to install one additional body scanner at the Washington corrections center for women and one body scanner at the Monroe correctional complex. By November 1, 2021, the

department shall submit a report to the governor and legislature on the effectiveness of the body scanners in detecting contraband in state correctional facilities. At a minimum, the report must include the following:

(i) How the increased custody and health care staff funded in state fiscal years 2020 and 2021 changed the working conditions and overtime usage relating to the implementation of the body scanner pilots at both facilities;

(ii) An overview of the effectiveness of the body scanner pilot at the male facility including but not limited to the differences in policies and practices implemented between male and female facilities;

(iii) The number of strip searches conducted at each piloted facility before and after installation of a body scanner;

(iv) The types of contraband intercepted and whether the person found in possession of the contraband was an incarcerated individual in the state correctional institution or whether the contraband was confiscated from a person other than a prisoner in the institution;

(v) The methods used for the possession or attempted delivery of contraband into or on the premises of the state correctional facility; and

(vi) The number of dry cell watches that occurred as a result of the body scanner installation, and the length of time individuals were placed on dry cell watch.

(j) \$97,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6476 (correctional services access). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(3) COMMUNITY SUPERVISION

General Fund—State Appropriation (FY 2020)	.....	<del>(\$220,368,000)</del>
		\$227,667,000
General Fund—State Appropriation (FY 2021)	.....	<del>(\$240,790,000)</del>
		\$242,885,000
General Fund—Federal Appropriation.....		\$3,632,000
Pension Funding Stabilization Account—State		
Appropriation .....		\$12,800,000
TOTAL APPROPRIATION .....		<del>\$477,590,000</del>
		\$486,984,000

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

(a) \$1,320,000 of the general fund—state appropriation for fiscal year 2020 and \$2,560,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department of corrections to negotiate annual contract rate increases with local and tribal governments for jail capacity to house offenders who violate

the terms of their community supervision and must include increases for a regional jail serving the south King county area for providing enhanced medical services. A contract rate increase may not exceed five percent each year. The department may negotiate to include medical care of offenders in the contract rate if medical payments conform to the department's offender health plan and pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff. If medical care of offender is included in the contract rate, the contract rate may exceed five percent to include the cost of that service.

(b) The department shall engage in ongoing mitigation strategies to reduce the costs associated with community supervision violators, including improvements in data collection and reporting and alternatives to short-term confinement for low-level violators.

~~((c))~~ (c) \$984,000 of the general fund—state appropriation for fiscal year 2020 and \$8,066,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to create two hundred work release beds in the community by the end of fiscal year 2021. The department shall create an implementation plan and provide a report to the legislature by September 1, 2019, that outlines when and where the work release facilities will be implemented.

~~((e))~~ (d) \$143,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(e) Amounts provided in this subsection include additional funding for improving services to persons under community supervision. The savings from caseload reductions as a result of Substitute House Bill No. 2393 (community custody), Substitute House Bill No. 2394 (community custody), and Substitute House Bill No. 2417 (community custody terms) allow for investments as recommended by the sentencing guidelines commission and the criminal sentencing task force, in evidence-based supervision and reentry practices that support accountability and successful reintegration into the community. The department of corrections must report to the governor and the appropriate committees of the legislature on how additional funds are expended by June 30, 2021.

(4) CORRECTIONAL INDUSTRIES

General Fund—State Appropriation (FY 2020)	.....	<del>(\$6,448,000)</del>
		\$6,471,000
General Fund—State Appropriation (FY 2021)	.....	<del>(\$6,590,000)</del>
		\$6,580,000
Pension Funding Stabilization Account—State		
Appropriation .....		\$510,000
TOTAL APPROPRIATION .....		<del>\$13,548,000</del>
		\$13,548,000

	<u>\$13,561,000</u>
(5) INTERAGENCY PAYMENTS	
General Fund—State Appropriation (FY 2020)	.....( <del>(\$46,625,000)</del> )
	<u>\$47,835,000</u>
General Fund—State Appropriation (FY 2021)	.....( <del>(\$45,238,000)</del> )
	<u>\$49,181,000</u>
TOTAL APPROPRIATION .....	<u>\$91,863,000</u>
	<u>\$97,016,000</u>
(6) OFFENDER CHANGE	
General Fund—State Appropriation (FY 2020)	.....( <del>(\$59,538,000)</del> )
	<u>\$59,452,000</u>
General Fund—State Appropriation (FY 2021)	.....( <del>(\$61,135,000)</del> )
	<u>\$62,460,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$4,430,000
TOTAL APPROPRIATION .....	<u>\$125,103,000</u>
	<u>\$126,342,000</u>

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

(a) The department of corrections shall use funds appropriated in this subsection (6) for offender programming. The department shall develop and implement a written comprehensive plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(b) \$250,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$250,000)~~) \$924,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional rental vouchers for individuals released from prison facilities or to increase the value of the rental voucher.

(c) \$9,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Second Substitute Senate Bill No. 5433 (DOC/post secondary education). (~~(If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.)~~)

(d)(i) \$1,156,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for costs relating to a pilot program for expanding educational programming to include postsecondary degrees and secure internet connections at up to three correctional institutions. The institutions chosen must be participating in the federal

second chance Pell program. The internet connections are limited to the following purposes:

(A) Adult basic education;

(B) Completion of the free application for federal student aid or the Washington application for state financial aid; and

(C) Postsecondary education and training.

(ii) A report shall be submitted to the governor and the appropriate committees of the legislature by December 1, 2021, including:

(A) A description of how the secure internet connections were implemented, including any barriers or challenges;

(B) How many inmates participated in the programs that used the secure internet connections and a description of how the internet connection changed existing practices; and

(C) Data on whether the secure internet connection increased general education development or high school equivalency certificate completions; free application for federal student aid or Washington application for state financial aid filings; access to Pell grants or other state financial aid; and postsecondary education and training credit, certificate, and degree completions.

(7) HEALTH CARE SERVICES

General Fund—State Appropriation (FY 2020)	.....( <del>(\$160,657,000)</del> )
	<u>\$164,516,000</u>

General Fund—State Appropriation (FY 2021)	.....( <del>(\$164,466,000)</del> )
	<u>\$174,549,000</u>

General Fund—Federal Appropriation ..... \$1,400,000

TOTAL APPROPRIATION ..... \$325,123,000

\$340,465,000

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

(a) The state prison medical facilities may use funds appropriated in this subsection to purchase goods, supplies, and services through hospital or other group purchasing organizations when it is cost effective to do so.

(b) \$895,000 of the general fund—state appropriation for fiscal year 2020 and \$895,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to increase on call nursing and overtime staff in order to cover required nursing posts in its prison facilities. The department shall track and report to the legislature on the changes in working conditions and overtime usage for nursing services by December 21, 2019.

(c) (~~(\$174,000)~~) \$108,000 of the general fund—state appropriation for fiscal year 2020 and \$164,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement the settlement agreement in

*Disability Rights Washington v. Inslee, et. al.*, United States District Court for the Western District of Washington, Cause No. 18-5071, for the portions of the agreement that require additional staff necessary to supervise individuals with greater out-of-cell time and to facilitate access to programming, treatment and other required activities. If the settlement agreement is not fully executed and approved by the court before September 1, 2019, the amounts provided in this subsection shall lapse.

(d) \$73,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6476 (correctional services access). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 223.** 2019 c 415 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**

General Fund—State Appropriation (FY 2020)	(((\$3,653,000))
	<u>\$3,611,000</u>
General Fund—State Appropriation (FY 2021)	\$3,971,000
General Fund—Federal Appropriation....	\$25,492,000
General Fund—Private/Local Appropriation .	\$60,000
Pension Funding Stabilization Account—State Appropriation.....	\$172,000
<b>TOTAL APPROPRIATION .....</b>	<b><u>\$33,348,000</u></b>
	<u>\$33,306,000</u>

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

(1) \$275,000 of the general fund—state appropriation for fiscal year 2020 and \$275,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for vocational rehabilitation supported employment services for additional eligible clients with visual disabilities who would otherwise be placed on the federally required order of selection waiting list.

(2) \$115,000 of the general fund—state appropriation for fiscal year 2020 and \$115,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the independent living program.

**Sec. 224.** 2019 c 415 s 224 (uncodified) is amended to read as follows:

**FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund—State Appropriation (FY 2020)	\$35,000
General Fund—State Appropriation (FY 2021)	(((\$35,000))
	<u>\$910,000</u>

General Fund—Federal Appropriation	(((\$224,813,000))
	<u>\$252,209,000</u>
General Fund—Private/Local Appropriation	(((\$36,401,000))
	<u>\$36,421,000</u>
<b>Unemployment Compensation Administration</b>	
Account—Federal Appropriation ....	(((\$299,413,000))
	<u>\$278,678,000</u>
<b>Administrative Contingency Account—State</b>	
Appropriation.....	(((\$26,248,000))
	<u>\$26,256,000</u>
<b>Employment Service Administrative Account—</b>	
State Appropriation.....	(((\$54,315,000))
	<u>\$66,060,000</u>
<b>Family and Medical Leave Insurance Account—</b>	
State Appropriation.....	(((\$78,290,000))
	<u>\$129,563,000</u>
<b>Long-Term Services and Supports Trust Account—</b>	
State Appropriation.....	\$14,103,000
<b>TOTAL APPROPRIATION.....</b>	<b><u>\$733,653,000</u></b>
	<u>\$804,235,000</u>

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

(1) The department is directed to maximize the use of federal funds. The department must update its budget annually to align expenditures with anticipated changes in projected revenues.

(2) \$70,000 of the employment service administrative account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(3) \$3,516,000 of the employment service administrative account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5438 (ag & seasonal workforce srv). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(4) \$4,636,000 of the employment service administrative account—state appropriation is provided solely for the statewide reentry initiative to connect incarcerated individuals to employment resources prior to and after release.

(5) \$14,103,000 of the long-term services and supports trust account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1087

(long-term services and support). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(6) \$162,000 of the family and medical leave insurance account—state appropriation is provided solely for implementation of Substitute House Bill No. 1399 (paid family and medical leave). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(7) \$875,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to expand career connected learning program intermediary grants.

(8) \$50,948,000 of the family and medical leave insurance account—state appropriation is provided solely to increase staffing levels and funding for the paid family medical leave program in order to align with projected business needs. The department must reassess its ongoing staffing and funding needs for the paid family medical leave program and submit documentation of the updated need to the office of financial management by September 1, 2020.

(9) \$491,000 of the employment service administrative account—state appropriation is provided solely for implementation of Substitute House Bill No. 2308 (job title reporting). Of the amount provided in this subsection, \$208,000 of employment service administrative account—state appropriation is subject to the conditions, limitations, and review provided in section 701 of this act. If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(10)(a) Within existing resources, the department shall coordinate outreach and education to paid family and medical leave benefit recipients with a statewide family resource, referral, and linkage system that connects families with children prenatal through age five and residing in Washington state to appropriate services and community resources. This coordination shall include but is not limited to placing information about the statewide family resource, referral, and linkage system on the paid family and medical leave program web site and in printed materials, and conducting joint events.

(b) Within existing resources, by December 1, 2020, the department shall submit a report to the governor and the appropriate committees of the legislature concerning the ability for the paid family and medical leave program and a statewide family resource, referral, and linkage system to provide integrated services to eligible beneficiaries. The report shall include an analysis of any statutory changes needed to allow information and data to be shared between the statewide family resource, referral, and linkage system and the paid family and medical leave program.

(11) \$11,019,000 of the employment services administrative account—state appropriation is provided solely for increased compensation and other administrative costs that federal grant dollars are insufficient to cover. The department shall report the following to the legislature and the governor by September 30, 2020:

(a) An inventory of the department's programs, services, and activities, identifying federal, state, and other funding sources for each;

(b) Federal grants received by the department, segregated by line of business or activity, for each fiscal year from fiscal year 2014 through fiscal year 2020, and the applicable rules;

(c) State funding available to the department, segregated by line of business or activity, for each fiscal year from fiscal year 2014 through fiscal year 2020;

(d) A history of staffing levels by line of business or activity, identifying sources of state or federal funding, for each fiscal year from fiscal year 2014 through fiscal year 2020; and

(e) A projected spending plan for the employment services administrative account and the administrative contingency account. The spending plan must include forecasted revenues and estimated expenditures under various economic scenarios.

**Sec. 225.** 2019 c 415 s 225 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES**

(1)(a) The appropriations to the department of children, youth, and families in this act must be expended for the programs and in the amounts specified in this act. However, after May 1, 2020, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2020 among programs after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2020 caseload forecasts and utilization assumptions in the foster care, adoption support, child protective services, working connections child care, and the juvenile rehabilitation programs, the department may transfer appropriations that are provided solely for a specified purpose.

**(2) CHILDREN AND FAMILIES SERVICES PROGRAM**

General Fund—State Appropriation (FY 2020)	(\$399,796,000)
.....	<u>\$401,235,000</u>
General Fund—State Appropriation (FY 2021)	(\$412,306,000)
.....	<u>\$411,209,000</u>
General Fund—Federal Appropriation	(\$542,242,000)
.....	<u>\$458,790,000</u>

General Fund—Private/Local Appropriation .....	\$2,824,000
Pension Funding Stabilization Account—State	
Appropriation .....	<del>(\$27,892,000)</del>
	<u>\$24,916,000</u>
TOTAL APPROPRIATION .....	<u>\$1,385,060,000</u>
	<u>\$1,298,974,000</u>

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

(a) \$748,000 of the general fund—state appropriation for fiscal year 2020 and \$748,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract.

(b) \$253,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$253,000)~~ \$662,000 of the general fund—state appropriation for fiscal year 2021 ~~(is)~~ are provided solely for the costs of hub home foster families that provide a foster care delivery model that includes a ~~(licensed)~~ hub home. Use of the hub home model is intended to support foster parent retention, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(i) Of the amounts provided in this subsection, \$253,000 of the general fund—state appropriation for fiscal year 2020 and \$253,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the costs of existing hub home foster family constellations.

(ii) Of the amounts provided in this subsection, \$231,000 of the general fund—state appropriation for fiscal year 2021 appropriation is provided solely to expand the number of hub home constellations and provide technical assistance for existing constellations.

(iii) Of the amounts provided in this subsection, \$178,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with an organization with expertise in implementing the hub home model with fidelity to identify and train organizations serving kinship caregivers in eastern and western Washington with the goal of establishing additional hub home constellations to provide respite, training, and support to kinship caregivers. The department of children, youth, and families shall make available to the contracted organization information about the rates of placement of children with relative caregivers in order for the contracted organization to identify appropriate locations for expanding the model.

(c) \$579,000 of the general fund—state appropriation for fiscal year 2020 and \$579,000 of the general fund—state appropriation for fiscal year 2021 and \$110,000 of the general fund—federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(d) \$1,245,000 of the general fund—state appropriation for fiscal year 2020 and \$1,245,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for services provided through children's advocacy centers. Of the amounts provided in this subsection, \$255,000 of the general fund—state appropriation for fiscal year 2020 and \$255,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for an expansion to child advocacy center services.

(e) \$1,884,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$1,884,000)~~ \$2,400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of performance-based contracts for family support and related services pursuant to RCW 74.13B.020. Of the amounts provided in this subsection, \$533,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$533,000)~~ \$1,049,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to expand performance-based contracts through network administrators.

(f) ~~(\$3,291,000)~~ \$2,799,000 of the general fund—state appropriation for fiscal year 2020, ~~(\$5,998,000)~~ \$1,754,000 of the general fund—state appropriation for fiscal year 2021, and ~~(\$5,876,000)~~ \$5,444,000 of the general fund—federal appropriation are provided solely for social worker and related staff to receive, refer, and respond to screened-in reports of child abuse and neglect pursuant to chapter 208, Laws of 2018.

(g) Beginning October 1, 2019, and each calendar quarter thereafter, the department shall provide a tracking report for social service specialists and corresponding social services support staff to the office of financial management, and the appropriate policy and fiscal committees of the legislature. ~~(The)~~ To the extent to which the information is available, the report shall include the following information identified separately for social service specialists doing case management work, supervisory work, and administrative support staff, and identified separately by job duty or program, including but not limited to intake, child protective services investigations, child protective services family assessment response, and child and family welfare services:

(i) Total full time equivalent employee authority, allotments and expenditures by region, office, classification and band, and job duty or program;

(ii) Vacancy rates by region, office, and classification and band; and

(iii) Average length of employment with the department, and when applicable, the date of exit for staff exiting employment with the department by region, office, classification and band, and job duty or program.

(h) \$94,000 of the general fund—state appropriation for fiscal year 2020 and \$94,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(i) \$3,910,000 of the general fund—state appropriation for fiscal year 2020 and \$3,910,000 of the general fund—state appropriation for fiscal year 2021 and \$2,336,000 of the general fund—federal appropriation are provided solely for the department to reduce the caseload ratios of social workers serving children in foster care, to promote decreased lengths of stay and to make progress towards achievement of the Braam settlement caseload outcomes.

(j)(A) \$539,000 of the general fund—state appropriation for fiscal year 2020 and \$540,000 of the general fund—state appropriation for fiscal year 2021, \$656,000 of the general fund private/local appropriation, and \$252,000 of the general fund—federal appropriation are provided solely for a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the department's transition to performance-based contracts. Funding must be prioritized to regions with high numbers of foster care youth, or regions where backlogs of youth that have formerly requested educational outreach services exist. The department is encouraged to use private matching funds to maintain educational advocacy services.

(B) The department shall contract with the office of the superintendent of public instruction, which in turn shall contract with a nongovernmental entity or entities to provide educational advocacy services pursuant to RCW 28A.300.590.

(k) The department shall continue to implement policies to reduce the percentage of parents requiring supervised visitation, including clarification of the threshold for transition from supervised to unsupervised visitation prior to reunification.

(l) \$375,000 of the general fund—state appropriation for fiscal year 2020 and \$375,000 of the general fund—state appropriation for fiscal year 2021 and \$112,000 of the general fund—federal appropriation are provided solely for the department to develop, implement, and expand strategies to improve the capacity, reliability, and effectiveness of contracted visitation services for children in temporary out-of-home care and their parents and siblings. Strategies may include, but are not limited to, increasing mileage reimbursement for providers, offering transportation-only contract options, and mechanisms to reduce the level of parent-child supervision when doing so is in the best interest of the child.

(m) For purposes of meeting the state's maintenance of effort for the state supplemental payment program, the department of children, youth, and families shall track and report to the department of social and health services the

monthly state supplemental payment amounts attributable to foster care children who meet eligibility requirements specified in the state supplemental payment state plan. Such expenditures must equal at least \$3,100,000 annually and may not be claimed toward any other federal maintenance of effort requirement. Annual state supplemental payment expenditure targets must continue to be established by the department of social and health services. Attributable amounts must be communicated by the department of children, youth, and families to the department of social and health services on a monthly basis.

(n) \$1,230,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$1,230,000)~~ \$2,230,000 of the general fund—state appropriation for fiscal year 2021 and \$156,000 of the general fund—federal appropriation are provided solely to increase the travel reimbursement for in-home service providers.

(o) The department is encouraged to control exceptional reimbursement decisions so that the child's needs are met without excessive costs.

(p) \$197,000 of the general fund—state appropriation for fiscal year 2020 and \$197,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to conduct biennial inspections and certifications of facilities, both overnight and day shelters, that serve those who are under 18 years old and are homeless.

(q) ~~(\$1,740,000)~~ \$5,040,000 of the general fund—state appropriation for fiscal year 2020 ~~(and \$1,741,000)~~ \$6,051,000 of the general fund—state appropriation for fiscal year 2021 ~~(is)~~, and \$846,000 of the general fund—federal appropriation are provided solely for the department to operate emergent placement contracts. Of the amounts provided in this subsection (2)(q), \$1,037,000 of the general fund—state appropriation for fiscal year 2021 and \$115,000 of the general fund—federal appropriation are provided solely for contracts with enhanced therapeutic services and greater staff-to-child ratios. The department shall not include the costs to operate emergent placement contracts in the calculations for family foster home maintenance payments and shall submit as part of the budget submittal documentation required by RCW 43.88.030 any costs associated with increases in the number of emergent placement contract beds after the effective date of this section that cannot be sustained within existing appropriations.

(r) The appropriations in this section include sufficient funding for continued implementation of Chapter 80, Laws of 2018 (2SSB 6453) (kinship caregiver legal support).

(s)(i) \$10,828,000 of the general fund—state appropriation for fiscal year 2020, \$10,993,000 of the general fund—state appropriation for fiscal year 2021, and \$13,365,000 of the general fund—federal appropriation are provided solely for rate increases for behavioral rehabilitation services providers. The department shall modify the rate structure to one that is based on placement setting rather than acuity level pursuant to the rate study submitted in December 2018.

(ii) Beginning January 1, 2020, and continuing through the 2019-2021 fiscal biennium, the department must provide semi-annual reports to the governor and appropriate legislative committees that includes the number of in-state behavioral rehabilitation services providers and licensed beds, the number of out-of-state behavioral rehabilitation services placements, and a comparison of these numbers to the same metrics expressed as an average over the first six months of calendar year 2019. Beginning in state fiscal year 2021, the report shall identify beds with the behavioral rehabilitation services-plus services rate in (ii) of this subsection.

(t) Within existing resources, the department shall implement Engrossed Second Substitute Senate Bill No. 5291 (confinement alts./children).

(u) \$530,000 of the general fund—state appropriation for fiscal year 2021 and \$106,000 of the general fund—federal appropriation are provided solely to contract with a community organization with expertise in the yvlfeset case management model to serve youth and young adults currently being served or exiting the foster care, juvenile justice, and mental health systems to successfully transition into self-reliant adults.

~~(\$767,000 of the general fund—state appropriation for fiscal year 2020 and \$766,000)~~ (v) \$1,533,000 of the general fund—state appropriation for fiscal year 2021 ~~((are))~~ is provided solely for implementation of ~~((Second Substitute Senate Bill No. 5718 (child welfare housing assistance). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~ chapter 328, Laws of 2019 (2SSB 5718). Of the amount provided in this subsection, \$767,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide short-term housing assistance to families that must not result in ongoing expenditures after June 30, 2021, consistent with the requirements of chapter 328, Laws of 2019 (2SSB 5718).

~~((w))~~ (w) \$413,000 of the general fund—state appropriation for fiscal year 2020, ~~(\$413,000)~~ \$513,000 of the general fund—state appropriation for fiscal year 2021, and \$826,000 of the general fund—federal appropriation are provided solely to increase family reconciliation services. The appropriations in this section include sufficient funding to implement Substitute House Bill No. 2873 (families in conflict).

~~((x))~~ (x) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing the supportive visitation model that utilizes trained visit navigators to provide a structured and positive visitation experience for children and their parents.

~~((y))~~ (y) The department of children, youth, and families shall enter into interagency agreements with the office of public defense and office of civil legal aid to facilitate the use of federal Title IV-E reimbursement for parent representation and child representation services.

~~((z))~~ (z) \$146,000 of the general fund—state appropriation for fiscal year 2020 and \$147,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5955 (DCYF/statewide system). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~(\$7,586,000)~~ (aa) \$15,046,000 of the general fund—federal appropriation is provided solely for the department of children, youth, and families to leverage federal title IV-E funds available under the family first prevention services act for qualifying services and families.

(i) In fiscal year 2020, the department shall work with the department of social and health services to complete an evaluation of kinship navigator services that would enable establishment of a well-supported, supported, or promising practice model.

(ii) No later than December 1, 2019, the department shall report to the governor and appropriate legislative committees on the feasibility of claiming federal title IV-E reimbursement in fiscal year 2021 for home visiting services and kinship navigator services. The report shall include the estimated share of the current population receiving home visiting services whom the department would consider candidates for foster care for the purposes of title IV-E reimbursement under the family first prevention services act, and the estimated workload impacts for the department to identify and document the candidacy of populations receiving home visiting services.

~~((ab))~~ (bb) \$443,000 of the general fund—state appropriation for fiscal year 2020, \$443,000 of the general fund—state appropriation for fiscal year 2021, and \$818,000 of the general fund—federal appropriation are provided solely for ten child and family welfare services case workers.

~~((bc))~~ \$379,000 of the general fund—state appropriation for fiscal year 2020 and \$871,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department of children, youth, and families to contract with a county wide nonprofit organization with early childhood expertise in Pierce county for a pilot project to prevent child abuse and neglect using nationally recognized models. Of the amounts provided:

(i) \$323,000 of the general fund—state appropriation for fiscal year 2020 and \$333,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nonprofit organization to convene stakeholders to implement a countywide resource and referral linkage system for families of children who are prenatal through age five.

(ii) \$56,000 of the general fund—state appropriation for fiscal year 2020 and \$539,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nonprofit organization to offer a voluntary brief newborn home visiting program. The program must meet the diverse needs of Pierce county residents and, therefore, it must be flexible, culturally appropriate, and culturally responsive. The department, in collaboration with the nonprofit organization, must examine the feasibility of leveraging

~~federal and other fund sources, including federal Title IV-E and medicaid funds, for home visiting provided through the pilot. The department must report its findings to the governor and appropriate legislative committees by December 1, 2019.)~~

(cc) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with a national nonprofit organization to, in partnership with private matching funds, subcontract with a community organization for specialized, enhanced adoption placement services for legally free children in state custody. The contract must supplement, but not supplant, the work of the department to secure permanent adoptive homes for children with high needs.

(dd) \$666,000 of the general fund—state appropriation for fiscal year 2021 and \$74,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1645 (parental improvement). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(ee) \$937,000 of the general fund—state appropriation for fiscal year 2021 and \$66,000 of the general fund—federal appropriation are provided solely to implement Engrossed Third Substitute House Bill No. 1775 (sexually exploited children). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(ff) \$499,000 of the general fund—state appropriation for fiscal year 2021 and \$155,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 2525 (family connections program). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(gg) \$498,000 of the general fund—state appropriation for fiscal year 2021 and \$93,000 of the general fund—federal appropriation are provided solely to increase all fees paid to child-placing agencies by 7.5 percent, effective July 1, 2020.

(hh) \$5,159,000 of the general fund—state appropriation for fiscal year 2021 and \$1,870,000 of the general fund—federal appropriation are provided solely to increase the basic foster care maintenance rate by an average of \$110 per month per child for all age groups effective July 1, 2020.

(ii) \$3,175,000 of the general fund—state appropriation for fiscal year 2021 and \$2,117,000 of the general fund—federal appropriation are provided solely to establish behavioral rehabilitation services-plus contracts to serve dependent youth whose needs cannot be met in regular behavioral rehabilitation services, and who may be transitioning from a hospital or other inpatient treatment, emergent placement services, a hotel stay, or an out-of-state placement. Contracts for behavioral rehabilitation services-plus must offer enhanced rates that support therapeutic services, appropriate staff-to-child ratios, and placement stabilization.

(jj) \$696,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with an

organization or organizations with expertise in foster youth advocacy to help cover the costs of extracurricular activities for foster youth. The uses of amounts provided in this subsection must reflect foster youth choice regarding their participation in extracurricular activities.

(kk) The department of children, youth, and families shall make foster care maintenance payments to programs where children are placed with a parent in a residential program for substance abuse treatment. These maintenance payments are considered foster care maintenance payments for purposes of forecasting and budgeting at maintenance level as required by RCW 43.88.058.

(ll) No later than October 1, 2020, the department shall complete the following and report its findings to the appropriate legislative committees:

(a) Develop a proposed rate for contracted parent-child visitation providers that would accommodate a supportive visitation approach. The report must include a cost estimate to implement the proposed rate, and information on potential cost savings associated with supportive visitation; and

(b) Work with a University of Washington-based research organization that is overseeing implementation of the supportive visitation model in described in section 225(1)(x) of this act to evaluate the impact of the model on outcome measures and cost savings. To facilitate this work, the department must establish data collection and evaluation methodologies to assess the impact of this model, as well as that of any other supportive visitation efforts undertaken by the department.

(mm) \$1,080,000 of the general fund—state appropriation for fiscal year 2021 and \$720,000 of the general fund—federal appropriation are provided solely for the department to engage with a behavioral rehabilitation services or behavioral rehabilitation services-plus provider or providers who previously provided behavioral rehabilitation services to the state but who do not have a contract with the department on the effective date of this section, and who can serve dependent youth whose needs require a staff-to-child ratio that is higher than one staff to three children. The funding in this subsection is provided on a one-time basis for fiscal year 2021 only.

(nn) \$139,000 of the general fund—state appropriation for fiscal year 2021 and \$26,000 of the general fund—federal appropriation are provided solely to implement Engrossed Second Substitute Senate Bill No. 5291 (confinement alts./children). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

~~((2))~~ (3) JUVENILE REHABILITATION PROGRAM

General Fund—State Appropriation (FY 2020)	.....	<del>(\$100,860,000)</del>
		\$100,445,000
General Fund—State Appropriation (FY 2021)	.....	<del>(\$101,604,000)</del>
		\$111,895,000

General Fund—Federal Appropriation.....	\$3,464,000
General Fund—Private/Local Appropriation .....	(\$1,985,000)
	<u>\$1,790,000</u>
Washington Auto Theft Prevention Authority	
Account—State Appropriation.....	\$196,000
Pension Funding Stabilization Account—State Appropriation .....	\$8,362,000
TOTAL APPROPRIATION .....	<u>\$216,471,000</u>
	<u>\$226,152,000</u>

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

(a) \$331,000 of the general fund—state appropriation for fiscal year 2020 and \$331,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(b) \$2,841,000 of the general fund—state appropriation for fiscal year 2020 and \$2,841,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to county juvenile courts for the juvenile justice programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." Additional funding for this purpose is provided through an interagency agreement with the health care authority. County juvenile courts shall apply to the department of children, youth, and families for funding for program-specific participation and the department shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(c) \$1,537,000 of the general fund—state appropriation for fiscal year 2020 and \$1,537,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for expansion of the juvenile justice treatments and therapies in department of children, youth, and families programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." The department may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(d)(i) \$6,198,000 of the general fund—state appropriation for fiscal year 2020 and \$6,198,000 of the

general fund—state appropriation for fiscal year 2021 are provided solely to implement evidence- and research-based programs through community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants. In addition to funding provided in this subsection, funding to implement alcohol and substance abuse treatment programs for locally committed offenders is provided through an interagency agreement with the health care authority.

(ii) The department of children, youth, and families shall administer a block grant to county juvenile courts for the purpose of serving youth as defined in RCW 13.40.510(4)(a) in the county juvenile justice system. Funds dedicated to the block grant include: Consolidated juvenile service (CJS) funds, community juvenile accountability act (CJAA) grants, chemical dependency/mental health disposition alternative (CDDA), and suspended disposition alternative (SDA). The department of children, youth, and families shall follow the following formula and must prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (A) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (B) fifteen percent for the assessment of low, moderate, and high-risk youth; (C) twenty-five percent for evidence-based program participation; (D) seventeen and one-half percent for minority populations; (E) three percent for the chemical dependency and mental health disposition alternative; and (F) two percent for the suspended dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the department of children, youth, and families and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(iii) The department of children, youth, and families and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the department of children, youth, and families and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be co-chaired by the department of children, youth, and families and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. The committee may make changes to the formula categories in (d)(ii) of this subsection if it determines the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost/benefit savings to the state, including long-term cost/benefit savings. The committee must also consider these outcomes in determining when evidence-based expansion or special sex offender

disposition alternative funds should be included in the block grant or left separate.

(iv) The juvenile courts and administrative office of the courts must collect and distribute information and provide access to the data systems to the department of children, youth, and families and the Washington state institute for public policy related to program and outcome data. The department of children, youth, and families and the juvenile courts must work collaboratively to develop program outcomes that reinforce the greatest cost/benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(e) \$557,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$557,000)~~ \$707,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for funding of the teamchild project.

(f) \$283,000 of the general fund—state appropriation for fiscal year 2020 and \$283,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the juvenile detention alternatives initiative.

(g) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant program focused on criminal street gang prevention and intervention. The department of children, youth, and families may award grants under this subsection. The department of children, youth, and families shall give priority to applicants who have demonstrated the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection. Each entity receiving funds must report to the department of children, youth, and families on the number and types of youth served, the services provided, and the impact of those services on the youth and the community.

(h) The juvenile rehabilitation institutions may use funding appropriated in this subsection to purchase goods, supplies, and services through hospital group purchasing organizations when it is cost-effective to do so.

(i) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to county juvenile courts to establish alternative detention facilities similar to the proctor house model in Jefferson county, Washington, that will provide less restrictive confinement alternatives to youth in their local communities. County juvenile courts shall apply to the department of children, youth, and families for funding and each entity receiving funds must report to the department on the number and types of youth serviced, the services provided, and the impact of those services on the youth and the community.

(j) \$432,000 of the general fund—state appropriation for fiscal year 2020 and \$432,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the

department to provide housing services to clients releasing from incarceration into the community.

(k) ~~(\$2,063,000)~~ \$4,179,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$1,606,000)~~ \$7,516,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1646 (juvenile rehabilitation confinement). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(l) \$80,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a contract with a non-governmental entity to research youth violence prevention strategies and explore new and existing resources to implement evidence-based youth prevention strategies in the city of Federal Way.

(m) \$200,000 of the general fund—state appropriation for fiscal year 2020 is provided for the department to measure the fidelity of the evidence-based interventions incorporated into the integrated treatment model. By July 1, 2020, the department must report to the governor and the appropriate fiscal and policy committees of the legislature on the results of the assessment of the integrated treatment model.

(n) \$425,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for community-based violence prevention and intervention services to individuals identified through the King county shots fired social network analysis. The department must complete an evaluation of the program and provide a report to the governor and the appropriate legislative committees by September 15, 2021.

(o) \$800,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of juvenile justice to establish a grant program for evidence-based services to youth who are at high risk to perpetrate gun violence and who reside in areas with high rates of gun violence.

(i) Priority shall be given to one site serving in south King county and one site in Yakima county.

(ii) Priority for funding shall be given to sites who partner with the University of Washington to deliver family integrated transition services through use of credible messenger advocates.

(p) \$25,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the juvenile rehabilitation administration to contract with a cultural-based education, rehabilitation, and positive identity formation program to host music, dance, therapeutic African drumming, and cultural awareness workshops at Naselle youth camp.

(q) \$1,059,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Second Substitute House Bill No. 2277 (youth solitary confinement). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(r) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department of children, youth, and families to fund an educational advocate for the city of Yakima. The advocate will provide intervention services to youth identified as most at risk to engage in firearm violence.

~~((3))~~ (4) EARLY LEARNING PROGRAM

General Fund—State Appropriation (FY 2020)	<del>((232,310,000))</del>
	<u>\$206,082,000</u>
General Fund—State Appropriation (FY 2021)	<del>((246,369,000))</del>
	<u>\$347,513,000</u>
General Fund—Federal Appropriation	<del>((444,984,000))</del>
	<u>\$412,831,000</u>
General Fund—Private/Local Appropriation	<del>((100,000))</del>
	<u>\$1,115,000</u>
Education Legacy Trust Account—State Appropriation	<del>((28,336,000))</del>
	<u>\$28,156,000</u>
Home Visiting Services Account—State Appropriation	<del>((14,798,000))</del>
	<u>\$14,926,000</u>
Home Visiting Services Account—Federal Appropriation	<del>((27,677,000))</del>
	<u>\$28,523,000</u>
Washington Opportunity Pathways Account—	
State Appropriation	\$80,000,000
Pension Funding Stabilization Account—State	
Appropriation	\$3,900,000
TOTAL APPROPRIATION	<u>\$1,078,474,000</u>
	<u>\$1,123,046,000</u>

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

(a)(i) ~~((81,236,000))~~ \$80,273,000 of the general fund—state appropriation for fiscal year 2020, ~~((89,410,000))~~ \$97,570,000 of the general fund—state appropriation for fiscal year 2021, ~~((24,250,000))~~ \$24,070,000 of the education legacy trust account—state appropriation, and \$80,000,000 of the opportunity pathways account appropriation are provided solely for the early childhood education and assistance program. These amounts shall support at least 14,000 slots in fiscal year 2020 and 14,662 slots in fiscal year 2021. Of the 14,662 slots in fiscal year 2021, 50 slots must be reserved for foster children to receive school-year-round enrollment.

~~(ii) ((The department of children, youth, and families must develop a methodology to identify, at the school district level, the geographic locations of where early childhood education and assistance program slots are needed to meet the entitlement specified in RCW 43.216.556. This methodology must be linked to the caseload forecast produced by the caseload forecast council and must include estimates of the number of slots needed at each school district and the corresponding facility needs required to meet the entitlement in accordance with RCW 43.216.556. This methodology must be included as part of the budget submittal documentation required by RCW 43.88.030.))~~ \$6,903,000 of the general fund—state appropriation in fiscal year 2021 is for a slot rate increase of five percent beginning in fiscal year 2021.

(b) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(c) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies.

(d) ~~((76,453,000))~~ \$51,815,000 of the general fund—state appropriation in fiscal year 2020, ~~((82,736,000))~~ \$80,265,000 of the general fund—state appropriation in fiscal year 2021, and \$283,375,000 of the general fund—federal appropriation are provided solely for the working connections child care program under ~~((RCW 43.215.135))~~ RCW 43.216.135. Of the amounts provided in this subsection:

(i) \$78,101,000 of the general fund—state appropriation shall be claimed toward the state's temporary assistance for needy families federal maintenance of effort requirement. The department shall work in collaboration with the department of social and health services to track the average monthly child care subsidy caseload and expenditures by fund type, including child care development fund, general fund—state appropriation, and temporary assistance for needy families for the purpose of estimating the monthly temporary assistance for needy families reimbursement.

(ii) \$44,103,000 is for the compensation components of the 2019-2021 collective bargaining agreement covering family child care providers as provided in section 943 of this act.

(iii) \$28,000 of the general fund—state appropriation for fiscal year 2020 and \$1,359,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1303 (child care/higher education) ~~((or Engrossed Second Substitute House Bill No. 2158 (workforce education investment). If neither bill is enacted by June 30, 2019, the amounts provided in this subsection (d)(iii) shall lapse))~~.

(iv) \$526,000 of the general fund—state appropriation for fiscal year 2020 and \$519,000 of the general fund—state

appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection (d)(iv) shall lapse.))~~

(v) \$1,901,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2456 (working connect. eligibility). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(vi) \$7,000 of the general fund—state appropriation for fiscal year 2020 and \$645,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 2455 (high school/child care). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(vii) ~~(\$101,414,000)~~ \$133,354,000 is for subsidy rate increases for child care center providers. Funding in this subsection is sufficient to achieve the 55th percentile of market at a level 3 standard of quality in fiscal year 2020 and the 65th percentile of market for both centers and licensed family homes at a level 2 standard of quality and providers of care for school aged children in fiscal year 2021. The state and the representative for family child care providers must enter into bargaining over the implementation of subsidy rate increases, and apply those increases consistent with the terms of this proviso and the agreement reached between the parties.

~~((vii))~~ (viii) \$6,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to reduce working connections child care monthly copayments for consumers with income that is less than two hundred twenty percent of the federal poverty guidelines to twelve percent or less of a consumer's countable income. Funding provided within this subsection shall also be used to reduce the child care subsidy cliff by expanding second tier eligibility for the program to consumers with countable income below two hundred fifty percent of the federal poverty level. The department shall report to the legislature no later than June 1, 2020, regarding the estimated number of consumers with income below two hundred twenty percent of the federal poverty level whose copayments will be relieved; the estimated number of consumers who will qualify for the expanded second tier eligibility under this subsection; and the copayment amounts that consumers who qualify for the expanded second tier eligibility under this subsection will pay in order for the department to implement these changes within the funding provided.

(ix) In order to not exceed the appropriated amount, the department shall manage the program so that the average monthly caseload does not exceed 33,000 households and the department shall give prioritized access into the program according to the following order:

(A) Families applying for or receiving temporary assistance for needy families (TANF);

(B) TANF families curing sanction;

(C) Foster children;

(D) Families that include a child with special needs;

(E) Families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center;

(F) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from the department in the past six months, and have received a referral for child care as part of the family's case management;

(G) Families that received subsidies within the last thirty days and:

(I) Have reapplied for subsidies; and

(II) Have household income of two hundred percent of the federal poverty level or below; and

(H) All other eligible families.

~~((viii))~~ (x) The department, in collaboration with the department of social and health services, must submit a follow-up report by December 1, 2019, to the governor and the appropriate fiscal and policy committees of the legislature on quality control measures for the working connections child care program. The report must include:

(A) An updated narrative of the procurement and implementation of an improved time and attendance system, including an updated and detailed accounting of the final costs of procurement and implementation;

(B) An updated and comprehensive description of all processes, including computer algorithms and additional rule development, that the department and the department of social and health services have implemented and that are planned to be implemented to avoid overpayments. The updated report must include an itemized description of the processes implemented or planned to be implemented to address each of the following:

(I) Ensure the department's auditing efforts are informed by regular and continuous alerts of the potential for overpayments;

(II) Avoid overpayments, including the billing of more regular business days than are in a month, to the maximum extent possible and expediently recover overpayments that have occurred;

(III) Withhold payment from providers when necessary to incentivize receipt of the necessary documentation to complete an audit;

(IV) Establish methods for reducing future payments or establishing repayment plans in order to recover any overpayments;

(V) Sanction providers, including termination of eligibility, who commit intentional program violations or fail to comply with program requirements, including compliance with any established repayment plans;

(VI) Consider pursuit of prosecution in cases with fraudulent activity; and

(VII) Ensure two half-day rates totaling more than one hundred percent of the daily rate are not paid to providers; and

(C) A description of the process by which fraud is identified and how fraud investigations are prioritized and expedited.

~~((viii))~~ (xi) Beginning July 1, 2019, and annually thereafter, the department, in collaboration with the department of social and health services, must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of overpayments in the working connections child care program. The report must include the following information for the previous fiscal year:

(A) A summary of the number of overpayments that occurred;

(B) The reason for each overpayment;

(C) The total cost of overpayments;

(D) A comparison to overpayments that occurred in the past two preceding fiscal years; and

(E) Any planned modifications to internal processes that will take place in the coming fiscal year to further reduce the occurrence of overpayments.

(e) Within available amounts, the department in consultation with the office of financial management shall report enrollments and active caseload for the working connections child care program to the governor and the legislative fiscal committees and the legislative-executive WorkFirst poverty reduction oversight task force on an agreed upon schedule. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(f) \$1,560,000 of the general fund—state appropriation for fiscal year 2020 and \$1,560,000 of the general fund—state appropriation for fiscal year 2021 and \$13,424,000 of the general fund—federal appropriation are provided solely for the seasonal child care program. If federal sequestration cuts are realized, cuts to the seasonal child care program must be proportional to other federal reductions made within the department.

(g) \$379,000 of the general fund—state appropriation for fiscal year 2020 and \$871,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department of children, youth, and families to contract with a countywide nonprofit organization with early childhood expertise in Pierce county for a pilot project to prevent child abuse and neglect using nationally recognized models. Of the amounts provided:

(i) \$323,000 of the general fund—state appropriation for fiscal year 2020 and \$333,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nonprofit organization to convene stakeholders to

implement a countywide resource and referral linkage system for families of children who are prenatal through age five.

(ii) \$56,000 of the general fund—state appropriation for fiscal year 2020 and \$539,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nonprofit organization to offer a voluntary brief newborn home visiting program. The program must meet the diverse needs of Pierce county residents and, therefore, it must be flexible, culturally appropriate, and culturally responsive. The department, in collaboration with the nonprofit organization, must examine the feasibility of leveraging federal and other fund sources, including federal Title IV-E and medicaid funds, for home visiting provided through the pilot. The department must report its findings to the governor and appropriate legislative committees by December 1, 2019.

(h) ~~(\$4,674,000)~~ \$4,653,000 of the general fund—state appropriation for fiscal year 2020, ~~(\$3,598,000)~~ \$3,587,000 of the general fund—state appropriation for fiscal year 2021, and \$1,076,000 of the general fund—federal appropriation are provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. The department shall ensure that contracted providers pursue receipt of federal funding associated with the early support for infants and toddlers program. Priority for services shall be given to children referred from the department.

~~((h))~~ (i) \$38,622,000 of the general fund—state appropriation for fiscal year 2020, \$38,095,000 of the general fund—state appropriation for fiscal year 2021 and \$33,908,000 of the general fund—federal appropriation are provided solely to maintain the requirements set forth in chapter 7, Laws of 2015, 3rd sp. sess. The department shall place a ten percent administrative overhead cap on any contract entered into with the University of Washington. In a bi-annual report to the governor and the legislature, the department shall report the total amount of funds spent on the quality rating and improvements system and the total amount of funds spent on degree incentives, scholarships, and tuition reimbursements. Of the amounts provided in this subsection:

(i) \$1,728,000 of the general fund—state appropriation for fiscal year 2020 and \$1,728,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for reducing barriers for low-income providers to participate in the early achievers program.

(ii) \$17,955,000 is for quality improvement awards, of which \$1,650,000 is to provide a \$500 increase for awards for select providers rated level three to five in accordance with the 2019-2021 collective bargaining agreement covering family child care providers as set forth in section 943 of this act.

(iii) \$1,283,000 of the general fund—state appropriation for fiscal year 2020 and \$417,000 of the general fund—state appropriation for fiscal year 2021 are

provided solely for implementation of Engrossed Second Substitute House Bill No. 1391 (early achievers program). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection (h)(iii) shall lapse.~~

~~((v))~~ (v) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

~~((j))~~ (k) \$4,000,000 of the education legacy trust account—state appropriation is provided solely for early intervention assessment and services.

~~((k))~~ (l) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management and authorization systems within the department are subject to technical oversight by the office of the chief information officer.

~~((h))~~ (m)(i)(A) The department is required to provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(B) ECEAP early learning professionals must enter any new qualifications into the department's professional development registry starting in the 2015-16 school year, and every school year thereafter. By October 2017, and every October thereafter, the department must provide updated ECEAP early learning professional data to the education research data center.

(C) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(D) The education research and data center must provide an updated report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data every March for the previous school year.

(ii) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

~~((m))~~ (n) The department shall work with state and local law enforcement, federally recognized tribal

governments, and tribal law enforcement to develop a process for expediting fingerprinting and data collection necessary to conduct background checks for tribal early learning and child care providers.

~~((n))~~ (o) \$5,157,000 of the general fund—state appropriation for fiscal year 2020 and \$4,938,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for components of the 2019-2021 collective bargaining agreement covering family child care providers as set forth in section 943 of this act. Of the amounts provided in this subsection:

(i) \$1,302,000 is for the family child care provider 501(c)(3) organization for board-approved training;

(ii) \$230,000 is for increasing training reimbursement up to \$250 per person;

(iii) \$115,000 is for training on the electronic child care time and attendance system;

(iv) \$3,000,000 is to maintain the career development fund;

(v) \$5,223,000 is for up to five days of substitute coverage per provider per year through the state-administered substitute pool.

(vi) \$226,000 is to provide an increase to monthly health care premiums.

~~((o))~~ (p) \$219,000 of the general fund—state appropriation for fiscal year 2020 and \$219,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language in early learning & K-12).

~~((p))~~ (q) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 202, Laws of 2017 (E2SHB 1713) (children's mental health).

~~((q))~~ (r) \$317,000 of the general fund—state appropriation for fiscal year 2020 and \$317,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to continue a four year pilot for implementation of chapter 162, Laws of 2017 (SSB 5357) (outdoor early learning programs).

~~((r))~~ (s) Within existing resources, the department shall implement Substitute Senate Bill No. 5089 (early learning access).

~~((s))~~ (t) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional facilitated play groups offered statewide to family, friend, and neighbor child care providers.

~~((t))~~ (u)(i) The department of children, youth, and families, in consultation with the office of the superintendent of public instruction, the office of financial management, and the caseload forecast council must develop a proposal to transfer the annual allocations appropriated in the omnibus appropriations act for early intervention services for children

with disabilities from birth through two years of age, from the superintendent of public instruction to the department of children, youth, and families beginning July 1, 2020. The department must submit a model detailing how allocations for this program will be determined and identifying the necessary statutory changes to the office of financial management and the fiscal committees of the legislature no later than September 1, 2019.

(ii) Beginning July 1, 2019, there shall be an administrative limit of five percent on all state funds allocated to school districts for early intervention services for children with disabilities from birth through two years of age.

~~((u))~~ (v) \$750,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the expanded learning opportunity quality initiative pursuant to RCW 43.216.085(3)(d). No later than December 1, 2020, the department shall submit a report to the governor and the appropriate committees of the legislature regarding the outcomes of this pilot program and recommendations for future implementation that includes phasing-out the need for ongoing state support.

~~((v))~~ (w) \$3,779,000 of the home visiting services—state appropriation and \$3,779,000 of the home visiting services—federal appropriation are provided solely for the department to contract for additional home visiting slots. To maximize the use of available federal funding, to the greatest extent possible, the department shall use these additional slots to serve families where one or more children are candidates for foster care. The federal amount in this subsection is contingent on the services and children being eligible under the federal family first prevention services act, P.L. 115-123. The department may not allocate the federal funds to contractors unless the federal funding requirements are met.

~~((w))~~ (x) \$9,000 of the general fund—state appropriation for fiscal year 2020 and \$9,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1344 (child care access work group). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~((x))~~ (y) \$773,000 of the general fund—state appropriation for fiscal year 2020 and \$773,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5903 (children's mental health). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(z) \$231,000 of the general fund—state appropriation for fiscal year 2020 and \$144,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department of children, youth, and families to collaborate with the office of the superintendent of public instruction to complete a report with options and recommendations for administrative efficiencies and long-term strategies that align and integrate high-quality early learning programs administered by both agencies. The report shall address capital needs, data collection and data sharing, licensing

changes, quality standards, options for community-based and school-based settings, fiscal modeling, and any statutory changes needed to achieve administrative efficiencies. The report is due to the governor and the appropriate legislative committees by September 1, 2020.

(aa) \$95,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to contract with the Walla Walla school district to repurpose an elementary school into an early learning center to serve as a regional prekindergarten facility. The early learning center must provide birth to five services such as parent education and supports, child care, and early learning programs.

(bb) \$3,523,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide one-time scholarships for licensed family homes, child care center providers, and interested early learning providers to meet licensing requirements or meet ECEAP staff qualifications. Scholarships must support early childhood education associate degrees offered at state community and technical colleges or the early childhood education stackable certificates. The department shall administer the scholarship program and leverage the infrastructure established with early achievers grants.

(cc) \$246,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to develop and administer the early learning dual language grant program.

(i) The program shall consist of two competitive grant processes: One for child care providers and one for early childhood education and assistance program contractors. The department shall identify criteria for awarding the grants, evaluate applicants, and award grant funds. Beginning September 1, 2020, the department must award up to:

(A) Five two-year grants to eligible child care providers interested in establishing or converting to a dual language program; and

(B) Five two-year grants to early childhood education and assistance program contractors to support new early childhood education and assistance program dual language classrooms. At least two of the five grants must be awarded to tribal early childhood education and assistance program contractors.

(ii) It is the intent of the legislature that the department shall award grants in every even-numbered year, and that grant awards must be limited to one award per contractor or provider per biennium.

(dd) \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2556 (early learning provider regs). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(ee) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of House Bill No. 2619 (early learning access). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(ff) \$91,991,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for payments to providers for the early support for infants and toddlers program to implement Substitute House Bill No. 2787 (infants and toddlers program). Beginning September 1, 2020, funding for this purpose is transferred from the office of the superintendent of public instruction. Funding and eligibility are associated with the 0-2 special education caseload prepared by the caseload forecast council.

~~((4))~~ (5) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2020)	(( <del>\$75,435,000</del> ))
	\$118,341,000
General Fund—State Appropriation (FY 2021)	(( <del>\$76,908,000</del> ))
	\$119,408,000
General Fund—Federal Appropriation	(( <del>\$55,824,000</del> ))
	\$162,520,000
General Fund—Private/Local Appropriation	\$195,000
Education Legacy Trust Account—State Appropriation	\$180,000
Home Visiting Services Account—State Appropriation	\$472,000
Home Visiting Services Account—Federal Appropriation	\$354,000
Pension Funding Stabilization Account—State Appropriation	(( <del>\$14,000</del> ))
	\$2,990,000
TOTAL APPROPRIATION	\$208,181,000
	\$404,460,000

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

(a) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (i) The status of any information technology projects currently being developed or implemented that affect the coalition; (ii) funding needs

of these current and future information technology projects; and (iii) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in ~~(section 719 of this act)~~ section 701 of this act.

(b) \$300,000 of the general fund—state appropriation for fiscal year 2020 and ~~((~~\$300,000~~))~~ \$400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a Washington state mentoring organization to continue its public-private partnerships providing technical assistance and training to mentoring programs that serve at-risk youth.

(c) \$5,000 of the general fund—state appropriation for fiscal year 2020, \$5,000 of the general fund—state appropriation for fiscal year 2021, and \$16,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

(d) \$63,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(e) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a full-time employee to coordinate policies and programs to support pregnant and parenting individuals receiving chemical dependency or substance use disorder treatment.

(f)(i) All agreements and contracts with vendors must include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(A) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(B) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(I) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(II) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not

based on or derived from a gender-based differential; and accounts for the entire differential.

(III) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(ii) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iii) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(g) The department must submit an agency budget request for the 2020 supplemental budget that identifies the amount of administrative funding to be transferred from appropriations in subsections ~~((1), (2), and (3))~~ (2), (3), and (4) of this section to this subsection ~~((4) of this section)~~ (5).

(h) \$83,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to participate in the work group established in section 922 of this act to create a family engagement framework for early learning through high school. At a minimum, the work group must review family engagement policies and practices in Washington and in other states, with a focus on identifying best practices that can be adopted throughout Washington.

(i) \$175,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to create a plan to merge servers and build infrastructure to connect the child welfare, early learning, and juvenile rehabilitation programs on a single network. The implementation plan must be completed and provided to the legislature by January 1, 2021.

(j) The department shall use funding provided in the information technology pool to develop and implement the following, subject to the conditions, limitations, and review provided in section 701 of this act:

(i) A web-based reporting portal accessible to mandated reporters for reporting child abuse and neglect as required by RCW 26.44.030; and

(ii) A call-back option for callers placed on hold to provide a phone number for the department to return a call to complete the report of child abuse and neglect.

**PART III**

**NATURAL RESOURCES**

**Sec. 301.** 2019 c 415 s 301 (uncodified) is amended to read as follows:

**FOR THE COLUMBIA RIVER GORGE COMMISSION**

General Fund—State Appropriation (FY 2020)  
 .....((~~\$544,000~~))  
 \$605,000

General Fund—State Appropriation (FY 2021)  
 .....((~~\$570,000~~))  
 \$668,000  
 General Fund—Federal Appropriation .....\$32,000  
 General Fund—Private/Local Appropriation  
 .....((~~\$1,138,000~~))  
 \$1,158,000  
 Pension Funding Stabilization Account—State  
 Appropriation .....\$46,000  
 TOTAL APPROPRIATION .....\$2,330,000  
 \$2,509,000

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

(1) \$45,000 of the general fund—state appropriation for fiscal year 2020 and \$45,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a land use planner to conduct compliance monitoring on approved development projects and develop and track measures on the commission's effectiveness in implementing the national scenic area management plan.

(2) \$45,000 of the general fund—state appropriation for fiscal year 2020 and \$94,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a land use planner to provide land use planning services dedicated to Klickitat county. Because the activities of the land use planner are solely for the benefit of Washington state, Oregon is not required to provide matching funds for this activity.

**Sec. 302.** 2019 c 415 s 302 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

General Fund—State Appropriation (FY 2020)  
 .....((~~\$30,725,000~~))  
 \$30,696,000  
 General Fund—State Appropriation (FY 2021)  
 .....((~~\$29,342,000~~))  
 \$31,396,000  
 General Fund—Federal Appropriation  
 .....((~~\$110,053,000~~))  
 \$110,069,000  
 General Fund—Private/Local Appropriation  
 .....((~~\$23,406,000~~))  
 \$27,066,000  
 Reclamation Account—State Appropriation  
 .....((~~\$4,906,000~~))  
 \$4,919,000  
 Flood Control Assistance Account—State  
 Appropriation .....((~~\$4,174,000~~))

	<u>\$4,184,000</u>		<u>\$21,239,000</u>
State Emergency Water Projects Revolving Account—State		Air Pollution Control Account—State Appropriation	(( <del>\$4,452,000</del> ))
Appropriation .....	\$40,000		<u>\$4,463,000</u>
Waste Reduction, Recycling, and Litter Control Account—State Appropriation .....	(( <del>\$24,951,000</del> ))	Oil Spill Prevention Account—State Appropriation	(( <del>\$11,351,000</del> ))
	<u>\$26,052,000</u>		<u>\$9,179,000</u>
State Drought Preparedness Account—State Appropriation.....	\$204,000	Air Operating Permit Account—State Appropriation	(( <del>\$4,679,000</del> ))
State and Local Improvements Revolving Account—Water			<u>\$4,692,000</u>
Supply Facilities—State Appropriation.....	\$183,000	Freshwater Aquatic Weeds Account—State Appropriation .....	\$1,497,000
Aquatic Algae Control Account—State Appropriation .....	\$528,000	Oil Spill Response Account—State Appropriation	(( <del>\$7,076,000</del> ))
Water Rights Tracking System Account—State Appropriation.....	\$48,000		<u>\$8,576,000</u>
Site Closure Account—State Appropriation	\$582,000	Dedicated Marijuana Account—State Appropriation (FY 2020).....	\$465,000
Wood Stove Education and Enforcement Account—State		Dedicated Marijuana Account—State Appropriation (FY 2021).....	\$464,000
Appropriation .....	\$577,000	Pension Funding Stabilization Account—State	
Worker and Community Right to Know Fund—State		Appropriation.....	\$2,920,000
Appropriation .....	(( <del>\$1,995,000</del> ))	Water Pollution Control Revolving Administration	
	<u>\$1,996,000</u>	Account—State Appropriation .....	(( <del>\$3,858,000</del> ))
Water Rights Processing Account—State			<u>\$4,220,000</u>
Appropriation.....	\$39,000	Paint Product Stewardship Account—State	
Model Toxics Control Operating Account—State		Appropriation.....	\$182,000
Appropriation .....	(( <del>\$237,148,000</del> ))	TOTAL APPROPRIATION.....	<u>\$587,658,000</u>
	<u>\$257,389,000</u>		<u>\$616,287,000</u>
Model Toxics Control Operating Account—Local			
Appropriation .....	\$499,000	The appropriations in this section are subject to the following conditions and limitations:	
Water Quality Permit Account—State Appropriation		(1) \$170,000 of the oil spill prevention account—state	
.....	(( <del>\$47,872,000</del> ))	appropriation is provided solely for a contract with the	
	<u>\$48,068,000</u>	University of Washington's sea grant program to continue an	
Underground Storage Tank Account—State		educational program targeted to small spills from	
Appropriation.....	(( <del>\$3,963,000</del> ))	commercial fishing vessels, ferries, cruise ships, ports, and	
	<u>\$3,976,000</u>	marinas.	
Biosolids Permit Account—State		(2) \$102,000 of the general fund—state appropriation	
Appropriation .....	(( <del>\$2,703,000</del> ))	for fiscal year 2020 and \$102,000 of the general fund—state	
	<u>\$2,709,000</u>	appropriation for fiscal year 2021 are provided solely for	
Hazardous Waste Assistance Account—State		implementation of Executive Order No. 12-07,	
Appropriation.....	(( <del>\$7,150,000</del> ))	Washington's response to ocean acidification.	
	<u>\$7,170,000</u>	(3) \$726,000 of the general fund—state appropriation	
Radioactive Mixed Waste Account—State		for fiscal year 2020, (( <del>\$1,432,000</del> )) <u>\$1,742,000</u> of the	
Appropriation.....	(( <del>\$19,626,000</del> ))	general fund—state appropriation for fiscal year 2021, and	
		\$1,600,000 of the flood control assistance account—state	
		appropriation are provided solely for the continued	
		implementation of the streamflow restoration program	
		provided in chapter 90.94 RCW. Funding must be used to	
		develop watershed plans, oversee consultants, adopt rules,	

and develop or oversee capital grant-funded projects that will improve instream flows statewide.

(4) \$1,259,000 of the model toxics control operating account—state appropriation is provided solely for the increased costs for Washington conservation corp member living allowances, vehicles used to transport crews to worksites, and costs unsupported by static federal AmeriCorps grant reimbursement.

(5) \$3,482,000 of the model toxics control operating account—state appropriation is provided solely for the department to implement recommendations that come from chemical action plans (CAP), such as the interim recommendations addressing PFAS (per- and polyfluorinated alkyl substances) contamination in drinking water and sources of that contamination, to monitor results, and to develop new CAPs.

(6) \$592,000 of the reclamation account—state appropriation is provided solely for the department to assess and explore opportunities to resolve water rights uncertainties and disputes through adjudications in selected basins where tribal senior water rights, unquantified claims, and similar uncertainties about the seniority, quantity, and validity of water rights exist.

(7) \$2,147,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the department to address litter prevention and recycling programs, and in response to new China-imposed restrictions on the import of recyclable materials. Activities funded from this increased appropriation include litter pickup by ecology youth crews, local governments, and other state agencies, and litter prevention public education campaigns.

(8) \$120,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$67,000)~~ \$569,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(9) ~~(\$807,000)~~ \$1,286,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5135 (toxic pollution). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((14))~~ (10) \$392,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5397 (plastic packaging). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((12))~~ (11) \$1,450,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1543 (concerning sustainable recycling). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~((13))~~ (12) \$342,000 of the air pollution control account—state appropriation and \$619,000 of the model toxics control operating account—state appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1112 (hydrofluorocarbons emissions). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((14))~~ (13) \$1,374,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1578 (oil transportation safety). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~((15))~~ (14) \$264,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with the Walla Walla watershed management partnership board of directors to develop a thirty-year integrated water resource management strategic plan and to provide partnership staffing, reporting, and operating budget costs associated with new activities as described in Second Substitute Senate Bill No. 5352 (Walla Walla watershed pilot). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((16))~~ (15) \$455,000 of the general fund—state appropriation for fiscal year 2020 and \$455,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to grant to the northwest straits commission to distribute equally among the seven Puget Sound marine resource committees.

~~((17))~~ (16) \$290,000 of the general fund—state appropriation for fiscal year 2020 and \$290,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for rule making to change standards to allow for a higher volume of water to be spilled over Columbia river and Snake river dams to increase total dissolved gas for the benefit of Chinook salmon and other salmonids.

~~((18))~~ (17) \$118,000 of the general fund—state appropriation for fiscal year 2020 and \$118,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the agency to convene a stakeholder work group to identify actions to decrease loading of priority pharmaceuticals into Puget Sound, contract for technical experts to provide literature review, conduct an analysis and determine best practices for addressing pharmaceutical discharges, and carry out laboratory testing and analysis.

~~((19))~~ (18) \$319,000 of the general fund—state appropriation for fiscal year 2020 and \$319,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to increase coordination in reviewing shoreline armoring proposals to better protect forage fish.

~~((20))~~ (19) \$247,000 of the general fund—state appropriation for fiscal year 2020 and \$435,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for monitoring nutrient cycling and ocean

acidification parameters at twenty marine stations in Puget Sound and Hood canal.

~~((21))~~ (20) \$250,000 of the flood control assistance account—state appropriation is provided solely for the Washington conservation corps to carry out emergency activities to respond to flooding by repairing levees, preventing or mitigating an impending flood hazard, or filling and stacking sandbags. This appropriation is also for grants to local governments for emergency response needs, including the removal of structures and repair of small-scale levees and tidegates.

~~((22))~~ (21) \$500,000 of the model toxics control operating account—~~(toen)~~ state appropriation is provided solely for the Spokane river regional toxics task force to address elevated levels of polychlorinated biphenyls in the Spokane river.

~~((23))~~ (22) \$244,000 of the model toxics control operating—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5579 (crude oil volatility/rail). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~(24))~~ (23) \$432,000 of the model toxics control operating—state appropriation is provided solely for the implementation of Substitute House Bill No. 1290 (voluntary cleanups/has waste). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~(25) \$10,000,000)~~ (24) \$17,000,000 of the model toxics control operating account—state appropriation is provided solely for the department to provide grants to local governments for the purpose of supporting local solid waste and financial assistance programs.

~~((26))~~ (25) \$100,000 of the oil spill prevention account—state appropriation is provided solely for the department to produce a synopsis of current maritime vessel activity, navigation lanes, and anchorages in the northern Puget Sound and the strait of Juan de Fuca, including vessel transit in Canadian portions of transboundary waters. Consistent with RCW 43.372.030, the synopsis must compile key findings and baseline information on the spatial and temporal distribution of and intensity of current maritime vessel activity. The department may collect new information on vessel activity, including information on commercial and recreational fishing, where relevant to the synopsis. In producing the synopsis, the department must invite the participation of Canadian agencies and first nations, and must coordinate with federal agencies, other state agencies, federally recognized Indian tribes, commercial and recreational vessel operators and organizations representing such operators, and other stakeholders. The department must provide a draft of the synopsis to the appropriate committees of the legislature by June 30, 2021.

~~((27))~~ (26) \$500,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1114 (food waste reduction). ~~((If~~

~~the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~

~~(28))~~ (27) \$465,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$464,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the implementation of House Bill No. 2052 (marijuana product testing). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~(29))~~ (28) \$182,000 of the paint product stewardship account—state appropriation is provided solely for the implementation of Substitute House Bill No. 1652 (paint stewardship). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(29) \$535,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to develop a Puget Sound nutrients general permit for wastewater treatment plants in Puget Sound to reduce nutrients in wastewater discharges to Puget Sound.

(30) \$31,000 of the general fund—state appropriation for fiscal year 2020 and \$61,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to San Juan county for a study to build on the existing knowledge of the islands' water resources to gain a current understanding of the state of groundwater in the county, including hydrologic data evaluation, completing recharge estimates, and updating the water balance.

(31) \$150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to offer a grant to Clark county for the purpose of designing the process for developing a long-term plan to restore and maintain the health of Vancouver lake, a category 5 303(d) status impaired body of water, as well as designing an institutional structure to take responsibility for the plan's implementation in a financially sustainable manner. The plan will build on existing work completed by the county, state agencies, and nonprofit organizations. The department will support the work of the county to include involvement by property owners around the lake and within the watersheds that drain to the lake, the department of natural resources, the department of fish and wildlife, other state agencies and local governments with proprietary or regulatory jurisdiction, tribes, and nonprofit organizations advocating for the lake's health. The design should address timelines for plan development, roles and responsibilities of governmental and nonprofit entities, potential funding sources and options for plan implementation, including formation of a potential lake management district under chapter 36.61 RCW, and the management objectives to be included in the plan.

(32) \$150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to support the Pierce county health department and the friends of Spanaway lake to treat and clean up elevated phosphorus and algae levels in Spanaway lake.

(33) \$80,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to work with the Guemes island planning advisory committee

to follow on to a United States geologic survey study of the island's aquifer recharge areas, quantify an updated water budget, and provide an accurate water-level analysis and water-table map of the two aquifers on the island.

(34) \$75,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the department and the recycling development center, created in RCW 70.370.030, to provide financial and technical assistance to women and minority-owned businesses and small businesses which manufacture or process single-use plastic packaging products in order to help transform these businesses to processors and producers of sustainable packaging.

(35) \$283,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5323 (plastic bags), including the education and outreach activities required under section 5, chapter . . . , Laws of 2020 (ESSB 5323). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(36) \$149,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Senate Bill No. 5811 (clean car standards & prog.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(37)(a) The appropriations in this section include sufficient funding for the department to convene a work group of affected entities to study the design and use of the state water trust, water banking, and water transfers, and present its findings, including a summary of discussions and any recommendations on policy improvements, to the appropriate committees of the house of representatives and the senate. The department of ecology shall invite representatives to serve on the work group from organizations including, but not limited to:

- (i) Federally recognized Indian tribes;
- (ii) Local governments including cities, counties, and special purpose districts;
- (iii) Environmental advocacy organizations;
- (iv) The farming industry in Washington;
- (v) Business interests; and
- (vi) Entities that have been directly involved with the establishment of water banks.

(b) In addition to an invitation to participate in the work group, the department shall also consult with affected federally recognized tribal governments upon request.

(c) By December 1, 2020, the department of ecology must present its findings, including a summary of discussions and any recommendations on policy improvements, to the appropriate committees of the house of representatives and the senate and to the governor's office.

(38) \$750,000 of the model toxics control operating account—state appropriation is provided solely for the department to provide funding to local governments to help address stormwater permit requirements and provide

assistance to small businesses, as well as local source control monitoring to address toxic hotspots that impact Puget Sound.

(39) \$748,000 of the model toxics control operating account—state appropriation is provided solely for the department to add continuous freshwater monitoring at the mouth of the seven largest rivers discharging into Puget Sound.

(40) \$2,339,000 of the model toxics control operating account—state appropriation is provided solely for the department to use its authority under chapter 43.21C RCW to strengthen and standardize the consideration of climate change risks, vulnerability, and greenhouse gas emissions in environmental assessments for major projects with significant environmental impacts. To provide clarity for the public, governmental agencies and project proponents, the work conducted under this subsection must be uniform and apply to all branches of government, including state agencies, public and municipal corporations, and counties. It is the intent of the legislature that the department should carefully consider any potential overlap with other policies to reduce or regulate greenhouse gas emissions from major projects with significant environmental impacts, in order to avoid duplicative obligations.

(41) \$654,000 of the model toxics control operating account—state appropriation is provided solely for additional staff to process clean water act certifications in the event that a sixty-day processing requirement is implemented for all United States army corps of engineers permitted projects in Washington. If such a requirement is not imposed, the amount provided in this subsection shall lapse.

(42) \$70,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 2722 (minimum recycled content). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

Sec. 303. 2019 c 415 s 303 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund—State Appropriation (FY 2020)	(((\$16,013,000))
	\$16,270,000
General Fund—State Appropriation (FY 2021)	(((\$16,501,000))
	\$20,906,000
General Fund—Federal Appropriation (((\$7,079,000))	
	\$7,080,000
Winter Recreation Program Account—State Appropriation	\$3,310,000
ORV and Nonhighway Vehicle Account—State Appropriation	\$403,000

Snowmobile Account—State	Appropriation	\$5,657,000
Aquatic Lands Enhancement Account—State	Appropriation	\$367,000
Parks Renewal and Stewardship Account—State	Appropriation	<del>(\$125,438,000)</del>
		<u>\$126,881,000</u>
Parks Renewal and Stewardship Account—Private/Local	Appropriation	\$420,000
Pension Funding Stabilization Account—State	Appropriation	\$1,496,000
TOTAL APPROPRIATION		<del>\$176,684,000</del>
		<u>\$182,790,000</u>

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

(1) \$129,000 of the general fund—state appropriation for fiscal year 2020 and \$129,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant for the operation of the Northwest weather and avalanche center.

(2) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to pay assessments charged by local improvement districts.

(3) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Senate Bill No. 5918 (whale watching guidelines). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(4) \$916,000 of the general fund—state appropriation for fiscal year 2020, \$915,000 of the general fund—state appropriation for fiscal year 2021, and \$169,000 of the parks renewal and stewardship account—state appropriation are provided solely for the commission to replace major equipment with an emphasis on fire response equipment and law enforcement vehicles that have over fifteen years of useful life.

(5) \$252,000 of the general fund—state appropriation for fiscal year 2020, \$216,000 of the general fund—state appropriation for fiscal year 2021, and \$322,000 of the parks renewal and stewardship account—state appropriation are provided solely for operating budget impacts from capital budget projects funded in the 2017-2019 fiscal biennium.

(6) \$154,000 of the general fund—state appropriation for fiscal year 2020 and \$146,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for hiring new park rangers and park aides.

(7) \$3,750,000 of the general fund—state appropriation for fiscal year 2020, \$3,750,000 of the general

fund—state appropriation for fiscal year 2021, and \$2,500,000 of the parks renewal and stewardship account—state appropriation are provided solely for maintaining current service levels for core functions such as customer service, facility maintenance, and law enforcement.

(8) \$382,000 of the general fund—state appropriation for fiscal year 2020 and \$567,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to conduct forest health treatments on 500 acres of forestland each year, add stewardship staff capacity in the northwest region, and conduct vegetation surveys to identify rare and sensitive plants. One-time funding is also provided to replace a fire truck in the eastern region.

(9) \$750,000 of the general fund—state appropriation for fiscal year 2020 and \$750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to hire construction and maintenance staff to address the backlog of preventive maintenance at state parks.

(10) \$428,000 of the parks renewal and stewardship account—state appropriation is provided solely for increased technology costs associated with providing field staff with access to the state government network, providing law enforcement personnel remote access to law enforcement records, and providing public wi-fi services at dry falls, pacific beach, and potholes state parks.

(11) \$204,000 of the parks renewal and stewardship account—state appropriation is provided solely for maintaining the state parks' central reservation system, the law enforcement records management system, and discover pass automated pay stations.

(12) \$1,100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the commission to carry out operation and maintenance of the state parks system.

(13) \$35,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the commission to supply each public library in the state with two Discover passes, to be made available to the public to check out through the library system, as described in Substitute Senate Bill No. 6670 (discover pass/libraries).

(14) \$60,000 of the general fund—state appropriation for fiscal year 2020 and \$65,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to collaborate with the city of Issaquah to prepare an environmental impact statement at Lake Sammamish state park to identify impacts of the next phase of park development and assist with obtaining regulatory permits.

(15) \$120,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of House Bill No. 2587 (scenic bikeway). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 304.** 2019 c 415 s 304 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

General Fund—State Appropriation (FY 2020)	(( <del>\$1,193,000</del> ))
	<u>\$1,168,000</u>
General Fund—State Appropriation (FY 2021)	(( <del>\$1,166,000</del> ))
	<u>\$2,003,000</u>
General Fund—Federal Appropriation.	(( <del>\$3,779,000</del> ))
	<u>\$3,778,000</u>
General Fund—Private/Local Appropriation .	\$24,000
Aquatic Lands Enhancement Account—State Appropriation.....	\$333,000
Firearms Range Account—State Appropriation	\$37,000
Recreation Resources Account—State Appropriation	(( <del>\$4,143,000</del> ))
	<u>\$4,071,000</u>
NOVA Program Account—State Appropriation	\$1,107,000
Pension Funding Stabilization Account—State Appropriation.....	\$80,000
<b>TOTAL APPROPRIATION .....</b>	<b><u>\$11,862,000</u></b>
	<u>\$12,601,000</u>

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

- (1) \$109,000 of the aquatic lands enhancement account—state appropriation is provided solely to the recreation and conservation funding board for administration of the aquatics lands enhancement account program as described in RCW 79.105.150.
- (2) \$37,000 of the firearms range account—state appropriation is provided solely to the recreation and conservation funding board for administration of the firearms range grant program as described in RCW 79A.25.210.
- (3) ((~~\$4,150,000~~)) \$4,071,000 of the recreation resources account—state appropriation is provided solely to the recreation and conservation funding board for administrative and coordinating costs of the recreation and conservation office and the board as described in RCW 79A.25.080(1).
- (4) \$1,107,000 of the NOVA program account—state appropriation is provided solely to the recreation and conservation funding board for administration of the nonhighway and off-road vehicle activities program as described in chapter 46.09 RCW.
- (5) \$175,000 of the general fund—state appropriation for fiscal year 2020 and \$175,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to

contract for implementation of the Nisqually watershed stewardship plan.

(6) \$275,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a nonprofit organization with a mission for salmon and steelhead restoration to continue mortality assessment work and to design solutions to mitigate steelhead mortality at the Hood Canal bridge.

(7) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to develop a standardized method to measure and report stewardship needs and costs on lands purchased by the state parks and recreation commission, department of fish and wildlife, and the department of natural resources with grants from the Washington wildlife and recreation program. The office shall contract with a facilitator to work with the agencies on developing a shared method. The method will be used to identify, assess, and report both the stewardship needs and performance outcomes of the grant funded land acquisitions. Assessments should be based on both the current condition and the desired future condition of ecosystems and will be used to: Develop a multi-agency approach to assess the health of ecosystems on state lands, develop a consistent approach to prioritizing management and restoration actions, and determine the cost to achieve desired standards.

(8) \$140,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the governor's salmon recovery office to coordinate ongoing recovery efforts of southern resident orcas and monitor progress toward implementation of recommendations from the governor's southern resident killer whale task force.

(9) \$68,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2311 (greenhouse gas emissions). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(10)(a) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the recreation and conservation office, in collaboration with the department of natural resources, the state parks and recreation commission, and the department of fish and wildlife, to convene and facilitate an advisory group that includes recreational industry, and non-profit, motorized, non-motorized and other outdoor recreation groups to:

(i) Engage affected state agencies, partners and stakeholders in the development of a bold vision and twenty-year legislative strategy to invest in, promote, and support state outdoor recreation in Washington state;

(ii) Review the investment strategies and approaches taken by other states, including but not limited to Colorado and Oregon, to invest, promote and support outdoor recreation;

(iii) Identify strategies, investment priorities, and funding mechanisms that might be useful to implement in Washington;

(iv) Solicit feedback on potential recommendations from the general public and interested outdoor recreation stakeholders; and

(v) Incorporate the review and recommendations into a strategy for the future investments in outdoor recreation.

(b) The recreation and conservation office must submit the strategy for the future investments in outdoor recreation to the appropriate committees of the legislature by November 30, 2020.

**Sec. 305.** 2019 c 415 s 305 (uncodified) is amended to read as follows:

**FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE**

General Fund—State Appropriation (FY 2020)	(( <del>\$2,533,000</del> ))
	<u>\$2,758,000</u>
General Fund—State Appropriation (FY 2021)	(( <del>\$2,440,000</del> ))
	<u>\$2,641,000</u>
Pension Funding Stabilization Account—State Appropriation.....	\$254,000
TOTAL APPROPRIATION .....	<u>\$5,227,000</u>
	<u>\$5,653,000</u>

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

(1) ((~~\$170,000~~)) \$140,000 of the general fund—state appropriation for fiscal year 2020 ((~~is~~)) and \$30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of ((~~Substitute Senate Bill No. 5151~~)) chapter 452, Laws of 2019 (growth management board/indexing). ((~~If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~))

(2) \$4,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6574 (GMHB & ELUHO powers, duties). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 306.** 2019 c 415 s 306 (uncodified) is amended to read as follows:

**FOR THE CONSERVATION COMMISSION**

General Fund—State Appropriation (FY 2020)	(( <del>\$7,936,000</del> ))
	<u>\$7,845,000</u>
General Fund—State Appropriation (FY 2021)	(( <del>\$7,973,000</del> ))
	<u>\$8,540,000</u>
General Fund—Federal Appropriation.(( <del>\$2,301,000</del> ))	
	<u>\$2,482,000</u>

Public Works Assistance Account—State Appropriation.....	\$8,456,000
Model Toxics Control Operating Account—State Appropriation.....	(( <del>\$1,000,000</del> ))
	<u>\$1,226,000</u>
Pension Funding Stabilization Account—State Appropriation.....	\$254,000
TOTAL APPROPRIATION.....	<u>\$27,920,000</u>
	<u>\$28,803,000</u>

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

(1) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission and conservation districts to increase landowner participation in voluntary actions that protect habitat to benefit salmon and southern resident orcas.

(2) \$8,456,000 of the public works assistance account—state appropriation is provided solely for implementation of the voluntary stewardship program. This amount may not be used to fund agency indirect and administrative expenses.

(3) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to continue to convene and facilitate a food policy forum and to implement recommendations identified through the previous work of the food policy forum.

(a) The commission shall coordinate implementation of the forum with the department of agriculture and the office of farmland preservation.

(b) The director of the commission and the director of the department of agriculture shall jointly appoint members of the forum, and no appointment may be made unless each director concurs in the appointment.

(c) In addition to members appointed by the directors, four legislators may serve on the food policy forum in an ex officio capacity. Legislative participants may be reimbursed for travel expenses by the senate or house of representatives as provided in RCW 44.04.120. Legislative participants must be appointed as follows:

(i) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives; and

(ii) The majority leader and minority leader of the senate shall appoint one member from each of the two largest caucuses of the senate.

(d) Meetings of the forum may be scheduled by either the director of the commission or the director of the department of agriculture.

(e) Staffing for the forum must be provided by the commission working jointly with staff from the department of agriculture.

(f) The commission and the department of agriculture shall jointly develop the agenda for each forum meeting as well as a report from the food policy forum. The report must contain recommendations and a workplan to implement the recommendations and must be delivered to the appropriate committees of the legislature and the governor by June 30, 2021.

~~((5))~~ (4) \$20,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the following activities:

(a) The commission and the department of agriculture must produce a gap analysis reviewing existing conservation grant programs and completed voluntary stewardship program plans to identify what technical assistance and cost-share resources are needed to meet the requirements placed on those activities by the legislature.

(b)(i) The commission, in collaboration with the department of agriculture, must develop recommendations for legislation or additional work that may be needed to implement a sustainable farms and fields grant program that prioritizes funding based on net reduction of greenhouse gas emissions on farm, aquatic, or ranch lands, including carbon sequestration.

(ii) The recommendations must incorporate the gap analysis required by this section. The recommendations must include information about how the grant program can complement and avoid competing with existing conservation programs, and provide cost share benefits to existing and new programs designed to improve water quality, critical habitats, and soil health and soil-health research on farm, aquatic or timber lands.

(iii) The recommendations must be developed with input from stakeholder meetings with representatives from the environmental and agricultural communities.

(c) The commission and the department of agriculture must provide an update to the appropriate committees of the legislature by August 1, 2019, and final recommendations by November 1, 2019.

(5) \$332,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the commission to increase the capacity of conservation districts to assist landowners in environmental stewardship and achieving agricultural sustainability.

(6) \$59,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute Senate Bill No. 6091 (WA food policy forum). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(7) \$55,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute Senate Bill No. 6306 (soil health initiative). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(8) \$99,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 5947 (sustainable farms and fields). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(9) \$61,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2311 (greenhouse gas emissions). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(10) \$226,000 of the model toxics control operating account—state appropriation is provided solely for the commission to provide to the south Yakima conservation district to address nitrate concentrations in groundwater, including nutrient management plans, well water sampling and analysis, landowner education and outreach, and database maintenance.

**Sec. 307.** 2019 c 415 s 307 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund—State Appropriation (FY 2020)	.....	(\$74,521,000)
		<u>\$76,116,000</u>
General Fund—State Appropriation (FY 2021)	.....	(\$63,849,000)
		<u>\$87,539,000</u>
General Fund—Federal Appropriation	.....	(\$141,326,000)
		<u>\$140,234,000</u>
General Fund—Private/Local Appropriation	.....	(\$69,360,000)
		<u>\$69,619,000</u>
ORV and Nonhighway Vehicle Account—State Appropriation	.....	\$701,000
Aquatic Lands Enhancement Account—State Appropriation	.....	(\$11,871,000)
		<u>\$11,873,000</u>
Recreational Fisheries Enhancement Account—State Appropriation	.....	(\$3,332,000)
		<u>\$3,333,000</u>
Warm Water Game Fish Account—State Appropriation	.....	(\$2,824,000)
		<u>\$2,825,000</u>
Eastern Washington Pheasant Enhancement Account—State Appropriation	.....	\$675,000

State Wildlife Account—State Appropriation	(( <u>\$115,447,000</u> ))
	<u>\$96,018,000</u>
Special Wildlife Account—State Appropriation	\$2,904,000
Special Wildlife Account—Federal Appropriation	\$517,000
Special Wildlife Account—Private/Local Appropriation	\$3,653,000
Wildlife Rehabilitation Account—State Appropriation	\$361,000
Ballast Water and Biofouling Management Account—State Appropriation	\$10,000
Model Toxics Control Operating Account—State Appropriation	(( <u>\$2,946,000</u> ))
	<u>\$2,947,000</u>
Regional Fisheries Enhancement Salmonid Recovery Account—Federal Appropriation	\$5,001,000
Oil Spill Prevention Account—State Appropriation	\$1,199,000
Aquatic Invasive Species Management Account—State Appropriation	\$1,906,000
Pension Funding Stabilization Account—State Appropriation	\$5,186,000
Oyster Reserve Land Account—State Appropriation	\$524,000
<b>TOTAL APPROPRIATION</b>	<b><u>\$508,113,000</u></b>
	<b><u>\$513,141,000</u></b>

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

(1) \$467,000 of the general fund—state appropriation for fiscal year 2020 and \$467,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to pay for emergency fire suppression costs. These amounts may not be used to fund agency indirect and administrative expenses.

(2) \$415,000 of the general fund—state appropriation for fiscal year 2020, \$415,000 of the general fund—state appropriation for fiscal year 2021, and \$440,000 of the general fund—federal appropriation are provided solely for county assessments.

(3)(a) A legislative task force is established to recommend a group or entity to review the department's budget requests in place of the hatchery scientific review group. The task force is comprised of two members from each of the two largest caucuses in the senate, appointed by

the president of the senate, and two members from each of the two largest caucuses in the house of representatives, appointed by the speaker of the house. The task force shall be staffed by the office of program research and senate committee services. The task force must consult with tribes.

(b) The task force must review the purpose and activities of the hatchery scientific review group and develop recommendations for the legislature to establish a replacement group or entity that will analyze state spending and projects related to hatcheries that are proposed in state operating and capital budgets. Among other things, the task force shall recommend a process by which the replacement organization or entity, starting with the 2021-2023 fiscal biennium, contracts with the department to review the department's proposed agency biennial operating and capital budget requests related to state fish hatcheries prior to submission to the office of financial management. This review shall: (i) Examine if the proposed requests are consistent with independent scientific review standards using best available science; (ii) evaluate the components of the request based on the independent needs of each particular watershed and the return of salmonids including naturally spawning, endangered, and hatchery stocks; and (iii) evaluate whether the proposed requests are being made in the most cost-effective manner. This process must require the department to provide a copy of the review to the office of financial management and the legislature with its agency budget proposal.

(c) The task force shall report to the legislature on its findings and recommendations by December 1, 2019.

(4) \$400,000 of the general fund—state appropriation for fiscal year 2020 and \$400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the United States army corps of engineers.

(5) \$762,000 of the general fund—state appropriation for fiscal year 2020, \$580,000 of the general fund—state appropriation for fiscal year 2021, and \$24,000 of the state wildlife account—state appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 5577 (orca whales/vessels). ~~(If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.)~~

(6) \$156,000 of the general fund—state appropriation for fiscal year 2020 and \$155,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operating budget impacts from capital budget projects funded in the 2017-2019 fiscal biennium.

(7) \$450,000 of the general fund—state appropriation for fiscal year 2020 and \$450,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to develop a pinto abalone recovery plan, expand field work, conduct genetics and disease assessments, and establish three satellite grow-out facilities. \$150,000 of the appropriation per fiscal year is for competitive grants to nonprofit organizations to assist in recovery and restoration work of native shellfish.

(8) \$350,000 of the general fund—state appropriation for fiscal year 2020 and \$350,000 of the general fund—state appropriation for fiscal year 2021, are provided solely for the department to increase the work of regional fisheries enhancement groups.

(9) \$457,000 of the general fund—state appropriation for fiscal year 2020, \$457,000 of the general fund—state appropriation for fiscal year 2021, and \$110,000 of the state wildlife account—state appropriation are provided solely for the department to pay for costs to maintain upgraded network infrastructure and pay the debt service on purchased equipment.

(10) \$165,000 of the general fund—state appropriation for fiscal year 2020, \$166,000 of the general fund—state appropriation for fiscal year 2021, and \$495,000 of the state wildlife account—state appropriation are provided solely for new service or vendor costs, including PC leases, mobile devices, a remote management system, IT issue tracking technology, and virtual private network services.

(11) \$3,500,000 of the general fund—state appropriation for fiscal year 2020 and \$3,500,000 of the general fund—state appropriation for fiscal year 2021 are appropriated for the department to increase hatchery production of salmon throughout the Puget Sound, coast, and Columbia river. Increases in hatchery production must be prioritized to increase prey abundance for southern resident orcas. The department shall work with federal partners, tribal co-managers, and other interested parties when developing annual hatchery production plans. These increases shall be done consistent with best available science, most recent hatchery standards, and endangered species act requirements, and include adaptive management provisions to ensure the conservation and enhancement of wild stocks. Of the amounts provided in this subsection, \$500,000 in fiscal year 2020 is for wells and generators at the Samish hatchery.

(12) \$2,257,000 of the general fund—state appropriation for fiscal year 2020 and \$1,785,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to grant to the northwest Indian fisheries commission to grant to tribes for hatchery operations that are prioritized to increase prey abundance for southern resident orcas. Of the amounts provided in this subsection:

(a) \$1,535,000 in each fiscal year is for additional hatchery production in the following amounts per fiscal year: \$150,000 for the Quinalt Indian Nation, \$169,000 for the Tulalip Tribes, \$268,000 for the Quileute Tribe, \$186,000 for the Puyallup Tribe, \$112,000 for the Port Gamble S'Klallam Tribe, \$23,000 for the Muckleshoot Indian Tribe, \$207,000 for the Squaxin Island Tribe, \$142,000 for the Skokomish Indian Tribe, and \$278,000 for the Lummi Nation.

(b) \$472,000 in fiscal year 2020 is for improvements to hatchery facilities that support additional hatchery production in the following amounts: \$98,000 for the Tulalip Tribes, \$38,000 for the Puyallup Tribe, \$14,000 for the Port Gamble S'Klallam Tribe, \$25,000 for the Muckleshoot Indian Tribe, \$200,000 for the Squaxin Island Tribe, \$24,000

for the Skokomish Indian Tribe, and \$73,000 for the Lummi Nation.

(13) \$771,000 of the general fund—state appropriation in fiscal year 2020 and \$76,000 of the general fund—state appropriation in fiscal year 2021 are provided solely for the department to provide to tribes for hatchery operations that are prioritized to increase prey abundance for southern resident orcas. Of the amounts provided in this subsection, \$76,000 in each fiscal year is for the Yakama Nation for additional hatchery production, \$195,000 in fiscal year 2020 is for the Yakama Nation for improvements to hatchery facilities, and \$500,000 in fiscal year 2020 is for the Confederated Tribes of the Colville Reservation for improvements to hatchery facilities.

(14) ~~(\$425,000)~~ \$175,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$175,000)~~ \$425,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to grant to public utility districts for additional hatchery production that is prioritized to increase prey abundance for southern resident orcas and other species that are critical to the marine food web. Of the amounts provided in this subsection, \$250,000 in fiscal year ~~(2020)~~ 2021 is for Puget Sound energy for ~~(wells and generators)~~ water supply system improvements at the Baker river fish hatchery.

(15) ~~(\$1,361,000)~~ \$1,201,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$1,360,000)~~ \$1,520,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the following activities to increase the availability of salmon for southern resident orcas: Surveying forage fish populations, conducting rulemaking for fish screens, reducing salmon predation by nonnative fish, prioritizing fish barrier removal, developing a strategy to reestablish salmon runs above dams, and increasing review of shoreline armoring proposals to protect forage fish.

(16) \$710,000 of the general fund—state appropriation for fiscal year 2020 and \$253,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to migrate to the state data center and are subject to the conditions, limitations, and review provided in ~~(section 719 of this act)~~ section 701 of this act.

(17) \$278,000 of the general fund—state appropriation for fiscal year 2020 and \$278,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide grants to the Lummi Nation to increase salmon production at the Skookum creek hatchery and the Lummi bay hatchery.

(18) \$477,000 of the general fund—state appropriation for fiscal year 2020 and \$477,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Substitute House Bill No. 2097 (statewide wolf recovery). ~~(If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.)~~

(19) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the

department for elk management in the Skagit valley in cooperation with affected tribes and landowners. Authorized expenditures include, but are not limited to, elk fencing and replacement hay to mitigate the impacts of elk on agricultural crop production.

(20) \$49,000 of the general fund—state appropriation for fiscal year 2020, \$47,000 of the general fund—state appropriation for fiscal year 2021, and \$37,000 of the state wildlife account—state appropriation are provided solely for the implementation of Second Substitute House Bill No. 1579 (chinook abundance). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse-))~~

(21) \$357,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for suppression, eradication, and monitoring of northern pike in the Columbia river. The department must work with the Spokane Tribe of Indians, the Confederated Tribes of the Colville Reservation, and the Kalispel Tribe of Indians on identifying appropriate actions to reduce threats to anadromous salmon from invasive northern pike.

(22) \$573,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a voluntary buyback of Columbia river-Willapa bay and Columbia river-Grays harbor commercial gill net licenses. The department shall solicit offers from gill net license holders who wish to participate in the buyback program, and purchase gill net licenses in ranked, ascending order from lowest to the highest bid price based on their 2015-2019 average annual Columbia river landings. License holders that agree to the voluntary buyback shall have their license retired and be prohibited from future participation in the fishery with a Columbia river-Willapa bay or Columbia river-Grays harbor gill net license. By December 31, 2020, the department shall submit a report to the legislature including the number of license holders that participated in the buyback, the annual landings associated with each license, and an estimate of the funding needed to buyback any remaining voluntary buyback offers that exceeded the available funds. No more than five percent of this appropriation may be spent on administering and reporting on the voluntary buyback.

(23) \$139,000 of the general fund—state appropriation for fiscal year 2020 and \$139,000 of the general fund—state appropriation for fiscal year 2021 are provided solely as matching funds for a federal grant to purchase two law enforcement vessels and equip them with optic system equipment to conduct marine patrols including vessel enforcement patrols related to southern resident orcas.

(24) \$225,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to increase enforcement of commercial and recreational vessel regulations for the protection of southern resident orcas in central and southern Puget Sound.

(25) \$95,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to the Woodland park zoo to conduct research relating to shell disease prevention in native western pond turtles.

(26) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to build elk fencing, with priority given to fencing the Concrete school playfields to exclude elk and conduct other measures for solving conflicts with elk in Skagit county in cooperation with tribes and landowners.

(27) The appropriations in this section include sufficient funding for the department to convene an independent science review council to advise the comanagers on critical anadromous fish management decisions. The nine member council shall include two members chosen by the tribal community, two members chosen by the department, one member from the United States fish and wildlife service, one member from the national oceanic and atmospheric administration, and three members chosen by the Washington academy of sciences. The Washington academy of sciences shall have final review of nominees to confirm their subject matter expertise.

(28) \$800,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to create a statewide permittee assistance program as part of hydraulic project approvals, in which department staff collaborate with landowners during construction to help resolve risks for permit noncompliance.

(29) \$252,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5481 (collective bargaining/WDFW). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(30) \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to conduct a master planning process, to result in a plan, to assess and prioritize hatchery improvements based on the recommendations of the southern resident killer whale task force, including prioritization given for a new Cowlitz river salmon hatchery. The plan must include prioritized capital budget projects. The plan shall be submitted to the fiscal committees of the legislature by January 15, 2021.

(31) \$462,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for expanded management of pinniped populations on the lower Columbia river and its tributaries with the goal of increasing chinook salmon abundance and prey availability for southern resident orcas. The department may only expend funds in this subsection after receiving necessary permits from the national marine fisheries service.

(32) \$112,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2311 (greenhouse gas emissions). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(33) \$1,262,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the costs for the department to maintain shellfish sanitation activities necessary to implement its memorandum of understanding with the department of health to ensure the

state is compliant with its federal obligations under the model ordinance of the national shellfish sanitation program.

(34) \$142,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for work addressing fish passage barriers, including data analysis and mapping to identify streams and barriers that have the greatest potential benefit to listed salmon populations, southern resident orca whales, and fisheries. In conducting this work, the department must consult with tribes and coordinate with the department of transportation's fish barrier work plans.

(35) \$90,000 of the general fund—state appropriation for fiscal year 2020 and \$166,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with the Washington academy of sciences to complete the following activities:

(a) By December 1, 2020, and consistent with RCW 43.01.036, the department must submit a report to the legislature that assesses how to incorporate a net ecological gain standard into state land use, development, and environmental laws and rules to achieve a goal of better statewide performance on ecological health and endangered species recovery, including the recovery of salmon in order to fulfill tribal treaty obligations and achieve the delisting of threatened or endangered runs. The report must address each environmental, development, or land use law or rule where the existing standard is less protective of ecological integrity than the standard of net ecological gain, including the shoreline management act, chapter 90.58 RCW; the growth management act, chapter 36.70A RCW; and construction projects in state waters regulated under 77.55 RCW.

(b) In developing the report under this subsection, the department must consult with the appropriate local governments, state agencies, federally recognized Indian tribes, and stakeholders with subject matter expertise on environmental, land use, and development laws including, but not limited to, cities, counties, ports, the department of ecology, and the department of commerce. The department's consultation process under this subsection must include a total of at least two meetings at which local governments, state agencies, federally recognized Indian tribes, and stakeholders may provide input.

(c) The report must include:

(i) The development of a definition, goals, objectives, and measurable performance metrics for the standard of net ecological gain;

(ii) An assessment and analysis of opportunities and challenges, including legal issues and costs for state and local governments to achieve net ecological gain through both:

(A) Implementation of a standard of net ecological gain under different environmental, development, and land use laws; and

(B) An enhanced approach to implementing and monitoring no net loss in existing environmental, development, and land use laws;

(iii) Recommendations on funding, incentives, technical assistance, legal issues, monitoring, and use of scientific data, and other applicable considerations to the integration of net ecological gain into each environmental, developmental, and land use law or rule;

(iv) Assessments of how applying a standard of net ecological gain in the context of each environmental, land use, or development law is likely to achieve substantial additional environmental or social co-benefits; and

(v) Assessments of why existing standards of ecological protectiveness, such as no net loss standards, have been sufficient or insufficient to protect ecological health and achieve endangered species recovery.

(36) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for developing and operating invasive species inspection stations and outreach to recreational boaters on the use of inspection stations. The department must report to the appropriate committees of the legislature by December 1, 2020, on the results of invasive species inspections and the status of invasive species threats.

**Sec. 308.** 2019 c 415 s 308 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund—State Appropriation (FY 2020)	(((\$74,086,000))
	\$98,897,000
General Fund—State Appropriation (FY 2021)	(((\$62,093,000))
	\$67,682,000
General Fund—Federal Appropriation	(((\$34,977,000))
	\$34,980,000
General Fund—Private/Local Appropriation	\$2,534,000
Forest Development Account—State Appropriation	(((\$54,165,000))
	\$54,238,000
ORV and Nonhighway Vehicle Account—State Appropriation	(((\$8,166,000))
	\$8,174,000
Surveys and Maps Account—State Appropriation	(((\$2,595,000))
	\$2,598,000
Aquatic Lands Enhancement Account—State Appropriation	(((\$18,537,000))
	\$14,249,000
Resource Management Cost Account—State	

Appropriation .....	<del>(\$128,255,000)</del>
	<u>\$128,545,000</u>
Surface Mining Reclamation Account—State Appropriation.....	<del>(\$4,103,000)</del>
	<u>\$4,113,000</u>
Disaster Response Account—State Appropriation .....	<del>(\$23,063,000)</del>
	<u>\$23,068,000</u>
Park Land Trust Revolving Account—State Appropriation.....	\$750,000
Forest and Fish Support Account—State Appropriation .....	<del>(\$16,354,000)</del>
	<u>\$16,356,000</u>
Aquatic Land Dredged Material Disposal Site Account—State	
Appropriation .....	\$402,000
Natural Resources Conservation Areas Stewardship Account—	
State Appropriation .....	\$39,000
Forest Fire Protection Assessment Nonappropriated Account—State Appropriation.....	\$5,896,000
Model Toxics Control Operating Account—State Appropriation .....	<del>(\$5,995,000)</del>
	<u>\$6,433,000</u>
Forest Practices Application Account—State Appropriation .....	<del>(\$2,015,000)</del>
	<u>\$2,018,000</u>
Air Pollution Control Account—State Appropriation .....	\$901,000
NOVA Program Account—State Appropriation .....	<del>(\$780,000)</del>
	<u>\$781,000</u>
Pension Funding Stabilization Account—State Appropriation .....	\$3,240,000
Derelict Vessel Removal Account—State Appropriation.....	\$2,001,000
Community Forest Trust Account—State Appropriation.....	\$52,000
Agricultural College Trust Management Account— State	
Appropriation .....	<del>(\$3,179,000)</del>
	<u>\$3,183,000</u>
<u>Performance Audits of Government Account—State</u>	

Appropriation.....	\$325,000
TOTAL APPROPRIATION.....	<u>\$454,178,000</u>
	<u>\$481,455,000</u>

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

(1) \$1,583,000 of the general fund—state appropriation for fiscal year 2020 and \$1,515,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) ~~(\$16,546,000)~~ \$41,514,000 of the general fund—state appropriation for fiscal year 2020, \$16,546,000 of the general fund—state appropriation for fiscal year 2021, and \$16,050,000 of the disaster response account—state appropriation are provided solely for emergency response, including fire suppression and COVID-19. The appropriations provided in this subsection may not be used to fund the department's indirect and administrative expenses. The department's indirect and administrative costs shall be allocated among its remaining accounts and appropriations. The department shall provide a monthly report to the appropriate fiscal and policy committees of the legislature with an update of fire suppression costs incurred and the number and type of wildfires suppressed.

(3) ~~(\$5,000,000)~~ \$5,500,000 of the forest and fish support account—state appropriation is provided solely for outcome-based performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. Of the amount provided in this subsection, \$500,000 is contingent upon receipts under RCW 82.04.261 exceeding eight million dollars per biennium. If receipts under RCW 82.04.261 are more than eight million dollars but less than eight million five hundred thousand dollars for the biennium, an amount equivalent to the difference between actual receipts and eight million five hundred thousand dollars shall lapse.

(4) \$1,857,000 of the general fund—state appropriation for fiscal year 2020 and \$1,857,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to carry out the forest practices adaptive management program pursuant to RCW 76.09.370 and the May 24, 2012, settlement agreement entered into by the department and the department of ecology. Scientific research must be carried out according to the master project schedule and work plan of cooperative monitoring, evaluation, and research priorities adopted by the forest practices board. The forest practices board shall submit a report to the legislature following review, approval, and solicitation of public comment on the cooperative monitoring, evaluation, and research master project schedule, to include: Cooperative monitoring, evaluation, and research science and related adaptive management expenditure details, accomplishments, the use of cooperative monitoring, evaluation, and research science in decision-

making, and funding needs for the coming biennium. The report shall be provided to the appropriate committees of the legislature by October 1, 2020.

(5) Consistent with the recommendations of the *Wildfire Suppression Funding and Costs (18-02)* report of the joint legislative audit and review committee, the department shall submit a report to the governor and legislature by December 1, 2019, and December 1, 2020, describing the previous fire season. At a minimum, the report shall provide information for each wildfire in the state, including its location, impact by type of land ownership, the extent it involved timber or range lands, cause, size, costs, and cost-share with federal agencies and nonstate partners. The report must also be posted on the agency's web site.

(6) \$26,000 of the general fund—state appropriation for fiscal year 2020 and \$27,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(7) \$12,000 of the general fund—state appropriation for fiscal year 2020 and \$12,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5550 (pesticide application safety). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(8) The appropriations in this section include sufficient funding for the implementation of Engrossed Substitute Senate Bill No. 5330 (small forestland).

(9) \$42,000 of the general fund—state appropriation for fiscal year 2020 and \$21,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5106 (natural disaster mitigation). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(10) \$26,000 of the general fund—state appropriation for fiscal year 2020 and \$26,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5597 (aerial herbicide application). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(11) \$4,486,000 of the aquatic land enhancement account—state appropriation is provided solely for the removal of creosote pilings and debris from the marine environment and to continue monitoring zooplankton and eelgrass beds on state-owned aquatic lands managed by the department. Actions will address recommendations to recover the southern resident orca population and to monitor ocean acidification as well as help implement the Puget Sound action agenda.

(12) \$304,000 of the model toxics control operating account—state appropriation is provided solely for costs associated with the cleanup of the Fairview avenue site near Lake Union in Seattle. The aquatic site is contaminated with lead, chromium, and arsenic. This will be the department's final payment toward remediation costs.

(13) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to identify priority kelp restoration locations in central Puget Sound, based on historic locations, and monitor the role of natural kelp beds in moderating pH conditions in Puget Sound.

(14) \$188,000 of the general fund—state appropriation for fiscal year 2020 and \$187,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to coordinate with the Olympic natural resources center to study emerging ecosystem threats such as Swiss needlecast disease, conduct field trials for long-term ecosystem productivity and T3 watershed experiments, and engage stakeholders. The department must contract with the Olympic natural resources center for at least \$187,000 per fiscal year. The department may retain up to \$30,000 per fiscal year to conduct Swiss needlecast surveys and research. Administrative costs may be taken and are limited to twenty-seven percent of the amount of appropriation retained by the department.

(15) \$22,843,000 of the general fund—state appropriation for fiscal year 2020, \$11,364,000 of the general fund—state appropriation for fiscal year 2021, and \$4,000,000 of the forest fire protection assessment nonappropriated account—state appropriation are provided solely for wildfire response, to include funding full time fire engine leaders, increasing the number of correctional camp fire crews in western Washington, purchasing two helicopters, providing dedicated staff to conduct fire response training, creating a fire prevention outreach program, forest health administration, landowner technical assistance, conducting forest health treatments on federal lands and implementing the department's twenty-year forest health strategic plan, post-wildfire landslide assessments, and other measures necessary for wildfire suppression and prevention.

(16) \$186,000 of the general fund—state appropriation for fiscal year 2020 and \$185,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for compensation to the trust beneficiaries and department for lost revenue from leases to amateur radio operators who use space on the department managed radio towers for their equipment. The department is authorized to lease sites at the rate of up to one hundred dollars per year, per site, per lessee. The legislature makes this appropriation to fulfill the remaining costs of the leases at market rate per RCW 79.13.510.

(17) \$110,000 of the general fund—state appropriation for fiscal year 2020 and \$110,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to conduct post wildfire landslide hazard assessments and reports.

(18) ~~(\$162,000)~~ \$59,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$163,000)~~ \$266,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for paving the road access to Leader lake in northeast Washington.

(19) The appropriations in this section include sufficient funding for the department to conduct an analysis of revenue impacts to the state forestlands taxing district beneficiaries as a result of the proposed long-term conservation strategy for the marbled murrelet. The department shall consult with state forestlands taxing district beneficiary representatives on the analysis. The department shall make the analysis available to state forestlands taxing districts and submit it to the board of natural resources by September 30, 2019.

(20) \$150,000 of the aquatic lands enhancement account—state appropriation is provided solely for continued facilitation and support services for the marine resources advisory council.

(21) \$217,000 of the aquatic lands enhancement account—state appropriation is provided solely for implementation of the state marine management plan and ongoing costs of the Washington coastal marine advisory council to serve as a forum and provide recommendations on coastal management issues.

~~((23))~~ (22) \$485,000 of the general fund—state appropriation for fiscal year 2020 and \$485,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Second Substitute House Bill No. 1784 (wildfire prevention). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~(24))~~ (23)(a) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the following activities:

(i) Conducting carbon inventories to build on existing efforts to understand carbon stocks, flux, trends, emissions, and sequestration across Washington's natural and working lands, including harvested wood products, wildfire emissions, land management activities, and sawmill energy use and emissions. Where feasible, the department shall use available existing data and information to conduct this inventory and analysis. For the purposes of this section, natural and working land types include forests, croplands, rangelands, wetlands, grasslands, aquatic lands, and urban green space.

(ii) Compiling and providing access to information on existing opportunities for carbon compensation services and other incentive-based carbon reducing programs to assist owners of private and other nonstate owned or managed forestland interested in voluntarily engaging in carbon markets.

(b) By December 1, 2020, the department must submit a report to the appropriate committees of the legislature summarizing the results of the inventories required under this section, and assessing actions that may improve the efficiency and effectiveness of carbon inventory activities on natural and working lands, including carbon sequestration in harvested forest products. The department must also describe any barriers, including costs, to the use of voluntary, incentive-based carbon reducing or sequestering programs. The department may also include

recommendations for additional work or legislation that may be advisable resulting from the advisory group created in this subsection as part of this report.

(c) The department must form a natural and working lands carbon sequestration advisory group to help guide the activities provided in this section. The advisory group must be composed of a balance of representatives reflecting the diverse interests and expertise involved on the subject of carbon sequestration on natural and working lands.

(24) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to increase technical assistance to small forestland owners.

(25) \$420,000 of the model toxics control operating account—state appropriation is provided solely for the department to conduct the following:

(a) Evaluate and conduct research trials of chemical and nonchemical forest vegetation management strategies, in a manner that does not disadvantage the trust beneficiaries, and collaborate with other forestland owners through coordination with leading forestry research cooperatives and universities in the Pacific Northwest.

(b) The department and the forest practices board must develop interpretive guidance in the forest practices board manual to clarify the adjacent property buffer requirements in the forest practices rules, including provisions for the board manual that explain the buffer rules for the protection of private property, including adjacent residential and agricultural properties.

(c) The department and the forest practices board must use a stakeholder process to update the forest practices board manual, as provided in WAC 222-12-090 as it existed on January 1, 2020, to include best management practices and technical guidance related to the aerial application of herbicides consistent with forest practices rules including, but not limited to, equipment, weather conditions, communicating best management practices to neighbors, signage, and as appropriate, information about alternatives to herbicides. The forest practices board manual updates must be completed by June 30, 2021.

(d) The department must improve the aerial herbicide application signage information included in the forest practices board manual and forest practices illustrated document and provide a sign template that satisfies the legal posting requirements. The department must update the guidance to reflect that emergency contact information must be included on the signage.

(e) The department must integrate evaluation of forest practices aerial applications of herbicide into the 2021-2023 biennial forest practices compliance monitoring sampling conducted pursuant to WAC 222-08-160, as it existed on the effective date of this section.

(f) The department must provide electronic access to forest practices applications to the public in the form of a readily available link on the department's web site.

(g) The department must develop a proposal to be submitted to the governor and the legislature for inclusion in

the 2021-2022 omnibus operating appropriations act to replace or upgrade the existing forest practices application review system. The department must develop a proposed upgrade or replacement with an external steering group composed of users of the existing system. One outcome of an upgraded or replaced system must be an improved user interface for review of applications with aerial herbicide application as a component.

(26) \$93,000 of the aquatic lands enhancement account—state appropriation and \$93,000 of the resource management cost account—state appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 6027 (floating residences). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(27) The appropriations in this section include sufficient funding for the department to report to the appropriate policy and fiscal committees of the legislature by July 2020 information on those parcels currently used for commercial or nonresource use purposes and those identified by the department as transition lands likely to be sold or redeveloped for nonresource use. By January 2021 the department shall bring to the legislature for its consideration a modernization package in the form of request legislation to update and remove performance barriers to the long-term management of state trust lands, considering both market and nonmarket values, ensuring intergenerational equity, and long term benefits for the trust beneficiaries and the public. The appropriate policy and fiscal committees of the legislature shall be kept informed of all proposed transactions, land sales, and exchanges involving trust lands prior to approval by the board, and all related financial and legal documents shall be available as public records immediately following the transaction's completion, as allowed under chapter 42.56 RCW.

(28) \$281,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 6528 (derelict vessel prevention). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(29) \$325,000 of the performance audit of state government account—state appropriation is provided solely for the department, in cooperation with the wildland fire advisory committee established under RCW 76.04.179 and the office of financial management, to conduct a zero-based budget and performance review of its resource protection program. The review shall be specifically focused on the wildfire program operating budget and activities. Throughout the review process the department shall submit monthly updates of actual and estimated fire expenditures, and obligated cost related to fire suppression to the fiscal committees of the legislature. A report of the review shall be submitted to the fiscal committees of the legislature by December 1, 2020. The report shall contain a description of findings, list of changes made, and recommendations and options for accounting structure changes. The review under this subsection shall include:

(a) A statement of the statutory basis or other basis for the creation of each subprogram within the resource

protection program and the history of each subprogram that is being reviewed;

(b) A description of how each subprogram fits within the strategic plan and goals of the agency and an analysis of the quantified objectives of each subprogram within the agency;

(c) Any available performance measures indicating the effectiveness and efficiency of each subprogram program;

(d) A description with supporting cost and staffing data of each program and the populations served by each program, and the level of funding and staff required to accomplish the goals of the subprogram program if different than the actual maintenance level;

(e) An analysis of the major costs and benefits of operating each subprogram and the rationale for specific expenditure and staffing levels;

(f) An analysis estimating each subprogram's administrative and other overhead costs;

(g) An analysis of the levels of services provided;

(h) An analysis estimating the amount of funds or benefits that actually reach the intended recipients;

(i) An analysis of terminology used to describe wildfire suppression, prevention, preparedness, forest health, pre-suppression, and any other term used to describe program activities and provide definitions for each. This should include cross reference to federal definitions and federal funding;

(j) An analysis of inconsistencies and increased costs associated with the decentralized nature of organizational authority and operations, including recommendations for the creation of policy and procedures and subsequent oversight for dispersed operations;

(k) An analysis of the department's budgeting and accounting processes, including work done at the central, program, and region levels, with specific focus on efficiencies to be gained by centralized budget control; and

(l) A review of the progress and findings of the ongoing internal department fire business transformation team related to current practices in wildfire business and the development of an organizational structure governing fire business practices across the department which complies with all state and federal statutes and agreements and which meets the needs of the department as a whole.

(30) \$24,000 of the general fund—state appropriation for fiscal year 2021, \$9,000 of the forest development account—state appropriation, and \$15,000 of the resource management cost account—state appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1521 (government contracting). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(31) \$240,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2311 (greenhouse gas emissions). If the bill is not

enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(32) \$384,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute House Bill No. 2768 (urban and community forestry). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 309.** 2019 c 415 s 309 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

General Fund—State Appropriation (FY 2020)	.....	<del>(\$18,858,000)</del>
		<u>\$19,030,000</u>
General Fund—State Appropriation (FY 2021)	.....	<del>(\$18,925,000)</del>
		<u>\$20,514,000</u>
General Fund—Federal Appropriation	.....	<del>(\$32,078,000)</del>
		<u>\$32,646,000</u>
General Fund—Private/Local Appropriation		\$193,000
Aquatic Lands Enhancement Account—State		
Appropriation .....	<del>(\$2,527,000)</del>	
		<u>\$2,533,000</u>
<u>Northeast Washington Wolf-Livestock Management</u>		
<u>Nonappropriated Account—State Appropriation</u>		
.....		<u>\$320,000</u>
Model Toxics Control Operating Account—State		
Appropriation .....	<del>(\$5,808,000)</del>	
		<u>\$6,930,000</u>
Water Quality Permit Account—State Appropriation	.....	\$73,000
Dedicated Marijuana Account—State Appropriation (FY 2020)	.....	\$635,000
Dedicated Marijuana Account—State Appropriation (FY 2021)	.....	\$635,000
Pension Funding Stabilization Account—State		
Appropriation .....		\$1,036,000
TOTAL APPROPRIATION .....		<del>\$80,768,000</del>
		<u>\$84,545,000</u>

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

(1) \$6,108,445 of the general fund—state appropriation for fiscal year 2020 and \$6,102,905 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing the food assistance program as defined in RCW 43.23.290.

(2) \$58,000 of the general fund—state appropriation for fiscal year 2020 and \$59,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5550 (pesticide application safety). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(3) The appropriations in this section includes sufficient funding for the implementation of Engrossed Substitute Senate Bill No. 5959 (livestock identification).

(4) \$18,000 of the general fund—state appropriation for fiscal year 2020 and \$18,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5597 (aerial herbicide application). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(5) The appropriations in this section include sufficient funding for the implementation of Senate Bill No. 5447 (dairy milk assessment fee).

(6) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department's regional markets program, which includes the small farm direct marketing program under RCW 15.64.050 and the farm-to-school program under RCW 15.64.060.

(7) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the northwest Washington fair youth education programs.

(8) \$197,000 of the general fund—state appropriation for fiscal year 2020 and \$202,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5552 (pollinators). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(9) \$32,000 of the general fund—state appropriation for fiscal year 2020, \$32,000 of the general fund—state appropriation for fiscal year 2021, and \$52,000 of the general fund—federal appropriation are provided solely for the department to migrate to the state data center and are subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(10) \$24,000 of the general fund—state appropriation for fiscal year 2020 and \$24,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to continue to convene and facilitate a food policy forum and to implement recommendations identified through the previous work of the food policy forum.

(a) The department shall coordinate implementation of the forum with the conservation commission and the office of farmland preservation.

(b) The director of the department and the director of the conservation commission shall jointly appoint members of the forum, and no appointment may be made unless each director concurs in the appointment.

(c) In addition to members appointed by the directors, four legislators may serve on the food policy forum in an ex

officio capacity. Legislative participants must be appointed as follows:

(i) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives; and

(ii) The majority leader and minority leader of the senate shall appoint one member from each of the two largest caucuses of the senate.

(d) Meetings of the forum may be scheduled by either the director of the department or the director of the conservation commission.

(e) Staffing for the forum must be provided by the department working jointly with staff from the conservation commission.

(f) The department and conservation commission shall jointly develop the agenda for each forum meeting as well as a report from the food policy forum. The report must contain recommendations and a workplan to implement the recommendations and must be delivered to the appropriate committees of the legislature and the governor by June 30, 2021.

(11) \$212,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5276 (hemp production). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(12) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to review and assist with agricultural economic development in southwest Washington. Funding is provided for the department to perform or contract for agricultural economic development services, including but not limited to grant application assistance, permitting assistance and coordination, and development of a food hub.

(13) \$250,000 of the aquatic lands enhancement account—state appropriation is provided solely to continue a shellfish coordinator position. The shellfish coordinator assists the industry with complying with regulatory requirements and will work with regulatory agencies to identify ways to streamline and make more transparent the permit process for establishing and maintaining shellfish operations.

(14) \$10,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the following activities:

(a) The department and the conservation commission must produce a gap analysis reviewing existing conservation grant programs and completed voluntary stewardship program plans to identify what technical assistance and cost-share resources are needed to meet the requirements placed on those activities by the legislature.

(b)(i) The department, in collaboration with the conservation commission, must develop recommendations for legislation or additional work that may be needed to

implement a sustainable farms and fields grant program that prioritizes funding based on net reduction of greenhouse gas emissions on farm, aquatic, or ranch lands, including carbon sequestration.

(ii) The recommendations must incorporate the gap analysis required by this section. The recommendations must include information about how the program can complement and avoid competing with existing conservation programs, and provide cost share benefits to existing and new programs designed to improve water quality, critical habitats, and soil health and soil-health research on farm, aquatic, or timber lands.

(iii) The recommendations must be developed with input from stakeholder meetings with representatives from the environmental and agricultural communities.

(c) The department and the conservation commission must provide an update to the appropriate committees of the legislature by August 1, 2019, and final recommendations by November 1, 2019.

(15) \$650,000 of the model toxics control operating account—state appropriation is provided solely for research grants to assist with development of an integrated pest management plan to address burrowing shrimp in Willapa bay and Grays harbor and facilitate continued shellfish cultivation on tidelands. In selecting research grant recipients for this purpose, the department must incorporate the advice of the Willapa-Grays harbor working group formed from the settlement agreement with the department of ecology signed on October 15, 2019.

(16) \$58,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute Senate Bill No. 6091 (WA food policy forum). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(17) \$87,000 of the model toxics control operating account—state appropriation is provided solely for the department to conduct the following:

(a) The department must work with the departments of natural resources, labor and industries, health, and ecology, as well as local health jurisdictions and the state poison center, and consult with nongovernmental stakeholders including, but not limited to, tribal and environmental representatives, to evaluate pesticide investigation rules and processes. By June 30, 2021, the work group must report back to the legislature with any recommended changes, including how complaints should be reported and ensuring that complaints are properly referred.

(b) The department in coordination with the department of natural resources, in consultation with stakeholders, shall review how the state environmental policy act is used for aerial application of herbicides and provide recommendations to the forest practices board and the appropriate committees of the senate and house of representatives, including any recommendations for revisions to statute, rule, or guidance by October 31, 2020.

(18) \$126,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the

implementation of Second Substitute Senate Bill No. 5947 (sustainable farms and fields). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(19) \$299,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6518 (pesticide, chlorpyrifos). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(20) \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute Senate Bill No. 6306 (soil health initiative). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(21) \$320,000 of the northeast Washington wolf-livestock management nonappropriated account—state appropriation is provided solely for the department of agriculture to contract with the northeast Washington wolf cattle collaborative, a nonprofit organization, for range riders to conduct proactive deterrence activities with the goal to reduce the likelihood of cattle being injured or killed by wolves on United States forest service grazing allotments and adjoining private lands in the Kettle mountains in Ferry county north of United States highway 20. The contract must provide that the organization must share all relevant information with the department of fish and wildlife in a timely manner to aid in wolf management decisions. Additionally, range riders must document their activities with geo-referenced photo points and provide written description of their efforts to the department of fish and wildlife by December 31, 2020.

(22) \$17,000 of the general fund—state appropriation for fiscal year 2020 and \$64,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of House Bill No. 2524 (ag. product negotiations). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(23) \$167,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Substitute House Bill No. 2713 (compost procurement and use). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(24) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$450,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for infrastructure and equipment grants to food banks and meal programs for the safe storage and distribution of perishable food. Of the amounts provided in this subsection:

(a) \$10,000 in fiscal year 2020 and \$5,000 in fiscal year 2021 are for the department to administer the grants and to convene a community stakeholder group to review the grant applications described in (b)(ii) and (iii) of this subsection. The community stakeholder group must include representatives from food banks and meal programs that are not applying for grants, community advocates, and people that use food banks or meal programs.

(b) \$40,000 in fiscal year 2020 and \$445,000 in fiscal year 2021 are for grants, divided into the following three categories:

(i) Thirty-five percent is for a rebate program for smaller food pantries and meal programs to purchase equipment costing up to \$2,000. To increase efficiency, the department may pass funding for this rebate program to larger food banks to administer the rebates;

(ii) Thirty percent is for requests for proposals for larger projects costing up to \$75,000, and which require a community match of at least thirty percent; and

(iii) Thirty-five percent is for larger projects that are collaborations between organizations and have a proposed impact to improve efficiency and capacity for a regional or statewide emergency food system, and which require a community match of at least fifty percent.

(25) \$40,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide to the sheriff's departments of Ferry county and Stevens county to cooperate with the department and the department of fish and wildlife on wolf management activities. Of the amount provided in this subsection, \$20,000 is for the Ferry county sheriff's department and \$20,000 is for the Stevens county sheriff's department.

(26) \$38,000 of the general fund—state appropriation for fiscal year 2020 and \$63,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing an Asian giant hornet eradication program.

(27) \$150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to work with the United States department of agriculture to explore and negotiate a cooperative agreement to conduct state inspections of meat and poultry facilities.

(28) The appropriations in this section include sufficient funding for the department to work with representatives from Canada and other stakeholders to develop labeling standards regarding country of origin for beef and other meat products. The standards are for the purpose of clearly displaying the country of origin for beef or other meat products sold to the public. The department shall report and propose any legislation and administrative changes that may be needed to the appropriate committees of the legislature by December 31, 2020.

**Sec. 310.** 2019 c 415 s 310 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM**

Pollution Liability Insurance Agency Underground Storage

Tank Revolving Account—State Appropriation ..... ((~~\$170,000~~))  
\$881,000

Pollution Liability Insurance Program Trust Account—State

Appropriation .....	(\$1,655,000))
	<u>\$1,749,000</u>
TOTAL APPROPRIATION .....	\$1,825,000
	<u>\$2,630,000</u>

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

(1) \$71,000 of the pollution liability insurance program trust account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6257 (underground storage tanks). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(2) \$144,000 of the pollution liability insurance agency underground storage tank revolving account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6256 (heating oil insurance). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 311.** 2019 c 415 s 311 (uncodified) is amended to read as follows:

**FOR THE PUGET SOUND PARTNERSHIP**

General Fund—State Appropriation (FY 2020)	.....	(\$4,696,000))
		<u>\$4,717,000</u>
General Fund—State Appropriation (FY 2021)	.....	(\$4,758,000))
		<u>\$4,798,000</u>
General Fund—Federal Appropriation	.....	(\$12,708,000))
		<u>\$12,728,000</u>
Aquatic Lands Enhancement Account—State Appropriation.....		(\$1,441,000))
		<u>\$1,444,000</u>
Model Toxics Control Operating Account—State Appropriation .....		(\$752,000))
		<u>\$755,000</u>
Pension Funding Stabilization Account—State Appropriation.....		\$276,000
TOTAL APPROPRIATION .....		\$24,631,000
		<u>\$24,718,000</u>

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

(1) By October 15, 2020, the Puget Sound partnership shall provide the governor and appropriate legislative fiscal committees a single, prioritized list of state agency 2021-2023 capital and operating budget requests related to Puget Sound restoration.

(2) \$1,111,000 of the general fund—state appropriation for fiscal year 2020 and \$1,111,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the partnership to implement a competitive, peer-reviewed process for soliciting, prioritizing, and funding research projects designed to advance scientific understanding of Puget Sound recovery. Solicitations and project selection for effectiveness monitoring will be organized and overseen by the Puget Sound ecosystem monitoring program. Initial projects will focus on implementation and effectiveness of Chinook recovery efforts, effectiveness of actions to restore shellfish beds, and implementation of priority studies of the Salish Sea marine survival project. Monitoring reports must be provided in context to the overall success and progress of Puget Sound recovery efforts.

(3) \$237,000 of the general fund—state appropriation for fiscal year 2020 and \$263,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for coordinating updates to the outdated Puget Sound chinook salmon recovery plan, provide support for adaptive management of local watershed chapters, and advance regional work on salmon and ecosystem recovery through local integrating organizations.

(4) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional monitoring and accountability actions in response to recommendations from the joint legislative audit and review committee.

**PART IV**

**TRANSPORTATION**

**Sec. 401.** 2019 c 415 s 401 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING**

General Fund—State Appropriation (FY 2020)	.....	(\$5,424,000))
		<u>\$3,805,000</u>
General Fund—State Appropriation (FY 2021)	.....	(\$3,770,000))
		<u>\$6,109,000</u>
Architects' License Account—State Appropriation	.....	(\$1,454,000))
		<u>\$1,641,000</u>
Real Estate Commission Account—State Appropriation .....		(\$13,263,000))
		<u>\$14,422,000</u>
Uniform Commercial Code Account—State Appropriation .....		(\$2,922,000))
		<u>\$2,979,000</u>
Real Estate Education Program Account—State Appropriation .....		\$276,000

Real Estate Appraiser Commission Account—State Appropriation .....	<del>(\$1,743,000)</del> <u>\$1,707,000</u>
Business and Professions Account—State Appropriation.....	<del>(\$24,752,000)</del> <u>\$26,855,000</u>
Real Estate Research Account—State Appropriation .....	\$415,000
Firearms Range Account—State Appropriation .....	\$74,000
Landscape Architects' License Account—State Appropriation .....	<del>(\$58,000)</del> <u>\$126,000</u>
<u>Appraisal Management Company Account—State Appropriation.....</u>	<u>\$442,000</u>
Concealed Pistol License Renewal Notification Account—State Appropriation.....	\$140,000
Geologists' Account—State Appropriation.....	<del>(\$53,000)</del> <u>\$114,000</u>
Pension Funding Stabilization Account—State Appropriation.....	\$96,000
Derelict Vessel Removal Account—State Appropriation.....	\$33,000
TOTAL APPROPRIATION .....	<u>\$54,473,000</u> <u>\$59,234,000</u>

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

(1) Appropriations provided for the business and technology modernization project in this section are subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(2) \$72,000 of the real estate appraiser commission account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5480 (real estate appraisers). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~

~~(4))~~ (3) \$144,000 of the business and professions account—state appropriation is provided solely for implementation of Senate Bill No. 5641 (uniform law on notarial acts). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~

~~(5))~~ (4) \$95,000 of the general fund—state appropriation for fiscal year 2020 and \$99,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to mail vessel registration renewal reminders.

~~((6) \$2,716,000))~~ (5) \$1,003,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$1,337,000))~~ \$3,050,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to procure a commercial off-the-shelf solution to replace the legacy firearms system, and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(6) \$72,000 of the general fund—state appropriation for fiscal year 2020 and \$601,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute House Bill No. 2555 (other firearms/background). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(7) \$22,000 of the uniform commercial code account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 6074 (financial fraud/theft crimes). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(8) \$19,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 6528 (derelict vessel prevention). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 402.** 2019 c 415 s 402 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**

General Fund—State Appropriation (FY 2020) .....	<del>(\$56,301,000)</del> <u>\$57,529,000</u>
General Fund—State Appropriation (FY 2021) .....	<del>(\$55,374,000)</del> <u>\$58,775,000</u>
General Fund—Federal Appropriation .....	<del>(\$16,699,000)</del> <u>\$16,690,000</u>
General Fund—Private/Local Appropriation .....	\$3,091,000
Death Investigations Account—State Appropriation .....	<del>(\$9,365,000)</del> <u>\$9,098,000</u>
County Criminal Justice Assistance Account—State Appropriation .....	<del>(\$4,546,000)</del> <u>\$4,550,000</u>
Municipal Criminal Justice Assistance Account— State Appropriation .....	<del>(\$1,641,000)</del> <u>\$1,644,000</u>
Fire Service Trust Account—State Appropriation .....	\$131,000

Vehicle License Fraud Account—State Appropriation .....	\$119,000
Disaster Response Account—State Appropriation .....	\$8,000,000
Washington Internet Crimes Against Children Account—State Appropriation .....	\$1,500,000
Fire Service Training Account—State Appropriation .....	<del>(\$11,764,000)</del>
	<u>\$11,765,000</u>
Model Toxics Control Operating Account—State Appropriation .....	\$588,000
Aquatic Invasive Species Management Account—State Appropriation .....	\$54,000
Fingerprint Identification Account—State Appropriation .....	<del>(\$16,405,000)</del>
	<u>\$16,447,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2020) .....	<del>(\$2,723,000)</del>
	<u>\$2,453,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2021) .....	<del>(\$2,523,000)</del>
	<u>\$2,793,000</u>
Pension Funding Stabilization Account—State Appropriation .....	\$3,300,000
TOTAL APPROPRIATION .....	<del>\$194,124,000</del>
	<u>\$198,527,000</u>

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

(1) \$8,000,000 of the disaster response account—state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 through 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(2) \$2,878,000 of the fingerprint identification account—state appropriation is provided solely for the completion of the state patrol's plan to upgrade the criminal history system, and is subject to the conditions, limitations, and review provided in (~~section 719 of this act~~) section 701 of this act.

(3) (~~(\$2,723,000)~~) \$2,453,000 of the dedicated marijuana account—state appropriation for fiscal year 2020

and (~~(\$2,523,000)~~) \$2,793,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the Washington state patrol's drug enforcement task force. The amounts in this subsection are provided solely for the following:

(a) \$2,423,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$2,423,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the Washington state patrol to partner with multi-jurisdictional drug and gang task forces to detect, deter, and dismantle criminal organizations involved in criminal activity including diversion of marijuana from the legalized market and the illicit production and distribution of marijuana and marijuana-related products in Washington state.

(b) (~~(\$300,000)~~) \$30,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and (~~(\$100,000)~~) \$370,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for a case management system to serve as a repository for all information regarding criminal cases. This system must allow state patrol investigators to enter information and to search to provide patterns, trends, and links which will allow the state patrol to identify connections on criminal investigations including efforts to dismantle marijuana and other drug trafficking organizations by identifying their established networks, and is subject to the conditions, limitations, and review provided in (~~section 719 of this act~~) section 701 of this act.

(4) \$479,000 of the general fund—state appropriation for fiscal year 2020 and \$255,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5181 (invol. treatment procedures). (~~If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~)

(5) \$13,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). (~~If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~)

(6) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Senate Bill No. 5605 (marijuana misdemeanors). (~~If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~)

(7) \$679,000 of the general fund—state appropriation for fiscal year 2020 and \$643,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for addressing a backlog of toxicology tests in the toxicology laboratory.

(8) \$1,500,000 of the Washington internet crimes against children account—state appropriation is provided solely for the missing and exploited children's task force within the patrol to help prevent possible abuse to children and other vulnerable citizens from sexual abuse.

(9) \$356,000 of the general fund—state appropriation for fiscal year 2020, \$356,000 of the general fund—state appropriation for fiscal year 2021, and \$298,000 of the death investigations account—state appropriations are provided solely for increased supply and maintenance costs for the crime laboratory division and toxicology laboratory division.

(10) \$5,770,000 of the general fund—state appropriation for fiscal year 2020, \$3,243,000 of the general fund—state appropriation for fiscal year 2021, and \$1,277,000 of the death investigations account—state appropriation are provided solely for implementation of Second Substitute House Bill No. 1166 (sexual assault). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(11) \$282,000 of the general fund—state appropriation for fiscal year 2020 and \$263,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1713 (Native American women). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(12) \$510,000 of the county criminal justice assistance account—state appropriation is provided solely for the Washington state patrol to support local police, sheriffs' departments, and multiagency task forces in the prosecution of criminals. However, the office of financial management must reduce the allotment of the amount provided in this subsection if allotment of the full appropriation will put the account into deficit.

(13) \$1,000,000 of the fire service training account—state appropriation is provided solely for the firefighter apprenticeship training program.

(14) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state patrol to develop a plan for implementation of a centralized firearm background check system. Funding is sufficient to fund a consultant to design an information technology system to conduct firearm background checks through a centralized system and a Washington state patrol project manager to design the implementation plan. The design should include recommendations to comply with the direction in RCW 9.41.139 and leverage the new firearms database system currently being procured by the department of licensing to create one streamlined system. The Washington state patrol shall convene an interagency work group to inform the centralized firearm background check system implementation plan, to include but not limited to the department of licensing, administrative office of the courts, health care authority, and office of financial management. Reports on the information technology system and the implementation plan shall be provided to the governor and appropriate committees of the legislature by December 1, 2020.

(15) \$25,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for collaboration with

Washington State University to produce the report in section 604 of this act.

(16) \$34,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Engrossed Substitute House Bill No. 2318 (criminal investigatory practices). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(17) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2793 (criminal records). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**PART V**

**EDUCATION**

**Sec. 501.** 2019 c 415 s 501 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

General Fund—State Appropriation (FY 2020)	(( <del>\$30,861,000</del> ))
	<u>\$31,265,000</u>
General Fund—State Appropriation (FY 2021)	(( <del>\$27,751,000</del> ))
	<u>\$30,350,000</u>
General Fund—Federal Appropriation	(( <del>\$99,348,000</del> ))
	<u>\$99,355,000</u>
General Fund—Private/Local Appropriation	\$8,060,000
Washington Opportunity Pathways Account—State Appropriation	(( <del>\$265,000</del> ))
	<u>\$4,265,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2020)	\$522,000
Dedicated Marijuana Account—State Appropriation (FY 2021)	\$530,000
Pension Funding Stabilization Account—State Appropriation	\$2,126,000
Performance Audits of Government Account—State Appropriation	\$213,000
TOTAL APPROPRIATION	<u>\$169,676,000</u>
	<u>\$176,686,000</u>

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

(1) BASE OPERATIONS AND EXPENSES OF THE OFFICE

(a) (~~(\$11,090,000)~~) \$11,109,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$11,087,000)~~) \$11,883,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(i) The superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(ii) Districts shall report to the office of the superintendent of public instruction daily student unexcused absence data by school, using a uniform definition of unexcused absence as established by the superintendent.

(iii) By October 31st of each year, the office of the superintendent of public instruction shall produce an annual status report on implementation of the budget provisos in (~~sections 501, 515, and 522 of this act~~) section 501, chapter 415, Laws of 2019 and sections 513 and 520 of this act. The status report of each proviso shall include, but not be limited to, the following information: Purpose and objective, number of state staff funded by the proviso, number of contractors, status of proviso implementation, number of beneficiaries by year, list of beneficiaries, a comparison of budgeted funding and actual expenditures, other sources and amounts of funding, and proviso outcomes and achievements.

(iv) The superintendent of public instruction, in consultation with the secretary of state, shall update the program prepared and distributed under RCW 28A.230.150 for the observation of temperance and good citizenship day to include providing an opportunity for eligible students to register to vote at school.

(v) Districts shall annually report to the office of the superintendent of public instruction on: (A) The annual number of graduating high school seniors within the district earning the Washington state seal of biliteracy provided in RCW 28A.300.575; and (B) the number of high school students earning competency-based high school credits for world languages by demonstrating proficiency in a language other than English. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by December 1st of each year.

(vi) The office of the superintendent of public instruction shall provide statewide oversight and coordination to the regional nursing corps program supported through the educational service districts.

(b) \$857,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$857,000)~~) \$1,217,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for maintenance of the apportionment system, including technical staff and the data governance working group.

(c) \$2,300,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for

activities associated with the implementation of chapter 13, Laws of 2017 3rd sp. sess. (fully funding the program of basic education) within the amounts provided in this subsection (1)(c), up to \$300,000 is for the office of the superintendent of public instruction to review the use of local revenues for compliance with enrichment requirements, including the preballot approval of enrichment levy spending plans approved by the superintendent of public instruction, and any supplemental contracts entered into under RCW 28A.400.200.

(d) \$494,000 of the general fund—state appropriation for fiscal year 2020 and \$494,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(e)(i) \$61,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$61,000)~~) \$76,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(ii) Within amounts provided in this subsection, the committee must review the Washington kindergarten inventory of developing skills, including professional development available to educators and other assessment materials and tools, and make recommendations to the office of the superintendent of public instruction and the education committees of the legislature on the following topics:

(A) Opportunities for reducing bias in the observational assessment process and materials; and

(B) Barriers to implementation of the inventory.

(iii) The committee shall seek feedback from relevant stakeholders, including but not limited to:

(A) The office of the superintendent of public instruction;

(B) The department of children, youth, and families;

(C) Kindergarten teachers who are representative of or who teach in schools with diverse student subgroups;

(D) A representative from a tribal school who is currently using the inventory;

(E) Principals who are currently using the inventory;

(F) Parents who are representative of student populations that have historically scored low on the inventory, and who are recommended by an organization that serves parents of color;

(G) District assessment coordinators; and

(H) Early childhood providers.

(f) \$61,000 of the general fund—state appropriation for fiscal year 2020 and \$61,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(g) \$265,000 of the Washington opportunity pathways account—state appropriation is provided solely for activities related to public schools other than common schools authorized under chapter 28A.710 RCW.

(h) Within amounts appropriated in this section, the office of the superintendent of public instruction and the state board of education shall adopt a rule that the minimum number of students to be used for public reporting and federal accountability purposes is ten.

(i) \$123,000 of the general fund—state appropriation for fiscal year 2020 and \$123,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 163, Laws of 2012 (foster care outcomes). The office of the superintendent of public instruction shall annually report each December on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth.

(j) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 178, Laws of 2012 (open K-12 education resources).

(k) \$14,000 of the general fund—state appropriation for fiscal year 2020 and \$14,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 242, Laws of 2013 (state-tribal education compacts).

(l) \$131,000 of the general fund—state appropriation for fiscal year 2020, \$131,000 of the general fund—state appropriation for fiscal year 2021, and \$213,000 of the performance audits of government account—state appropriation are provided solely for the office of the superintendent of public instruction to perform on-going program reviews of alternative learning experience programs, dropout reengagement programs, and other high risk programs. Findings from the program reviews will be used to support and prioritize the office of the superintendent of public instruction outreach and education efforts that assist school districts in implementing the programs in accordance with statute and legislative intent, as well as to support financial and performance audit work conducted by the office of the state auditor.

(m) \$117,000 of the general fund—state appropriation for fiscal year 2020 and \$117,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 3, Laws of 2015 1st sp. sess. (computer science).

(n) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 237, Laws of 2017 (paraeducators).

(o) \$235,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$235,000)~~) \$385,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of native education to increase

services to tribes, including but not limited to, providing assistance to tribes and school districts to implement Since Time Immemorial, applying to become tribal compact schools, convening the Washington state native American education advisory committee, and extending professional learning opportunities to provide instruction in tribal history, culture, and government. Of the amounts provided in this subsection, \$150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for professional learning and technical assistance to support the ongoing implementation of since time immemorial tribal sovereignty curriculum, tribal consultation and engagement, government to government training, and data collection and identification of American Indian and Alaska Native students. The professional development must be done in collaboration with school district administrators and school directors. Funding in this subsection is sufficient for the office, the Washington state school directors' association government-to-government task force, and the association of educational service districts to collaborate with the tribal leaders congress on education to develop a tribal consultation training and schedule. The tribal consultation training and schedule must be developed by January 1, 2022.

(p) \$175,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$175,000)~~) \$205,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(q) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state.

(r) \$481,000 of the general fund—state appropriation for fiscal year 2020 and \$481,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(s) The superintendent of public instruction must study and make recommendations for how Washington can make dual credit enrollment cost-free to students who are enrolled in running start, college in the high school, advanced placement, international baccalaureate, or other qualifying dual credit programs within existing basic education apportionments. While developing recommendations, the superintendent must collaborate and consult with K-12 and higher education stakeholders with expertise in dual credit instruction, transcription, and costs. The superintendent shall report the recommendations to the education policy and operating budget committees of the legislature by November 1, 2019. The recommendations must, at a minimum, consider:

(i) How to increase dual credit offerings and access for students that aligns with the student's high school and beyond plan and provides a pathway to education and

training after high school, including careers, professional-technical education, apprenticeship, a college degree, or military service, among others.

(ii) How to ensure transfer of college credits earned by dual credit students to/among institutions of higher education.

(iii) How basic education funding will be used to provide for fees, books, and other direct costs charged by institutions of higher education and K-12 districts.

(iv) How K-12 and postsecondary institutions will equitably expand dual credit opportunities for students.

(v) How K-12 and postsecondary institutions will ensure coordinated advising and support services for students enrolled in, or considering enrollment in, dual credit programs.

(t) \$44,000 of the general fund—state appropriation for fiscal year 2020 and \$44,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to pay for services for space in the state data center and networking charges.

(u) \$46,000 of the general fund—state appropriation for fiscal year 2020 and \$46,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a new server and backup application due to the move to the state data center.

(v) \$55,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the consolidated technology services to host the office's web site and for web site maintenance and support services.

(w) Districts shall report to the office the results of each collective bargaining agreement for certificated staff within their district using a uniform template as required by the superintendent, within thirty days of finalizing contracts. The data must include but is not limited to: Minimum and maximum base salaries, supplemental salary information, and average percent increase for all certificated instructional staff. Within existing resources by December 1st of each year, the office shall produce a report for the legislative evaluation and accountability program committee summarizing the district level collective bargaining agreement data.

(x) The office shall review and update the guidelines "prohibiting discrimination in Washington public schools," which must include religious accommodations. Students' sincerely held religious beliefs and practices must be reasonably accommodated with respect to all examinations and other requirements to successfully complete coursework.

(y) In section 116(8) of this act, the office of the education ombuds is directed to develop a plan to implement a program to promote skills, knowledge, and awareness concerning issues of diversity, equity, and inclusion among families with school-age children, with a report due to the governor and the appropriate committees in the legislature by September 1, 2020. Within amounts provided in this

subsection, the office of the superintendent of public instruction shall collaborate on the plan and report.

(z) In section 129(13) of this act, the office of financial management is directed to review and report on the pupil transportation funding system for K-12 education, the report is due to the governor and the appropriate committees in the legislature by August 1, 2020. Within amounts provided in this subsection, the office of the superintendent of public instruction shall collaborate on this review.

## (2) DATA SYSTEMS

(a) \$1,802,000 of the general fund—state appropriation for fiscal year 2020 and \$1,802,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(b) \$1,221,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$1,221,000)~~ \$281,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) \$450,000 of the general fund—state appropriation for fiscal year 2020 and \$450,000 of the general fund—state appropriation for fiscal year 2021 are provided for the superintendent of public instruction to develop and implement a statewide accountability system to address absenteeism and to improve student graduation rates. The system must use data to engage schools and districts in identifying successful strategies and systems that are based on federal and state accountability measures. Funding may also support the effort to provide assistance about successful strategies and systems to districts and schools that are underperforming in the targeted student subgroups.

## (3) WORK GROUPS

(a) \$335,000 of the general fund—state appropriation for fiscal year 2020 and \$335,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 206, Laws of 2018 (career and college readiness).

(b) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided for the office of the superintendent of public instruction to meet statutory obligations related to the provision of medically and scientifically accurate, age-appropriate, and inclusive sexual health education as authorized by chapter 206, Laws of 1988 (AIDS omnibus act) and chapter 265, Laws of 2007 (healthy youth act).

(c) The office of the superintendent of public instruction, in collaboration with the department of social and health services developmental disabilities

administration and division of vocational rehabilitation, shall explore the development of an implementation plan to build statewide capacity among school districts to improve transition planning for students in special education who meet criteria for services from the developmental disabilities administration, and shall provide all school districts with an opportunity to participate. The plan shall be submitted in compliance with RCW 43.01.036 by November 1, 2018, and the final report must be submitted by November 1, 2020, to the governor and appropriate legislative committees. The final report must include the following:

(i) An examination of whether a data share agreement between the department of social and health services developmental disabilities administration, division of vocational rehabilitation, and the office of the superintendent of public instruction would improve coordination among the three agencies;

(ii) Defined roles for the associated stakeholders involved with the transition of students potentially eligible for services from the developmental disabilities administration, including but not limited to:

(A) The department of social and health services developmental disabilities administration;

(B) The office of the superintendent of public instruction;

(C) The division of vocational rehabilitation at the department of social and health services;

(D) School districts across the state of Washington; and

(E) Counties coordinating employment and day services.

(iii) An examination of the feasibility of a statewide developmental disabilities transition council, including representative positions, roles and responsibilities, costs, and data collection; and

(iv) Recommendations for supporting seamless transition from school to post-school life, up to and including potential legislation and funding, regional interagency transition networks, and coordination between counties, schools, and other partners for transition supports.

(d) \$40,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the legislative youth advisory council. The council of statewide members advises legislators on issues of importance to youth.

(e) \$118,000 of the general fund—state appropriation for fiscal year 2020 and \$118,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 75, Laws of 2018 (dyslexia).

(f) \$183,000 of the general fund—state appropriation for fiscal year 2020 and \$48,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Substitute House Bill No. 1130 (pub. school language access). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(g) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5082 (social emotional learning). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(h) \$60,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a technical advisory committee to consider and make recommendations for an apportionment system that could effectively support teacher residency program model pilots in fiscal year 2022.

(i)(i) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to convene a work group to develop recommendations for integrating, in a regular and ongoing basis, African American history, examinations of racism, and the history of the civil rights movement into curriculum provided to students in grades seven through twelve. Recommendations developed in accordance with this subsection must be preceded by a work group review of pertinent curriculum that is available to school districts, and must include recommendations for the professional development needed to support educators in providing the instruction to students.

(ii) The work group must consist of one representative from each of the following: (A) The Washington state commission on African American affairs; (B) the educational opportunity gap oversight and accountability committee; and (C) a statewide organization representing teachers. The work group may also include other persons with unique and specific expertise, including but not limited to, Washington state historians and persons representing teacher preparation programs.

(iii) The office must report the findings and recommendations required by this subsection to the education committees of the legislature by November 15, 2020.

(j) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to participate in the work group established in section 922 of this act to create a family engagement framework for early learning through high school. At a minimum, the work group must review family engagement policies and practices in Washington and in other states, with a focus on identifying best practices that can be adopted throughout Washington.

(k) \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to collaborate with the office of the department of children, youth, and families to complete a report with options and recommendations for administrative efficiencies and long-term strategies that align and integrate high-quality early learning programs administered by both agencies. The report shall address capital needs, data collection and sharing, licensing changes, quality standards, options for community-based and school-based settings, fiscal modeling, and any statutory changes needed to achieve administrative efficiencies. The report is

due to the governor and the appropriate legislative committees by September 1, 2020.

(I)(i)(A) Within amounts provided in this section, the office of the superintendent of public instruction shall convene a work group to:

(I) Review provisions related to sexual health education in the health and physical education learning standards adopted in 2016;

(II) Review existing sexual health education curricula in use in the state for the purpose of identifying gaps or potential inconsistencies with the health and physical education learning standards;

(III) Consider revisions to sexual health education provisions in statute; and

(IV) Consider the merits and challenges associated with requiring all public schools offer comprehensive sexual health education to students in all grades by September 1, 2022. For purposes of this subsection (h), "comprehensive sexual health education" means instruction in sexual health that, at a minimum, is evidence-informed, medically and scientifically accurate, age appropriate, and inclusive for all students.

(B) In meeting the requirements of this subsection (h), the work group shall consult with a broad array of stakeholders representing diverse opinions.

(ii) The work group shall consist of the following members:

(A) The superintendent of public instruction or the superintendent's designee;

(B) Three representatives of school districts recommended by the Washington state school directors' association. To the extent possible, the school district representatives must reflect a diversity of student enrollment, geographic location, and urban, suburban, and rural locations;

(C) Three school principals recommended by an association of Washington school principals, one each representing an elementary school, a middle school, and a high school. The three principals must represent the geographic diversity of urban, suburban, and rural locations;

(D) Three public school health educators recommended by an association of Washington educators, one each representing grades kindergarten through five, grades six through eight, and grades nine through twelve. The three public school health educators must represent the geographic diversity of urban, suburban, and rural locations;

(E) Three public health officials, at least two of whom are local public health officials with expertise in developing or presenting comprehensive sexual health education materials and resources, as recommended by the Washington state department of health. The three public health officials must represent the geographic diversity of urban, suburban, and rural locations; and

(F) Three parents recommended in accordance with this subsection (3)(h)(ii)(F), one with a child enrolled in a

public school west of the crest of the Cascade mountain range, one with a child enrolled in a public school east of the crest of the Cascade mountain range, and one with a child enrolled in a public school who is also receiving special education services. The recommendation for a parent of a public school student receiving special education services must be made by an association of parents, teachers, and students that focuses on the needs of students receiving special education services. The recommendation for the other parents under this subsection must be made by an association of parents, teachers, and students.

(iii) The office of the superintendent of public instruction shall submit findings and recommendations required by this section to the state board of education, the department of health, and, in accordance with RCW 43.01.036, the education committees of the house of representatives and the senate by December 1, 2019.

(iv)(A) The office of the superintendent of public instruction and the Washington state school directors' association, shall collaborate with department of health to conduct a data survey of the availability of sexual health education in public schools and relevant health measures in those schools. All school districts shall submit to the office of the superintendent of public instruction, through the Washington school health profiles survey, or other reporting mechanisms, the curricula used in the district to teach sexual health education. The data survey must include a list of the schools within the boundaries of each school district that offer sexual health education and in which grade levels, and the curricula used to teach sexual health education, as reported according to RCW 28A.300.475(7). In addition, the data shall include, for each school district and inclusive of any charter schools that may be within the boundaries of the school district, the rate of teen pregnancy, sexually transmitted infections, suicide, depression, and adverse childhood experiences in each of the previous five years for which data is available. To the extent that the data allows, the information shall be collected by school district, inclusive of any charter schools that may be within the boundaries of the school district. To the extent allowed by existing data sources, the information must be disaggregated by age, race, ethnicity, free and reduced lunch eligibility, sexual orientation, gender identity and expression, and geography, including school district population density, and conveyed, to the maximum extent possible, in a manner that complies with WAC 392-117-060. The data survey may combine multiple years of data if necessary to comply with student privacy requirements.

(B) The office of the superintendent of public instruction shall utilize the information collected from the data survey to inform the work group established in (f) of this subsection. The office, in accordance with RCW 43.01.036, shall submit the data survey to the committees of the legislature with jurisdiction over matters related to education and health care and the governor by December 1, 2019.

(m) \$107,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to support the children and youth behavioral health work group created in Second Substitute House Bill No. 2737 (child.

mental health wk. grp). If this bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

#### (4) STATEWIDE PROGRAMS

(a) \$2,590,000 of the general fund—state appropriation for fiscal year 2020 and \$2,590,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington kindergarten inventory of developing skills. State funding shall support statewide administration and district implementation of the inventory under RCW 28A.655.080.

(b) \$703,000 of the general fund—state appropriation for fiscal year 2020 and \$703,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 72, Laws of 2016 (educational opportunity gap).

(c) \$950,000 of the general fund—state appropriation for fiscal year 2020 and \$950,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to schools identified for comprehensive or targeted support and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(d) \$909,000 of the general fund—state appropriation for fiscal year 2020 and \$909,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement chapter 18, Laws of 2013 2nd sp. sess. (strengthening student educational outcomes).

(e) \$10,000 of the general fund—state appropriation for fiscal year 2020 and \$10,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for chapter 102, Laws of 2014 (biliteracy seal).

(f)(i) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for school bullying and harassment prevention activities.

(ii) \$15,000 of the general fund—state appropriation for fiscal year 2020 and \$15,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 240, Laws of 2016 (school safety).

(iii) \$1,268,000 of the general fund—state appropriation for fiscal year 2020 ~~((and \$1,268,000 of the general fund—state appropriation for fiscal year 2021 are))~~ is provided solely to educational service districts for implementation of Second Substitute House Bill No. 1216 (school safety and well-being). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(iv) \$570,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to provide statewide support and coordination for the regional network of behavioral health, school safety, and threat assessment established in chapter 333, Laws of 2019 (school safety and

well-being). Within the amounts appropriated in this subsection (4)(f)(iv), \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to schools or school districts for planning and integrating tiered suicide prevention and behavioral health supports. Grants must be awarded first to districts demonstrating the greatest need and readiness. Grants may be used for intensive technical assistance and training, professional development, and evidence-based suicide prevention training.

(v) \$196,000 of the general fund—state appropriation for fiscal year 2020 and \$196,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the school safety center within the office of the superintendent of public instruction.

(A) Within the amounts provided in this subsection (4)(f)~~((iv))~~ (v), \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a school safety program to provide school safety training for all school administrators and school safety personnel. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety.

(B) Within the amounts provided in this subsection (4)(f)~~((iv))~~ (v), \$96,000 of the general fund—state appropriation for fiscal year 2020 and \$96,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for administration of the school safety center. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, review and approve manuals and curricula used for school safety models and training, and maintain a school safety information web site.

(g)(i) \$162,000 of the general fund—state appropriation for fiscal year 2020 and \$162,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for youth suicide prevention activities.

(ii) \$204,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of chapter 202, Laws of 2017 (children's mental health).

(iii) \$20,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of chapter 175, Laws of 2018 (children's mental health services).

(iv) \$76,000 of the general fund—state appropriation for fiscal year 2020 and \$76,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 64, Laws of 2018 (sexual abuse of students).

(h)(i) \$280,000 of the general fund—state appropriation for fiscal year 2020, \$280,000 of the general fund—state appropriation for fiscal year 2021, and \$1,052,000 of the dedicated marijuana account—state appropriation are provided solely for dropout prevention, intervention, and reengagement programs, including the jobs

for America's graduates (JAG) program, dropout prevention programs that provide student mentoring, and the building bridges statewide program. Students in the foster care system or who are homeless shall be given priority by districts offering the jobs for America's graduates program. The office of the superintendent of public instruction shall convene staff representatives from high schools to meet and share best practices for dropout prevention. Of these amounts, \$522,000 of the dedicated marijuana account—state appropriation for fiscal year 2020, and \$530,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the building bridges statewide program.

(ii) \$293,000 of the general fund—state appropriation for fiscal year 2020 and \$293,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to support district implementation of comprehensive guidance and planning programs in support of high-quality high school and beyond plans consistent with RCW 28A.230.090.

(iii) \$178,000 of the general fund—state appropriation for fiscal year 2020 and \$178,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 291, Laws of 2017 (truancy reduction efforts).

(i) Sufficient amounts are appropriated in this section for the office of the superintendent of public instruction to create a process and provide assistance to school districts in planning for future implementation of the summer knowledge improvement program grants.

(j) \$369,000 of the general fund—state appropriation for fiscal year 2020 and \$358,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Second Substitute House Bill No. 1424 (CTE course equivalencies). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(k) \$400,000 of the general fund—state appropriation for fiscal year 2020 and \$196,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1599 (high school graduation reqs.). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(l) \$60,000 of the general fund—state appropriation for fiscal year 2020, \$60,000 of the general fund—state appropriation for fiscal year 2021, and \$680,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1139 (educator workforce supply). Of the amounts provided in this subsection, \$680,000 of the general fund—federal appropriation is provided solely for title II SEA state-level activities to implement section 103 of Engrossed Second Substitute House Bill No. 1139 relating to the regional recruiters program. ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(m) \$66,000 of the general fund—state appropriation for fiscal year 2020 and \$60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to evaluate and implement best practices and procedures for ensuring that student lunch periods include a seated lunch duration of at least twenty minutes. The office of the superintendent of public instruction shall, through an application-based process, select six public schools to serve as demonstration sites. Of the amounts provided in this subsection:

(i) \$30,000 of the general fund—state appropriation for fiscal year 2020 and \$30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual grant awards of \$5,000 each provided to the six school districts selected to serve as school demonstration sites;

(ii) \$20,000 of the general fund—state appropriation for fiscal year 2020 and \$20,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to hire a consultant with expertise in nutrition programs to oversee the demonstration projects and provide technical support;

(iii) \$10,000 of the general fund—state appropriation for fiscal year 2020 and \$10,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to provide technical support to the demonstration sites and report its findings and recommendations to the education committees of the house of representatives and the senate by June 30, 2021; and

(iv) \$6,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the Washington state school directors' association, in consultation with the office of the superintendent of public instruction, to adopt and make publicly available by February 14, 2020, a model policy and procedure that school districts may use to ensure that student lunch periods include a seated lunch duration of at least twenty minutes. In developing the model policy and procedure, the Washington state school directors' association shall, to the extent appropriate and feasible, incorporate pertinent recommendations from the office of the state auditor.

(n) \$25,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to publish a list of schools and districts that are not complying with RCW 28A.325.010 and 28A.325.050. The office must publish the list no later than December 30, 2020. Within amounts appropriated in this subsection, the office of the superintendent of public instruction must:

(i) Collaborate with associated student body executive boards statewide regarding district policies to reduce the extracurricular opportunity gap.

(ii) Require school districts to collect and report to the associated student body executive board the 2018-19 school year data related to students in possession of associated student body cards and student participation in school-based

athletic programs by January 15, 2020. School districts with more than one high school must provide each high school's associated student body executive board only the data from each associated student body executive board's respective high school.

(A) Each school district with a high school must collect and publish on its website the following school-level data from each high school for the 2018-19 school year by January 15, 2020, for the 2019-20 school year by April 15, 2020, and for the 2020-21 school year by April 15, 2021:

(I) The number of high school students who are eligible to participate in the federal free and reduced-price meals program;

(II) The purchase amount of an associated student body card for high school students;

(III) The discounted purchase amount of an associated student body card for high school students who are eligible to participate in the federal free and reduced-price meals program;

(IV) Athletic program participation fees and any discounted fees for high school students who are eligible to participate in the federal free and reduced-price meals program;

(V) The number of high school students who possess an associated student body card;

(VI) The number of high school students who are eligible to participate in the federal free and reduced-price meals program and possess an associated student body card;

(VII) The number of high school students participating in an athletic program; and

(VIII) The number of high school students participating in an athletic program who are eligible to participate in the federal free and reduced-price meals program.

(B) The data for the April 2020 and April 2021 reports must include at least two weeks of data from the beginning of spring athletics season.

(C) The office of the superintendent of public instruction must provide support to ensure that all districts comply with the data reporting requirements in this subsection.

(D) No later than January 15, 2020, the office of the superintendent of public instruction must publish a list of schools and districts that are not complying with RCW 28A.325.050.

(o) \$60,000 of the general fund—state appropriation for fiscal year 2020 and \$60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to collect and monitor restraint and isolation data pursuant to chapter 206, Laws of 2015, and to provide training, technical assistance, and other support to schools and districts to reduce the use of restraint and isolation.

(p) \$225,000 of the general fund—state appropriation in fiscal year 2020 and \$225,000 of the general fund—state appropriation in fiscal year 2021 are provided solely for the office of the superintendent of public instruction to develop or expand a mentoring program for persons employed as educational interpreters in public schools. Funds provided under this section may only be used for recruiting, hiring, and training persons to be employed by Washington sensory disability services who must provide mentoring services in different geographic regions of the state, with the dual goals of: Providing services, beginning with the 2019-20 school year, to any requesting school district; and assisting persons in the timely and successful achievement of performance standards for educational interpreters.

(q) \$150,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the office of the superintendent of public instruction to create a series of articles, videos, and educational curriculum on the history of agriculture in Washington state, including the role and impact of indigenous and immigrant farmers. The materials must be made available for free to schools, educators, and students. The office may collaborate with other agencies or entities in order to create the educational materials.

(r) \$61,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Substitute Senate Bill No. 5023 (ethnic studies). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(s) \$63,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(t) Within existing resources, the office shall consult with the Washington student achievement council to adopt rules pursuant to Senate Bill No. 5088 (computer science).

(u) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to conduct a pilot program in five school districts of a dropout early warning and intervention data system as defined in RCW 28A.175.074, to identify students beginning in grade eight who are at risk of not graduating from high school and require additional supports. The system at a minimum must measure attendance, behavior, and course performance. The office of the superintendent of public instruction must report to the appropriate committees of the legislature the progress of all participating schools by December 15, 2020.

(v) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the superintendent of public instruction to administer a pilot program in a school district with enrollment under 2,000 students in the 2019-20 school year and with at least one school identified for improvement through the Washington school improvement framework to move to a balanced school year. For the purposes of this pilot program, "balanced calendar school

year" means a school schedule which distributes school vacations evenly throughout the school year while meeting minimum instructional hours and minimum days of instruction as required in law.

(w) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to develop a list of curriculum and supplemental curriculum supports that align with the K-12 health education standards in order to support teaching emotional, mental, and behavioral health in schools.

(x)(i) \$76,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to collaborate with the department of health to submit a report of findings related to statewide implementation of RCW 28A.210.383. In preparing the report, the office must collaborate with the department to:

(A) Analyze information about the schools that maintain a supply of epinephrine autoinjectors under RCW 28A.210.383;

(B) Examine the barriers and challenges licensed health professionals with the authority to prescribe epinephrine autoinjectors experience in prescribing this medication under a standing order;

(C) Review whether and to what extent the requirement under RCW 28A.210.320 that a student with a life-threatening allergic reaction present a medication or treatment order addressing the medical services that may be required to be performed at the school reduces the need for and use of a school supply of epinephrine autoinjectors;

(D) Determine the number of unused epinephrine autoinjectors discarded by schools, and returned to students' families, at the end of the 2019-20 school year;

(E) Complete an inventory of the number and categories of school district staff provided with training on identifying and responding to life-threatening allergies between September 1, 2017, and September 1, 2020; and

(F) Investigate any other implementation issues raised by school nurses, students who have life-threatening allergic reactions, and students' families during meetings held by the office for the purpose of soliciting feedback on these issues.

(ii) When collecting and analyzing information required under (i) of this subsection, the office and the department must collect information from multiple sources, and disaggregate information during analysis, such that information can be separated by school geography, student enrollment, school socioeconomic status, and other student demographics.

(iii) The office and the department must submit the report to the appropriate committees of the legislature by December 1, 2020.

(y) Within existing resources, the office shall implement Substitute Senate Bill No. 5324 (homeless student support).

(z) \$150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a tribal liaison at the office of the superintendent of public instruction to facilitate access to and support enrollment in career connected learning opportunities for tribal students, including career awareness and exploration, career preparation, and career launch programs, as defined in RCW 28C.30.020, so that tribal students may receive high school or college credit to the maximum extent possible.

(aa) \$474,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 1182 (learning assistance program). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(bb) \$57,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2660 (school meals at no cost). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(cc) \$872,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2864 (running start summer pilot). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(dd) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to develop Spanish language arts standards, contract with an organization to conduct a bias and sensitivity review of the proposed Spanish language arts standards; and provide professional learning outreach to school districts to help educators implement the Spanish language arts standards. The office must also develop a plan for phasing in language arts standards for other languages spoken by Washington students.

(ee) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Washington state school directors' association, in consultation with the office of the superintendent of public instruction, a state association of school nurses, and a national epilepsy organization, to adopt a model policy and procedure that school districts may use to implement individual health plans for students with epilepsy or other seizure disorders. At a minimum, the model policy and procedure must address the acquisition of parent requests and instructions, the acquisition of medication and treatment orders from licensed health professionals, the provision for storage of medical equipment and medication provided by parents, and training of parent-designated adults. The model policy and procedure must be periodically reviewed by the Washington state school directors' association and may be revised as necessary.

(ff) \$10,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction, in consultation with the four-year institutions as defined in RCW 28B.76.020, the state board for community and technical colleges, and the workforce training and education coordinating board, to review and report on potential adjustments or alterations to the standardized high school transcript created under RCW

28A.230.125, including, but not limited to, granting the option of using a weighted grade point average to recognize accelerated coursework. The report shall include findings and recommendations and shall be submitted to the governor and the appropriate committees of the legislature by January 1, 2021.

(gg) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Senate Bill No. 6066 (ethnic studies materials). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(hh) \$385,000 of the general fund—state appropriation for fiscal year 2020 and \$349,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 6521 (innovative learning pilot). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(ii) \$6,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Senate Bill No. 6263 (data sharing/schools, tribes). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(jj) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to develop a model civics curriculum, including resources and teacher materials designed to prepare students for lifelong civic engagement. Development of materials must include feedback from diverse communities, including those groups typically underrepresented in voter turnout. All materials must be openly licensed and posted on the superintendent of public instruction's web site.

(kk) \$4,000,000 of the Washington opportunity pathways account—state appropriation is provided solely for grants during the 2020-21 school year to school districts that have enrollments of less than six hundred fifty students. Funding provided in this subsection may be used only for enrichment activities permitted by RCW 28A.150.276(2). The superintendent of public instruction must prioritize districts with low operating fund balances or other demonstrated financial need. For the purposes of this subsection only, "school district" includes public schools receiving allocations under chapters 28A.710 and 28A.715 RCW.

**Sec. 502.** 2019 c 415 s 503 (uncodified) is amended to read as follows:

**FOR THE PROFESSIONAL EDUCATOR STANDARDS BOARD**

General Fund—State Appropriation (FY 2020)	\$3,839,000
General Fund—State Appropriation (FY 2021)	<del>(\$15,771,000)</del>
	<u>\$30,129,000</u>
TOTAL APPROPRIATION	<u>\$19,610,000</u>
	<u>\$33,968,000</u>

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

(1) \$2,834,000 of the general fund—state appropriation for fiscal year 2020 and \$2,887,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to the professional educator standards board for the following:

(a) Within the amounts provided in this subsection (1), \$1,612,000 of the general fund—state appropriation for fiscal year 2020 and \$1,665,000 of the general fund—state appropriation for fiscal year 2021 are for the operation and expenses of the Washington professional educator standards board including implementation of chapter 172, Laws of 2017 (educator prep. data/PESB).

(b) Within the amounts provided in this subsection (1), \$600,000 of the general fund—state appropriation for fiscal year 2020 and \$600,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to improve preservice teacher training and funding of alternate routes to certification programs administered by the professional educator standards board.

Within the amounts provided in this subsection (1)(b), up to \$500,000 of the general fund—state appropriation for fiscal year 2020 and up to \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided for grants to public or private colleges of education in Washington state to develop models and share best practices for increasing the classroom teaching experience of preservice training programs.

(c) Within the amounts provided in this subsection (1), \$622,000 of the general fund—state appropriation for fiscal year 2020 and \$622,000 of the general fund—state appropriation for fiscal year 2021 are provided for the recruiting Washington teachers program with priority given to programs that support bilingual teachers, teachers from populations that are underrepresented, and English language learners. Of the amounts provided in this subsection (1)(c), \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation and expansion of the bilingual educator initiative pilot project established under RCW 28A.180.120.

(2) \$272,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1139 (educator workforce supply). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(3) \$662,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$12,663,000)~~ \$27,021,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 237, Laws of 2017 (paraeducators).

(a) Of the amount in this subsection, ~~(\$12,001,000)~~ \$26,359,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to districts to

provide ~~((two days))~~ four days of training in the fundamental course of study to all paraeducators. ~~((Funds in this subsection are provided solely for reimbursement to school districts that provide two days of training in the fundamental course of study to paraeducators during the 2019-20 school year.))~~

(b) No later than December 1, 2020, the professional educator standards board must submit a report to the legislature including the following:

- (i) The total number of trainings that districts provided;
- (ii) The number of paraeducators that completed the training, by district; and
- (iii) The total expenditures reimbursed to school districts, by district.

**Sec. 503.** 2019 c 415 s 504 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT**

General Fund—State Appropriation (FY 2020)	.....	<del>(\$8,752,402,000)</del>	<u>\$8,449,996,000</u>
General Fund—State Appropriation (FY 2021)	.....	<del>(\$9,137,269,000)</del>	<u>\$8,942,348,000</u>
Education Legacy Trust Account—State			
Appropriation .....		<del>(\$1,345,730,000)</del>	<u>\$1,955,730,000</u>
TOTAL APPROPRIATION .....		<del>\$19,235,401,000</del>	<u>\$19,348,074,000</u>

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

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2019-20 and 2020-21 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary allocations in sections 504 and 505 of this act, excluding (c) of this subsection.

(c) From July 1, 2019, to August 31, 2019, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 502 and 503, chapter 299, Laws of 2018.

(d) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students

who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(e)(i) Funding provided in part V of this act is sufficient to provide each full-time equivalent student with the minimum hours of instruction required under RCW 28A.150.220.

(ii) The office of the superintendent of public instruction shall align the agency rules defining a full-time equivalent student with the increase in the minimum instructional hours under RCW 28A.150.220, as amended by the legislature in 2014.

(f) The superintendent shall adopt rules requiring school districts to report full-time equivalent student enrollment as provided in RCW 28A.655.210.

(g) For the 2019-20 and 2020-21 school years, school districts must report to the office of the superintendent of public instruction the monthly actual average district-wide class size across each grade level of kindergarten, first grade, second grade, and third grade classes. The superintendent of public instruction shall report this information to the education and fiscal committees of the house of representatives and the senate by September 30th of each year.

**(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS**

Allocations for certificated instructional staff salaries for the 2019-20 and 2020-21 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school, including those at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

Gener  
al education  
class size:

	Grade	RC W 28A.150.260	2019 Scho ol Year	2020 Scho ol Year
	Grade K	0	17.0	17.0
	Grade 1	0	17.0	17.0
	Grade 2	0	17.0	17.0
	Grade 3	0	17.0	17.0
	Grade 4	0	27.0	27.0
	Grade s 5-6	0	27.0	27.0
	Grade s 7-8	3	28.5	28.5
	Grade s 9-12	4	28.7	28.7

The superintendent shall base allocations for: Laboratory science average class size as provided in RCW 28A.150.260; career and technical education (CTE) class size of 23.0; and skill center program class size of 20.0.

(ii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iii) Advanced placement and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260 and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii)(A) For the twenty schools with the lowest overall school score for all students in the 2018-19 school year, as determined by the Washington school improvement framework among elementary schools, middle schools, and other schools not serving students up to twelfth grade, having enrollments greater than one hundred fifty students, in addition to the allocation under (d)(i) of this subsection the superintendent shall allocate additional funding for guidance counselors for each level of prototypical school in the 2019-20 school year as follows:

Elementary	Middle
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Guidance counselors	0.307	0.512
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To receive additional allocations under (d)(ii)(A) of this subsection, a school eligible to receive the allocation must have demonstrated actual staffing for guidance counselors for its prototypical school level that meets or exceeds the staffing for guidance counselors in (d)(i) of this subsection and this subsection (2)(d)(ii)(A) for its prototypical school level. School districts must distribute the additional guidance counselors allocation in this subsection to the schools that generate the allocation. The enhancement within this subsection is not part of the state's program of basic education.

(B) For qualifying high-poverty elementary schools in the 2020-21 school year, in addition to the allocation under (d)(i) of this subsection, the superintendent shall allocate additional funding for guidance counselors for each level of prototypical school as follows:

	Elementary
Guidance Counselors	0.500

(c) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 student full-time equivalent enrollment:

	2019-20 School Year	2020-21 School Year
Career and Technical Education	3.07	3.07
Skill Center	3.41	3.41

(3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2019-20 and 2020-21 school years for general education students are determined using the formula generated staff units calculated pursuant to this subsection. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent enrollment in each grade. The following prototypical school values shall determine the allocation for principals, assistant principals, and other certificated building level administrators:

Prototypical School Building:	
Elementary School	1.253

Middle School 1.353

High School 1.880

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student rates that are a multiple of the general education rate in (a) of this subsection by the following factors: Career and Technical Education students ..... 1.025

Skill Center students..... 1.198

(4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2019-20 and 2020-21 school years are determined using the formula-generated staff units provided in RCW 28A.150.260 and pursuant to this subsection, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade.

(5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2019-20 and 2020-21 school years for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b) and the increased allocations provided pursuant to subsections (2) and (4) of this section, by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and (~~25.47~~) 25.48 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by (~~42.54~~) 12.50 percent in the 2019-20 school year and (~~42.53~~) 12.52 percent in the 2020-21 school year for career and technical education students, and (~~17.84~~) 17.83 percent in the 2019-20 school year and (~~17.86~~) 17.85 percent in the 2020-21 school year for skill center students.

(6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 23.80 percent in the 2019-20 school year and (~~23.80~~) 24.03 percent in the 2020-21 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 24.33 percent in the 2019-20 school year and (~~24.33~~) 24.44 percent in the 2020-21 school year for classified salary allocations provided under subsections (4) and (5) of this section.

(7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the rates specified in section 506 of this act, based on the number of benefit units determined as follows:

(a) Until December 31, 2019 and for nonrepresented employees of educational service districts for the 2020-21 school year:

(i) The number of certificated staff units determined in subsections (2), (3), and (5) of this section; and

(ii) The number of classified staff units determined in subsections (4) and (5) of this section.

(b) Beginning January 1, 2020, and except for nonrepresented employees of educational service districts for the 2020-21 school year, the number of calculated benefit units determined below. Calculated benefit units are staff units multiplied by the benefit allocation factors established in the collective bargaining agreement referenced in (~~section 938 of this act~~) section 907 of this act. These factors are intended to adjust allocations so that, for the purpose of distributing insurance benefits, full-time equivalent employees may be calculated on the basis of 630 hours of work per year, with no individual employee counted as more than one full-time equivalent. The number of benefit units is determined as follows:

(i) The number of certificated staff units determined in subsections (2), (3), and (5) of this section multiplied by 1.02; and

(ii) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.43.

(c) For health benefits payments to the health care authority for benefits provided to school employees in January 2020, school districts must provide payment to the health care authority within three business days of receiving the January 2020 allocation for insurance benefits. The health care authority and office of the superintendent of public instruction must coordinate with school districts to enable timely payment to the health care authority consistent with this subsection.

(8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a)(i) MSOC funding for general education students are allocated at the following per student rates:

MSOC RATES/STUDENT FTE

MSOC Component	2019-20 School Year	2020-21 School Year
Technology	\$135.91	<del>(\$138.75)</del> <u>\$138.08</u>
Utilities and Insurance	\$369.29	<del>(\$377.04)</del> <u>\$375.20</u>
Curriculum and Textbooks	\$145.92	<del>(\$148.99)</del> <u>\$148.26</u>
Other Supplies	\$289.00	<del>(\$295.07)</del> <u>\$293.62</u>
Library Materials	\$20.79	<del>(\$21.23)</del> <u>\$21.12</u>
Instructional Professional Development for Certificated and Classified Staff	\$22.57	<del>(\$23.04)</del> <u>\$22.93</u>
Facilities Maintenance	\$182.94	<del>(\$186.79)</del> <u>\$185.87</u>
Security and Central Office	\$126.74	<del>(\$129.41)</del> <u>\$128.77</u>
TOTAL BASIC EDUCATION MSOC/STUDENT FTE	\$1,293.16	<del>(\$1,320.32)</del> <u>\$1,313.85</u>

(ii) For the 2019-20 school year and 2020-21 school year, as part of the budget development, hearing, and review process required by chapter 28A.505 RCW, each school district must disclose: (A) The amount of state funding to be received by the district under (a) and (d) of this subsection (8); (B) the amount the district proposes to spend for materials, supplies, and operating costs; (C) the difference between these two amounts; and (D) if (A) of this subsection (8)(a)(ii) exceeds (B) of this subsection (8)(a)(ii), any proposed use of this difference and how this use will improve student achievement.

(b) Students in approved skill center programs generate per student FTE MSOC allocations of \$1,529.98 for

the 2019-20 school year and ~~(\$1,562.44)~~ \$1,554.46 for the 2020-21 school year.

(c) Students in approved exploratory and preparatory career and technical education programs generate per student FTE MSOC allocations of \$1,529.98 for the 2019-20 school year and ~~(\$1,562.44)~~ \$1,554.46 for the 2020-21 school year.

(d) Students in grades 9-12 generate per student FTE MSOC allocations in addition to the allocations provided in (a) through (c) of this subsection at the following rate:

MSOC Component	2019-20 School Year	2020-21 School Year
Technology	\$39.08	<del>(\$39.90)</del> <u>\$39.70</u>
Curriculum and Textbooks	\$42.63	<del>(\$43.53)</del> <u>\$43.32</u>
Other Supplies	\$83.04	<del>(\$84.79)</del> <u>\$84.37</u>
Library Materials	\$5.78	<del>(\$5.90)</del> <u>\$5.87</u>
Instructional Professional Development for Certificated and Classified Staff	\$7.11	<del>(\$7.25)</del> <u>\$7.22</u>
TOTAL GRADE 9-12 BASIC EDUCATION MSOC/STUDENT FTE	\$177.64	<del>(\$181.37)</del> <u>\$180.48</u>

(9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2019-20 and 2020-21 school years, funding for substitute costs for classroom teachers is based on four (4) funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of \$151.86.

(10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING

(a) Amounts provided in this section from July 1, 2019, to August 31, 2019, are adjusted to reflect provisions of chapter 299, Laws of 2018 (allocation of funding for students enrolled in alternative learning experiences).

(b) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

#### (11) DROPOUT REENGAGEMENT PROGRAM

The superintendent shall adopt rules to require students claimed for general apportionment funding based on enrollment in dropout reengagement programs authorized under RCW 28A.175.100 through 28A.175.115 to meet requirements for at least weekly minimum instructional contact, academic counseling, career counseling, or case management contact. Districts must also provide separate financial accounting of expenditures for the programs offered by the district or under contract with a provider, as well as accurate monthly headcount and full-time equivalent enrollment claimed for basic education, including separate enrollment counts of resident and nonresident students.

#### (12) ALL DAY KINDERGARTEN PROGRAMS

Funding in this section is sufficient to fund all day kindergarten programs in all schools in the 2019-20 school year and 2020-21 school year, pursuant to RCW 28A.150.220 and 28A.150.315.

#### (13) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated

administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(d) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one

classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under this subsection (13) shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(14) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(15) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2020 and 2021 as follows:

(a) \$650,000 of the general fund—state appropriation for fiscal year 2020 and \$650,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) \$436,000 of the general fund—state appropriation for fiscal year 2020 and \$436,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(16) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(17) Funding in this section is sufficient to fund a maximum of 1.2 FTE enrollment for career launch students pursuant to RCW 28A.700.130. Expenditures for this purpose must come first from the appropriations provided in section 521 of this act; funding for career launch enrollment exceeding those appropriations is provided in this section. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by January 1, 2022. The report must include the total FTE enrollment for career launch students, the FTE enrollment for career launch students that exceeded the appropriations provided in section

521 of this act, and the amount expended from this section for those students.

(18) Students participating in running start programs may be funded up to a combined maximum enrollment of 1.2 FTE including school district and institution of higher education enrollment consistent with the running start course requirements provided in chapter 202, Laws of 2015 (dual credit education opportunities). In calculating the combined 1.2 FTE, the office of the superintendent of public instruction may average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and higher education institution. Additionally, the office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the student achievement council, and the education data center, shall annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system.

~~((18))~~ (19) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (13) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (13) of this section shall be reduced in increments of twenty percent per year.

~~((19))~~ (20)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed the lesser of five percent or the cap established in federal law of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

~~((20))~~ (21) Funding in this section is sufficient to provide full general apportionment payments to school districts eligible for federal forest revenues as provided in RCW 28A.520.020. For the 2019-2021 biennium, general

apportionment payments are not reduced for school districts receiving federal forest revenues.

**Sec. 504.** 2019 c 415 s 505 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION**

(1) The following calculations determine the salaries used in the state allocations for certificated instructional, certificated administrative, and classified staff units as provided in RCW 28A.150.260, and under ~~((section 504 of this act))~~ section 503 of this act: For the 2019-20 school year and the 2020-21 school year salary allocations for certificated instructional staff, certificated administrative staff, and classified staff units are determined for each school district by multiplying the statewide minimum salary allocation for each staff type by the school district's regionalization factor shown in LEAP Document 3.

Statewide Minimum Salary Allocation

Staff Type	2019-20 School Year	2020- 21 School Year
Certificated Instructional	\$66,520	<del>(\$67,917)</del> <u>\$67,585</u>
Certificated Administrative	\$98,741	<del>(\$100,815)</del> <u>\$100,321</u>
Classified	\$47,720	<del>(\$48,722)</del> <u>\$48,483</u>

(2) For the purposes of this section, "LEAP Document 3" means the school district regionalization factors for certificated instructional, certificated administrative, and classified staff, as developed by the legislative evaluation and accountability program committee on ~~((December 10, 2018, at 8:24 hours))~~ February 24, 2020, at 2:22 hours.

(3) Incremental fringe benefit factors are applied to salary adjustments at a rate of 23.16 percent for school year 2019-20 and ~~((23.16))~~ 23.39 percent for school year 2020-21 for certificated instructional and certificated administrative staff and 20.83 percent for school year 2019-20 and ~~((20.83))~~ 20.94 percent for the 2020-21 school year for classified staff.

(4) The salary allocations established in this section are for allocation purposes only except as provided in this subsection, and do not entitle an individual staff position to a particular paid salary except as provided in RCW

28A.400.200, as amended by chapter 13, Laws of 2017 3rd sp. sess. (fully funding the program of basic education).

**Sec. 505.** 2019 c 415 s 506 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund—State Appropriation (FY 2020)	<del>(\$379,041,000)</del>
	<u>\$387,359,000</u>
General Fund—State Appropriation (FY 2021)	<del>(\$726,648,000)</del>
	<u>\$644,562,000</u>
TOTAL APPROPRIATION.....	<u>\$1,105,689,000</u>
	<u>\$1,031,921,000</u>

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

(1) The salary increases provided in this section are 2.0 percent for the 2019-20 school year, and ~~((2.4))~~ 1.6 percent for the 2020-21 school year, the annual inflationary adjustments pursuant to RCW 28A.400.205.

~~(2)(a)~~ (2)(a) In addition to salary allocations ~~((specified in this subsection (1) funding)),~~ the appropriations in this ((subsection includes two days of)) section include funding for professional learning as defined in RCW 28A.415.430, 28A.415.432, and 28A.415.434. Funding for this purpose is calculated as the equivalent of two days of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in school year 2019-20, and three days ((of professional learning)) of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in school year 2020-21. Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.

(b) Of the funding provided for professional learning in this section, the equivalent of one day of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in school year 2020-21 must be used to train school district staff on racial literacy, cultural responsiveness, and stereotype threat for purposes of closing persistent opportunity gaps.

(3)(a) The appropriations in this section include associated incremental fringe benefit allocations at 23.16 percent for the 2019-20 school year and ~~((23.16))~~ 23.39 percent for the 2020-21 school year for certificated instructional and certificated administrative staff and 20.83 percent for the 2019-20 school year and ~~((20.83))~~ 20.94 percent for the 2020-21 school year for classified staff.

(b) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocations and

methodology in (~~sections 504 and 505 of this act~~) sections 503 and 504 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in (~~sections 504 and 505 of this act~~) sections 503 and 504 of this act. Changes for pupil transportation are determined by the superintendent of public instruction pursuant to RCW 28A.160.192, and impact compensation factors in sections 504, 505, and 506 of this act.

(c) The appropriations in this section include no salary adjustments for substitute teachers.

(4) The appropriations in this section are sufficient to fund the collective bargaining agreement referenced in (~~section 938 of this act~~) section 907 of this act and reflect the incremental change in cost of allocating rates as follows:

(a) For the 2019-20 school year, \$973.00 per month from September 1, 2019, to December 31, 2019, \$994 per month from January 1, 2020, to June 30, 2020, and \$1,056 per month from July 1, 2020, to August 31, 2020; and

(b) For the 2020-21 school year, (~~(\$1,056)~~) \$1,000 per month.

(5) When bargaining for funding for school employees health benefits for the 2021-2023 fiscal biennium, any proposal agreed upon must assume the imposition of a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(6) The rates specified in this section are subject to revision each year by the legislature.

(7)(a) \$1,226,000 of the general fund—state appropriation for fiscal year 2020 (~~and \$2,763,000 of the general fund—state appropriation for fiscal year 2021 are~~) is provided solely for changes to the special education cost multiplier as specified in Engrossed Second Substitute Senate Bill No. 5091 (special education funding).

(b) Within amounts appropriated in this section, funding is provided for fiscal year 2021 for changes to the special education cost multiplier as specified in chapter 387, Laws of 2019 (special education funding).

**Sec. 506.** 2019 c 415 s 507 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION**

General Fund—State Appropriation (FY 2020) .....(~~\$614,906,000~~)

	<u>\$646,545,000</u>
General Fund—State Appropriation (FY 2021)	
.....( <del>\$615,788,000</del> )	
	<u>\$626,529,000</u>
<u>Education Legacy Trust Account—State</u>	
<u>Appropriation</u> .....	<u>\$29,500,000</u>
TOTAL APPROPRIATION.....	<u>\$1,230,694,000</u>
	<u>\$1,302,574,000</u>

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

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school district programs for the transportation of eligible students as provided in RCW 28A.160.192. Funding in this section constitutes full implementation of RCW 28A.160.192, which enhancement is within the program of basic education. Students are considered eligible only if meeting the definitions provided in RCW 28A.160.160.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 505, chapter 299, Laws of 2018.

(3) Within amounts appropriated in this section, up to \$10,000,000 of the general fund—state appropriation for fiscal year 2020 and up to \$10,000,000 of the general fund—state appropriation for fiscal year 2021 are for a transportation alternate funding grant program based on the alternate funding process established in RCW 28A.160.191. The superintendent of public instruction must include a review of school district efficiency rating, key performance indicators and local school district characteristics such as unique geographic constraints in the grant award process.

(4) A maximum of \$939,000 of this fiscal year 2020 appropriation and a maximum of \$939,000 of the fiscal year 2021 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(5) Subject to available funds under this section, school districts may provide student transportation for summer skills center programs.

(6) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus

categories to those used to establish the list pursuant to RCW 28A.160.195.

(7) The superintendent of public instruction shall base depreciation payments for school district buses on the presales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(8) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

(9) The office of the superintendent of public instruction shall annually disburse payments for bus depreciation in August.

(10) \$29,500,000 of the education legacy trust account—state appropriation is provided solely for a one-time backfill funding for excess allocations to school districts in fiscal year 2019 that resulted from an erroneous methodology used by the office of superintendent of public instruction. The amount provided in this subsection must not be included in the methodology used to calculate the 2020-21 school year pupil transportation operations allocation. The amount in this subsection must remain unexpended and in unallotted status until the report required in section 129(13) of this act is completed and the superintendent and the office of financial management agree that the methodology used to allocate the funds in this section accurately reflect the components and modeling approach in RCW 28A.160.192 and will not result in the need for additional backfill funding.

(11) The office of the superintendent of public instruction must subtract pupil transportation amounts carried over from the 2018-19 school year to the 2019-20 school year from the prior year's expenditures used to determine the student transportation allocation for the 2020-21 school year.

(12) \$21,508,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for one-time hold harmless pupil transportation payments to school districts to address lower pupil transportation payments for the 2019-2020 school year that were the result of corrections to the pupil transportation allocation methodology as implemented by the superintendent.

**Sec. 507.** 2019 c 415 s 509 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 2020)  
 .....(~~\$1,402,262,000~~)  
 \$1,406,767,000

General Fund—State Appropriation (FY 2021)  
 .....(~~\$1,501,646,000~~)  
 \$1,463,248,000

General	Fund—Federal	Appropriation	
.....		( <del>\$499,428,000</del> )	
			<u>\$514,008,000</u>
Education	Legacy	Trust	Account—State
Appropriation.....			\$54,694,000
Pension	Funding	Stabilization	Account—State
Appropriation.....			\$20,000
TOTAL APPROPRIATION.....			<u>\$3,458,050,000</u>
			<u>\$3,438,737,000</u>

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

(1)(a) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through (~~sections 504 and 506 of this act~~) sections 503 and 505 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(b) Funding provided within this section is sufficient for districts to provide school principals and lead special education teachers annual professional development on the best-practices for special education instruction and strategies for implementation. Districts shall annually provide a summary of professional development activities to the office of the superintendent of public instruction.

(2)(a) The superintendent of public instruction shall ensure that:

- (i) Special education students are basic education students first;
- (ii) As a class, special education students are entitled to the full basic education allocation; and
- (iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390 as amended by chapter 266, Laws of 2018 (basic education), except that the calculation of the base allocation also includes allocations provided under (~~section 504 (2) and (4) of this act~~) section 503 (2) and (4) of this act

and RCW 28A.150.415, which enhancement is within the program of basic education.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 299, Laws of 2018.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund—state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 13.5 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) ~~(\$71,253,000)~~ \$63,609,000 of the general fund—state appropriation for fiscal year 2020, ~~(\$87,253,000)~~ \$91,500,000 of the general fund—state appropriation for fiscal year 2021, and \$29,574,000 of the general fund—federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2019-20 and 2020-21 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (education).

(b) The office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year, except that the superintendent of public instruction shall make award determinations for state safety net funding in July of each school year for the Washington state school for the blind and for the center for childhood deafness and hearing loss. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(8) A maximum of \$931,000 may be expended from the general fund—state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) \$50,000 of the general fund—state appropriation for fiscal year 2020, \$50,000 of the general fund—state appropriation for fiscal year 2021, and \$100,000 of the general fund—federal appropriation are provided solely for a special education family liaison position within the office of the superintendent of public instruction.

(12) \$30,746,000 of the general fund—state appropriation for fiscal year 2020 ~~(and \$46,425,000 of the general fund—state appropriation for fiscal year 2021 are)~~ is provided solely for changes to the special education cost multiplier as specified in Engrossed Second Substitute Senate Bill No. 5091 (special education funding).

(13) Within amounts appropriated in this section, funding is provided for fiscal year 2021 for changes to the special education cost multiplier as specified in chapter 387, Laws of 2019 (special education funding).

~~((13) \$10,000,000)~~ (14) \$5,200,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$15,000,000)~~ \$19,800,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to support professional development in inclusionary practices for classroom teachers. The primary form of support to public school classroom teachers must be for mentors who are experts in best practices for inclusive education, differentiated instruction, and individualized instruction. Funding for mentors must be prioritized to the public schools with the highest percentage of students with individualized education programs aged six through twenty-one who spend the least amount of time in general education classrooms.

(15) Beginning September 1, 2020, funding for payments to providers for the early support for infants and toddlers program is transferred to the department of children, youth, and families to implement Substitute House Bill No. 2787 (infants and toddlers program). The amount of the transfer and related funding requirements are included in section 225(4)(ff) of this act.

**Sec. 508.** 2019 c 415 s 510 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS**

General Fund—State Appropriation (FY 2020)  
.....\$12,869,000

General Fund—State Appropriation (FY 2021)	\$18,930,000
.....(((\$12,948,000))	
TOTAL APPROPRIATION .....	\$25,817,000
	\$31,799,000

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

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies aligned with common core state standards and next generation science standards. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) Funding in this section is provided for regional professional development related to English language arts curriculum and instructional strategies aligned with common core state standards. Each educational service district shall use this funding solely for salary and benefits for certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(4) For fiscal year 2021, funding in this section is provided for regional technical support for the K-20 telecommunications network to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(5) For fiscal year 2021, funding in this section is provided for a corps of nurses located at the educational service districts, to be dispatched in coordination with the office of the superintendent of public instruction, to provide direct care to students, health education, and training for school staff.

(6) For fiscal year 2021, funding in this section is provided for staff and support at the nine educational service districts to provide a network of support for school districts to develop and implement comprehensive suicide prevention and behavioral health supports for students.

(7) For fiscal year 2021, funding in this section is provided for staff and support at the nine educational service districts to provide assistance to school districts with comprehensive safe schools planning, conducting needs assessments, school safety and security trainings, coordinating appropriate crisis and emergency response and

recovery, and developing threat assessment and crisis intervention teams.

(8) For fiscal year 2021, funding in this section is provided for regional English language arts coordinators to provide professional development of teachers and principals around the new early screening for dyslexia requirements.

(9) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

Sec. 509. 2019 c 415 s 511 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE**

General Fund—State Appropriation (FY 2020)	\$353,213,000
.....(((\$365,560,000))	
General Fund—State Appropriation (FY 2021)	\$332,158,000
.....(((\$389,331,000))	
TOTAL APPROPRIATION .....	\$754,891,000
	\$685,371,000

The appropriations in this section are subject to the following conditions and limitations: ~~(((\$17,010,000 of the general fund—state appropriation for fiscal year 2020 and \$44,586,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for changes to the levy and levy equalization system as specified in either Substitute House Bill No. 2140 or Engrossed Substitute Senate Bill No. 5313 (K-12 education funding). If neither bill is enacted by June 30, 2019, these amounts shall lapse. Included in these amounts are hold harmless local effort assistance payments. In calendar years 2020 and 2021, in each calendar year a school district will receive an amount equal to number A minus number B if number A is greater than number B. For purposes of this section:~~

~~(1) "Number A" is the sum of the local effort assistance and enrichment levy a district would have received under law as it existed on January 1, 2019.~~

~~(2) "Number B" is the sum of the local effort assistance and enrichment levy a district receives under Substitute House Bill No. 2140 (K-12 education funding), if the district's levy collections were the lesser of the maximum dollar amount that may be levied at twenty percent of the district's levy base or its voter approved levy amount in calendar year 2018.) \$25,170,000 of the general fund—state appropriation for fiscal year 2020 and \$20,593,000 of the general fund—state appropriation for fiscal year 2021 are~~

provided solely for a one-time hold harmless for local effort assistance in calendar year 2020.

**Sec. 510.** 2019 c 415 s 512 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 2020)	(( <del>\$15,886,000</del> ))
	<u>\$15,501,000</u>
General Fund—State Appropriation (FY 2021)	(( <del>\$16,461,000</del> ))
	<u>\$16,707,000</u>
TOTAL APPROPRIATION .....	<u>\$32,347,000</u>
	<u>\$32,208,000</u>

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

(1) Each general fund—state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$701,000 of the general fund—state appropriation for fiscal year 2020 and \$701,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) (~~(\$1,066,000)~~) \$999,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$1,661,000)~~) \$2,113,000 of the general fund—state appropriation for

fiscal year 2021 are provided solely to increase the capacity of institutional education programs to differentiate instruction to meet students' unique educational needs. Those needs may include but are not limited to one-on-one instruction, enhanced access to counseling for social emotional needs of the student, and services to identify the proper level of instruction at the time of student entry into the facility.

(7)(a) \$100,000 of the general fund—state appropriation in fiscal year 2020 (~~and \$100,000 of the general fund—state appropriation in fiscal year 2021 are~~) is provided solely to support one student records coordinator in the Issaquah school district to manage the transmission of academic records with the Echo Glen children's center.

(b) \$300,000 of the general fund—state appropriation in fiscal year 2021 is provided solely to support three student records coordinators to manage the transmission of academic records for each of the long-term juvenile institutions. One coordinator is provided for each of the following: The Issaquah school district for the Echo Glen children's center, the Chehalis school district for Green Hill academic school, and the Naselle-Grays River Valley school district for Naselle youth camp school.

(8) Ten percent of the funds allocated for the institution may be carried over from one year to the next.

**Sec. 511.** 2019 c 415 s 513 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund—State Appropriation (FY 2020)	(( <del>\$30,490,000</del> ))
	<u>\$30,504,000</u>
General Fund—State Appropriation (FY 2021)	(( <del>\$31,551,000</del> ))
	<u>\$31,696,000</u>
TOTAL APPROPRIATION .....	<u>\$62,041,000</u>
	<u>\$62,200,000</u>

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

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c) except that allocations must be based on 5.0 percent of each school district's full-time equivalent enrollment. In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900

instructional hours per teacher; and (v) the compensation rates as provided in sections 505 and 506 of this act.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 299, Laws of 2018.

**Sec. 512.** 2019 c 415 s 514 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR MISCELLANEOUS—EVERY STUDENT SUCCEEDS ACT**

General Fund—Federal Appropriation.	<del>(\$5,802,000)</del>
	<u>\$6,802,000</u>
TOTAL APPROPRIATION .....	<del>\$5,802,000</del>
	<u>\$6,802,000</u>

**Sec. 513.** 2019 c 415 s 515 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS**

General Fund—State Appropriation (FY 2020)	<del>(\$134,185,000)</del>
	<u>\$131,298,000</u>
General Fund—State Appropriation (FY 2021)	<del>(\$135,807,000)</del>
	<u>\$135,955,000</u>
General Fund—Federal Appropriation....	\$96,576,000
General Fund—Private/Local Appropriation	\$1,450,000
Education Legacy Trust Account—State Appropriation.....	\$1,636,000
Pension Funding Stabilization Account—State Appropriation.....	\$765,000
TOTAL APPROPRIATION .....	<del>\$370,419,000</del>
	<u>\$367,680,000</u>

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

(1) ACCOUNTABILITY

(a) \$26,975,000 of the general fund—state appropriation for fiscal year 2020, \$26,975,000 of the general fund—state appropriation for fiscal year 2021, \$1,350,000 of the education legacy trust account—state appropriation, and \$15,868,000 of the general fund—federal appropriation are provided solely for development and implementation of the Washington state assessment system.

(b) \$14,352,000 of the general fund—state appropriation for fiscal year 2020 and \$14,352,000 of the general fund—state appropriation for fiscal year 2021 are

provided solely for implementation of chapter 159, Laws of 2013 (K-12 education - failing schools).

~~((c) Within the amounts provided in this section, the superintendent of public instruction shall obtain an existing student assessment inventory tool that is free and openly licensed and distribute the tool to every school district. Each school district shall use the student assessment inventory tool to identify all state-level and district-level assessments that are required of students. The state required assessments should include: Reading proficiency assessments used for compliance with RCW 28A.320.202; the required statewide assessments under chapter 28A.655 RCW in grades three through eight and at the high school level in English language arts, mathematics, and science, as well as the practice and training tests used to prepare for them; and the high school end-of-course exams in mathematics under RCW 28A.655.066. District required assessments should include: The second grade reading assessment used to comply with RCW 28A.300.320; interim smarter balanced assessments, if required; the measures of academic progress assessment, if required; and other required interim, benchmark, or summative standardized assessments, including assessments used in social studies, the arts, health, and physical education in accordance with RCW 28A.230.095, and for educational technology in accordance with RCW 28A.655.075. The assessments identified should not include assessments used to determine eligibility for any categorical program including the transitional bilingual instruction program, learning assistance program, highly capable program, special education program, or any formative or diagnostic assessments used solely to inform teacher instructional practices, other than those already identified. By October 15th of each year, each district shall report to the superintendent the amount of student time in the previous school year that is spent taking each assessment identified. By December 15th of each even numbered calendar year, the superintendent shall summarize the information reported by the school districts and report to the education committees of the house of representatives and the senate.))~~

(2) EDUCATOR CONTINUUM

(a) ~~(\$72,124,000)~~ \$69,237,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$73,619,000)~~ \$73,797,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,505 per teacher in the 2019-20 school year and a bonus of ~~(\$5,624)~~ \$5,593 per teacher in the 2020-21 school year;

(ii) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, or (C) elementary schools where at least 70

percent of student headcount enrollment is eligible for federal free or reduced-price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (b) of this subsection for less than one full school year receive bonuses in a prorated manner. All bonuses in this subsection will be paid in July of each school year. Bonuses in this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(iv) During the 2019-20 and 2020-21 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary allocation and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after fully exhausting all years of candidacy as set by the national board for professional teaching standards are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(b) \$3,418,000 of the general fund—state appropriation for fiscal year 2020 and \$3,418,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of a new performance-based evaluation for certificated educators and other activities as provided in chapter 235, Laws of 2010 (education reform) and chapter 35, Laws of 2012 (certificated employee evaluations).

(c) \$477,000 of the general fund—state appropriation for fiscal year 2020 and \$477,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(d) \$810,000 of the general fund—state appropriation for fiscal year 2020 and \$810,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to operate a state-of-the-art education leadership academy that will be accessible throughout the state. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy

partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(e) \$10,500,000 of the general fund—state appropriation for fiscal year 2020 and \$10,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a beginning educator support program (BEST). The program shall prioritize first year educators in the mentoring program. School districts and/or regional consortia may apply for grant funding. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning educator aligned with professional certification; release time for mentors and new educators to work together; and educator observation time with accomplished peers. Funding may be used to provide statewide professional development opportunities for mentors and beginning educators.

(f) \$4,000,000 of the general fund—state appropriation for fiscal year 2020 and \$4,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the provision of training for teachers, principals, and principal evaluators in the performance-based teacher principal evaluation program.

**Sec. 514.** 2019 c 415 s 516 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund—State Appropriation (FY 2020)	(( <u>\$201,330,000</u> ))
	<u>\$205,270,000</u>
General Fund—State Appropriation (FY 2021)	(( <u>\$210,659,000</u> ))
	<u>\$216,650,000</u>
General Fund—Federal Appropriation ..	\$102,242,000
Pension Funding Stabilization Account—State Appropriation .....	\$4,000
<b>TOTAL APPROPRIATION .....</b>	<b><u>\$514,235,000</u></b>
	<u>\$524,166,000</u>

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

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs under RCW 28A.180.010 through 28A.180.080, including programs for exited students, as provided in RCW 28A.150.260(10)(b) and the

provisions of this section. In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student in grades kindergarten through six and 6.7780 hours per week per transitional bilingual program student in grades seven through twelve in school years 2019-20 and 2020-21; (ii) additional instruction of 3.0000 hours per week in school years 2019-20 and 2020-21 for the head count number of students who have exited the transitional bilingual instruction program within the previous two years based on their performance on the English proficiency assessment; (iii) fifteen transitional bilingual program students per teacher; (iv) 36 instructional weeks per year; (v) 900 instructional hours per teacher; and (vi) the compensation rates as provided in sections 505 and 506 of this act. Pursuant to RCW 28A.180.040(1)(g), the instructional hours specified in (a)(ii) of this subsection (2) are within the program of basic education.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 514, chapter 299, Laws of 2018.

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: ~~((4.97))~~ 1.93 percent for school year 2019-20 and ~~((4.95))~~ 1.89 percent for school year 2020-21.

(4) The general fund—federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5) \$35,000 of the general fund—state appropriation for fiscal year 2020 and \$35,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to track current and former transitional bilingual program students.

(6) \$1,023,000 of the general fund—state appropriation in fiscal year 2020 and \$1,185,000 of the general fund—state appropriation in fiscal year 2021 are provided solely for the central provision of assessments as provided in RCW 28A.180.090, and is in addition to the withholding amounts specified in subsection (3) of this section.

**Sec. 515.** 2019 c 415 s 517 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund—State Appropriation (FY 2020)	
.....	<del>((438,940,000))</del>
	<u>\$416,973,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>((450,681,000))</del>
	<u>\$430,591,000</u>

General Fund—Federal Appropriation ..	\$533,481,000
TOTAL APPROPRIATION.....	<u>\$1,423,102,000</u>
	<u>\$1,381,045,000</u>

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

(1) The general fund—state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a), except that the allocation for the additional instructional hours shall be enhanced as provided in this section, which enhancements are within the program of the basic education. In calculating the allocations, the superintendent shall assume the following averages: (A) Additional instruction of 2.3975 hours per week per funded learning assistance program student for the 2019-20 and 2020-21 school years; (B) additional instruction of 1.1 hours per week per funded learning assistance program student for the 2019-20 and 2020-21 school years in qualifying high-poverty school building; (C) fifteen learning assistance program students per teacher; (D) 36 instructional weeks per year; (E) 900 instructional hours per teacher; and (F) the compensation rates as provided in sections 505 and 506 of this act.

(ii) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 515, chapter 299, Laws of 2018.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced-price lunch in the prior school year. The prior school year's October headcount enrollment for free and reduced-price lunch shall be as reported in the comprehensive education data and research system.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund—federal appropriation in this section is provided for Title I Part A allocations of the every student succeeds act of 2016.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) Within existing resources, during the 2019-20 and 2020-21 school years, school districts are authorized to use funds allocated for the learning assistance program to also provide assistance to high school students who have not passed the state assessment in science.

Sec. 516. 2019 c 415 s 518 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—PER PUPIL ALLOCATIONS**

Statewide Average Allocations			
Per Annual Average Full-Time Equivalent Student			
Basic Education Program	2019-20 School Year	2020-21 School Year	
General Apportionment	<del>((9,173))</del> \$9,176	<del>((9,450))</del> \$9,398	
Pupil Transportation	<del>((519))</del> \$586	<del>((524))</del> \$586	
Special Education Programs	<del>((9,696))</del> \$9,611	<del>((10,158))</del> \$10,107	
Institutional Education Programs	<del>((18,562))</del> \$19,186	<del>((19,030))</del> \$20,540	
Programs for Highly Capable Students	\$598	<del>((615))</del> \$609	
Transitional Bilingual Programs	<del>((1,346))</del> \$1,365	<del>((1,380))</del> \$1,390	
Learning Assistance Program	<del>((969))</del> \$932	<del>((997))</del> \$950	

Sec. 517. 2019 c 415 s 519 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocations purposes only, unless specified by part V of this act, and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided

in statute, are not within the program of basic education unless clearly stated by this act.

(2) ~~((To the maximum extent practicable, when))~~ When adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall ~~((attempt to))~~ seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in subsection (4) of this section.

(4) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, 2020, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year 2020 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; highly capable; and learning assistance programs.

(5) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

(6) Appropriations in ~~((sections 504 and 506 of this act))~~ sections 503 and 505 of this act for insurance benefits under chapter 41.05 RCW are provided solely for the superintendent to allocate to districts for employee health benefits as provided in ~~((section 938 of this act))~~ section 907 of this act. The superintendent may not allocate, and districts may not expend, these amounts for any other purpose beyond those authorized in ~~((section 938 of this act))~~ section 907 of this act.

~~((5))~~ (7) As required by RCW 28A.710.110, the office of the superintendent of public instruction shall transmit the charter school authorizer oversight fee for the charter school commission to the charter school oversight account.

Sec. 518. 2019 c 415 s 520 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CHARTER SCHOOLS**

Washington Opportunity Pathways Account—State	
Appropriation.....	<del>((99,810,000))</del> \$93,986,000
TOTAL APPROPRIATION.....	\$99,810,000

\$93,986,000

The appropriation in this section is subject to the following conditions and limitations: The superintendent shall distribute funding appropriated in this section to charter schools under chapter 28A.710 RCW. Within amounts provided in this section the superintendent may distribute funding for safety net awards for charter schools with demonstrated needs for special education funding beyond the amounts provided under chapter 28A.710 RCW.

**Sec. 519.** 2019 c 415 s 521 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE WASHINGTON STATE CHARTER SCHOOL COMMISSION**

Washington Opportunity Pathways Account—State	
Appropriation .....	<del>(\$250,000)</del>
	<u>\$294,000</u>
Charter Schools Oversight Account—State	
Appropriation.....	<del>(\$2,210,000)</del>
	<u>\$2,454,000</u>
TOTAL APPROPRIATION .....	<u>\$2,460,000</u>
	<u>\$2,748,000</u>

The appropriations in this section are subject to the following conditions and limitations: The entire Washington opportunity pathways account—state appropriation in this section is provided to the superintendent of public instruction solely for the operations of the Washington state charter school commission under chapter 28A.710 RCW.

**Sec. 520.** 2019 c 415 s 522 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GRANTS AND PASS THROUGH FUNDING**

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$35,516,000)</del>
	<u>\$35,491,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$35,621,000)</del>
	<u>\$36,704,000</u>
TOTAL APPROPRIATION .....	<u>\$71,137,000</u>
	<u>\$72,195,000</u>

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

(1) \$4,894,000 of the general fund—state appropriation for fiscal year 2020 and \$4,894,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants for implementation of dual credit programs and subsidized advanced placement exam fees,

international baccalaureate class fees, and exam and course fees for low-income students.

For expenditures related to subsidized exam fees, the superintendent of public instruction shall report: The number of students served; the demographics of the students served; and how the students perform on the exams.

(2)(a) \$2,052,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$2,052,000)~~ \$2,752,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008, including parts of programs receiving grants that serve students in grades four through six. If equally matched by private donations, \$1,075,000 of the 2020 appropriation and \$1,075,000 of the 2021 appropriation shall be used to support FIRST robotics programs in grades four through twelve. Of the amounts provided in this subsection, \$100,000 of the fiscal year 2020 appropriation and ~~(\$100,000)~~ \$800,000 of the fiscal year 2021 appropriation are provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations. If equally matched by private donations, \$10,000 of the general fund—state appropriation for fiscal year 2021 must be used to support FIRST robotics programs in grades one through four at elementary schools where more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year and which are located within a county with a population of more than two million.

(b) \$135,000 of the general fund—state appropriation for fiscal year 2020 and \$135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(c) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for ~~(advanced)~~ project lead the way courses at ten high schools. To be eligible for funding ~~(in 2020)~~, a high school must have offered ~~(a foundational project lead the way course during the 2018-19 school year. The 2020 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2019-20 school year. To be eligible for funding in 2021, a high school must have offered a foundational)~~ at least one project lead the way course during the ~~(2019-20)~~ prior school year. The ~~(2020)~~ funding must be used for one-time start-up course costs for ~~(an advanced)~~ a new project lead the way course ~~(, to be offered to students beginning in the 2020-21 school year)~~. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(d) \$2,127,000 of the general fund—state appropriation for fiscal year 2020 and \$2,127,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in maritime, construction, aerospace, and advanced manufacturing programs. To be eligible for funding, the skills center and high schools must agree to engage in developing local business and industry partnerships for oversight and input regarding program components. Program instructors must also agree to participate in professional development leading to student employment or certification in maritime, construction, aerospace, or advanced manufacturing industries, as determined by the superintendent of public instruction. The office of the superintendent of public instruction and the education research and data center shall report annually student participation and long-term outcome data. Within the amounts provided in this subsection:

(i) \$900,000 of the general fund—state appropriation for fiscal year 2020 and \$900,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in aerospace and advanced manufacturing programs.

(ii) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in construction programs.

(iii) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in maritime programs.

~~(iv) (\$350,000 of the general fund—state appropriation for fiscal year 2020 and \$350,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit entity to expand the current employer engagement program to support schools, teachers, and students.~~

~~(v) \$427,000 of the general fund—state appropriation for fiscal year 2020 and \$427,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit entity to provide management, development, assessment, and outreach of the programs.)~~ \$777,000 of the general fund—state appropriation for fiscal year 2020 and \$777,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit entity to expand the current employer engagement program to support schools, teachers, and students and to provide management, assessment, and outreach of the manufacturing programs.

(3)(a) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for project citizen and we the people: The citizen and

the constitution programs sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle and high school students. Of the amounts provided, \$15,000 of the general fund—state appropriation for fiscal year 2020 and \$15,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for awarding a travel grant to the winner of the we the people: The citizen and the constitution state competition.

(b) \$384,000 of the general fund—state appropriation for fiscal year 2020 and \$373,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 127, Laws of 2018 (civics education). Of the amounts provided in this subsection (3)(b), \$10,000 of the general fund—state appropriation for fiscal year 2020 and \$10,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grant programs to school districts to help cover travel costs associated with civics education competitions.

~~(c) (\$55,000)~~ \$30,000 of the general fund—state appropriation for fiscal year 2020 ~~(is)~~ and \$25,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to develop civics education materials for grades K-5. The office must contract for the production of the materials with an experienced Washington state organization that produces civics education materials currently posted as an open education resource at the office of the superintendent of public instruction.

(4)(a) \$31,000 of the general fund—state appropriation for fiscal year 2020 and \$55,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction for statewide implementation of career and technical education course equivalency frameworks authorized under RCW 28A.700.070 for math and science. This may include development of additional equivalency course frameworks, course performance assessments, and professional development for districts implementing the new frameworks.

(b) Within the amounts appropriated in this section the office of the superintendent of public instruction shall ensure career and technical education courses are aligned with high-demand, high-wage jobs. The superintendent shall verify that the current list of career and technical education courses meets the criteria established in RCW 28A.700.020(2). The superintendent shall remove from the list any career and technical education course that no longer meets such criteria.

(c) \$3,000,000 of the general fund—state appropriation for fiscal year 2020 and \$3,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to provide grants to school districts and educational service districts for science teacher training in the next generation science standards including training in the climate science standards. At a minimum, school districts shall ensure that teachers in one grade level in each elementary, middle, and high school participate in this science training. Of the amount appropriated \$1,000,000 is

provided solely for community based nonprofits including tribal education organizations to partner with public schools for next generation science standards.

(5) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Kip Tokuda memorial Washington civil liberties public education program. The superintendent of public instruction shall award grants consistent with RCW 28A.300.410.

(6) \$3,145,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$3,145,000)~~ \$3,395,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with a nongovernmental entity or entities for demonstration sites to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW pursuant to chapter 71, Laws of 2016 (foster youth edu. outcomes). The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(a) Of the amount provided in this subsection (6), \$446,000 of the general fund—state appropriation for fiscal year 2020 and \$446,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the demonstration site established pursuant to the 2013-2015 omnibus appropriations act, section 202(10), chapter 4, Laws of 2013, 2nd sp. sess.

(b) Of the amount provided in this subsection (6), \$1,015,000 of the general fund—state appropriation for fiscal year 2020 and \$1,015,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the demonstration site established pursuant to the 2015-2017 omnibus appropriations act, section 501(43)(b), chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(c) Of the amounts provided in this subsection (6), \$684,000 of the general fund—state appropriation for fiscal year 2020 and \$684,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the demonstration site established with funding provided in the 2017-2019 omnibus appropriations act, chapter 1, Laws of 2017, 3rd sp. sess., as amended.

(7) \$2,541,000 of the general fund—state appropriation for fiscal year 2020 ~~(and \$2,541,000 of the general fund—state appropriation for fiscal year 2021 are)~~ is provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(8)(a) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$1,000,000)~~ \$1,200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 157, Laws of 2016 (homeless students).

(b) \$36,000 of the general fund—state appropriation for fiscal year 2020 and \$36,000 of the general fund—state

appropriation for fiscal year 2021 are provided solely for chapter 212, Laws of 2014 (homeless student educational outcomes).

(9) \$375,000 of the general fund—state appropriation for fiscal year 2020 and \$375,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a nonviolence and ethical leadership training and professional development program provided by the institute for community leadership.

(10) \$1,425,000 of the general fund—state appropriation for fiscal year 2020 and \$1,425,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for dual language grants to grow capacity for high quality dual language learning. Of the amounts provided in this subsection:

(a) \$1,425,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language/early learning & K-12). In selecting recipients of the K-12 dual language grant, the superintendent of public instruction must prioritize districts that received grants under section 501(33), chapter 299, Laws of 2018.

(b) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to establish a new dual language program.

(c) \$225,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to expand an existing dual language program.

(d) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to create heritage language programs for immigrant and refugee students.

(e) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to create indigenous language programs for native students.

(11)(a) \$4,940,000 of the general fund—state appropriation for fiscal year 2020 and \$4,940,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state achievers scholarship and Washington higher education readiness program. The funds shall be used to: Support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars; and to identify and reduce barriers to college for low-income and underserved middle and high school students. Of the amounts provided: \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the college success foundation to establish programming in new regions throughout the state. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b) \$1,454,000 of the general fund—state appropriation for fiscal year 2020 and \$1,454,000 of the

general fund—state appropriation for fiscal year 2021 are provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(c) \$181,000 of the general fund—state appropriation for fiscal year 2020 and \$181,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 180, Laws of 2017 (Washington Aim program).

(12)(a) \$356,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$356,000)~~ \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities, including instructional material purchases, teacher and principal professional development, and school and community engagement events. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b) \$3,000,000 of the general fund—state appropriation for fiscal year 2020 and \$3,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a statewide information technology academy program. This public-private partnership will provide educational software, as well as information technology certification and software training opportunities for students and staff in public schools. The office must require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework. The report must include the number of students served disaggregated by gender, race, ethnicity, and free-and-reduced lunch eligibility as well as the number of industry certificates attained by type of certificate.

(c) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants of \$2,500 to provide twenty middle and high school teachers each year with professional development training for implementing integrated math, science, technology, and engineering programs in their schools.

(d) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the computer science and education grant program to support the following three purposes: Train and credential teachers in computer sciences; provide and upgrade technology needed to learn computer science; and, for computer science frontiers grants to introduce students to and engage them in computer science. The office of the superintendent of public instruction must use the computer science learning standards adopted pursuant to chapter 3,

Laws of 2015 (computer science) in implementing the grant, to the extent possible. Additionally, grants provided for the purpose of introducing students to computer science are intended to support innovative ways to introduce and engage students from historically underrepresented groups, including girls, low-income students, and minority students, to computer science and to inspire them to enter computer science careers. The office of the superintendent of public instruction may award up to \$500,000 each year, without a matching requirement, to districts with greater than fifty percent of students eligible for free and reduced-price meals. All other awards must be equally matched by private sources for the program, including gifts, grants, or endowments.

~~((Funds may be expended as grant funding only to the extent that they are equally matched by private sources for the program, including gifts, grants, or endowments-))~~

(e) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to contract with a ~~((nonprofit organization))~~ qualified 501(c)(3) nonprofit community-based organization physically located in Washington state that has at least seventeen years of experience collaborating with the office and school districts statewide to integrate the state learning standards in English language arts, mathematics, and science with FieldSTEM outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resource, and agricultural sectors. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(f) \$62,000 of the general fund—state appropriation for fiscal year 2020 and \$62,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for competitive grants to school districts to increase the capacity of high schools to offer AP computer science courses. In making grant allocations, the office of the superintendent of public instruction must give priority to schools and districts in rural areas, with substantial enrollment of low-income students, and that do not offer AP computer science. School districts may apply to receive either or both of the following grants:

(i) A grant to establish partnerships to support computer science professionals from private industry serving on a voluntary basis as coinstructors along with a certificated teacher, including via synchronous video, for AP computer science courses; or

(ii) A grant to purchase or upgrade technology and curriculum needed for AP computer science, as well as provide opportunities for professional development for classroom teachers to have the requisite knowledge and skills to teach AP computer science.

(g) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Mobius science center to expand mobile outreach of science, technology, engineering, and mathematics (STEM)

education to students in rural, tribal, and low-income communities.

(13) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the centrum program at Fort Worden state park.

(14) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to provide learning experiences for student-athletes in the science, technology, engineering, and math sectors. The office must contract with a nonprofit to offer student-athlete classes, programs, and scholarships to improve school performance and advancement across diverse communities.

(15) (~~(\$250,000)~~) \$600,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to create and administer a grant program for districts to reduce associated student body fees or participation fees for students who are eligible to participate in the federal free and reduced-price meals program. The office must distribute grants for the 2020-21 school year to school districts by August 10, 2020 and grants for the 2021-22 school year to school districts by June 30, 2021.

(a) Grant awards must be prioritized in the following order:

(i) High schools implementing the United States department of agriculture community eligibility provision;

(ii) High schools with the highest percentage of students in grades nine through twelve eligible to participate in the federal free and reduced-price means program; and

(iii) High schools located in school districts enrolling five thousand or fewer students.

(b) The office of the superintendent of public instruction shall award grants of up to (~~(five)~~) ten thousand dollars per high school per year. The office may award additional funding if:

(i) The appropriations provided are greater than the total amount of funding requested at the end of the application cycle; and

(ii) The applicant shows a demonstrated need for additional support.

(16) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracts with state-based nonprofit organizations that provide direct services to military-connected students exclusively through one-to-one volunteer mentoring. The goal of the mentoring is to build resiliency in military connected students and increase their ability to cope with the stress of parental deployment and frequent moves, which will help promote good decision-making by youth, help increase attachment and a positive attitude toward school, and develop positive peer relationships. An applicant requesting funding for these dollars must successfully

demonstrate to the department that it currently provides direct one-to-one volunteer mentoring services to military connected elementary students in the state and has been providing military mentoring to students in the state for at least twenty-four months prior to application.

(17) \$83,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5612 (holocaust education). (~~(If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.)~~)

(18) \$250,000 of the general fund—state appropriation in fiscal year 2020 and \$130,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to the pacific science center to continue providing science on wheels activities in schools and other community settings. Funding is provided to develop a new computer science program and outfit a van with program resources in order to expand statewide outreach.

(19) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracts with Washington state based nonprofit organizations that provide a career-integrated one-to-one mentoring program for disadvantaged high school students facing academic and personal challenges with the goal of keeping them on track for graduation and post-high school success. The mentoring must include a focus on college readiness, career exploration and social-emotional learning. An applicant requesting funding for these dollars must successfully demonstrate to the department that it currently provides a career-integrated one-to-one volunteer mentoring program and has been mentoring high school youth for at least twenty years in the state prior to application.

(20) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to school districts to provide school resource officer training, as required in Second Substitute House Bill No. 1216 (student mental health and well-being).

(21) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Bethel school district to expand post-secondary education opportunities at Graham-Kapowsin high school.

(22) \$350,000 of the general fund—state appropriation for fiscal year 2020 and \$350,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the south Kitsap school district to develop pathways for high school diplomas and post-secondary credentials through controls programmer apprenticeships.

(23) \$255,000 of the general fund—state appropriation for fiscal year 2020 and \$255,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a math improvement pilot program for school districts to improve math scores. Of the amounts provided in this subsection:

(a) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Spokane school district to improve math scores.

(b) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Chehalis school district to improve math scores.

(c) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Bremerton school district to improve math scores.

(24) \$150,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$150,000)~~ \$220,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office to establish the media literacy grant program.

(a) Of the amounts provided in this subsection, \$70,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for speaker costs, per diem and travel, and other expenses for five media literacy pre-conferences that coincide with the office's regional conferences in social studies, English language arts, health and technology.

(b) The office shall develop a plan for identifying and supporting a group of one hundred media literacy champions across the state that are K-12 professionals that promote, support, and provide media literacy education in their school districts and report to the legislature by December 31, 2020.

(25) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Seattle education access program to ensure students on nontraditional educational pathways have the mentorship and technical assistance needed to navigate higher education and financial aid. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(26) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to contract with a Washington-based nonprofit organization to promote equitable access in science, technology, engineering, and math education for historically underserved students and communities. The nonprofit shall provide a system of science educational programming specifically for migrant and bilingual students, including teacher professional development, culturally responsive classroom resources, and implementation support. At least seventy-five percent of the funding provided in this subsection must serve schools and school districts in eastern Washington. The nonprofit organization must have experience developing and implementing environmental science programming and resources for migrant and bilingual students.

(27) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to

support the design and planning of a public secondary education institution in Washington state that is focused on maritime education in south King county. The population of the secondary education institution must reflect the student population of south King county through an enrollment process that ensures an equitable percentage of students at the institution are students of color or students with limited access to resources. In addition, the institution must meet criteria for state career and technical education and career launch operational funding requirements. The office must collaborate with a nonprofit institution that is completing similar design work and with local public schools and the various labor groups and industry associations representing maritime workers and business leaders.

(28) \$110,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to contract with the southwest Washington career connected learning network to convene education, industry, and higher education partners to create a system of career-related learning opportunities for students in Washington state. The amount provided in this subsection shall help support career connect southwest to scale the current network as a model for other statewide networks.

(29) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to contract with an organization to create an after-school and summer learning program in the city of Federal Way. The program shall provide comprehensive, culturally competent academic support and cultural enrichment for primarily latinx, spanish-speaking, low-income sixth, seventh, and eighth grade students. The department must contract with an organization with over forty years of experience that serves the latino community in Seattle and King county and has previously established an after-school and summer learning program.

(30) \$150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to contract with the Yakama nation for a feasibility study to determine the scope, design, planning, and budget for the construction of a new state-tribal compact school.

(31) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to school districts to create systems, policies, and practices to address racial discipline gaps consistent with RCW 28A.415.410. The office of superintendent of public instruction, in coordination with a state association representing both certificated and classified staff, an association representing principals, an association representing school superintendents, the Washington state school directors association, and an association representing parents, will guide grant recipients using existing training materials and resources. Grant recipients must develop systems that provide tiered supports for intervention, restorative approaches to behavior, and eliminate zero-tolerance policies that contribute to racial disparities.

(32) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the south Kitsap school district to co-develop a pilot strategy to increase

completion rates for the free application for federal student aid (FAFSA).

(33) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to the Renton school district to expand early learning opportunities with the Somali parent's education board.

(34) \$450,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to contract with an organization which specializes in developing tools to combine internal and external data sets and provide data analytics and visualizations and custom workflows to match existing data processes, without requiring data science or technical expertise by the end user. The organization must have demonstrated experience providing such tools to at least two state education agencies in the past five years. The contract must provide access to the developed tools to the state education agency, selected educational service districts, and up to five local education agencies.

**Sec. 521.** 2019 c 406 s 13 (uncodified) is amended to read as follows:

The appropriations in this section are provided to the office of the superintendent of public instruction and are subject to the following conditions and limitations:

(1) \$425,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$425,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for expanding career connected learning as defined in section 57 of this act.

(2) \$158,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$480,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for increasing the funding per full-time equivalent for career launch programs as described in ((section 60 of this act)) RCW 28A.700.130. In the 2019-21 fiscal biennium, for career launch enrollment exceeding the funding provided in this subsection funding is provided in section 503 of this act.

(3) \$750,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$750,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for Marysville school district to collaborate with Arlington school district, Everett Community College, other local school districts, local labor unions, local Washington state apprenticeship and training council registered apprenticeship programs, and local industry groups to develop a regional apprenticeship pathways pilot program. The pilot program must seek to:

(a) Establish an education-based apprenticeship preparation program recognized by the Washington state apprenticeship and training council that prepares individuals

for registered apprenticeships within the building and construction trades;

(b) Provide dual credit for participants by meeting high school graduation requirements and providing opportunities for credit leading to a college credential; and

(c) Provide participants with preferred or direct entry into a state registered apprenticeship program in the building and construction trades.

## **PART VI**

### **HIGHER EDUCATION**

**Sec. 601.** 2019 c 415 s 601 (uncodified) is amended to read as follows:

The appropriations in sections ((605 through 611 of this act)) 602 through 608 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections ((605 through 611 of this act)) 602 through 608 of this act.

(2) The legislature, the office of financial management, and other state agencies need consistent and accurate personnel data from institutions of higher education for policy planning purposes. Institutions of higher education shall report personnel data to the office of financial management for inclusion in the agency's data warehouse. Uniform reporting procedures shall be established by the office of financial management's office of the state human resources director for use by the reporting institutions, including provisions for common job classifications and common definitions of full-time equivalent staff. Annual contract amounts, number of contract months, and funding sources shall be consistently reported for employees under contract.

(3) In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

(4)(a) For employees under the jurisdiction of chapter 41.56 or 41.80 RCW, salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(b) For each institution of higher education receiving appropriations under sections ((605 through 611 of this act)) 602 through 608 of this act:

(i) The only allowable salary increases are those associated with normally occurring promotions and increases related to faculty and staff retention and as provided in Part IX of this act.

(ii) Institutions may provide salary increases from sources other than general fund appropriations and tuition revenues to instructional and research faculty, exempt

professional staff, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under chapter 41.80 RCW. It is the intent of the legislature that salary increases provided under this subsection (4)(b)(ii) not increase state general fund support or impact tuition expenditures by an institution unless the legislature so determines.

(iii) Funding for salary increases provided under (b)(ii) of this subsection and RCW 41.76.035 and 28B.52.035 on or after July 1, 2019, must be excluded from the general fund and tuition salary base when calculating state funding for future general wage or other salary increases on or after July 1, 2019. In order to facilitate this funding policy, each institution shall report to the office of financial management on the details of locally authorized salary increases granted under (b)(ii) of this subsection and RCW 41.76.035 and 28B.52.035 with its 2021-2023 biennium budget submittal. At a minimum, the report must include the total cost of locally authorized increases by fiscal year, a description of the locally authorized provision, and the long-term source of funds that is anticipated to cover the cost.

(5) Within funds appropriated to institutions in sections ~~((605 through 611 of this act))~~ 602 through 608 of this act, teacher preparation programs shall meet the requirements of RCW 28B.10.710 to incorporate information on the culture, history, and government of American Indian people in this state by integrating the curriculum developed and made available free of charge by the office of the superintendent of public instruction into existing programs or courses and may modify that curriculum in order to incorporate elements that have a regionally specific focus.

(6) Each institution of higher education must include the phone number of a campus, local, state, or national suicide, crisis, or counseling hotline on the back of newly issued student and faculty identification cards starting in fall quarter 2019, or as soon as is practicable to implement.

(7)(a) The student achievement council and all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW shall ensure that data needed to analyze and evaluate the effectiveness of state financial aid programs are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

- (i) The number of state need grant and college bound recipients;
- (ii) The number of students on the unserved waiting list of the state need grant;
- (iii) Persistence and completion rates of state need grant recipients and college bound recipients as well as students on the state need grant unserved waiting list, disaggregated by institution of higher education;

(iv) State need grant recipients and students on the state need grant unserved waiting list grade point averages; and

(v) State need grant and college bound scholarship program costs.

(b) The student achievement council shall submit student unit record data for state financial aid program applicants and recipients to the education data center.

(8) A representative of the public baccalaureate institutions and the state board for community and technical colleges shall participate in the work group under ~~((section 607(22) of this act))~~ section 604(22) of this act.

(9) Institutions of higher education must provide budget, expenditure, and revenue data as described in section 129(21) of this act on an annual basis to the education research and data center. Institutions must provide data for fiscal year 2020 by October 1, 2020. Institutions must also submit state-funded full-time equivalent student enrollment data to the education research and data center for the state-funded public higher education enrollment report by October 1st of each year.

**Sec. 602.** 2019 c 415 s 605 (uncodified) is amended to read as follows:

**FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund—State Appropriation (FY 2020)	.....	(\$677,935,000)
		<u>\$678,312,000</u>
General Fund—State Appropriation (FY 2021)	.....	(\$703,459,000)
		<u>\$709,756,000</u>
Community/Technical College Capital Projects		
Account—State Appropriation .....	\$23,505,000	
Education Legacy Trust Account—State Appropriation .....	(\$158,528,000)	
		<u>\$158,532,000</u>
Pension Funding Stabilization Account—State		
Appropriation.....	\$67,784,000	
<b>TOTAL APPROPRIATION.....</b>	<b>\$1,631,211,000</b>	
		<b><u>\$1,637,889,000</u></b>

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

(1) \$33,261,000 of the general fund—state appropriation for fiscal year 2020 and \$33,261,000 of the general fund—state appropriation for fiscal year 2021 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 7,170 full-time equivalent students in fiscal year 2020 and at least 7,170 full-time equivalent students in fiscal year 2021.

(2) ~~(\$5,450,000)~~ \$2,443,000 of the general fund—state appropriation for fiscal year 2021 and \$5,450,000 of the education legacy trust account—state appropriation ~~((is))~~ are provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) \$425,000 of the general fund—state appropriation for fiscal year 2020 and \$425,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Seattle central college's expansion of allied health programs.

(4) \$5,250,000 of the general fund—state appropriation for fiscal year 2020 and \$5,250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the student achievement initiative.

(5) \$1,610,000 of the general fund—state appropriation for fiscal year 2020, and \$1,610,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the mathematics, engineering, and science achievement program.

(6) \$1,500,000 of the general fund—state appropriation for fiscal year 2020 and \$1,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operating a fabrication composite wing incumbent worker training program to be housed at the Washington aerospace training and research center.

(7) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the aerospace center of excellence currently hosted by Everett community college to:

(a) Increase statewide communications and outreach between industry sectors, industry organizations, businesses, K-12 schools, colleges, and universities;

(b) Enhance information technology to increase business and student accessibility and use of the center's web site; and

(c) Act as the information entry point for prospective students and job seekers regarding education, training, and employment in the industry.

(8) \$19,759,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$20,174,000)~~ \$20,194,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(9) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or

brochures that direct individuals to online information and other ways of acquiring print catalogs.

(10) The state board for community and technical colleges shall not use funds appropriated in this section to support intercollegiate athletics programs.

(11) \$157,000 of the general fund—state appropriation for fiscal year 2020 and \$157,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Wenatchee Valley college wildfire prevention program.

(12) The state board for community and technical colleges shall collaborate with a permanently registered Washington sector intermediary to integrate and offer related supplemental instruction for information technology apprentices by the 2020-21 academic year.

(13) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Puget Sound welcome back center at Highline College to create a grant program for internationally trained individuals seeking employment in the behavioral health field in Washington state.

(14) \$750,000 of the general fund—state appropriation for fiscal year 2020 and \$750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for increased enrollments in the integrated basic education and skills training program. Funding will support approximately 120 additional full-time equivalent enrollments annually.

(15)(a) The state board must provide quality assurance reports on the ctcLink project at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(b) The state board must develop a technology budget using a method similar to the state capital budget, identifying project costs, funding sources, and anticipated deliverables through each stage of the investment and across fiscal periods and biennia from project initiation to implementation. The budget must be updated at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(c) The office of the chief information officer may suspend the ctcLink project at any time if the office of the chief information officer determines that the project is not meeting or is not expected to meet anticipated performance measures, implementation timelines, or budget estimates. Once suspension or termination occurs, the state board shall not make additional expenditures on the ctcLink project without approval of the chief information officer. The ctcLink project funded through the community and technical college innovation account created in RCW 28B.50.515 is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(16) \$216,000 of the general fund—state appropriation for fiscal year 2020 and \$216,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the opportunity center for employment and education at North Seattle College.

(17) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Highline College to implement the Federal Way higher education initiative in partnership with the city of Federal Way and the University of Washington Tacoma campus.

(18) \$350,000 of the general fund—state appropriation for fiscal year 2020 and \$350,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Peninsula College to maintain the annual cohorts of the specified programs as follows:

- (a) Medical assisting, 40 students;
- (b) Nursing assistant, 60 students; and
- (c) Registered nursing, 32 students.

(19) \$338,000 of the general fund—state appropriation for fiscal year 2020 and \$338,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state labor education and research center at South Seattle College.

(20) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Washington family and community and engagement trust and Everett Community College to continue and expand a civic education and leadership program for underserved adults and youth.

(21) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the aerospace and advanced manufacturing center of excellence hosted by Everett Community College to develop a semiconductor and electronics manufacturing branch in Vancouver.

(22) \$750,000 of the general fund—state appropriation for fiscal year 2020 and \$750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1893 (student assistance grants). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(23) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$348,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5800 (homeless college students). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(24) \$1,500,000 of the general fund—state appropriation for fiscal year 2020 and \$1,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of guided pathways or similar programs designed to improve student success, including, but not limited to, academic program redesign, student advising, and other student supports.

(25) \$132,000 of the general fund—state appropriation for fiscal year 2020 and \$24,000 of the general fund—state

appropriation for fiscal year 2021 are provided solely for the state board to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

(26) \$784,000 of the general fund—state appropriation for fiscal year 2020 and \$779,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for legal costs related to the *Wolf vs State Board for Community and Technical Colleges* litigation.

(27) \$100,104 of the general fund—state appropriation for fiscal year 2021 is provided solely for expansion of the interpreter training program at Spokane Falls Community College.

(28) \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for staff support and contract services with a nonprofit organization with experience in advancing affordable housing projects and education centers on public or tax-exempt land to coordinate the building of student, faculty, staff, and affordable workforce housing at the following institutions:

- (a) Highline College;
- (b) Lake Washington Institute of Technology;
- (c) North Seattle College; and
- (d) Tacoma Community College.

(29)(a) \$300,000 of the general fund—state appropriation for the fiscal year 2021 is provided solely for a study to identify and evaluate compliance with the requirements for firefighter basic recruit training, apprenticeship, and the firefighter joint apprenticeship training committee. The study must include:

(i) An evaluation of the firefighter joint apprenticeship training committee for funding source appropriateness, adequacy, and authority;

(ii) Effectiveness and relationship of training programs to hiring veterans, minorities, and women within the fire service; and

(iii) Administrative and operational efficiencies and opportunities for improvement of the firefighter joint apprenticeship training committee.

(b) By January 31, 2021, the study must be submitted to the governor and appropriate committees of the legislature.

(30) \$197,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(31) \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to develop plans to increase the ratio of full-time tenure-track faculty to adjunct faculty, expand opportunities for adjunct faculty to

participate in the college community, and achieve pay equity between full-time and adjunct faculty. Each community and technical college district must develop, in consultation with academic employee bargaining representatives at the college, a plan to achieve these goals and provide the plan to the state board for community and technical colleges by November 1, 2020. The state board must develop, in consultation with academic employee collective bargaining representatives, a plan to accomplish these goals, as well as a plan to achieve a system-wide ratio of full-time tenure-track faculty to adjunct faculty of at least sixty percent. The state board must submit the plans to the fiscal and higher education committees of the legislature no later than December 31, 2020.

(32) Within existing resources, the state board for community and technical colleges shall coordinate with the Washington student achievement council task force as described in section 609(11) of this act to provide the following running start data for fiscal year 2018, fiscal year 2019, and fiscal year 2020, for each community and technical college:

(a) The total number of running start students served by headcount and full-time equivalent.

(b) The total amount of running start revenue received through apportionment as allocated with the running start rate by the office of superintendent of public instruction through local school districts;

(c) The total amount of revenue received directly from local school districts that is not provided through the running start allocation described in (b) of this subsection;

(d) The total amount of fee revenue generated directly from running start students and families, broken out by fee name, fee type, or both;

(e) Expenditures by object, sub-object, program, and fund for all running start revenues from state apportionment and fees;

(f) Any transfers of running start revenue between funds;

(g) Course completion rates for running start students;

(h) A list of courses by two-digit classification of instructional program code and the number of running start students in each course;

(i) A list of career and technical education area courses and the number of running start students in each course;

(j) The number of students at each community or technical college receiving complete fee waivers as required by RCW 28A.600.310(3)(a);

(k) The total dollar value of fee waivers provided to running start students;

(l) A total allocation of additional funds provided to cover fee waivers; and

(m) The method used by each college to determine running start fee waiver eligibility, including any policies adopted by the college or its program.

**Sec. 603.** 2019 c 415 s 606 (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

~~((1) GENERAL APPROPRIATIONS))~~

General Fund—State Appropriation (FY 2020)	(((\$341,498,000))
	<u>\$340,784,000</u>
General Fund—State Appropriation (FY 2021)	(((\$347,067,000))
	<u>\$358,083,000</u>
Aquatic Lands Enhancement Account—State Appropriation	(((\$1,590,000))
	<u>\$1,606,000</u>
University of Washington Building Account—State Appropriation	\$1,546,000
Education Legacy Trust Account—State Appropriation	(((\$36,530,000))
	<u>\$36,731,000</u>
Economic Development Strategic Reserve Account—State Appropriation	(((\$3,075,000))
	<u>\$3,087,000</u>
Geoduck Aquaculture Research Account—State Appropriation	\$800,000
Biotoxin Account—State Appropriation	(((\$609,000))
	<u>\$612,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2020)	\$256,000
Dedicated Marijuana Account—State Appropriation (FY 2021)	(((\$263,000))
	<u>\$272,000</u>
Pension Funding Stabilization Account—State Appropriation	\$50,906,000
Accident Account—State Appropriation	(((\$7,814,000))
	<u>\$7,907,000</u>
Medical Aid Account—State Appropriation	(((\$7,419,000))
	<u>\$7,507,000</u>
TOTAL APPROPRIATION	\$799,373,000
	<u>\$810,097,000</u>

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

~~((a))~~ (1) \$41,010,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$41,872,000)~~ \$41,913,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

~~((b))~~ (2) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for labor archives of Washington. The university shall work in collaboration with the state board for community and technical colleges.

~~((c))~~ (3) \$8,000,000 of the education legacy trust account—state appropriation is provided solely for the family medicine residency network at the university to maintain the number of residency slots available in Washington.

~~((d))~~ (4) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

~~((e))~~ (5) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$251,000 of the general fund—state appropriation for fiscal year 2021 and \$1,550,000 of the aquatic lands enhancement account—state appropriation are provided solely for ocean acidification monitoring, forecasting, and research and for operation of the Washington ocean acidification center. The center must continue to make quarterly progress reports to the Washington marine resources advisory council created under RCW 43.06.338.

~~((f))~~ (6) \$14,000,000 of the education legacy trust account—state appropriation is provided solely for the expansion of degrees in the department of computer science and engineering at the Seattle campus.

~~((g) \$3,000,000)~~ (7) \$1,549,000 of the economic development strategic reserve account appropriation is provided solely to support the joint center for aerospace innovation technology.

~~((h))~~ (8) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

~~((i))~~ (9) \$7,345,000 of the general fund—state appropriation for fiscal year 2020 and \$7,345,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the continued operations and expansion of the Washington, Wyoming, Alaska, Montana, Idaho medical school program.

~~((j))~~ (10) \$2,625,000 of the general fund—state appropriation for fiscal year 2020 and \$2,625,000 of the general fund—state appropriation for fiscal year 2021 are

provided solely for the institute for stem cell and regenerative medicine. Funds appropriated in this subsection must be dedicated to research utilizing pluripotent stem cells and related research methods.

~~((k))~~ (11) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided to the University of Washington to support youth and young adults experiencing homelessness in the university district of Seattle. Funding is provided for the university to work with community service providers and university colleges and departments to plan for and implement a comprehensive one-stop center with navigation services for homeless youth; the university may contract with the department of commerce to expand services that serve homeless youth in the university district.

~~((l))~~ (12) \$600,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the psychiatry residency program at the University of Washington to offer additional residency positions that are approved by the accreditation council for graduate medical education.

~~((m)(i))~~ (13)(a) \$172,000 of the general fund—state appropriation for fiscal year 2020 and \$172,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a University of Washington study in the south Cascades to determine current wolf use and density, and to gather baseline data to understand the effects of wolf recolonization on predator-prey dynamics of species that currently have established populations in the area. The study objectives shall include:

~~((A))~~ (i) Determination of whether wolves have started to recolonize a 5,000 square kilometer study area in the south Cascades of Washington, and if so, an assessment of their distribution over the landscape as well as their health and pregnancy rates;

~~((B))~~ (ii) Baseline data collection, if wolves have not yet established pack territories in this portion of the state, that will allow for the assessment of how the functional densities and diets of wolves across the landscape will affect the densities and diets in the following predators and prey: Coyote, cougar, black bear, bobcat, red fox, wolverine, elk, white tailed deer, mule deer, moose, caribou, and snowshoe hare;

~~((C))~~ (iii) Examination of whether the microbiome of each species changes as wolves start to occupy suitable habitat; and

~~((D))~~ (iv) An assessment of the use of alternative wildlife monitoring tools to cost-effectively monitor size of the wolf population over the long-term.

~~((E))~~ (b) A report on the findings of the study shall be shared with the Washington department of fish and wildlife.

~~((F))~~ (14) \$5,000,000 of the general fund—state appropriation for fiscal year 2020 and \$5,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to support the operations and teaching

mission of the Harborview Medical Center and the University of Washington Medical Center.

~~((+))~~ (15) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—appropriation for fiscal year 2021 are provided solely for the University of Washington's psychiatry integrated care training program.

~~((+))~~ (16) \$400,000 of the geoduck aquaculture research account—state appropriation is provided solely for the Washington sea grant program at the University of Washington to complete a three-year study to identify best management practices related to shellfish production. The University of Washington must submit an annual report detailing any findings and outline the progress of the study, consistent with RCW 43.01.036, to the office of the governor and the appropriate legislative committees by December 1st of each year.

~~((+))~~ (17) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the University of Washington School of Dentistry to support its role as a major oral health provider to individuals covered by medicaid and the uninsured.

~~((+))~~ (18) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the pre-law pipeline and social justice program at the University of Washington Tacoma.

~~((+))~~ (19) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Bothell branch to develop series of online courses for school district staff related to behavioral health. The standards for the online courses must be consistent with any knowledge, skill, and performance standards related to mental health and well-being of public school students. Among other things, the online courses must:

~~((+))~~ (a) Teach participants relevant laws, including laws around physical restraint and isolation;

~~((+))~~ (b) Provide foundational knowledge in behavioral health, mental health, and mental illness;

~~((+))~~ (c) Describe how to assess, intervene upon, and refer behavioral health and substance use issues; and

~~((+))~~ (d) Teach approaches to promote health and positively influence student health behaviors.

~~((+))~~ (20) \$110,000 of the general fund—state appropriation for fiscal year 2020 and \$110,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for core operations at forefront to achieve its mission of reducing suicide.

~~((+))~~ (21) \$138,000 of the general fund—state appropriation for fiscal year 2020 and \$138,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to collaborate with the northwest Parkinson's foundation and the state department

of veterans affairs to study Parkinson's diagnoses treatment and specialist care across ethnic and racial groups and to develop a pilot program that helps people with Parkinson's better access specialist care and community services.

~~((+))~~ (22) \$256,000 of the general fund—state appropriation for fiscal year 2020 and \$226,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university's neurology department to create a telemedicine program to disseminate dementia care best practices to primary care practitioners using the project ECHO model. The program shall provide a virtual connection for providers and content experts and include didactics, case conferences, and an emphasis on practice transformation and systems-level issues that affect care delivery. The initial users of this program shall include referral sources in health care systems and clinics, such as the university's neighborhood clinics and Virginia Mason Memorial in Yakima with a goal of adding fifteen to twenty providers from smaller clinics and practices per year.

~~((+))~~ (23) \$102,000 of the general fund—state appropriation for fiscal year 2020 and \$102,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university's center for international trade in forest products.

~~((+))~~ (24) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Latino center for health.

~~((+))~~ (25) \$150,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the Latino center for health to:

~~((+))~~ (a) Estimate the number of practicing Latino physicians in Washington including age and gender distributions;

~~((+))~~ (b) Create a profile of Latino physicians that includes their geographic distribution, medical and surgical specialties, training and certifications, and language access;

~~((+))~~ (c) Develop a set of policy recommendations to meet the growing needs of Latino communities in urban and rural communities throughout Washington. The center must provide the report to the university and the appropriate committees of the legislature by December 31, 2020.

~~((+))~~ (26) To ensure transparency and accountability, in the 2019-2021 fiscal biennium the University of Washington shall comply with any and all financial and accountability audits by the Washington state auditor including any and all audits of university services offered to the general public, including those offered through any public-private partnership, business venture, affiliation, or joint venture with a public or private entity, except the government of the United States. The university shall comply with all state auditor requests for the university's financial and business information including the university's governance and financial participation in these public-private partnerships, business ventures, affiliations, or joint ventures with a public or private entity. In any instance in which the university declines to produce the information to

the state auditor, the university will provide the state auditor a brief summary of the documents withheld and a citation of the legal or contractual provision that prevents disclosure. The summaries must be compiled into a report by the state auditor and provided on a quarterly basis to the legislature.

~~((aa))~~ (27) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university's school of public health to study home-sharing for privately-owned residential properties. The study must include:

~~((i))~~ (a) An analysis of home-sharing programs across the country, including population served, costs, duration of stays, and size of programs;

~~((ii))~~ (b) An analysis of similar initiatives in Washington state and potential barriers to expansion;

~~((iii))~~ (c) A review of best practices and policies; and

~~((iv))~~ (d) Recommendations for the establishment and continuation of home-sharing programs.

~~((bb))~~ (28) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to expand the project extension for community health care outcomes (ECHO) to include training related to people with autism and developmental disabilities. Project ECHO for autism and developmental disabilities must focus on supporting existing autism centers of excellence. The project will disseminate evidence-based diagnoses and treatments to increase access to medical services for people across the state.

~~((ee))~~ (29) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the William D. Ruckelshaus center to partner with the University of Washington and the Washington State University to provide staff support and facilitation services to the task force established in part 9 of this act.

~~((dd))~~ (30) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital in consultation with the office of the superintendent of public instruction to plan for and implement a two-year pilot program of school mental health education and consultations for students at middle schools, junior high, and high schools in one school district on east side of Cascades and one school district on west side of Cascades. The pilot program must:

~~((i))~~ (a) Develop and provide behavioral health trainings for school counselors, social workers, psychologists, nurses, teachers, administrators, and classified staff by January 1, 2020; and

~~((ii))~~ (b) Beginning with the 2020-21 school year:

~~((A))~~ (i) Provide school counselors access to teleconsultations with psychologists and psychiatrists at

Seattle children's hospital or the University of Washington department of psychiatry to support school staff in managing children with challenging behavior; and

~~((B))~~ (ii) Provide students access to teleconsultations with psychologists and psychiatrists at Seattle children's hospital or the University of Washington department of psychiatry to provide crisis management services when assessed as clinically appropriate.

~~((ee))~~ (31) \$213,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 5903 (children's mental health). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~((ff))~~ (32) \$50,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~((gg)(i))~~ (33)(a) \$463,000 of the general fund—state appropriation for fiscal year 2020 and \$400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the climate impacts group in the college of the environment.

~~((ii))~~ (b) \$63,000 of the general fund—state appropriation for fiscal year 2020 in ~~((gg)(i))~~ (a) of this subsection is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection (1)(gg)(ii) shall lapse.~~

~~((hh))~~ (34) \$25,000 of the general fund—state appropriation for fiscal year 2020 and \$25,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

~~((ii))~~ (35) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a firearm policy research program. The program will:

~~((i))~~ (a) Support investigations of firearm death and injury risk factors;

~~((ii))~~ (b) Evaluate the effectiveness of state firearm laws and policies;

~~((iii))~~ (c) Assess the consequences of firearm violence; and

~~((iv))~~ (d) Develop strategies to reduce the toll of firearm violence to citizens of the state.

~~((jj))~~ (36) \$100,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the Evans school of public affairs to complete the business plan

for a publicly owned Washington state depository bank as directed by section 129, chapter 299, Laws of 2018.

~~((kk))~~ (37) \$350,000 of the general fund—state appropriation for fiscal year 2020 and \$139,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5330 (small forestland owners). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~((ll))~~ \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the dental education in the care of persons with disabilities program.

~~((mm))~~ \$190,000) (38) \$95,000 of the general fund—state appropriation for fiscal year 2020 ~~((is))~~ and \$95,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the college of education to partner with school districts on a pilot program to improve the math scores of K-12 students.

~~((nn))~~ \$300,000) (39) \$100,000 of the general fund—state appropriation for fiscal year 2020 ~~((is))~~ and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for matching nonstate funding contributions for a study of the feasibility of constructing of a biorefinery in southwest Washington. No state moneys may be expended until nonstate funding contributions are received. The study must:

~~((o))~~ (a) Assess the supply of biomass, including poplar feedstock grown on low-value lands and hardwood sawmill residuals;

~~((p))~~ (b) Assess the potential for using poplar simultaneously for water treatment and as a biorefinery feedstock;

~~((q))~~ (c) Assess southwest Washington landowner interest in growing poplar feedstock;

~~((r))~~ (d) Evaluate options for locating a biorefinery in southwest Washington that considers potential for integration of future biorefineries with existing facilities such as power plants and pulp mills; and

~~((s))~~ (e) Result in a comprehensive technical and economic evaluation for southwest Washington biorefineries that will be used by biorefinery technology companies to develop their business plans and to attract potential investors.

~~((t))~~ (40) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Harry Bridges center for labor studies. The center shall work in collaboration with the state board for community and technical colleges.

~~((u))~~ (41) \$400,000 of the geoduck aquaculture research account—state appropriation is provided solely for the Washington sea grant program crab team to continue work to protect against the impacts of invasive European green crab.

(42) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department of environmental and occupational health sciences to provide an air quality report. The report will study the relationship between indoor and outdoor ultrafine particle air quality at sites with vulnerable populations, such as schools or locations underneath flight paths within ten miles of Sea-Tac airport. The report recommendations must include an item addressing filtration systems at select locations with vulnerable populations. The report shall be submitted to the house environment and energy committee and the senate environment, energy and technology committee by December 15, 2020.

(43) \$135,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Washington MESA to continue the first nations MESA program in the Yakima valley.

(44)(a) \$40,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a study focusing on special purpose district elections to be completed within the division of politics, philosophy, and public affairs at the Tacoma campus. The study must include, at a minimum, an examination and comparison of:

(i) Different types of data collected based on the entity administering the election;

(ii) Voting frequency, eligibility, demographics of voters and candidates, and equity within special purpose district elections;

(iii) Individuals and entities affected outside the voting district of special purpose districts;

(iv) A review of other governance models regarding special purpose districts; and

(v) Potential statutory and constitutional issues regarding special purpose district elections.

(b) By December 1, 2020, the study must be submitted to the appropriate committees of the legislature.

(45) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for:

(a) Increased training in rural areas for sexual assault nurse examiners; and

(b) Expansion of web-based services for training of sexual assault nurse examiners to include webinars, live streamed trainings, and web-based consultations.

(46)(a) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the center for cannabis research at the university to collaborate with the Washington State University collaboration on cannabis policy, research, and outreach to create frameworks for future studies. Each framework will include the length of time to complete, research licenses necessary, cost, literature review of national and international research, and a scope of work to be completed. The following frameworks shall be compiled in a report:

(i) Measuring and assessing impairment due to marijuana use; and

(ii) Correlation between age of use, dosage of use, and appearance of occurrence of cannabis induced psychosis.

(b) The report on the frameworks must be submitted to the appropriate committees of the legislature by December 1, 2020.

(47) \$135,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1521 (government contracting). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(48) \$364,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(49) \$232,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2419 (death with dignity barriers). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(50) \$450,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to the University of Washington school of medicine for the development of simulation training devices at the Harborview medical center's paramedic training program.

(51) \$60,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6061 (telemedicine training). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(52) \$1,549,000 of the economic development strategic reserve account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 6139 (aerospace tech. innovation). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(53) \$320,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6142 (higher ed common application). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(54) \$205,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the university's center for human rights. The appropriation must be used to supplement, not supplant, other funding sources for the center for human rights.

(55) \$64,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(56) \$143,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to the University of Washington for the establishment and operation of the state forensic anthropologist. The university shall work in conjunction with and provide the full funding directly to the King county medical examiner's office to support the statewide work of the state forensic anthropologist.

(57) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Burke museum of natural history and culture to make education programs offered by the museum accessible to more students across Washington, especially students in underserved schools and locations. The funding shall be used for:

(a) Increasing the number of students who participate in Burke education programs at reduced or no cost;

(b) Providing bus reimbursement for students visiting the museum on field trips and to support travel to bring museum programs across the state; and

(c) Staff who will form partnerships with school districts to serve statewide communities more efficiently and equitably through the Burkemobile program.

~~((2) CONDITIONAL GENERAL WAGE INCREASES~~

<del>General Fund State Appropriation (FY 2020)</del>	<del>.....\$2,320,000</del>
<del>General Fund State Appropriation (FY 2021)</del>	<del>.....\$4,664,000</del>
<del>Aquatic Lands Enhancement Account State Appropriation</del>	<del>.....\$16,000</del>
<del>Education Legacy Trust Account State Appropriation</del>	<del>.....\$201,000</del>
<del>Economic Development Strategic Reserve Account—State Appropriation</del>	<del>.....\$12,000</del>
<del>Institutions of Higher Education—Grant and Contracts Account—State Appropriation</del>	<del>\$19,587,000</del>
<del>Institutions of Higher Education—Dedicated Local Account Appropriation</del>	<del>.....\$12,184,000</del>
<del>Institutions of Higher Education—Operating Fees Account—Local Appropriation</del>	<del>.....\$13,786,000</del>
<del>Biotoxin Account—State Appropriation</del>	<del>.....\$3,000</del>
<del>Dedicated Marijuana Account—State Appropriation (FY 2020)</del>	<del>.....\$3,000</del>
<del>Dedicated Marijuana Account—State Appropriation (FY 2021)</del>	<del>.....\$6,000</del>
<del>University of Washington Hospital Account—Local Appropriation</del>	<del>.....\$16,375,000</del>
<del>Accident Account—State Appropriation</del>	<del>.....\$92,000</del>

Medical Aid Account—State Appropriation ..\$87,000

**TOTAL APPROPRIATION ..... \$69,336,000**

~~The appropriations in this subsection (2) are subject to the following conditions and limitations: Funding is provided solely for conditional general wage increases to all University of Washington employees of one percent on July 1, 2019, and one percent on July 1, 2020, subject to the conclusion of impacts bargaining over the application of the increases to represented employees covered by sections 921 through 925 of this act. If agreements to implement the one percent increases are not reached with the represented employees covered by sections 921 through 925 of this act by July 1, 2020, the amounts provided in this subsection (2) shall lapse. Funding for the conditional increases is provided from appropriated and nonappropriated accounts as authorized in this subsection (2)-.)~~

**Sec. 604.** 2019 c 415 s 607 (uncodified) is amended to read as follows:

**FOR WASHINGTON STATE UNIVERSITY**

General Fund—State Appropriation (FY 2020)  
.....(~~\$222,455,000~~)

\$222,642,000

General Fund—State Appropriation (FY 2021)  
.....(~~\$230,453,000~~)

\$233,649,000

Washington State University Building Account—  
State

Appropriation ..... \$792,000

Education Legacy Trust Account—State  
Appropriation..... \$33,995,000

Model Toxics Control Stormwater Account—State  
Appropriation ..... \$50,000

Dedicated Marijuana Account—State Appropriation  
(FY 2020)..... \$138,000

Dedicated Marijuana Account—State Appropriation  
(FY 2021)..... \$138,000

Pension Funding Stabilization Account—State  
Appropriation ..... \$30,954,000

**TOTAL APPROPRIATION ..... \$518,925,000**  
\$522,358,000

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

(1) \$90,000 of the general fund—state appropriation for fiscal year 2020 and \$90,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a rural economic development and outreach coordinator.

(2) The university must continue work with the education research and data center to demonstrate progress

in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for state match requirements related to the federal aviation administration grant.

(4) Washington State University shall not use funds appropriated in this section to support intercollegiate athletic programs.

(5) \$7,000,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the continued development and operations of a medical school program in Spokane.

(6) \$135,000 of the general fund—state appropriation for fiscal year 2020 and \$135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a honey bee biology research position.

(7) \$29,152,000 of the general fund—state appropriation for fiscal year 2020 and (~~\$29,764,000~~) \$29,793,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(8) \$376,000 of the general fund—state appropriation for fiscal year 2020 and \$376,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for chapter 202, Laws of 2017 (2SHB 1713) (children's mental health).

(9) \$580,000 of the general fund—state appropriation for fiscal year 2020 and \$580,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the development of an organic agriculture systems degree program located at the university center in Everett.

(10) Within the funds appropriated in this section, Washington State University shall:

(a) Review the scholarly literature on the short-term and long-term effects of marijuana use to assess if other states or private entities are conducting marijuana research in areas that may be useful to the state.

(b) Provide as part of its budget request for the 2019-2021 fiscal biennium:

(i) A list of intended state, federal, and privately funded marijuana research, including cost, duration, and scope;

(ii) Plans for partnerships with other universities, state agencies, or private entities, including entities outside the

state, for purposes related to researching short-term and long-term effects of marijuana use.

(11) \$585,000 of the general fund—state appropriation for fiscal year 2020 and \$585,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 159, Laws of 2017 (2SSB 5474) (elk hoof disease).

(12) \$630,000 of the general fund—state appropriation for fiscal year 2020 and \$630,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the creation of an electrical engineering program located in Bremerton. At full implementation, the university is expected to increase degree production by 25 new bachelor's degrees per year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(13) \$1,370,000 of the general fund—state appropriation for fiscal year 2020 and \$1,370,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the creation of software engineering and data analytic programs at the university center in Everett. At full implementation, the university is expected to enroll 50 students per academic year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(14) General fund—state appropriations in this section are reduced to reflect a reduction in state-supported tuition waivers for graduate students. When reducing tuition waivers, the university will not change its practices and procedures for providing eligible veterans with tuition waivers.

(15) \$1,119,000 of the general fund—state appropriation for fiscal year 2020 and \$1,154,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 36, Laws of 2017 3rd sp. sess. (renewable energy, tax incentives).

(16) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the joint center for deployment and research in earth abundant materials.

(17) \$20,000 of the general fund—state appropriation for fiscal year 2020 and \$20,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of clean technology at Washington State University to convene a sustainable aviation biofuels work group to further the development of sustainable aviation fuel as a productive industry in Washington. The work group must include members from the legislature and sectors involved in sustainable aviation biofuels research, development, production, and utilization. The work group must provide recommendations to the governor and the appropriate committees of the legislature by December 1, 2020.

(18) \$113,000 of the general fund—state appropriation for fiscal year 2020 and \$60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for

implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(19) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the William D. Ruckelshaus center to partner with the University of Washington and the Washington State University to provide staff support and facilitation services to the task force established in section 9 of this act.

(20) \$264,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 5903 (children's mental health). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(21) \$37,000 of the general fund—state appropriation for fiscal year 2020 and \$16,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

(22) \$85,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the William D. Ruckelshaus center to coordinate a work group and process to develop options and recommendations to improve consistency, simplicity, transparency, and accountability in higher education data systems. The work group and process must be collaborative and include representatives from relevant agencies and stakeholders, including but not limited to: The Washington student achievement council, the workforce training and education coordinating board, the employment security department, the state board for community and technical colleges, the four-year institutions of higher education, the education data center, the office of the superintendent of public instruction, the Washington state institute for public policy, the joint legislative audit and review committee, and at least one representative from a nongovernmental organization that uses longitudinal data for research and decision making. The William D. Ruckelshaus center must facilitate meetings and discussions with stakeholders and provide a report to the appropriate committees of the legislature by December 1, 2019. The process must analyze and make recommendations on:

(a) Opportunities to increase postsecondary transparency and accountability across all institutions of higher education that receive state financial aid dollars while minimizing duplication of existing data reporting requirements;

(b) Opportunities to link labor market data with postsecondary data including degree production and postsecondary opportunities to help prospective postsecondary students navigate potential career and degree pathways;

(c) Opportunities to leverage existing data collection efforts across agencies and postsecondary sectors to minimize duplication, centralize data reporting, and create administrative efficiencies;

(d) Opportunities to develop a single, easy to navigate, postsecondary data system and dashboard to meet multiple state goals including transparency in postsecondary outcomes, clear linkages between data on postsecondary degrees and programs and labor market data, and linkages with P-20 data where appropriate. This includes a review of the efficacy, purpose, and cost of potential options for service and management of a statewide postsecondary dashboard; and

(e) Opportunities to increase state agency, legislative, and external researcher access to P-20 data systems in service to state educational goals.

(23) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university's soil health initiative and its network of long-term agroecological research and extension (LTARE) sites. The network must include a Mount Vernon REC site.

(24) \$134,000 of the general fund—state appropriation for fiscal year 2020 and \$134,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Substitute House Bill No. 2248 (community solar projects). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(25) \$135,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the establishment of a mathematics, engineering, science achievement program on the Everett campus.

(26) \$50,000 of the model toxics control stormwater account—state appropriation is provided solely for the Washington stormwater center for the following purposes:

(a) The initial development of a plan for the implementation of a statewide don't drip and drive program; and

(b) The provision of technical assistance and education to local governments, community organizations, and businesses, that are undertaking or seek to potentially undertake behavior change strategies to prevent stormwater pollution from leaking motor vehicles.

(27)(a) \$25,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the collaboration with the Washington state patrol, to produce a report focused on recommendations to inform a longitudinal study regarding bias in traffic stops. The report shall include the following information and any additional items identified in the collaboration:

(i) Analysis of traffic stops data for evidence of biased policing in stops, levels of enforcement, and searches;

(ii) Statewide survey of Washington state residents' perception of the Washington state patrol, with a focus on communities and individuals of color; and

(iii) The driving population, Washington state patrol crash data, Washington state patrol calls for service or assistance data, and any other potential data sources and appropriate geographic-level analysis.

(b) The framework shall outline any needed policy changes necessary to perform a longitudinal study, including public engagement. The report shall be submitted to the appropriate committees of the legislature by December 31, 2020.

(28) \$130,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(29) \$32,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2645 (photovoltaic modules). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(30) \$128,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the William D. Ruckelshaus center to assess the feasibility of and barriers to expanding and integrating district energy systems in the city of Bellingham. The study must include a situation assessment by the center, and an independent technical review by the Washington state academy of sciences. The study must be submitted to the appropriate committees of the legislature by December 31, 2020.

(31) \$299,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6142 (higher ed common application). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(32) \$788,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6306 (soil health initiative). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(33) \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Washington State University's energy program to launch a least-conflict priority solar siting pilot project in the Columbia basin of eastern and central Washington. This program shall engage all relevant stakeholders to identify priority areas where there is the least amount of potential conflict in the siting of utility scale pv solar and to develop a map highlighting these areas. The program shall also compile the latest information on opportunities for dual-use and colocation of pv solar with other land values. The appropriation is the maximum amount the department may expend for this purpose.

(34) \$42,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(35) \$280,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6518 (pesticide, chlorpyrifos). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 605.** 2019 c 415 s 608 (uncodified) is amended to read as follows:

**FOR EASTERN WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2020)	(( <del>\$54,894,000</del> ))
	<u>\$55,128,000</u>
General Fund—State Appropriation (FY 2021)	(( <del>\$57,331,000</del> ))
	<u>\$57,943,000</u>
Education Legacy Trust Account—State Appropriation.....	\$16,794,000
TOTAL APPROPRIATION .....	<u>\$129,019,000</u>
	<u>\$129,865,000</u>

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

(1) At least \$200,000 of the general fund—state appropriation for fiscal year 2020 and at least \$200,000 of the general fund—state appropriation for fiscal year 2021 must be expended on the Northwest autism center.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) Eastern Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) \$10,472,000 of the general fund—state appropriation for fiscal year 2020 and ((~~\$10,692,000~~)) \$10,702,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(5) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(6) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for gathering and archiving time-sensitive histories and materials and planning for a Lucy Covington center.

(7) ((~~\$146,000~~)) \$73,000 of the general fund—state appropriation for fiscal year 2020 ((~~is~~)) and \$73,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a comprehensive analysis of the deep lake watershed involving land owners, ranchers, lake owners, one or more conservation districts, the department of ecology, and the department of natural resources.

(8) \$21,000 of the general fund—state appropriation for fiscal year 2020 and \$11,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

(9) \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for expansion of the American sign language program.

(10) \$73,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(11) \$88,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6142 (higher ed common application). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(12) \$45,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

**Sec. 606.** 2019 c 415 s 609 (uncodified) is amended to read as follows:

**FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2020)	(( <del>\$54,390,000</del> ))
	<u>\$54,520,000</u>
General Fund—State Appropriation (FY 2021)	(( <del>\$56,517,000</del> ))
	<u>\$57,179,000</u>
Central Washington University Capital Projects Account—	
State Appropriation.....	\$76,000
Education Legacy Trust Account—State Appropriation.....	\$19,076,000
Pension Funding Stabilization Account—State Appropriation.....	\$3,924,000
TOTAL APPROPRIATION.....	<u>\$133,983,000</u>

\$134,775,000

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

(1) The university must continue work with the education research and data center to demonstrate progress in engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in engineering programs above the prior academic year.

(2) Central Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) \$11,803,000 of the general fund—state appropriation for fiscal year 2020 and ~~((\$12,051,000))~~ \$12,063,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(5) \$221,000 of the general fund—state appropriation for fiscal year 2020 and \$221,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the game on! program, which provides underserved middle and high school students with training in leadership and science, technology, engineering, and math. The program is expected to serve approximately five hundred students per year.

(6) \$53,000 of the general fund—state appropriation for fiscal year 2020 and \$32,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

(7) \$135,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for development of an educational American sign language interpreter preparation program.

(8) \$155,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to implement chapter 295, Laws of 2019 (educator workforce supply).

(9) \$254,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6142 (higher ed common application). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(10) \$52,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to

working with active members of the military or military veterans.

(11) \$53,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 607.** 2019 c 415 s 610 (uncodified) is amended to read as follows:

**FOR THE EVERGREEN STATE COLLEGE**

General Fund—State Appropriation (FY 2020)	(( <u>\$29,766,000</u> ))
	<u>\$30,208,000</u>
General Fund—State Appropriation (FY 2021)	(( <u>\$30,305,000</u> ))
	<u>\$31,303,000</u>
The Evergreen State College Capital Projects Account—	
State Appropriation.....	\$80,000
Education Legacy Trust Account—State Appropriation.....	\$5,450,000
Pension Funding Stabilization Account—State Appropriation.....	\$2,000
TOTAL APPROPRIATION.....	<u>\$65,603,000</u>
	<u>\$67,043,000</u>

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

(1) \$3,590,000 of the general fund—state appropriation for fiscal year 2020 and ~~((\$3,665,000))~~ \$3,669,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(3) Within amounts appropriated in this section, the college is encouraged to increase the number of tenure-track positions created and hired.

(4) Within the amounts appropriated in this section, The Evergreen State College must provide the funding necessary to enable employees of the Washington state institute for public policy to receive the salary increases provided in part 9 of this act.

(5) ~~((\$2,079,000))~~ \$2,437,000 of the general fund—state appropriation for fiscal year 2020 and ~~((\$2,054,000))~~ \$2,754,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state institute for public policy to initiate, sponsor, conduct, and publish research that is directly useful to policymakers and

manage reviews and evaluations of technical and scientific topics as they relate to major long-term issues facing the state. Within the amounts provided in this subsection (5):

(a) \$999,000 of the amounts in fiscal year 2020 and ~~((879,000))~~ \$1,294,000 of the amounts in fiscal year 2021 are provided for administration and core operations.

(b) ~~((1,030,000))~~ \$1,388,000 of the amounts in fiscal year 2020 and ~~((1,002,000))~~ \$1,177,000 of the amounts in fiscal year 2021 are provided solely for ongoing and continuing studies on the Washington state institute for public policy's work plan.

(c) \$50,000 of the amounts in fiscal year 2020 and \$25,000 of the amounts in fiscal year 2021 are provided solely for the Washington state institute for public policy to evaluate the outcomes of resource and assessment centers licensed under RCW 74.15.311 and contracted with the department of children, youth, and families. By December 1, 2020, and in compliance with RCW 43.01.036, the institute shall report the results of its evaluation to the appropriate legislative committees; the governor; the department of children, youth, and families; and the oversight board for children, youth, and families. For the evaluation, the institute shall collect data regarding:

(i) The type of placement children experience following placement at a resource and assessment center;

(ii) The number of placement changes that children experience following placement in a resource and assessment center compared with other foster children;

(iii) The length of stay in foster care that children experience following placement in a resource and assessment center compared with other foster children;

(iv) The likelihood that children placed in a resource and assessment center will be placed with siblings; and

(v) The length of time that licensed foster families accepting children placed in resource and assessment centers maintain their licensure compared to licensed foster families receiving children directly from child protective services.

(d) \$115,000 of the amounts in fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1391 (early achievers recommendations). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection (5)(d) shall lapse.))~~

(e) \$33,000 of the amounts in fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1646 (juvenile rehab. confinement). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection (5)(e) shall lapse.))~~

(f) \$20,000 of the amounts in fiscal year 2021 are provided solely for the Washington state institute for public policy to evaluate student participation in and outcomes of transitional kindergarten programs across the state. No later than December 1, 2023, the institute shall report the result of its evaluation to the appropriate legislative committees; the governor; the office of the superintendent of public instruction; and the department of children, youth, and

families. For the evaluation, the institute shall collect data regarding:

(i) The number of districts providing transitional kindergarten programs, including the number of classrooms and students in the program per district;

(ii) The number of children participating in transitional kindergarten programs across the state, disaggregated by demographic information such as race, gender, and income level;

(iii) The number of children participating in transitional kindergarten programs that attended prekindergarten previous to transitional kindergarten;

(iv) The number of children participating in transitional kindergarten who received early learning services through the early childhood education and assistance program;

(v) The differences in classroom instruction for transitional kindergarten compared to the early childhood education and assistance program; and

(vi) The outcomes for transitional kindergarten participants on the Washington kindergarten inventory of developing skills compared to students who did not participate in transitional kindergarten.

(g) \$40,000 of the amounts in fiscal year 2021 are provided solely for the Washington state institute for public policy to conduct a literature review on mandatory arrests in domestic violence cases, including the effects of mandatory arrest on recidivism, domestic violence recidivism, domestic violence reporting, rates of domestic violence treatment, intimate partner violence, and other reported outcomes. By June 30, 2021, the institute must submit the review to the appropriate committees of the legislature.

(h) \$50,000 of the amounts in fiscal year 2021 are provided solely for the Washington state institute for public policy to study access to voting and voter registration, to determine if the policies outlined below have increased the number of registered voters and if the number of voters has increased. The study must analyze the impact of the recent policy changes including chapter 112, Laws of 2018 pertaining to same-day voter registration; chapter 110, Laws of 2018 pertaining to automatic voter registration, chapter 161, Laws of 2019 pertaining to pre-paid postage for ballots, chapter 327, Laws of 2017 pertaining to the number and locations by county of ballot boxes; and chapter 109, Laws of 2018 pertaining to the registration by individuals as a part of the future voter program. The institute must also report on absentee ballot requests by location. The institute shall submit a report on the impacts of the changes on voter registration, voter turnout, and voting method to the appropriate committees of the legislature by December 1, 2021.

(i) Notwithstanding other provisions in this subsection, the board of directors for the Washington state institute for public policy may adjust due dates for projects included on the institute's 2019-21 work plan as necessary to efficiently manage workload.

(6) \$86,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(7) \$9,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Senate Bill No. 6313 (young voters). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(8) \$39,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

**Sec. 608.** 2019 c 415 s 611 (uncodified) is amended to read as follows:

**FOR WESTERN WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2020)	(( <del>\$78,694,000</del> ))
	<u>\$78,664,000</u>
General Fund—State Appropriation (FY 2021)	(( <del>\$81,478,000</del> ))
	<u>\$82,923,000</u>
Western Washington University Capital Projects Account—	
State Appropriation .....	\$1,424,000
Education Legacy Trust Account—State Appropriation.....	\$13,831,000
<b>TOTAL APPROPRIATION .....</b>	<b><u>\$175,427,000</u></b>
	<u>\$176,842,000</u>

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

(1) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(2) Western Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) \$16,291,000 of the general fund—state appropriation for fiscal year 2020 and ~~((~~\$16,633,000~~))~~ \$16,649,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation

of the college affordability program as set forth in RCW 28B.15.066.

(4) \$700,000 of the general fund—state appropriation for fiscal year 2020 and \$700,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the creation and implementation of an early childhood education degree program at the western on the peninsulas campus. The university must collaborate with Olympic college. At full implementation, the university is expected to grant approximately 75 bachelor's degrees in early childhood education per year at the western on the peninsulas campus.

(5) \$1,306,000 of the general fund—state appropriation for fiscal year 2020 and \$1,306,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Western Washington University to develop a new program in marine, coastal, and watershed sciences.

(6) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(7) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for campus connect to develop a student civic leaders initiative that will provide opportunities for students to gain work experience focused on addressing the following critical issues facing communities and campuses: Housing and food insecurities, mental health, civic education (higher education and K-12), breaking the prison pipeline, and the opioid epidemic. Students will:

(a) Participate in civic internships and receive wages to work on one or more of these critical issues on their campus and or in their community, or both;

(b) Receive training on civic education, civil discourse, and learn how to analyze policies that impact community issues; and

(c) Research issues and develop and implement strategies in teams to address them.

(8) \$45,000 of the general fund—state appropriation for fiscal year 2020 and \$25,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

(9) \$215,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for development and expansion of American sign language education.

(10) \$87,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(11) \$886,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the university to reduce tuition rates for four-year degree programs offered in partnership with Olympic college—Bremerton, Olympic college—Poulsbo, and Peninsula college—Port Angeles that are currently above state-funded resident undergraduate tuition rates. Tuition reductions resulting from this section must go into effect beginning in the 2020-21 academic year.

(12) \$42,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6142 (higher ed common application). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(13) \$48,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

**Sec. 609.** 2019 c 415 s 612 (uncodified) is amended to read as follows:

**FOR THE STUDENT ACHIEVEMENT COUNCIL—POLICY COORDINATION AND ADMINISTRATION**

General Fund—State Appropriation (FY 2020)	(((\$6,431,000))
	\$6,459,000
General Fund—State Appropriation (FY 2021)	(((\$6,533,000))
	\$7,704,000
General Fund—Federal Appropriation.....	\$4,927,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$534,000
TOTAL APPROPRIATION .....	\$18,425,000
	\$19,624,000

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

(1) \$126,000 of the general fund—state appropriation for fiscal year 2020 and \$126,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the consumer protection unit.

(2) \$104,000 of the general fund—state appropriation for fiscal year 2020 and \$174,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5800 (homeless college students). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(3) \$150,000 of the general fund—state appropriation is provided solely to create a career connected learning statewide program inventory as required in RCW 28C.30.040(1) (f) through (g).

(4) \$211,000 of the general fund—state appropriation is provided solely to implement the Washington college grant program as set forth in RCW 28B.92.200. Funding is sufficient for a senior budget and forecast analyst position to assist in the administration of the Washington college grant program established in RCW 28B.92.200 and other financial aid programs and to develop financial aid models to forecast costs related to the Washington college grant and college bound programs.

(5) \$33,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to implement chapter 298, Laws of 2019 (college bound scholarship – ninth grade pledge and state need grant eligibility).

(6) The student achievement council must ensure that all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW provide the data needed to analyze and evaluate the effectiveness of state financial aid programs. This data must be promptly transmitted to the education data center so that it is available and easily accessible.

(7) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the student achievement council to convene a task force on student access to health care at Washington's public institutions of higher education, with members as provided in this subsection.

(a) Membership of the task force is:

(i) One staff member appointed by each of the following: The council of presidents, state board for community and technical colleges, insurance commissioner, workforce training and education coordinating board, health care authority, health benefit exchange, and department of health; and

(ii) Three members, one of which must be currently enrolled in a graduate or professional program, appointed by the Washington student association with one member attending an institution west of the crest of the cascade mountains; one member attending an institution east of the crest of the cascade mountains; and one staff member of the Washington student association.

(b) The task force shall provide recommendations on the policies, resources, and technical assistance that are needed to support the institutions in improving access to affordable health care for their students. The task force, in cooperation with the state's public institutions of higher education, shall gather data related to affordable access to care for students at public institutions of higher education in Washington.

(c) Staff support for the task force must be provided by the council.

(d) In accordance with RCW 43.01.036 the task force shall report its preliminary findings to the governor and the appropriate committees of the legislature before the first day of the 2021 legislative session and its final findings and recommendations by November 1, 2021. The final report must include:

(i) A summary of the data reviewed by the task force, including information specific to each campus, when available;

(ii) Recommendations for the legislature and public institutions of higher education for improving student health care coverage and access including, but not limited to:

(A) A comparison of opt-in and opt-out student health insurance models, including their respective benefits, risks, impact on cost, level of coverage, and number of students enrolled;

(B) A model policy for the establishment of an opt-out insurance plan for public institutions of higher education to maximize accessibility, affordability, coverage, and ease of enrollment while minimizing accidental enrollment and other negative consequences;

(C) A review of currently available insurance plans and their feasibility in providing affordable and comprehensive coverage for Washington students enrolled in public institutions of higher education;

(D) A review of options for the state to provide greater coverage and access to care among students by allowing public institutions of higher education to provide opt-out plans, including premiums for student health insurance plans in cost of attendance considerations for state financial aid, among others; and

(E) Policy recommendations that address racial, ethnic, income-based, and geographic disparity and disproportionality in student health-based educational outcomes.

(8) \$208,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Senate Bill No. 5197 (national guard ed. grants). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(9) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to implement a marketing and communications agenda as required in RCW 28C.30.040(1)(c).

(10) \$76,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the student achievement council to complete a study examining design options for a statewide child savings account program in Washington and creating an implementation plan. Child savings accounts are long-term savings or investment accounts to help children, especially low-income children and children of color, build dedicated savings for postsecondary education. The child savings account program's goals are to foster a higher education and career-readiness culture and boost college savings among Washington state residents, particularly low-income families; promote the financial security, financial literacy, and economic stability of Washington state families; and increase their ability to save for college. The program's purpose is to establish college savings accounts at birth for every child born in Washington state.

(a) At a minimum, the study must include the following elements:

(i) Program account options and mechanisms for automatic enrollment in the child savings account program at birth unless parents opt out;

(ii) The program structure and the initial seed deposit as well as progressive incentives to help reduce inequities in account accumulation between children from lower-income families and higher-income families;

(iii) Incentive structures so that families that participate and contribute, regardless of amount, can receive bonus deposits;

(iv) Plans for how relevant state agencies and programs would conduct outreach and provide information for families and children about their child savings accounts, opportunities to interact and/or save in the account, and other resources for families to build their financial capabilities in order to save for their future;

(v) Options for potential state funding sources to create and sustain the program and the feasibility of making the program self-sustaining or partially off-setting seed deposits through administrative fees charged in the Washington college savings program established in RCW 28B.95.032 or other college savings programs;

(vi) Possible ways for the state to collaborate with the philanthropic and private sectors; and

(vii) Possible ways for the accounts of foster children and youth to grow.

(b) In developing the implementation plan, the council may consult with the following entities:

(i) The economic services administration;

(ii) The department of health;

(iii) The department of children, youth, and families;

(iv) The department of financial institutions;

(v) The office of the state treasurer;

(vi) The office of the superintendent of public instruction;

(vii) Nonprofit and community-based organizations or coalitions focused on strategies to help families build financial assets or support families with children to thrive;

(viii) Institutions of higher education or research or policy organizations with expertise in asset building and child savings accounts;

(ix) Not-for-profit foundations, organizations, or agencies in Washington who are already operating child savings account programs in their communities;

(x) Philanthropic organizations and foundations with an interest in providing philanthropic support for child savings accounts in Washington state; and

(xi) Organizations and state commissions and offices representing communities of color and economically

disadvantaged communities that would be most impacted by the creation of a child savings account program.

(c) The council shall convene stakeholders to review preliminary recommendations by November 30, 2020. The council shall submit preliminary findings and recommendations to the appropriate committees of the legislature by December 30, 2020, and a final report by June 30, 2021.

(11) \$25,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington student achievement council to convene and coordinate a task force by May 1, 2020 to propose strategies to eliminate financial and non-financial barriers to low-income students participating in running start, college in the high school, advanced placement, international baccalaureate, cambridge and career and technical education dual credit programs.

The task force shall submit a report to the appropriate committees of the legislature by December 1, 2020. The report shall include:

(a) Strategies to address the following financial and non-financial barriers to students:

(i) Per credit tuition fees and any other fees charged for college in the high school and career and technical education dual credit courses;

(ii) Books, fees, and any other direct costs charged to running start students when enrolling in college courses; and

(iii) Exam fees and other charges to students enrolling in exam-based dual credit courses.

(b) An analysis of efficiency and effectiveness of student use of dual credit toward higher education program, degree completion or both;

(c) Recommendations on student supports to close equity gaps in dual credit access, participation and success;

(d) Recommendations to improve and increase communication with students and families regarding the awareness, access and completion of dual credit;

(e) Expanding access to dual credit opportunities for students in career and technical education pathways; and

(f) Running start data for fiscal year 2018, fiscal year 2019, and fiscal year 2020 for each community and technical college as described in section 602(32) of this act.

**Sec. 610.** 2019 c 415 s 613 (uncodified) is amended to read as follows:

**FOR THE STUDENT ACHIEVEMENT COUNCIL—OFFICE OF STUDENT FINANCIAL ASSISTANCE**

General Fund—State Appropriation (FY 2020)  
 .....((~~\$278,418,000~~))  
\$273,435,000

General Fund—State Appropriation (FY 2021)	.....	(\$281,669,000)
		<u>\$288,093,000</u>
General Fund—Federal Appropriation	.....	(( <del>\$12,035,000</del> ))
		<u>\$12,038,000</u>
General Fund—Private/Local Appropriation		\$300,000
Education Legacy Trust Account—State Appropriation	.....	\$93,488,000
Washington Opportunity Pathways Account—State Appropriation	.....	\$114,229,000
Aerospace Training Student Loan Account—State Appropriation	.....	\$216,000
Workforce Education Investment Account—State Appropriation	.....	<u>\$14,824,000</u>
Pension Funding Stabilization Account—State Appropriation	.....	\$18,000
Health Professionals Loan Repayment and Scholarship Program Account—State Appropriation	....	\$1,720,000
State Educational Trust Fund (( <del>Nonappropriated</del> )) Account—State Appropriation	.....	\$6,000,000
State Financial Aid Account—State Appropriation	.....	<u>\$1,500,000</u>
TOTAL APPROPRIATION	.....	\$788,093,000
		<u>\$805,861,000</u>

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

(1) If Engrossed Second Substitute House Bill No. 2158 (workforce education) is enacted by June 30, 2019, all references made in this section to the state need grant program are deemed made to the Washington college grant program.

(2) \$255,327,000 of the general fund—state appropriation for fiscal year 2020, ((~~\$266,528,000~~)) \$7,935,000 of the general fund—state appropriation for fiscal year 2021, ((~~\$77,639,000~~)) \$45,527,000 of the education legacy trust account—state appropriation, \$6,000,000 of the state educational trust fund nonappropriated account—state appropriation, and ((~~\$80,000,000~~)) \$38,350,000 of the Washington opportunity pathways account—state appropriation are provided solely for student financial aid payments under the state need grant and state work study programs, including up to four percent administrative allowance for the state work study program.

(3) \$258,593,000 of the general fund—state appropriation for fiscal year 2021, \$14,824,000 of the workforce education investment account—state

appropriation, \$32,112,000 of the education legacy trust fund—state appropriation, and \$56,950,000 of the Washington opportunity pathways account—state appropriation are provided solely for the Washington college grant program as provided in RCW 28B.92.200.

(4) Changes made to the state work study program in the 2009-2011 and 2011-2013 fiscal biennia are continued in the 2019-2021 fiscal biennium including maintaining the increased required employer share of wages; adjusted employer match rates; discontinuation of nonresident student eligibility for the program; and revising distribution methods to institutions by taking into consideration other factors such as off-campus job development, historical utilization trends, and student need.

(5) Within the funds appropriated in this section, eligibility for the state need grant includes students with family incomes at or below 70 percent of the state median family income (MFI), adjusted for family size, and shall include students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits. Awards for students with incomes between 51 and 70 percent of the state median shall be prorated at the following percentages of the award amount granted to those with incomes below 51 percent of the MFI: 70 percent for students with family incomes between 51 and 55 percent MFI; 65 percent for students with family incomes between 56 and 60 percent MFI; 60 percent for students with family incomes between 61 and 65 percent MFI; and 50 percent for students with family incomes between 66 and 70 percent MFI. If Engrossed Second Substitute House Bill No. 2158 (workforce education) is enacted by June 30, 2019, then the eligibility and proration provisions of that bill supersede the provisions of this subsection.

(6) Of the amounts provided in subsection ~~((4))~~ (2) of this section, \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided for the council to process an alternative financial aid application system pursuant to RCW 28B.92.010.

(7) Students who are eligible for the college bound scholarship shall be given priority for the state need grant program. These eligible college bound students whose family incomes are in the 0-65 percent median family income ranges must be awarded the maximum state need grant for which they are eligible under state policies and may not be denied maximum state need grant funding due to institutional policies or delayed awarding of college bound scholarship students. The council shall provide directions to institutions to maximize the number of college bound scholarship students receiving the maximum state need grant for which they are eligible with a goal of 100 percent coordination. Institutions shall identify all college bound scholarship students to receive state need grant priority. If an institution is unable to identify all college bound scholarship students at the time of initial state aid packaging, the institution should reserve state need grant funding sufficient to cover the projected enrollments of college bound scholarship students.

(8) ~~(\$1,023,000)~~ \$972,000 of the general fund—state appropriation for fiscal year 2020, ~~(\$855,000)~~ \$1,165,000 of the general fund—state appropriation for fiscal year 2021, \$15,849,000 of the education legacy trust account—state appropriation, and ~~(\$34,229,000)~~ \$18,929,000 of the Washington opportunity pathways account—state appropriation are provided solely for the college bound scholarship program and may support scholarships for summer session. The office of student financial assistance and the institutions of higher education shall not consider awards made by the opportunity scholarship program to be state-funded for the purpose of determining the value of an award amount under RCW 28B.118.010. ~~((If Engrossed Second Substitute House Bill No. 2158 (workforce education) is enacted by June 30, 2019, then the amount that is provided solely for purposes of this subsection from the Washington opportunity pathways account is provided for the Washington college grant in the amount of \$15,300,000.))~~

(9) \$2,759,000 of the general fund—state appropriation for fiscal year 2020 and \$2,795,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the passport to college program. The maximum scholarship award is up to \$5,000. The council shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of \$500,000 in fiscal years 2020 and 2021 for this purpose.

(10) ~~(\$7,468,000)~~ \$2,536,000 of the general fund—state appropriation for fiscal year 2020 ~~((is))~~ and \$4,432,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to meet state match requirements associated with the opportunity scholarship program. The legislature will evaluate subsequent appropriations to the opportunity scholarship program based on the extent that additional private contributions are made, program spending patterns, and fund balance.

(11) \$3,800,000 of the general fund—state appropriation for fiscal year 2020 and \$3,800,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for expenditure into the health professionals loan repayment and scholarship program account. These amounts must be used to increase the number of licensed primary care health professionals to serve in licensed primary care health professional critical shortage areas. Contracts between the office and program recipients must guarantee at least three years of conditional loan repayments. The office of student financial assistance and the department of health shall prioritize a portion of any nonfederal balances in the health professional loan repayment and scholarship fund for conditional loan repayment contracts with psychiatrists and with advanced registered nurse practitioners for work at one of the state-operated psychiatric hospitals. The office and department shall designate the state hospitals as health professional shortage areas if necessary for this purpose. The office shall coordinate with the department of social and health services to effectively incorporate three conditional loan repayments into the department's advanced psychiatric professional recruitment

and retention strategies. The office may use these targeted amounts for other program participants should there be any remaining amounts after eligible psychiatrists and advanced registered nurse practitioners have been served. The office shall also work to prioritize loan repayments to professionals working at health care delivery sites that demonstrate a commitment to serving uninsured clients. It is the intent of the legislature to provide funding to maintain the current number and amount of awards for the program in the 2021-2023 fiscal biennium on the basis of these contractual obligations.

(12) \$850,000 of the general fund—state appropriation for fiscal year 2020 and \$750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1973 (dual enrollment scholarship). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(13) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1668 (Washington health corps). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~ Within amounts provided in this subsection, the student achievement council, in consultation with the department of health, shall study the need, feasibility, and potential design of a grant program to provide funding to behavioral health students completing unpaid pregraduation internships and postgraduation supervised hours for licensure.

(14) Sufficient amounts are appropriated within this section to implement Engrossed Second Substitute House Bill No. 1311 (college bound).

(15) \$1,896,000 of the general fund—state appropriation for fiscal year 2020 and \$1,673,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1139 (educator workforce supply). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~ Of the amounts appropriated in this subsection, \$1,650,000 of the general fund—state appropriation for fiscal year 2020 and \$1,650,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for funding of the student teaching grant program, the teacher endorsement and certification help program, and the educator conditional scholarship and loan repayment programs under chapter 28B.102 RCW, including the pipeline for paraeducators program, the retooling to teach conditional loan programs, the teacher shortage conditional scholarship program, the career and technical education conditional scholarship program, and the federal student loan repayment in exchange for teaching service program.

(16) \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a state match associated with the rural jobs program. The legislature will evaluate appropriations in future biennia to the rural jobs

program based on the extent that additional private contributions are made.

(17) \$625,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Senate Bill No. 5197 (national guard ed. grants). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(18) \$1,500,000 of the state financial aid account—state appropriation is provided solely for passport to career program scholarship awards.

(19) \$161,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute Senate Bill No. 6141 (higher education access). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(20) \$396,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 6561 (undocumented student support). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 611.** 2019 c 415 s 614 (uncodified) is amended to read as follows:

**FOR THE WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD**

General Fund—State Appropriation (FY 2020)	\$2,270,000
General Fund—State Appropriation (FY 2021)	<del>(\$1,998,000)</del>
	<u>\$2,300,000</u>
General Fund—Federal Appropriation	<del>(\$55,509,000)</del>
	<u>\$55,511,000</u>
General Fund—Private/Local Appropriation	\$211,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$176,000
TOTAL APPROPRIATION.....	<u>\$60,164,000</u>
	<u>\$60,468,000</u>

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

(1) For the 2019-2021 fiscal biennium the board shall not designate recipients of the Washington award for vocational excellence or recognize them at award ceremonies as provided in RCW 28C.04.535.

(2) \$240,000 of the general fund—state appropriation for fiscal year 2020 and \$240,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the health workforce council of the state workforce training and education coordinating board. In partnership with the office of the governor, the health workforce council shall continue to assess workforce shortages across behavioral health disciplines. The board shall create a recommended action

plan to address behavioral health workforce shortages and to meet the increased demand for services now, and with the integration of behavioral health and primary care in 2020. The analysis and recommended action plan shall align with the recommendations of the adult behavioral health system task force and related work of the healthier Washington initiative. The board shall consider workforce data, gaps, distribution, pipeline, development, and infrastructure, including innovative high school, postsecondary, and postgraduate programs to evolve, align, and respond accordingly to our state's behavioral health and related and integrated primary care workforce needs.

(3) \$260,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of chapter 294, Laws of 2018 (future of work task force).

(4) \$28,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Substitute Senate Bill No. 5166 (postsecondary religious acc.). ~~(If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.)~~

(5) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the board to provide a one-time grant to an accredited university offering a doctorate in osteopathic medicine. The grant must be used to purchase up to twelve fully-equipped VSee telemedicine kits for student training purposes in rural and underserved communities.

**Sec. 612.** 2019 c 415 s 615 (uncodified) is amended to read as follows:

**FOR THE STATE SCHOOL FOR THE BLIND**

General Fund—State Appropriation (FY 2020)	.....	(\$8,951,000)
		<u>\$9,001,000</u>
General Fund—State Appropriation (FY 2021)	.....	(\$9,153,000)
		<u>\$9,275,000</u>
General Fund—Private/Local Appropriation		.\$34,000
Pension Funding Stabilization Account—State		
Appropriation .....		\$590,000
TOTAL APPROPRIATION .....		<u>\$18,728,000</u>
		<u>\$18,900,000</u>

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

(1) Funding provided in this section is sufficient for the school to offer to students enrolled in grades nine through twelve for full-time instructional services at the Vancouver campus with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

(2) \$149,000 of the general fund—state appropriation for fiscal year 2020 and \$99,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for

migration to the state data center, and are subject to the conditions, limitations, and review provided in ~~(section 719 of this act)~~ section 701 of this act.

**Sec. 613.** 2019 c 415 s 616 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS**

General Fund—State Appropriation (FY 2020)	.....	(\$14,326,000)
		<u>\$14,463,000</u>
General Fund—State Appropriation (FY 2021)	.....	(\$14,554,000)
		<u>\$14,581,000</u>
Pension Funding Stabilization Account—State		
Appropriation.....		\$728,000
TOTAL APPROPRIATION.....		<u>\$29,608,000</u>
		<u>\$29,772,000</u>

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

(1) Funding provided in this section is sufficient for the center to offer to students enrolled in grades nine through twelve for full-time instructional services at the Vancouver campus with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

(2) \$12,319,000 of the general fund—state appropriation for fiscal year 2020 and \$12,319,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operations, expenses, and direct service to students at the state school for the deaf referenced in RCW 72.40.015(2)(a).

(3) \$73,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Washington center for deaf and hard of hearing youth to provide American sign language coaching to agency staff.

**Sec. 614.** 2019 c 415 s 617 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund—State Appropriation (FY 2020)	.....	(\$2,108,000)
		<u>\$2,222,000</u>
General Fund—State Appropriation (FY 2021)	.....	(\$2,307,000)
		<u>\$2,513,000</u>
General Fund—Federal Appropriation .....		\$2,160,000
General Fund—Private/Local Appropriation..		\$50,000
Pension Funding Stabilization Account—State		

Appropriation .....	\$122,000
TOTAL APPROPRIATION .....	<u>\$6,747,000</u>
	<u>\$7,067,000</u>

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

(1) \$175,000 of the general fund—state appropriation for fiscal year 2020 and \$175,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the folk and traditional arts apprenticeship and jobs stimulation program.

(2) \$104,000 of the general fund—state appropriation for fiscal year 2020 and \$96,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the completion and maintenance of the my public art portal project.

(4) \$172,000 of the general fund—state appropriation for fiscal year 2020 and \$324,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for an arts-integration program that encourages kindergarten readiness in partnership with educational service districts, the office of the superintendent of public instruction, and the department of children, youth, and families.

**Sec. 615.** 2019 c 415 s 618 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund—State Appropriation (FY 2020) .....	<del>(\$3,733,000)</del>
	<u>\$3,709,000</u>
General Fund—State Appropriation (FY 2021) .....	<del>(\$3,654,000)</del>
	<u>\$3,818,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$230,000
TOTAL APPROPRIATION .....	<u>\$7,617,000</u>
	<u>\$7,757,000</u>

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

(1) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for general support and operations of the Washington state historical society.

(2) ~~(\$52,000)~~ \$109,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$42,000)~~ \$94,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for supporting migration ~~(to the state data center)~~ of the agency's servers to the cloud environment and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

**Sec. 616.** 2019 c 415 s 619 (uncodified) is amended to read as follows:

**FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund—State Appropriation (FY 2020) .....	<del>(\$2,855,000)</del>
	<u>\$2,751,000</u>
General Fund—State Appropriation (FY 2021) .....	<del>(\$2,885,000)</del>
	<u>\$2,841,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$214,000
TOTAL APPROPRIATION .....	<u>\$5,954,000</u>
	<u>\$5,806,000</u>

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

(1) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for general support and operations of the eastern Washington state historical society.

(2) \$67,000 of the general fund—state appropriation for fiscal year 2020 and \$30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for supporting migration to the state data center and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

**Sec. 617.** 2019 c 406 s 5 (uncodified) is amended to read as follows:

The appropriations in this section are provided to the state board for community and technical colleges and are subject to the following conditions and limitations:

(1) \$6,220,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$7,610,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for college operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(2) \$6,220,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$7,610,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for employee compensation, academic program enhancements, student support services, and other institutional priorities that maintain a quality academic experience for Washington students.

(3)(a) \$2,000,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$30,124,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely to implement guided pathways at each of the state's community and technical colleges by academic year 2020-21. Guided pathways is a research-based approach that provides clear, structured, educational experiences for students with four elements: Clarify paths to students' end goals, help students choose and enter a pathway, help students stay on path, and ensure that students are learning.

(b) Guided pathways implementation includes:

(i) Increased student support services, including advising and counseling;

(ii) Faculty teaching and planning time to redesign curriculum, develop meta-majors, and engage in interdepartmental planning on pathways;

(iii) Data analytics and student tracking technology to help advisors and students address challenges that may impede a student's progress; and

(iv) Research and evaluation to ensure reforms lead to improvements for all students.

(c) The state board for community and technical colleges shall report to the legislature on an annual basis beginning December 1, 2020, on the impacts of guided pathways on postsecondary outcomes, including credential completion, transfer pathways, credit accumulation, grade point averages, and persistence.

(4) \$20,400,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$20,400,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely to increase nurse educator salaries. The fiscal year 2020 and fiscal year 2021 appropriations can also be used for nursing program equipment, including simulation lab equipment.

(5) \$20,000,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for increasing high-demand program faculty salaries, including but not limited to nursing educators, other health-related professions, information technology, computer science, and trades, including welding. Contract negotiations relating to salary increases must consider, and to the extent practicable establish, salaries that are comparable to industry professionals, and no less than the average salary identified by the college and university professional association for human resources or a similar organization.

(6) \$1,000,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$2,000,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from

the workforce education investment account provided solely for enrollments in new career launch programs as defined in RCW 28C.30.020.

(7) \$500,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account provided solely for purchase of equipment for a regional training facility in Bothell to offer a simulated good manufacturing practice experience in partnership with a community college. The regional training facility must be located on the campus of a manufacturer of protein-based therapeutics. The state board for community and technical colleges must use a written agreement to ensure the equipment is used in a way that provides adequate public benefit.

**PART VII  
SPECIAL APPROPRIATIONS**

**Sec. 701.** 2019 c 415 s 719 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL  
MANAGEMENT—INFORMATION TECHNOLOGY  
INVESTMENT POOL**

General Fund—State Appropriation (FY 2020)	(( <del>\$7,628,000</del> ))
	<u>\$9,107,000</u>
General Fund—State Appropriation (FY 2021)	(( <del>\$5,191,000</del> ))
	<u>\$12,309,000</u>
General Fund—Federal Appropriation (( <del>\$4,608,000</del> ))	
	<u>\$7,427,000</u>
General Fund—Private/local Appropriation	\$213,000
Other Appropriated Funds .....	(( <del>\$56,530,000</del> ))
	<u>\$65,139,000</u>
<b>TOTAL APPROPRIATION.....</b>	<b><u>\$74,170,000</u></b>
	<u>\$94,195,000</u>

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

(1) The appropriations in this section are provided solely for expenditure into the information technology investment revolving account created in RCW 43.41.433. Funds in the account are provided solely for the information technology projects shown in LEAP omnibus documents IT-2019, dated April 25, 2019, and IT-2020, dated March 9, 2020, which is hereby incorporated by reference. To facilitate the transfer of moneys from other funds and accounts that are associated with projects contained in LEAP omnibus documents IT-2019, dated April 25, 2019, and IT-2020, dated March 9, 2020, the state treasurer is directed to transfer moneys from other funds and accounts to the information technology investment revolving account in accordance with schedules provided by the office of financial management. However, restricted federal funds and qualified employee benefit and pension funds may be

transferred only to the extent permitted by law, and will otherwise remain outside the information technology investment account. The projects affected remain subject to the other provisions of this section.

(2) Agencies must apply to the office of financial management and the office of the chief information officer to receive funding from the information technology investment revolving account. The office of financial management must notify the fiscal committees of the legislature of the receipt of each application and may not approve a funding request for ten business days from the date of notification.

(3) Allocations and allotments of information technology investment revolving account must be made for discrete stages of projects as determined by the technology budget approved by the office of the state chief information officer and office of financial management. Fifteen percent of total funding allocated by the office of financial management, or another amount as defined jointly by the office of financial management and the office of the state chief information officer, will be retained in the account, but remain allocated to that project. The retained funding will be released to the agency only after successful completion of that stage of the project. For the military department enhanced 911 next generation project and the one Washington project, the amount retained is increased to at least twenty percent of total funding allocated for any stage of that project.

(4)(a) Each project must have a technology budget. The technology budget must use a method similar to the state capital budget, identifying project costs, each fund source, and anticipated deliverables through each stage of the entire project investment and across fiscal periods and biennia from project onset through implementation and close out.

(b) As part of the development of a technology budget and at each request for funding, the agency shall submit detailed financial information to the office of financial management and the office of the state chief information officer. The technology budget must describe the total cost of the project by fiscal month to include and identify:

(i) Fund sources;

(ii) Full time equivalent staffing level to include job classification assumptions;

(iii) A discreet appropriation index and program index;

(iv) Object and subobject codes of expenditures; and

(v) Anticipated deliverables.

(c) If a project technology budget changes and a revised technology budget is completed, a comparison of the revised technology budget to the last approved technology budget must be posted to the dashboard, to include a narrative rationale on what changed, why, and how that impacts the project in scope, budget, and schedule.

(5)(a) Each project must have an investment plan that includes:

(i) An organizational chart of the project management team that identifies team members and their roles and responsibilities;

(ii) The office of the state chief information officer staff assigned to the project;

(iii) An implementation schedule covering activities, critical milestones, and deliverables at each stage of the project for the life of the project at each agency affected by the project;

(iv) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product;

(v) Ongoing maintenance and operations cost of the project post implementation and close out delineated by agency staffing, contracted staffing, and service level agreements; and

(vi) Financial budget coding to include at least discreet program index and subobject codes.

(6) Projects with estimated costs greater than one hundred million dollars from initiation to completion and implementation may be divided into discrete subprojects as determined by the office of the state chief information officer, except for the one Washington project which must be divided into the following discrete subprojects: Core financials, expanding financials and procurement, budget, and human resources. Each subproject must have a technology budget and investment plan as provided in this section.

(7)(a) The office of the state chief information officer shall maintain an information technology project dashboard that provides updated information each fiscal month on projects subject to this section. This includes, at least:

(i) Project changes each fiscal month;

(ii) Noting if the project has a completed market requirements document;

(iii) Financial status of information technology projects under oversight; ~~((and))~~

(iv) Coordination with agencies;

(v) Monthly quality assurance reports, if applicable;

(vi) Monthly office of the state chief information officer status reports;

(vii) Historical project budget and expenditures through fiscal year 2019;

(viii) Budget and expenditures each fiscal month; and

(ix) Estimated annual maintenance and operations costs by fiscal year.

(b) The dashboard must retain a roll up of the entire project cost, including all subprojects, that can be displayed the subproject detail.

(8) If the project affects more than one agency:

(a) A separate technology budget and investment plan must be prepared for each agency; and

(b) The dashboard must contain a statewide project technology budget roll up that includes each affected agency at the subproject level.

(9) For any project that exceeds two million dollars in total funds to complete, requires more than one biennium to complete, or is financed through financial contracts, bonds, or other indebtedness:

(a) Quality assurance for the project must report independently to the office of the chief information officer;

(b) The office of the chief information officer must review, and, if necessary, revise the proposed project to ensure it is flexible and adaptable to advances in technology;

(c) The technology budget must specifically identify the uses of any financing proceeds. No more than thirty percent of the financing proceeds may be used for payroll-related costs for state employees assigned to project management, installation, testing, or training;

(d) The agency must consult with the office of the state treasurer during the competitive procurement process to evaluate early in the process whether products and services to be solicited and the responsive bids from a solicitation may be financed; and

(e) The agency must consult with the contracting division of the department of enterprise services for a review of all contracts and agreements related to the project's information technology procurements.

(10) The office of the state chief information officer must evaluate the project at each stage and certify whether the project is planned, managed, and meeting deliverable targets as defined in the project's approved technology budget and investment plan.

(11) The office of the state chief information officer may suspend or terminate a project at any time if it determines that the project is not meeting or not expected to meet anticipated performance and technology outcomes. Once suspension or termination occurs, the agency shall unallot any unused funding and shall not make any expenditure for the project without the approval of the office of financial management. The office of the state chief information officer must report on July 1 and December 1 each calendar year, beginning July 1, 2020, any suspension or termination of a project in the previous six month period to the legislative fiscal committees.

(12) The office of the state chief information officer, in consultation with the office of financial management, may identify additional projects to be subject to this section, including projects that are not separately identified within an agency budget. The office of the state chief information officer must report on July 1 and December 1 each calendar year, beginning July 1, 2020, any additional projects to be subjected to this section that were identified in the previous six month period to the legislative fiscal committees.

(13) Any cost to administer or implement this section for projects listed in subsection (1) of this section, must be

paid from the information technology investment revolving account. For any other information technology project made subject to the conditions, limitations, and review of this section, the cost to implement this section must be paid from the funds for that project.

(14) The information technology feasibility study of the Washington state gambling commission is subject to the conditions, limitations, and review in this section.

(15) The learning management system project of the department of enterprise services is subject to the conditions, limitations, and review in this section.

(16) The gambling self-exclusion program project of the Washington state gambling commission is subject to the conditions, limitations, and review in this section.

(17) The facilities portfolio management tool project of the office of financial management is subject to the conditions, limitations, and review in this section.

(18) The logging and monitoring project of the consolidated technology services agency is subject to the conditions, limitations, and review in this section.

**Sec. 702.** 2019 c 415 s 701 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT**

General Fund—State Appropriation (FY 2020)	.....	(\$1,191,069,000)
		<u>\$1,179,075,000</u>
General Fund—State Appropriation (FY 2021)	.....	(\$1,268,197,000)
		<u>\$1,224,915,000</u>
State Building Construction Account—State		
Appropriation.....		\$6,273,000
Columbia River Basin Water Supply Development		
Account—State Appropriation .....		\$30,000
Watershed Restoration and Enhancement Bond		
Account—State Appropriation .....		\$46,000
State Taxable Building Construction Account—State		
Appropriation.....		(\$213,000)
		<u>\$277,000</u>
Debt-Limit Reimbursable Bond Retirement		
Account—State		
Appropriation.....		\$566,000
TOTAL APPROPRIATION.....		<u>\$2,466,394,000</u>
		<u>\$2,411,182,000</u>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account.

Sec. 703. 2019 c 415 s 703 (uncodified) is amended to read as follows:

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

General Fund—State Appropriation (FY 2020)	\$1,400,000
General Fund—State Appropriation (FY 2021)	\$1,400,000
State Building Construction Account—State Appropriation	\$1,052,000
Columbia River Basin Water Supply Development Account—State Appropriation	\$6,000
School Construction and Skill Centers Building Account—State Appropriation	(\$1,000)
	<u>\$2,000</u>
Watershed Restoration and Enhancement Bond Account—State Appropriation	\$9,000
State Taxable Building Construction Account—State Appropriation	(\$36,000)
	<u>\$55,000</u>
TOTAL APPROPRIATION	<u>\$3,904,000</u>
	<u>\$3,924,000</u>

**NEW SECTION. Sec. 704.** A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR SUNDRY CLAIMS**

The following sums, or so much thereof as may be necessary, are appropriated from the general fund for fiscal year 2020, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims.

These appropriations are to be disbursed on vouchers approved by the director of the department of enterprise services, except as otherwise provided, for reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110, as follows:

(1) Gerardo Rodarte Gonzalez, claim number 99970260	\$24,385
(2) Edward Bushnell, claim number 99970261	\$153,357
(3) Shaun Beveridge, claim number 99970262	\$56,514
(4) Brandon Wheeler, claim number 9991001053	\$123,464

(5) Johnathan Paine, claim number 9991001583	\$22,246
(6) Michael Welsh, claim number 9991001600	\$5,000
(7) Douglas Bartlett, claim number 9991001646	\$5,500
(8) Brian Minniear, claim number 9991001941	\$111,956
(9) Thomas Carey, claim number 9991001917	\$122,431

Sec. 705. 2019 c 415 s 712 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—ANDY HILL CANCER RESEARCH ENDOWMENT FUND MATCH TRANSFER ACCOUNT**

<del>(Foundational Public Health Services Account—State</del>	
<del>Appropriation</del>	<del>(\$6,000,000)</del>
General Fund—State Appropriation (FY 2020)	\$6,022,000
TOTAL APPROPRIATION	<u>\$6,000,000</u>
	<u>\$6,022,000</u>

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the Andy Hill cancer research endowment fund match transfer account per RCW 43.348.080 to fund the Andy Hill cancer research endowment program. Matching funds using the amounts appropriated in this section may not be used to fund new grants that exceed two years in duration.

Sec. 706. 2019 c 415 s 720 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS**

(1) The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(2) There is appropriated for state contributions to the law enforcement officers' and firefighters' retirement system:

General Fund—State Appropriation (FY 2020)	\$73,000,000
General Fund—State Appropriation (FY 2021)	\$75,800,000
TOTAL APPROPRIATION	<u>\$148,800,000</u>

(3) There is appropriated for contributions to the judicial retirement system:

General Fund—State Appropriation (FY 2020)	\$1,545,000
.....	
Pension Funding Stabilization Account—State	
Appropriation .....	\$13,855,000
TOTAL APPROPRIATION .....	\$15,400,000

(4) There is appropriated for contributions to the judges' retirement system:

General Fund—State Appropriation (FY 2020)	\$400,000
.....	
General Fund—State Appropriation (FY 2021)	\$400,000
.....	
TOTAL APPROPRIATION .....	\$800,000

~~((5) There is appropriated for state contributions to the volunteer firefighters' and reserve officers' relief and pension principal fund:~~

<del>Volunteer Firefighters' and Reserve Officers' Administrative Account—State Appropriation</del>	<del>\$15,532,000</del>
<del>.....</del>	
<del>TOTAL APPROPRIATION .....</del>	<del>\$15,532,000</del>

**NEW SECTION. Sec. 707.** A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS AND RESERVE OFFICERS—CONTRIBUTIONS TO RETIREMENT SYSTEMS**

There is appropriated for state contributions to the volunteer firefighters' and reserve officers' relief and pension principal fund:

Volunteer Firefighters' and Reserve Officers' Administrative Account—State Appropriation	\$15,532,000
.....	
TOTAL APPROPRIATION .....	\$15,532,000

**Sec. 708.** 2019 c 415 s 725 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—HEALTH PROFESSIONS ACCOUNT**

Dedicated Marijuana Account—State Appropriation (FY 2020)	(( <del>\$701,000</del> ))
.....	
	<u>\$1,323,000</u>
TOTAL APPROPRIATION .....	\$701,000
	<u>\$1,323,000</u>

The appropriation in this section is subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the health professions account to reimburse the account for costs incurred by the

department of health for the development and administration of the marijuana authorization database.

**Sec. 709.** 2019 c 415 s 728 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—FOUNDATIONAL PUBLIC HEALTH SERVICES**

General Fund—State Appropriation (FY 2020)	(( <del>\$5,000,000</del> ))
.....	
	<u>\$13,503,000</u>
General Fund—State Appropriation (FY 2021)	(( <del>\$5,000,000</del> ))
.....	
	<u>\$13,024,000</u>
Foundational Public Health Services Account—State	
Appropriation.....	(( <del>\$12,000,000</del> ))
	<u>\$1,473,000</u>
TOTAL APPROPRIATION.....	<u>\$22,000,000</u>
	<u>\$28,000,000</u>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for distribution as provided in section 2, chapter 14, Laws of 2019 (foundational public health services).

**Sec. 710.** 2019 c 415 s 730 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—OUTDOOR EDUCATION AND RECREATION ACCOUNT**

General Fund—State Appropriation (FY 2020)	\$750,000
.....	
General Fund—State Appropriation (FY 2021)	(( <del>\$750,000</del> ))
.....	
	<u>\$1,250,000</u>
TOTAL APPROPRIATION.....	<u>\$1,500,000</u>
	<u>\$2,000,000</u>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the outdoor education and recreation account for the state parks and recreation commission's outdoor education and recreation program purposes identified in RCW 79A.05.351.

**NEW SECTION. Sec. 711.** A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—DEVELOPMENTAL DISABILITIES COMMUNITY TRUST ACCOUNT**

General Fund—State Appropriation (FY 2021)	\$1,000,000
.....	
TOTAL APPROPRIATION.....	\$1,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the developmental disabilities community trust account (Dan Thompson memorial trust account) for the purposes identified in RCW 71A.20.170.

Sec. 712. 2019 c 415 s 721 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—LEASE COST POOL**

General Fund—State Appropriation (FY 2020)	(( <del>\$3,788,000</del> ))
	<u>\$4,405,000</u>
General Fund—State Appropriation (FY 2021)	\$4,082,000
General Fund—Federal Appropriation.....	\$4,488,000
Other Appropriated Funds.....	(( <del>\$1,740,000</del> ))
	<u>\$1,956,000</u>
TOTAL APPROPRIATION .....	<u>\$14,098,000</u>
	<u>\$14,931,000</u>

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

(1) The appropriations in this section are provided solely for expenditure into the state agency office relocation pool account created in RCW 43.41.455.

(2) Costs are as shown in LEAP omnibus documents LEAS-2019, dated April 25, 2019, and LEAS-2020, dated March 9, 2020, which is hereby incorporated by reference.

(3) To facilitate the transfer of moneys from other funds and accounts that are associated with office relocations contained in LEAP omnibus documents LEAS-2019, dated April 25, 2019, and LEAS-2020, dated March 9, 2020, the state treasurer is directed to transfer moneys from other funds and accounts in an amount not to exceed ((~~\$1,740,000~~)) \$1,956,000 to the lease cost pool in accordance with schedules provided by the office of financial management.

(4) Agencies may apply to the office of financial management to receive funds from the state agency office relocation pool account, in an amount not to exceed the amount identified in the LEAP omnibus documents LEAS-2019, dated April 25, 2019, and LEAS-2020, dated March 9, 2020. Prior to applying, agencies must submit to the office of financial management statewide oversight office a relocation plan that identifies estimated project costs, including how the lease aligns to the agency's six year leased facility plan. The office of financial management must copy legislative fiscal staff on the approval notice of funds from the state agency office relocation pool to the agency.

Sec. 713. 2019 c 415 s 722 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—STATE REVENUE DISTRIBUTIONS TO CITIES FOR TEMPORARY STREAMLINED SALES TAX MITIGATION**

General Fund—State Appropriation (FY 2020)	(( <del>\$7,100,000</del> ))
	<u>\$5,362,000</u>
((General Fund—State Appropriation (FY 2021)	(( <del>\$9,300,000</del> ))
	<u>\$16,400,000</u>
TOTAL APPROPRIATION.....	<u>\$5,362,000</u>

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

(1) In order to mitigate local sales tax revenue net losses as a result of the sourcing provisions of the streamlined sales and use tax agreement under Title 82 RCW, the state treasurer, on October 1, 2019, and each calendar quarter thereafter through June 30, ((2021)) 2020, must distribute the appropriations in this section to qualified local taxing districts to mitigate actual net losses as determined under this section by the department of revenue.

(2) In determining net losses under this section, the department must use each qualified local taxing district's annual loss as most recently determined pursuant to RCW 82.14.500 prior to January 1, 2019. The department is not required to determine annual losses on a recurring basis, but may make any adjustments to annual losses as it deems proper as a result of the annual reviews. Each calendar quarter, distributions must be made by the state treasurer on the last working day of the calendar quarter, as directed by the department, to each qualified local taxing district in an amount representing one-fourth of the district's annual loss reduced by voluntary compliance revenue reported during the previous calendar quarter and marketplace facilitator/remote seller revenue reported during the previous calendar quarter.

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

(a) "Loss" or "losses" means the local sales and use tax revenue reduction to a qualified local taxing district resulting from the sourcing provisions in RCW 82.14.490 and section 502, chapter 6, Laws of 2007, as most recently determined by the department under RCW 82.14.500 prior to January 1, 2019, including any adjustments made pursuant to subsection (2) of this section.

(b) "Marketplace facilitator/remote seller revenue" means the local sales and use tax revenue gain, including taxes voluntarily remitted and taxes collected from consumers, to each qualified local taxing district from part II of chapter 28, Laws of 2017 3rd sp. sess. and from chapter 8, Laws of 2019 (Substitute Senate Bill No. 5581), as estimated by the department in RCW 82.14.500(6). "Marketplace facilitator/remote seller revenue" includes the local sales tax revenue gain reported to the department from

remote sellers as defined in RCW 82.08.010 that have registered through the central registration system authorized under the streamlined sales and use tax agreement.

(c) "Net loss" or "net losses" means a loss offset by any voluntary compliance revenue and marketplace facilitator/remote seller revenue.

(d) "Qualified local taxing district" means a city:

(i) That was eligible for streamlined sales tax mitigation payments of at least fifty thousand dollars under RCW 82.14.500 in calendar year 2018, based on the calculation and analysis required under RCW 82.14.500(3)(a); and

(ii) That has a continued local sales tax revenue loss as a result of the sourcing provision of the streamlined sales and use tax agreement under Title 82 RCW, as determined by the department.

(e) "Voluntary compliance revenue" means the local sales tax revenue gain to each qualified local taxing district reported to the department from persons registering through the central registration system authorized under the agreement.

**Sec. 714.** 2019 c 415 s 724 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE—NORTHEAST WASHINGTON WOLF-LIVESTOCK MANAGEMENT ACCOUNT**

General Fund—State Appropriation (FY 2020)	.....	\$432,000
<u>General Fund—State Appropriation (FY 2021)</u>	.....	<u>\$320,000</u>
TOTAL APPROPRIATION .....		<u>\$432,000</u>
		<u>\$752,000</u>

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the northeast Washington wolf-livestock management account for the deployment of nonlethal wolf deterrence resources as provided in chapter 16.76 RCW.

**NEW SECTION. Sec. 715.** A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—CLIMATE RESILIENCY ACCOUNT**

General Fund—State Appropriation (FY 2021)	.....	\$50,000,000
TOTAL APPROPRIATION .....		\$50,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the climate resiliency account created in section 924 of this act.

**NEW SECTION. Sec. 716.** A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR THE**

**OFFICE OF FINANCIAL MANAGEMENT—LANDLORD MITIGATION PROGRAM ACCOUNT**

General Fund—State Appropriation (FY 2021)	.....	\$500,000
TOTAL APPROPRIATION.....		\$500,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the landlord mitigation program account created in RCW 43.31.615.

**NEW SECTION. Sec. 717.** A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—STATE FIREARMS BACKGROUND CHECK SYSTEM ACCOUNT**

General Fund—State Appropriation (FY 2021)	.....	\$8,951,000
TOTAL APPROPRIATION.....		\$8,951,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the state firearms background check system account created in Engrossed Second Substitute Bill No. 2467 (firearm background checks). If the bill is not enacted by June 30, 2020, the amount provided in this section shall lapse.

**NEW SECTION. Sec. 718.** A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—ELECTION ACCOUNT**

General Fund—State Appropriation (FY 2021)	.....	\$1,800,000
TOTAL APPROPRIATION.....		\$1,800,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the election account created in RCW 29A.04.440.

**NEW SECTION. Sec. 719.** A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—HOME SECURITY FUND ACCOUNT**

General Fund—State Appropriation (FY 2020)	.....	\$60,000,000
TOTAL APPROPRIATION.....		\$60,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the home security fund account created in RCW 43.185C.060.

**NEW SECTION. Sec. 720.** A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON HOUSING TRUST FUND**

General Fund—State Appropriation (FY 2021)	.....	\$55,000,000
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TOTAL APPROPRIATION ..... \$55,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the Washington housing trust fund created in RCW 43.185.030.

**NEW SECTION. Sec. 721.** A new section is added to 2019 c 415 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ECOLOGY—OIL SPILL RESPONSE ACCOUNT**

Oil Spill Prevention Account—State Appropriation ..... \$2,200,000

TOTAL APPROPRIATION ..... \$2,200,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the oil spill response account. This constitutes a loan from the oil spill prevention account and must be repaid, with interest, to the oil spill prevention account by June 30, 2028.

**NEW SECTION. Sec. 722.** A new section is added to 2019 c 415 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—FOREST AND FOREST PRODUCTS CARBON ACCOUNT**

General Fund—State Appropriation (FY 2021) ..... \$200,000

TOTAL APPROPRIATION ..... \$200,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the forest and forest products account created in Engrossed Second Substitute House Bill No. 2528 (forest products/climate). If the bill is not enacted by June 30, 2020, the amount provided in this section shall lapse.

**Sec. 723.** 2019 c 415 s 726 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—LONG-TERM SERVICES AND SUPPORTS ACCOUNT**

General Fund—State Appropriation (FY 2020) ..... ((\$1,231,000))

\$1,331,000

General Fund—State Appropriation (FY 2021) ..... ((\$15,309,000))

\$15,709,000

TOTAL APPROPRIATION ..... \$16,540,000

\$17,040,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the long-term services and supports account pursuant to Second Substitute House Bill No. 1087 (long-term services and supports). This constitutes a loan from the general fund and must be repaid, with interest, to the general fund by June 30, 2022. If Second

Substitute House Bill No. 1087 (long-term services and supports) is not enacted by June 30, 2019, the amounts appropriated in this section shall lapse.

**PART VIII**

**OTHER TRANSFERS AND APPROPRIATIONS**

**Sec. 801.** 2019 c 415 s 801 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance premium distributions ..... ((\$10,528,000))  
\$10,883,000

General Fund Appropriation for prosecuting attorney distributions ..... ((\$7,014,000))  
\$7,618,000

General Fund Appropriation for boating safety and education distributions ..... \$4,000,000

General Fund Appropriation for public utility district excise tax distributions ..... ((\$65,216,000))  
\$65,249,000

Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies ..... \$3,464,000

Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distributions ... \$140,000

Timber Tax Distribution Account Appropriation for distribution to "timber" counties ..... ((\$84,366,000))  
\$79,337,000

County Criminal Justice Assistance Appropriation ..... ((\$106,123,000))  
\$103,457,000

Municipal Criminal Justice Assistance Appropriation ..... ((\$42,084,000))  
\$40,310,000

City-County Assistance Appropriation ..... ((\$33,218,000))  
\$35,507,000

Liquor Excise Tax Account Appropriation for liquor excise tax distribution ..... ((\$64,079,000))  
\$67,362,000

Manufacturing and Warehousing Jobs Centers Account ..... \$6,727,000

Streamlined Sales and Use Tax Mitigation Account  
 Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistributions effect of sourcing law changes .....((\$2,220,000))  
\$1,937,000

Columbia River Water Delivery Account Appropriation  
 for the Confederated Tribes of the Colville Reservation.....((\$8,379,000))  
\$8,364,000

Columbia River Water Delivery Account Appropriation  
 for the Spokane Tribe of Indians .....((\$5,737,000))  
\$5,728,000

Liquor Revolving Account Appropriation for liquor profits distribution ..... \$98,876,000  
 General Fund Appropriation for other tax distributions..... \$80,000  
 General Fund Appropriation for Marijuana Excise Tax distributions..... \$30,000,000  
 General Fund Appropriation for Habitat Conservation Program distributions ..... \$5,754,000  
 General Fund Appropriation for payment in-lieu of taxes to counties under Department of Fish and Wildlife program.....((\$3,993,000))  
\$4,040,000

Puget Sound Taxpayer Accountability Account  
 Appropriation for distribution to counties in amounts not to exceed actual deposits into the account and attributable to those counties' share pursuant to RCW 43.79.520. If a county eligible for distributions under RCW 43.79.520 has not adopted a sales and use tax under RCW 82.14.460 before July 1, 2019, then to prevent these distributions from supplanting existing local funding for vulnerable populations, the distributions are subject to the procedural requirements in this section. Before the county may receive distributions, it must provide a final budget for the distributions, submit the

final budget to the department of commerce, and publish the final budget on its web site. To develop this final budget, under RCW 36.40.040 the county must develop and hold hearings on a preliminary budget that is separate from other appropriations ordinances or resolutions, and it must consult stakeholders, including community service organizations, and must consider input received during this process. Before holding a hearing on the preliminary budget, the county must notify local governments in the county that are within the borders of the regional transit authority, and legislators whose districts are within those borders. The county must then adopt a final budget under RCW 36.40.080 for the distributions that is separate from other appropriations ordinances or resolutions. After the county submits its final budget for the distributions to the department of commerce, the department must notify the state treasurer, who may then make the distributions to the county. ....\$28,683,000  
 TOTAL APPROPRIATION.....\$603,954,000  
\$607,516,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**Sec. 802.** 2019 c 415 s 802 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Appropriation((\$1,933,000))  
\$2,141,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2019-2021 fiscal biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210,

Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**Sec. 803.** 2019 c 415 s 803 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Appropriation(~~(\$1,289,000)~~)  
\$1,428,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2019-2021 fiscal biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**Sec. 804.** 2019 c 415 s 805 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—TRANSFERS**

Dedicated Marijuana Account: For transfer to the basic health plan trust account, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2020, (~~(\$195,000,000)~~) \$213,000,000 and this amount for fiscal year 2021, (~~(\$199,000,000)~~) \$213,000,000.....(~~(\$394,000,000)~~)  
\$426,000,000

Dedicated Marijuana Account: For transfer to the state general fund, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2020, (~~(\$136,000,000)~~) \$152,000,000 and this amount for fiscal year 2021, (~~(\$138,000,000)~~) \$152,000,000.....(~~(\$274,000,000)~~)  
\$304,000,000

Aquatic Lands Enhancement Account: For transfer to the clean up settlement account as repayment of the loan provided in section 3022(2), chapter 2, Laws of 2012 2nd sp. sess. (ESB 6074, 2012 supplemental capital budget), in an amount not to exceed the actual amount of the total remaining principal and interest of the loan, \$620,000 for fiscal year 2020 and (~~(\$620,000)~~) \$640,000 for fiscal year 2021..... (~~(\$1,240,000)~~)  
\$1,260,000

Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2020 .....\$90,000,000

Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2021 .....\$90,000,000

General Fund: For transfer to the statewide tourism marketing account, \$1,500,000 for fiscal year 2020 and \$1,500,000 for fiscal year 2021 ..\$3,000,000

General Fund: For transfer to the streamlined sales and use tax account, (~~(\$2,220,000)~~) for fiscal year 2020 ..... (~~(\$2,220,000)~~)  
\$1,937,000

General Fund: For transfer to the manufacturing and warehousing jobs centers account for fiscal year 2021 .....\$6,727,000

Criminal Justice Treatment Account: For transfer to the home security fund, (~~(\$4,500,000)~~) for fiscal year 2020 (~~and \$4,500,000 for fiscal year 2021~~)..... (~~(\$9,000,000)~~)  
\$4,500,000

State Treasurer's Service Account: For transfer to the state general fund, \$8,000,000 for fiscal year 2020 and \$8,000,000 for fiscal year 2021 .....\$16,000,000

Disaster Response Account: For transfer to the

state general fund, ~~((\$28,000,000))~~ \$13,726,000  
 for fiscal year 2021.....~~((\$28,000,000))~~  
\$13,726,000

General Fund: For transfer to the fair fund under RCW 15.76.115, \$2,000,000 for fiscal year 2020 and \$2,000,000 for fiscal year 2021 . \$4,000,000

Energy Freedom Account: For transfer to the general fund, \$1,000,000 or as much thereof that represents the balance in the account for fiscal year 2020 ..... \$1,000,000

Financial Services Regulation Account: For transfer to the state general fund, \$3,500,000 for fiscal year 2020 and \$3,500,000 for fiscal year 2021 ..... \$7,000,000

Aquatic Lands Enhancement Account: For transfer to the geoduck aquaculture research account, \$400,000 for fiscal year 2020 and \$400,000 for fiscal year 2021 ..... \$800,000

Public Works Assistance Account: For transfer to the education legacy trust account, \$80,000,000 for fiscal year 2020 and \$80,000,000 for fiscal year 2021 ..... \$160,000,000

Model Toxics Control Operating Account: For transfer to the clean up settlement account as repayment of the loan provided in section 3022(2), chapter 2, Laws of 2012 2nd sp. sess. (ESB 6074, 2012 supplemental capital budget), in an amount not to exceed the actual amount of the total remaining principal and interest of the loan, \$620,000 for fiscal year 2020 and ~~((\$620,000))~~ \$640,000 for fiscal year 2021 .....~~((\$1,240,000))~~  
\$1,260,000

Marine Resources Stewardship Trust Account: For transfer to the aquatic lands enhancement account, \$160,000 for fiscal year 2020..... \$160,000

Water Pollution Control Revolving Administration Account: For transfer to the water pollution control revolving account, \$4,500,000 for

fiscal year 2020.....\$4,500,000

Oil Spill Response Account: For transfer to the oil spill prevention account for the military department to continue assisting local emergency planning committees statewide with hazardous materials plans that meet minimum federal requirements, \$520,000 for fiscal year 2020 and \$520,000 for fiscal year 2021 .....\$1,040,000

General Fund: For transfer to the sea cucumber dive fishery account, in an amount not to exceed the actual amount to correct the cash deficit for fiscal year 2020 .....\$4,000

General Fund: For transfer to the sea urchin diver fishery account, in an amount not to exceed the actual amount to correct the cash deficit for fiscal year 2020.....\$1,000

Gambling Revolving Account: For transfer to the state general fund as repayment of the loan pursuant to Engrossed Substitute House Bill No. 2638 (sports wagering/compacts), \$6,000,000 for fiscal year 2021 .....\$6,000,000

General Fund: For transfer to the home security fund, \$4,500,000 for fiscal year 2021 .....\$4,500,000

Child Care Facility Revolving Account: For transfer to the general fund, \$1,500,000 for fiscal year 2021 .....\$1,500,000

General Fund: For transfer to the economic development strategic reserve account, \$1,000,000 for fiscal year 2021 .....\$1,000,000

General Fund: For transfer to the workforce education investment account, \$41,342,000 for fiscal year 2020 .....\$41,342,000

General Fund: For transfer to the community preservation and development authority account, \$1,500,000 for fiscal year 2020 ...\$1,500,000

**PART IX  
 MISCELLANEOUS**

**NEW SECTION. Sec. 901.** A new section is added to 2019 c 415 (uncodified) to read as follows:  
**COLLECTIVE BARGAINING AGREEMENTS**

Sections 902 through 905 of this act represent the results of the negotiations for fiscal year 2021 collective bargaining agreement changes, permitted under chapter 41.80 RCW. Provisions of the collective bargaining agreements contained in sections 902 through 905 of this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements contained in sections 502 and 503 of this act may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

**NEW SECTION. Sec. 902.** A new section is added to 2019 c 415 (uncodified) to read as follows:  
**COLLECTIVE BARGAINING AGREEMENT—ASSOCIATION OF WASHINGTON ASSISTANT ATTORNEYS GENERAL/WFSE**

An agreement has been reached between the governor and the association of Washington assistant attorneys general/Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021 fiscal year. Funding is provided to transition the represented employees into the newly established and agreed upon wage schedule, effective July 1, 2020.

**NEW SECTION. Sec. 903.** A new section is added to 2019 c 415 (uncodified) to read as follows:  
**COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON/WFSE**

An agreement has been reached between the University of Washington and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021 fiscal year. Funding is provided for a lump sum payment for all WFSE represented, permanent employees in the amount of \$700 for an FTE greater than .6 and \$125 for all WFSE represented, permanent employees holding an FTE of .6 or less, as of July 1, 2020.

**NEW SECTION. Sec. 904.** A new section is added to 2019 c 415 (uncodified) to read as follows:  
**COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—SEIU 925**

An agreement has been reached between the University of Washington and the service employees international union local 925 under the provisions of chapter 41.80 RCW for the 2021 fiscal year. Funding is provided for a lump sum payment for all SEIU 925 represented, permanent employees in the amount of \$650 for an FTE greater than .6 and \$325 for all SEIU 925 represented, permanent employees holding an FTE of .6 or less, as of July 1, 2020.

**NEW SECTION. Sec. 905.** A new section is added to 2019 c 415 (uncodified) to read as follows:  
**COLLECTIVE BARGAINING AGREEMENT—**

**UNIVERSITY OF WASHINGTON—SEIU 1199 RESEARCH/HALL HEALTH**

An agreement has been reached between the University of Washington and the service employees international union local 1199 under the provisions of chapter 41.80 RCW for the 2021 fiscal year. Funding is provided for a lump sum payment for all SEIU 1199NW represented, permanent employees in the amount of \$650 for an FTE of .5 or greater and \$325 for all SEIU 1199NW represented, permanent employees holding an FTE of less than .5 as of July 1, 2020.

**NEW SECTION. Sec. 906.** A new section is added to 2019 c 415 (uncodified) to read as follows:  
**COMPENSATION—PENSION CONTRIBUTIONS**

Appropriations to state agencies include funding for an increase in pension contribution rates for several state pension systems. An increase of 0.11 percent is funded for state employer contributions to the public employees' retirement system and the public safety employees' retirement systems. An increase of 0.23 percent for school employer contributions to the teachers' retirement system and an increase of 0.11 percent for employer contributions to the school employees' retirement system are funded. These increases are provided for the purpose of a one-time, ongoing pension increase for retirees in the public employees' retirement system plan 1 and teachers' retirement system plan 1, as provided in Engrossed House Bill No. 1390. If the bill is not enacted by June 30, 2020, this section shall lapse.

**Sec. 907.** 2019 c 415 s 938 (uncodified) is amended to read as follows:

**COMPENSATION—SCHOOL EMPLOYEES—INSURANCE BENEFITS**

An agreement was reached for the 2019-2021 biennium between the governor and the school employee coalition under the provisions of chapters 41.56 and 41.59 RCW. Appropriations in this act for allocations to school districts are sufficient to implement the provisions of the 2019-2021 collective bargaining agreement, and for procurement of a benefit package that is materially similar to benefits provided by the public employee benefits program as outlined in policies adopted by the school employees' benefits board, and are subject to the following conditions and limitations:

(1) The monthly employer funding rate for insurance benefit premiums, school employees' benefits board administration, retiree remittance, and the uniform medical plan, shall not exceed \$994 per eligible employee beginning January 1, 2020. For ~~((fiscal year 2021))~~ July and August 2020, the monthly employer funding rate shall not exceed \$1,056 per eligible employee. Beginning September 1, 2020, through June 30, 2021, the monthly employer funding rate shall not exceed \$1,000 per eligible employee. Employers will contribute one hundred percent of the retiree remittance defined in section 939 of this act.

(2) For the purposes of distributing insurance benefits, certificated staff units as determined in section 504 of this

act will be multiplied by 1.02 and classified staff units as determined in section 504 of this act will be multiplied by 1.43.

(3) Except as provided by the parties' health care agreement, in order to achieve the level of funding provided for health benefits, the school employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.740. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(4) The health care authority shall deposit any moneys received on behalf of the school employees' medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the school employees' and retirees' insurance account to be used for insurance benefits. Such receipts may not be used for administrative expenditures.

**Sec. 908.** 2019 c 415 s 946 (uncodified) is amended to read as follows:

**CONDITIONAL AND GENERAL WAGE INCREASES—UNIVERSITY OF WASHINGTON**

(1) Appropriations for the University of Washington in this act are sufficient to provide a general wage increase to employees who are not represented or who bargain under a statutory authority other than chapters 41.80 or 47.64 RCW or RCW 41.56.473. Funding is provided for a two percent general wage increase effective July 1, 2019, and a two percent increase July 1, 2020, for all employees described by this subsection.

(2) Appropriations for the University of Washington in this act are also sufficient to provide ~~((an additional wage increase))~~ a lump sum payment for all nonrepresented, classified employees, ~~((both represented and not represented, of one percent effective July 1, 2019, and one percent))~~ who earn less than \$54,264 in salary annually, in the amount of \$650 for an FTE greater than 0.6 and \$325 for an FTE of 0.6 or less, effective July 1, 2020. ~~((This additional wage increase, funded in section 606 of this act, is conditioned upon the University of Washington concluding changes to the bargaining agreements with represented employees, including those whose agreements are approved in sections 921, 922, 923, 924, and 925 of this act, to provide the same one percent increases to represented employees.))~~

**Sec. 909.** 2019 c 324 s 12 (uncodified) is amended to read as follows:

(1) The health care authority shall establish a pilot program to provide mental health drop-in center services. The mental health drop-in center services shall provide a peer-focused recovery model during daytime hours through a community-based, therapeutic, less restrictive alternative to hospitalization for acute psychiatric needs. The program shall assist clients in need of voluntary, short-term, noncrisis services that focus on recovery and wellness. Clients may refer themselves, be brought to the center by law enforcement, be brought to the center by family members, or be referred by an emergency department.

(2) The pilot program shall be conducted in the largest city in a regional service area that has at least nine counties. Funds to support the pilot program shall be distributed through the behavioral health administrative service organization that serves the pilot program.

(3) The pilot program shall begin on ~~((January))~~ July 1, 2020, and conclude July 1, 2022.

(4) By December 1, 2020, the health care authority shall submit a preliminary report to the governor and the appropriate committees of the legislature. The preliminary report shall include a survey of peer mental health programs that are operating in the state, including the location, type of services offered, and number of clients served. By December 1, 2021, the health care authority shall report to the governor and the appropriate committees of the legislature on the results of the pilot program. The report shall include information about the number of clients served, the needs of the clients, the method of referral for the clients, and recommendations on how to expand the program statewide, including any recommendations to account for different needs in urban and rural areas.

**Sec. 910.** RCW 28B.76.525 and 2019 c 406 s 38 are each amended to read as follows:

(1) The state financial aid account is created in the custody of the state treasurer. The primary purpose of the account is to ensure that all appropriations designated for financial aid through statewide student financial aid programs are made available to eligible students. The account shall be a nontreasury account.

(2) The office shall deposit in the account all money received for the Washington college grant program established under chapter 28B.92 RCW, the state work-study program established under chapter 28B.12 RCW, the Washington scholars program established under RCW 28A.600.110, the Washington award for vocational excellence program established under RCW 28C.04.525, and the educational opportunity grant program established under chapter 28B.101 RCW. The account shall consist of funds appropriated by the legislature for the programs listed in this subsection and private contributions to the programs. Moneys deposited in the account do not lapse at the close of the fiscal period for which they were appropriated. Both during and after the fiscal period in which moneys were deposited in the account, the office may expend moneys in the account only for the purposes for which they were appropriated, and the expenditures are subject to any other conditions or limitations placed on the appropriations.

(3) Expenditures from the account shall be used for scholarships to students eligible for the programs according to program rules and policies. For the 2019-2021 fiscal biennium, expenditures may also be used for scholarship awards in the passport to career program established under chapter 28B.117 RCW. It is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

(4) Disbursements from the account are exempt from appropriations and the allotment provisions of chapter 43.88 RCW.

(5) Only the director of the office or the director's designee may authorize expenditures from the account.

**Sec. 911.** RCW 28B.76.526 and 2019 c 406 s 39 are each amended to read as follows:

The Washington opportunity pathways account is created in the state treasury. Expenditures from the account may be used only for programs in chapter 28A.710 RCW (charter schools), chapter 28B.12 RCW (state work-study), chapter 28B.50 RCW (opportunity grant), RCW 28B.76.660 (Washington scholars award), RCW 28B.76.670 (Washington award for vocational excellence), chapter 28B.92 RCW (Washington college grant program), chapter 28B.105 RCW (GET ready for math and science scholarship), chapter 28B.117 RCW (passport to careers), chapter 28B.118 RCW (college bound scholarship), and chapter 43.216 RCW (early childhood education and assistance program). During the 2019-21 fiscal biennium, the account may also be appropriated for public schools funded under chapters 28A.150 and 28A.715 RCW.

**Sec. 912.** RCW 28B.145.050 and 2014 c 208 s 5 are each amended to read as follows:

(1) The opportunity scholarship match transfer account is created in the custody of the state treasurer as a nonappropriated account to be used solely and exclusively for the opportunity scholarship program created in RCW 28B.145.040. The purpose of the account is to provide matching funds for the opportunity scholarship program.

(2) Revenues to the account shall consist of appropriations by the legislature into the account and any gifts, grants, or donations received by the executive director of the council for this purpose.

(3) No expenditures from the account may be made except upon receipt of proof, by the executive director of the council from the program administrator, of private contributions to the opportunity scholarship program. Expenditures, in the form of matching funds, may not exceed the total amount of private contributions.

(4) Only the executive director of the council or the executive director's designee may authorize expenditures from the opportunity scholarship match transfer account. Such authorization must be made as soon as practicable following receipt of proof as required under subsection (3) of this section.

(5) The council shall enter into an appropriate agreement with the program administrator to demonstrate exchange of consideration for the matching funds.

(6) During the 2019-2021 fiscal biennium, expenditures from the opportunity scholarship match transfer account may be used for payment to the program administrator for administrative duties carried out under this chapter in an amount not to exceed two hundred fifty thousand dollars per fiscal year.

**Sec. 913.** RCW 41.80.040 and 2002 c 354 s 305 are each amended to read as follows:

The employer shall not bargain over rights of management which, in addition to all powers, duties, and rights established by constitutional provision or statute, shall include but not be limited to the following:

(1) The functions and programs of the employer, the use of technology, and the structure of the organization;

(2) The employer's budget, which includes for purposes of any negotiations conducted during the 2019-2021 fiscal biennium any specification of the funds or accounts that must be appropriated by the legislature to fulfill the terms of an agreement, and the size of the agency workforce, including determining the financial basis for layoffs;

(3) The right to direct and supervise employees;

(4) The right to take whatever actions are deemed necessary to carry out the mission of the state and its agencies during emergencies; and

(5) Retirement plans and retirement benefits.

**Sec. 914.** RCW 43.31.502 and 1991 c 248 s 1 are each amended to read as follows:

(1) A child care facility revolving fund is created. Money in the fund shall be used solely for the purpose of starting or improving a child care facility pursuant to RCW 43.31.085 and 43.31.502 through 43.31.514. Only moneys from private or federal sources may be deposited into this fund.

(2) Funds provided under this section shall not be subject to reappropriation. The child care facility fund committee may use loan and grant repayments and income for the revolving fund program.

(3) During the 2019-2021 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the child care facility revolving fund to the state general fund.

**Sec. 915.** RCW 43.185C.060 and 2018 c 85 s 6 are each amended to read as follows:

(1) The home security fund account is created in the state treasury, subject to appropriation. The state's portion of the surcharge established in RCW 36.22.179 and 36.22.1791 must be deposited in the account. Expenditures from the account may be used only for homeless housing programs as described in this chapter.

(2) The department must distinguish allotments from the account made to carry out the activities in RCW 43.330.167, 43.330.700 through 43.330.715, 43.330.911,

43.185C.010, 43.185C.250 through 43.185C.320, and 36.22.179(1)(b).

(3) The office of financial management must secure an independent expenditure review of state funds received under RCW 36.22.179(1)(b) on a biennial basis. The purpose of the review is to assess the consistency in achieving policy priorities within the private market rental housing segment for housing persons experiencing homelessness. The independent reviewer must notify the department and the office of financial management of its findings. The first biennial expenditure review, for the 2017-2019 fiscal biennium, is due February 1, 2020. Independent reviews conducted thereafter are due February 1st of each even-numbered year.

(4) During the 2019-2021 fiscal biennium, expenditures from the account may also be used for shelter capacity grants.

**Sec. 916.** RCW 69.50.540 and 2019 c 415 s 978 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 this subsection (1), the legislature must appropriate to the respective agencies amounts sufficient to make the following expenditures on a quarterly basis or as 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 state liquor and cannabis 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 state liquor and cannabis board for administration of this chapter as appropriated in the omnibus appropriations act;

(ii) ~~((Two million six hundred fifty one thousand seven hundred fifty dollars for fiscal year 2018 and three hundred fifty one thousand seven hundred fifty dollars for fiscal year 2019))~~ 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 ~~((seven))~~ four hundred ~~((twenty-three))~~ fifty-three thousand dollars for fiscal year 2020 and two million ~~((five))~~ seven hundred ~~((twenty-three))~~ ninety-three thousand dollars for fiscal year 2021 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 and four hundred sixty-four thousand dollars for fiscal year 2021 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 fiscal year 2020 and eight hundred eight thousand dollars for fiscal year 2021 to the department of health for the administration of the marijuana authorization database; ~~((and))~~

(h) ~~(((\$635,000 ——— H:\DATA\2020 JOURNAL\Journal2020\LegDay060\Six hundred thirty-five thousand dollars.doc))~~ Six hundred thirty-five thousand dollars for fiscal year 2020 and ~~(((\$635,000 H:\DATA\2020 JOURNAL\Journal2020\LegDay060\six hundred thirty-five thousand dollars.doc))~~ six hundred thirty-five thousand dollars for fiscal year 2021 to the department of agriculture for compliance-based laboratory analysis of pesticides in marijuana; and

(i) One million one hundred thousand dollars for fiscal year 2021 to the department of commerce to fund the marijuana social equity technical assistance competitive grant program under Engrossed Second Substitute House Bill No. 2870 (marijuana retail licenses).

(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 2017-2019 and 2019-2021 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 2017-2019 and 2019-2021 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 2019-2021 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 state liquor and cannabis 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. It is the intent of the legislature that the policy for the maximum distributions in the subsequent fiscal biennia will be no more than fifteen million dollars per fiscal year.

For the purposes of this section, "marijuana products" means "useable marijuana," "marijuana concentrates," and "marijuana-infused products" as those terms are defined in RCW 69.50.101.

**Sec. 917.** RCW 71.24.580 and 2019 c 415 s 980, 2019 c 325 s 1040, and 2019 c 314 s 27 are each reenacted and amended to read as follows:

(1) The criminal justice treatment account is created in the state treasury. Moneys in the account may be expended solely for: (a) Substance use disorder treatment and treatment support services for offenders with a substance use disorder that, if not treated, would result in addiction, against whom charges are filed by a prosecuting attorney in Washington state; (b) the provision of substance use disorder treatment services and treatment support services for nonviolent offenders within a drug court program; and (c) the administrative and overhead costs associated with the operation of a drug court. Amounts provided in this subsection must be used for treatment and recovery support services for criminally involved offenders and authorization of these services shall not be subject to determinations of medical necessity. During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the criminal justice treatment account to the state general fund. During the 2019-2021 fiscal biennium, the legislature may appropriate from the account for municipal drug courts and increased treatment options, and may direct the state treasurer to make transfers of moneys in the criminal justice treatment account to the home security fund account created in RCW 43.185C.060. ~~((It is the intent of the legislature to continue the policy of transferring moneys from the criminal justice treatment account to the home security fund account in subsequent biennia.))~~ Moneys in the account may be spent only after appropriation.

(2) For purposes of this section:

(a) "Treatment" means services that are critical to a participant's successful completion of his or her substance use disorder treatment program, including but not limited to the recovery support and other programmatic elements outlined in RCW 2.30.030 authorizing therapeutic courts; and

(b) "Treatment support" includes transportation to or from inpatient or outpatient treatment services when no viable alternative exists, and child care services that are necessary to ensure a participant's ability to attend outpatient treatment sessions.

(3) Revenues to the criminal justice treatment account consist of: (a) Funds transferred to the account pursuant to this section; and (b) any other revenues appropriated to or deposited in the account.

(4)(a) For the fiscal year beginning July 1, 2005, and each subsequent fiscal year, the state treasurer shall transfer eight million two hundred fifty thousand dollars from the general fund to the criminal justice treatment account, divided into four equal quarterly payments. For the fiscal year beginning July 1, 2006, and each subsequent fiscal year, the amount transferred shall be increased on an annual basis by the implicit price deflator as published by the federal bureau of labor statistics.

(b) In each odd-numbered year, the legislature shall appropriate the amount transferred to the criminal justice treatment account in (a) of this subsection to the department for the purposes of subsection (5) of this section.

(5) Moneys appropriated to the authority from the criminal justice treatment account shall be distributed as specified in this subsection. The authority may retain up to three percent of the amount appropriated under subsection (4)(b) of this section for its administrative costs.

(a) Seventy percent of amounts appropriated to the authority from the account shall be distributed to counties pursuant to the distribution formula adopted under this section. The authority, in consultation with the department of corrections, the Washington state association of counties, the Washington state association of drug court professionals, the superior court judges' association, the Washington association of prosecuting attorneys, representatives of the criminal defense bar, representatives of substance use disorder treatment providers, and any other person deemed by the authority to be necessary, shall establish a fair and reasonable methodology for distribution to counties of moneys in the criminal justice treatment account. County or regional plans submitted for the expenditure of formula funds must be approved by the panel established in (b) of this subsection.

(b) Thirty percent of the amounts appropriated to the authority from the account shall be distributed as grants for purposes of treating offenders against whom charges are filed by a county prosecuting attorney. The authority shall appoint a panel of representatives from the Washington association of prosecuting attorneys, the Washington association of sheriffs and police chiefs, the superior court judges' association, the Washington state association of counties, the Washington defender's association or the

Washington association of criminal defense lawyers, the department of corrections, the Washington state association of drug court professionals, and substance use disorder treatment providers. The panel shall review county or regional plans for funding under (a) of this subsection and grants approved under this subsection. The panel shall attempt to ensure that treatment as funded by the grants is available to offenders statewide.

(6) The county alcohol and drug coordinator, county prosecutor, county sheriff, county superior court, a substance abuse treatment provider appointed by the county legislative authority, a member of the criminal defense bar appointed by the county legislative authority, and, in counties with a drug court, a representative of the drug court shall jointly submit a plan, approved by the county legislative authority or authorities, to the panel established in subsection (5)(b) of this section, for disposition of all the funds provided from the criminal justice treatment account within that county. The submitted plan should incorporate current evidence-based practices in substance use disorder treatment. The funds shall be used solely to provide approved alcohol and substance use disorder treatment pursuant to RCW 71.24.560 and treatment support services. No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent for treatment support services.

(7) Counties are encouraged to consider regional agreements and submit regional plans for the efficient delivery of treatment under this section.

(8) Moneys allocated under this section shall be used to supplement, not supplant, other federal, state, and local funds used for substance abuse treatment.

(9) If a region or county uses criminal justice treatment account funds to support a therapeutic court, the therapeutic court must allow the use of all medications approved by the federal food and drug administration for the treatment of opioid use disorder as deemed medically appropriate for a participant by a medical professional. If appropriate medication-assisted treatment resources are not available or accessible within the jurisdiction, the health care authority's designee for assistance must assist the court with acquiring the resource.

(10) Counties must meet the criteria established in RCW 2.30.030(3).

(11) The authority shall annually review and monitor the expenditures made by any county or group of counties that receives appropriated funds distributed under this section. Counties shall repay any funds that are not spent in accordance with the requirements of its contract with the authority.

**Sec. 918.** RCW 74.46.561 and 2019 c 301 s 1 are each amended to read as follows:

(1) The legislature adopts a new system for establishing nursing home payment rates beginning July 1, 2016. Any payments to nursing homes for services provided after June 30, 2016, must be based on the new system. The

new system must be designed in such a manner as to decrease administrative complexity associated with the payment methodology, reward nursing homes providing care for high acuity residents, incentivize quality care for residents of nursing homes, and establish minimum staffing standards for direct care.

(2) The new system must be based primarily on industry-wide costs, and have three main components: Direct care, indirect care, and capital.

(3) The direct care component must include the direct care and therapy care components of the previous system, along with food, laundry, and dietary services. Direct care must be paid at a fixed rate, based on one hundred percent or greater of statewide case mix neutral median costs, but shall be set so that a nursing home provider's direct care rate does not exceed one hundred eighteen percent of its base year's direct care allowable costs except if the provider is below the minimum staffing standard established in RCW 74.42.360(2). Direct care must be performance-adjusted for acuity every six months, using case mix principles. Direct care must be regionally adjusted using county wide wage index information available through the United States department of labor's bureau of labor statistics. There is no minimum occupancy for direct care. The direct care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(4) The indirect care component must include the elements of administrative expenses, maintenance costs, and housekeeping services from the previous system. A minimum occupancy assumption of ninety percent must be applied to indirect care. Indirect care must be paid at a fixed rate, based on ninety percent or greater of statewide median costs. The indirect care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(5) The capital component must use a fair market rental system to set a price per bed. The capital component must be adjusted for the age of the facility, and must use a minimum occupancy assumption of ninety percent.

(a) Beginning July 1, 2016, the fair rental rate allocation for each facility must be determined by multiplying the allowable nursing home square footage in (c) of this subsection by the RSMean rental rate in (d) of this subsection and by the number of licensed beds yielding the gross unadjusted building value. An equipment allowance of ten percent must be added to the unadjusted building value. The sum of the unadjusted building value and equipment allowance must then be reduced by the average age of the facility as determined by (e) of this subsection using a depreciation rate of one and one-half percent. The depreciated building and equipment plus land valued at ten percent of the gross unadjusted building value before depreciation must then be multiplied by the rental rate at seven and one-half percent to yield an allowable fair rental value for the land, building, and equipment.

(b) The fair rental value determined in (a) of this subsection must be divided by the greater of the actual total facility census from the prior full calendar year or imputed

census based on the number of licensed beds at ninety percent occupancy.

(c) For the rate year beginning July 1, 2016, all facilities must be reimbursed using four hundred square feet. For the rate year beginning July 1, 2017, allowable nursing facility square footage must be determined using the total nursing facility square footage as reported on the medicaid cost reports submitted to the department in compliance with this chapter. The maximum allowable square feet per bed may not exceed four hundred fifty.

(d) Each facility must be paid at eighty-three percent or greater of the median nursing facility RSMean construction index value per square foot. The department may use updated RSMean construction index information when more recent square footage data becomes available. The statewide value per square foot must be indexed based on facility zip code by multiplying the statewide value per square foot times the appropriate zip code based index. For the purpose of implementing this section, the value per square foot effective July 1, 2016, must be set so that the weighted average fair rental value rate is not less than ten dollars and eighty cents per patient day. The capital component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(e) The average age is the actual facility age reduced for significant renovations. Significant renovations are defined as those renovations that exceed two thousand dollars per bed in a calendar year as reported on the annual cost report submitted in accordance with this chapter. For the rate beginning July 1, 2016, the department shall use renovation data back to 1994 as submitted on facility cost reports. Beginning July 1, 2016, facility ages must be reduced in future years if the value of the renovation completed in any year exceeds two thousand dollars times the number of licensed beds. The cost of the renovation must be divided by the accumulated depreciation per bed in the year of the renovation to determine the equivalent number of new replacement beds. The new age for the facility is a weighted average with the replacement bed equivalents reflecting an age of zero and the existing licensed beds, minus the new bed equivalents, reflecting their age in the year of the renovation. At no time may the depreciated age be less than zero or greater than forty-four years.

(f) A nursing facility's capital component rate allocation must be rebased annually, effective July 1, 2016, in accordance with this section and this chapter.

(g) For the purposes of this subsection (5), "RSMean" means building construction costs data as published by Gordian.

(6) A quality incentive must be offered as a rate enhancement beginning July 1, 2016.

(a) An enhancement no larger than five percent and no less than one percent of the statewide average daily rate must be paid to facilities that meet or exceed the standard established for the quality incentive. All providers must have the opportunity to earn the full quality incentive payment.

(b) The quality incentive component must be determined by calculating an overall facility quality score composed of four to six quality measures. For fiscal year 2017 there shall be four quality measures, and for fiscal year 2018 there shall be six quality measures. Initially, the quality incentive component must be based on minimum data set quality measures for the percentage of long-stay residents who self-report moderate to severe pain, the percentage of high-risk long-stay residents with pressure ulcers, the percentage of long-stay residents experiencing one or more falls with major injury, and the percentage of long-stay residents with a urinary tract infection. Quality measures must be reviewed on an annual basis by a stakeholder work group established by the department. Upon review, quality measures may be added or changed. The department may risk adjust individual quality measures as it deems appropriate.

(c) The facility quality score must be point based, using at a minimum the facility's most recent available three-quarter average centers for medicare and medicaid services quality data. Point thresholds for each quality measure must be established using the corresponding statistical values for the quality measure point determinants of eighty quality measure points, sixty quality measure points, forty quality measure points, and twenty quality measure points, identified in the most recent available five-star quality rating system technical user's guide published by the center for medicare and medicaid services.

(d) Facilities meeting or exceeding the highest performance threshold (top level) for a quality measure receive twenty-five points. Facilities meeting the second highest performance threshold receive twenty points. Facilities meeting the third level of performance threshold receive fifteen points. Facilities in the bottom performance threshold level receive no points. Points from all quality measures must then be summed into a single aggregate quality score for each facility.

(e) Facilities receiving an aggregate quality score of eighty percent of the overall available total score or higher must be placed in the highest tier (tier V), facilities receiving an aggregate score of between seventy and seventy-nine percent of the overall available total score must be placed in the second highest tier (tier IV), facilities receiving an aggregate score of between sixty and sixty-nine percent of the overall available total score must be placed in the third highest tier (tier III), facilities receiving an aggregate score of between fifty and fifty-nine percent of the overall available total score must be placed in the fourth highest tier (tier II), and facilities receiving less than fifty percent of the overall available total score must be placed in the lowest tier (tier I).

(f) The tier system must be used to determine the amount of each facility's per patient day quality incentive component. The per patient day quality incentive component for tier IV is seventy-five percent of the per patient day quality incentive component for tier V, the per patient day quality incentive component for tier III is fifty percent of the per patient day quality incentive component for tier V, and the per patient day quality incentive component for tier II is twenty-five percent of the per patient day quality incentive

component for tier V. Facilities in tier I receive no quality incentive component.

(g) Tier system payments must be set in a manner that ensures that the entire biennial appropriation for the quality incentive program is allocated.

(h) Facilities with insufficient three-quarter average centers for medicare and medicaid services quality data must be assigned to the tier corresponding to their five-star quality rating. Facilities with a five-star quality rating must be assigned to the highest tier (tier V) and facilities with a one-star quality rating must be assigned to the lowest tier (tier I). The use of a facility's five-star quality rating shall only occur in the case of insufficient centers for medicare and medicaid services minimum data set information.

(i) The quality incentive rates must be adjusted semiannually on July 1 and January 1 of each year using, at a minimum, the most recent available three-quarter average centers for medicare and medicaid services quality data.

(j) Beginning July 1, 2017, the percentage of short-stay residents who newly received an antipsychotic medication must be added as a quality measure. The department must determine the quality incentive thresholds for this quality measure in a manner consistent with those outlined in (b) through (h) of this subsection using the centers for medicare and medicaid services quality data.

(k) Beginning July 1, 2017, the percentage of direct care staff turnover must be added as a quality measure using the centers for medicare and medicaid services' payroll-based journal and nursing home facility payroll data. Turnover is defined as an employee departure. The department must determine the quality incentive thresholds for this quality measure using data from the centers for medicare and medicaid services' payroll-based journal, unless such data is not available, in which case the department shall use direct care staffing turnover data from the most recent medicaid cost report.

(7) Reimbursement of the safety net assessment imposed by chapter 74.48 RCW and paid in relation to medicaid residents must be continued.

(8)(a) The direct care and indirect care components must be rebased in even-numbered years, beginning with rates paid on July 1, 2016. Rates paid on July 1, 2016, must be based on the 2014 calendar year cost report. On a percentage basis, after rebasing, the department must confirm that the statewide average daily rate has increased at least as much as the average rate of inflation, as determined by the skilled nursing facility market basket index published by the centers for medicare and medicaid services, or a comparable index. If after rebasing, the percentage increase to the statewide average daily rate is less than the average rate of inflation for the same time period, the department is authorized to increase rates by the difference between the percentage increase after rebasing and the average rate of inflation.

(b) It is the intention of the legislature that direct and indirect care rates paid in fiscal year 2022 will be rebased using the calendar year 2019 cost reports. For fiscal year

2021, in addition to the rates generated by (a) of this subsection, an additional adjustment is provided as established in this subsection (8)(b). Beginning May 1, 2020, and through June 30, 2021, the calendar year costs must be adjusted for inflation by a twenty-four month consumer price index, based on the most recently available monthly index for all urban consumers, as published by the bureau of labor statistics. It is also the intent of the legislature that, starting in fiscal year 2022, a facility-specific rate add-on equal to the inflation adjustment that facilities received solely in fiscal year 2021, must be added to the rate.

(c) To determine the necessity of regular inflationary adjustments to the nursing facility rates, by December 1, 2020, the department shall provide the appropriate policy and fiscal committees of the legislature with a report that provides a review of rates paid in 2017, 2018, and 2019 in comparison to costs incurred by nursing facilities.

(9) The direct care component provided in subsection (3) of this section is subject to the reconciliation and settlement process provided in RCW 74.46.022(6). Beginning July 1, 2016, pursuant to rules established by the department, funds that are received through the reconciliation and settlement process provided in RCW 74.46.022(6) must be used for technical assistance, specialized training, or an increase to the quality enhancement established in subsection (6) of this section. The legislature intends to review the utility of maintaining the reconciliation and settlement process under a price-based payment methodology, and may discontinue the reconciliation and settlement process after the 2017-2019 fiscal biennium.

(10) Compared to the rate in effect June 30, 2016, including all cost components and rate add-ons, no facility may receive a rate reduction of more than one percent on July 1, 2016, more than two percent on July 1, 2017, or more than five percent on July 1, 2018. To ensure that the appropriation for nursing homes remains cost neutral, the department is authorized to cap the rate increase for facilities in fiscal years 2017, 2018, and 2019.

**Sec. 919.** RCW 82.08.170 and 2015 3rd sp.s. c 4 s 976 are each amended to read as follows:

(1) Except as provided in subsections (4) and (5) of this section, during the months of January, April, July, and October of each year, the state treasurer must make the transfers required under subsections (2) and (3) of this section from the liquor excise tax fund and then the apportionment and distribution of all remaining moneys in the liquor excise tax fund to the counties, cities, and towns in the following proportions: (a) Twenty percent of the moneys in the liquor excise tax fund must be divided among and distributed to the counties of the state in accordance with the provisions of RCW 66.08.200; and (b) eighty percent of the moneys in the liquor excise tax fund must be divided among and distributed to the cities and towns of the state in accordance with the provisions of RCW 66.08.210.

(2) Each fiscal quarter and prior to making the twenty percent distribution to counties under subsection (1)(a) of this section, the treasurer shall transfer to the liquor revolving fund created in RCW 66.08.170 sufficient moneys

to fund the allotments from any legislative appropriations for county research and services as provided under chapter 43.110 RCW.

(3) During the months of January, April, July, and October of each year, the state treasurer must transfer two million five hundred thousand dollars from the liquor excise tax fund to the state general fund.

(4) During calendar year 2012, the October distribution under subsection (1) of this section and the July and October transfers under subsections (2) and (3) of this section must not be made. During calendar year 2013, the January, April, and July distributions under subsection (1) of this section and transfers under subsections (2) and (3) of this section must not be made.

(5) During the 2015-2017 and 2019-2021 fiscal ~~((biennium))~~ biennia, the liquor excise tax fund may be appropriated for the local government fiscal note program in the department of commerce. It is the intent of the legislature to continue this policy in the ~~((2017-2019))~~ subsequent fiscal biennium.

**Sec. 920.** RCW 82.19.040 and 2019 c 415 s 989 are each amended to read as follows:

(1) To the extent applicable, all of the definitions of chapter 82.04 RCW and all of the provisions of chapter 82.32 RCW apply to the tax imposed in this chapter.

(2) Beginning June 30, 2019, taxes collected under this chapter shall be deposited in the waste reduction, recycling, and litter control account under RCW 70.93.180, except that until June 30, ~~((2021))~~ 2020, one million two hundred fifty thousand dollars ~~((per fiscal year))~~ must be deposited in equal monthly amounts in the state parks renewal and stewardship account, with the remainder deposited in the waste reduction, recycling, and litter control account. ~~((It is the intent of the legislature to continue this policy in the ensuing biennium.))~~

**Sec. 921.** RCW 90.56.510 and 2019 c 415 s 994 are each amended to read as follows:

(1) The oil spill prevention account is created in the state treasury. All receipts from RCW 82.23B.020(2) shall be deposited in the account. Moneys from the account may be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88 RCW. If, on the first day of any calendar month, the balance of the oil spill response account is greater than nine million dollars and the balance of the oil spill prevention account exceeds the unexpended appropriation for the current biennium, then the tax under RCW 82.23B.020(2) shall be suspended on the first day of the next calendar month until the beginning of the following biennium, provided that the tax shall not be suspended during the last six months of the biennium. If the tax imposed under RCW 82.23B.020(2) is suspended during two consecutive biennia, the department shall by November 1st after the end of the second biennium, recommend to the appropriate standing committees an adjustment in the tax rate. For the biennium ending June 30, 1999, and the biennium ending June 30, 2001, the state treasurer may transfer a total of up to one million dollars from the oil spill

response account to the oil spill prevention account to support appropriations made from the oil spill prevention account in the omnibus appropriations act adopted not later than June 30, 1999.

(2) Expenditures from the oil spill prevention account shall be used exclusively for the administrative costs related to the purposes of this chapter, and chapters 90.48, 88.40, and 88.46 RCW. In addition, until June 30, 2021, expenditures from the oil spill prevention account may be used, subject to amounts appropriated specifically for this purpose, for the development and annual review of local emergency planning committee emergency response plans in RCW 38.52.040(3). Starting with the 1995-1997 biennium, the legislature shall give activities of state agencies related to prevention of oil spills priority in funding from the oil spill prevention account. Costs of prevention include the costs of:

(a) Routine responses not covered under RCW 90.56.500;

(b) Management and staff development activities;

(c) Development of rules and policies and the statewide plan provided for in RCW 90.56.060;

(d) Facility and vessel plan review and approval, drills, inspections, investigations, enforcement, and litigation;

(e) Interagency coordination and public outreach and education;

(f) Collection and administration of the tax provided for in chapter 82.23B RCW; and

(g) Appropriate travel, goods and services, contracts, and equipment.

(3) Before expending moneys from the account for a response under subsection (2)(a) of this section, but without delaying response activities, the director shall make reasonable efforts to obtain funding for response costs under this section from the person responsible for the spill and from other sources, including the federal government.

(4) During the 2019-2021 fiscal biennium, the legislature may appropriate moneys from the oil spill prevention account to the oil spill response account.

**NEW SECTION. Sec. 922.** (1) A work group is established to create a family engagement framework for early learning through school.

(2) At a minimum, the work group must review family engagement policies and practices in Washington and in other states, with a focus on identifying best practices that can be adopted throughout Washington.

(3) The members of the work group must represent the following groups: The department of children, youth, and families; the office of the superintendent of public instruction; the state board of education; parents of children in the state early childhood education and assistance program or the federal head start program; parents of students in elementary or secondary school; parents of students who are English learners, with at least one parent with a student in preschool and at least one parent with a

student in elementary or secondary school; parents of students who are in special education; parents of students in foster care; the office of the education ombuds; the educational opportunity gap oversight and accountability committee; the state commission on Asian Pacific American affairs; the state commission on Hispanic affairs; the state commission on African American affairs; the governor's office of Indian affairs; the Washington state school directors' association; a state organization of school principals; a state organization of teachers; early childhood teachers; elementary and postsecondary teachers; and a state organization representing school counselors.

(b) The members of the work group must elect cochairs. One of the cochairs must be a parent and the other cochair must represent a state agency.

(4) The work group must meet monthly. At each meeting of the work group, members must have the option to participate remotely. In addition, the work group must hold at least three meetings in central Washington and at least three meetings in eastern Washington.

(5) Staff support for the work group must be provided by the office of the superintendent of public instruction and the department of children, youth, and families.

(6) Members are not entitled to be reimbursed for meal or travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other members is subject to chapter 43.03 RCW.

(7) By June 30, 2021, and in compliance with RCW 43.01.036, the office of the superintendent of public instruction must report to the appropriate committees of the legislature with a summary of the activities of the work group and its recommendations for a family engagement framework for early learning through high school.

**NEW SECTION. Sec. 923.** A joint legislative task force is created to develop a business plan for the establishment of a publicly owned depository/state bank in Washington state.

(1) The task force membership must consist of:

(a) The president of the senate shall appoint two members from each of the two largest caucuses of the senate;

(b) The speaker of the house of representatives shall appoint two members from each of the two largest caucuses of the house of representatives;

(c) Two members from local government who have expressed an interest in the formation of or participation in a publicly owned depository/state bank with one member appointed by the association of Washington cities and one member appointed by the Washington association of counties; and

(d) Two citizen members with a background in finance appointed by the governor.

(2) Appointments to the task force must be made by April 15, 2020, and its first meeting must take place by May 1, 2020. The task force may have a total of four meetings

and may conduct meetings by video or telephonic means. The task force shall conduct business by consensus. However, if consensus cannot be reached, action shall be taken by a majority vote of members.

(3) The purpose of the task force is to engage in a contract for services to develop a business plan for the establishment of a publicly owned depository/state bank.

(a) The business plan must include the following elements:

(i) Overall business concept;

(ii) Governance and management policies;

(iii) The business and powers of the bank;

(iv) Identification of products and services to be offered by the bank;

(v) A financial plan identifying both operating and capitalization needs;

(vi) Ethical, transparency, and reporting policies;

(vii) Draft enabling legislation and other necessary statutory changes to implement the business plan; and

(viii) An overall road map of actions and activities to establish a publicly owned depository/state bank.

(b) The task force must solicit from the public banking institute recommendations of persons and organizations to contract for developing the business plan. The task force must select the contractor from this list unless sixty percent of the task force determines that broader solicitation of potential contractors is necessary.

(c) The contract may be entered into as a sole source contract to facilitate receipt of the business plan by its due date to the legislature.

(4) The task force shall assist with scoping the content of the contract, contractor selection, and reviewing contract deliverables.

(5) Staff support for the task force must be provided by the house of representatives office of program research and the senate committee services.

(6) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(7) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(8) The task force shall present the business plan to the appropriate committees of the legislature by December 15, 2020. The task force may extend the date for submitting the

plan if the task force determines that an extension will improve the quality and content of the plan.

(9) This section expires on June 30, 2021.

**NEW SECTION. Sec. 924.** A new section is added to chapter 43.79 RCW to read as follows:

The climate resiliency account is created in the state treasury. Revenues to the account shall consist of appropriations and transfers by the legislature and all other funding directed for deposit into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account are dedicated to activities that increase climate resiliency and include, but are not limited to:

- (1) Response to climate driven stressors;
- (2) Prevention of environmental and natural resources degradation;
- (3) Activities that restore or improve ecosystem resiliency and sustainability; and
- (4) Measures that anticipate, adapt, or minimize the effects climate change has on communities and the natural environment.

**NEW SECTION. Sec. 925.** 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. 926.** 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."

**ESSB 6168 - CONF REPT**

By Conference Committee

**SENATE ADOPTED 03/12/2020**

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 28B.76.525, 28B.76.526, 28B.145.050, 41.80.040, 43.31.502, 43.185C.060, 69.50.540, 74.46.561, 82.08.170, 82.19.040, and 90.56.510; amending 2019 c 415 ss 101, 102, 103, 104, 105, 106, 107, 108, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 142, 143, 144, 145, 146, 148, 147, 149, 150, 151, 152, 153, 141, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 503, 504, 505, 506, 507, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 601, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 719, 701, 703, 712, 720, 725, 728, 730, 721, 722, 724, 726, 801, 802, 803, 805, 938, and 946, 2019 c 406 ss 13 and 5, and 2019 c 324 s 12 (uncodified); reenacting and amending RCW 71.24.580; adding a new section to chapter 43.79 RCW; adding new sections to 2019 c 415 (uncodified); creating new sections; making appropriations; providing an expiration date; and declaring an emergency."

Senators Rolfes and Frockt  
Representatives Ormsby and Robinson

There being no objection, the House adopted the conference committee report on ENGROSSED SUBSTITUTE SENATE BILL NO. 6168 and advanced the bill as recommended by the conference committee to final passage.

**FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE**

Representatives Ormsby and Sullivan spoke in favor of the passage of the bill as recommended by the conference committee.

Representatives MacEwen, Hoff, Wilcox and Stokesbary spoke against the passage of the bill as recommended by the conference committee.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 6168 as recommended by the conference committee.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6168, as recommended by the conference committee, and the bill passed the House by the following votes: Yeas: 57 Nays: 40 Absent: 0 Excused: 1

Voting Yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Johnson, J., Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, and Wylie

Voting Nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Excused: Representative Paul

ENGROSSED SUBSTITUTE SENATE BILL NO. 6168, as recommended by the conference committee, having received the constitutional majority, was declared passed.

**POINT OF PERSONAL PRIVILEGE**

Representative Ormsby thanked the staff of the Committee on Appropriations for their hard work and dedication.

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

**SECOND READING**

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6534, by Senate Committee on Health & Long Term Care (originally sponsored by Cleveland)**

**Creating an ambulance transport quality assurance fee.**

The bill was read the second time.

With the consent of the House, amendments (2176) and (2164) were withdrawn.

Representative Riccelli moved the adoption of amendment (2174):

926.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 927.** The legislature finds that the payments to private emergency ambulance service providers for transports for medicaid recipients have not been increased since 2004, resulting in a loss for carriers who provide this service. This has resulted in the shifting of cost of medicaid transports to other payers.

The purpose of this chapter is to provide for a quality assurance fee for specified providers of emergency ambulance services as referenced in 42 C.F.R. Sec. 433.56, which will be used to add on to base funding from all other sources, thereby supporting additional medicaid payments to nonpublic and nonfederal providers of emergency ambulance services as specified in this chapter.

**NEW SECTION. Sec. 928.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Aggregate fee schedule amount" means the product of the add-on calculated pursuant to section 6(1) of this act multiplied by the number of emergency ambulance transports for the state fiscal year.

(2) "Ambulance transport provider" means an ambulance transport provider that is licensed under RCW 18.73.140 that bills and receives patient care revenue from the provision of ground emergency ambulance transports. "Ambulance transport provider" does not include a provider that is owned or operated by the state, cities, counties, fire protection districts, regional fire protection service authorities, port districts, public hospital districts, community services districts, health care districts, federally recognized Indian tribes, or any unit of government as defined in 42 C.F.R. Sec. 433.50.

(3) "Annual quality assurance fee rate" means the quality assurance fee per emergency ambulance transport during each applicable state fiscal year assessed on each ambulance transport provider.

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

(5) "Available fee amount" means the sum of the following:

(a) The amount deposited in the ambulance transport fund established under section 3 of this act during the applicable state fiscal year, less the amounts described in section 3(3)(a) of this act; and

(b) Any federal financial participation obtained as a result of the deposit of the amount described in this subsection, for the applicable state fiscal year.

(6) "Effective state medical assistance percentage" means a ratio of the aggregate expenditures from state-only sources for medicaid divided by the aggregate expenditures from state and federal sources for medicaid for a state fiscal year.

(7) "Emergency ambulance transport" means the act of transporting an individual by use of an ambulance during which a client receives needed emergency medical services en route to an appropriate medical facility. "Emergency ambulance transport" does not include transportation of beneficiaries by passenger cars, taxicabs, litter vans, wheelchair vans, or other forms of public or private conveyances, nor does it include transportation by an air ambulance provider. An "emergency ambulance transport" does not occur when, following evaluation of a patient, a transport is not provided.

(8) "Fee-for-service payment schedule" means the payment rates to ambulance transport providers for emergency ambulance transports by the authority without the inclusion of the add-on described in section 6 of this act.

(9) "Gross receipts" means the total amount of payments received as patient care revenue for emergency ambulance transports, determined on a cash basis of accounting. "Gross receipts" includes all payments received as patient care revenue for emergency ambulance transports from medicaid, medicare, commercial insurance, and all other payers as payment for services rendered.

(10) "Medicaid" means the medical assistance program and the state children's health insurance program as established in Title XIX and Title XXI of the social security act, respectively, and as administered in the state of Washington by the authority.

(11) "Program" means the ambulance quality assurance fee program established in this chapter.

**NEW SECTION. Sec. 929.** (1) A dedicated fund is hereby established within the state treasury to be known as the ambulance transport fund. The purpose and use of the fund shall be to receive and disburse funds, together with accrued interest, in accordance with this chapter. Moneys in the fund, including interest earned, shall not be used or disbursed for any purposes other than those specified in this chapter. Any amounts expended from the fund that are later recovered by the authority on audit or otherwise shall be returned to the fund. Moneys in the account may be spent only after appropriation.

(2) The quality assurance fees collected by the authority pursuant to section 5 of this act must be deposited in the ambulance transport fund.

(3) The moneys in the ambulance transport fund, including any interest and dividends earned on money in the fund, shall be available exclusively for the following purposes in the following order of priority:

(a) To provide funding in an amount not to exceed ten percent of the annual quality assurance fee rate collection amount, exclusive of any federal matching funds, for health care coverage for Washingtonians and for the authority's staffing and administrative costs directly attributable to administering this chapter; and

(b) To make increased payments to ambulance transport providers pursuant to section 6 of this act.

**NEW SECTION. Sec. 930.** (1) Each ambulance transport provider must report to the authority the number of emergency ambulance transports by payer type and the annual gross receipts for the state fiscal year ending June 30, 2020, pursuant to form and timing required by the authority. The authority shall establish the timing for such reporting to occur on or after August 15, 2020.

(2) Each ambulance transport provider must report to the authority the number of emergency ambulance transports by payer type for each state fiscal quarter commencing with the state fiscal quarter ending September 30, 2020, pursuant to form and timing required by the authority. The authority shall establish the timing for such reporting to occur on or after the forty-fifth day after the end of each applicable state fiscal quarter.

(3) Each ambulance transport provider must report to the authority the annual gross receipts for each state fiscal year commencing with the state fiscal year ending June 30, 2021, pursuant to form and timing required by the authority. The authority shall establish the timing for such reporting to occur on or after the forty-fifth day after the end of each applicable state fiscal year.

(4) The authority may require a certification by each ambulance transport provider under penalty of perjury of the truth of the reports required under this section. Upon written notice to an ambulance transport provider, the authority may impose a civil penalty of one hundred dollars per day against an ambulance transport provider for every day that an ambulance transport provider fails to make a report required by this section within five days of the date upon which the report was due. Any funds resulting from a penalty imposed pursuant to this subsection shall be deposited in the ambulance transport fund established in section 3 of this act.

**NEW SECTION. Sec. 931.** (1) Beginning July 1, 2021, and annually thereafter, the authority shall assess each ambulance transport provider a quality assurance fee. Each ambulance transport provider must pay the quality assurance fee on a quarterly basis. The quarterly quality assurance fee payment shall be based on the annual quality assurance fee rate for the applicable state fiscal year multiplied by the number of emergency ambulance transports provided by the ambulance transport provider in the second quarter

preceding the state fiscal quarter for which the fee is assessed.

(2)(a) For the state fiscal year beginning July 1, 2021, the annual quality assurance fee rate shall be calculated by multiplying the projected total annual gross receipts for all ambulance transport providers by five and one-half percent, which resulting product shall be divided by the projected total annual emergency ambulance transports by all ambulance transport providers for the state fiscal year.

(b) For state fiscal years beginning July 1, 2022, and continuing each state fiscal year thereafter, the quality assurance fee rate shall be calculated by a ratio, the numerator of which shall be the product of the projected aggregate fee schedule amount, and the denominator of which shall be ninety percent of the projected total annual emergency ambulance transports by all ambulance transport providers.

(c) If, during a state fiscal year, the actual or projected available fee amount exceeds or is less than the actual or projected aggregate fee schedule amount by more than one percent, the authority shall adjust the annual quality assurance fee rate so that the available fee amount for the state fiscal year is approximately equal to the aggregate fee schedule amount for the state fiscal year. The available fee amount for a state fiscal year shall be considered to equal the aggregate fee schedule amount for the state fiscal year if the difference between the available fee amount for the state fiscal year and the aggregate fee schedule amount for the state fiscal year constitutes less than one percent of the aggregate fee schedule amount for the state fiscal year.

(3) For each state fiscal year for which the quality assurance fee is assessed, the authority shall send each ambulance transport provider an assessment notice no later than thirty days prior to the beginning of the applicable state fiscal quarter. For each state fiscal quarter for which the quality assurance fee is assessed, the authority shall send to each ambulance transport provider an invoice of the quarterly quality assurance fee payment due for the quarter no later than thirty days before the payment is due. For each state fiscal quarter for which the quality assurance fee is assessed, the ambulance transport provider shall remit payment to the authority by the date established by the authority, which shall be no earlier than fifteen days after the beginning of the applicable state fiscal quarter.

(4)(a) Interest shall be assessed on quality assurance fees not paid on the date due at the rate and in the manner provided in RCW 43.20B.695. Interest shall be deposited in the ambulance transport fund established in section 3 of this act.

(b) In the event that any fee payment is more than sixty days overdue, the authority may deduct the unpaid fee and interest owed from any medicaid reimbursement payments owed to the ambulance transport provider until the full amount of the fee, interest, and any penalties assessed under this chapter are recovered. Any deduction made pursuant to this subsection shall be made only after the authority gives the ambulance transport provider written notification. Any deduction made pursuant to this subsection may be deducted

over a period of time that takes into account the financial condition of the ambulance transport provider.

(c) In the event that any fee payment is more than sixty days overdue, a penalty equal to the interest charge described in (a) of this subsection shall be assessed and due for each month for which the payment is not received after sixty days. Any funds resulting from a penalty imposed pursuant to this subsection shall be deposited into the ambulance transport fund established in section 3 of this act.

(d) The authority may waive a portion or all of either the interest or penalties, or both, assessed under this chapter in the event the authority determines, in its sole discretion, that the ambulance transport provider has demonstrated that imposition of the full amount of the quality assurance fee pursuant to the timelines applicable under this chapter has a high likelihood of creating an undue financial hardship for the provider. Waiver of some or all of the interest or penalties pursuant to this subsection shall be conditioned on the ambulance transport provider's agreement to make fee payments on an alternative schedule developed by the authority.

(5) The authority shall accept an ambulance transport provider's payment even if the payment is submitted in a rate year subsequent to the rate year in which the fee was assessed.

(6) In the event of a merger, acquisition, or similar transaction involving an ambulance transport provider that has outstanding quality assurance fee payment obligations pursuant to this chapter, including any interest and penalty amounts owed, the resultant or successor ambulance transport provider shall be responsible for paying to the authority the full amount of outstanding quality assurance fee payments, including any applicable interest and penalties, attributable to the ambulance transport provider for which it was assessed, upon the effective date of such transaction. An entity considering a merger, acquisition, or similar transaction involving an ambulance transport provider may submit a request to the authority to ascertain the outstanding quality assurance fee payment obligations of the ambulance transport provider pursuant to this chapter as of the date of the authority's response to that request.

**NEW SECTION. Sec. 932.** (1) Beginning July 1, 2021, and for each state fiscal year thereafter, reimbursement for emergency ambulance transports provided by ambulance transport providers shall be increased by application of an add-on to the associated medicaid fee-for-service payment schedule. The add-on increase to the fee-for-service payment schedule under this section shall be calculated by June 15, 2021, and shall remain the same for later state fiscal years, to the extent the authority determines federal financial participation is available. The authority shall calculate the projections required by this subsection based on the number of emergency ambulance transports and gross revenue data submitted pursuant to section 4 of this act. The fee-for-service add-on shall be equal to the quotient of the available fee amount projected by the authority on or before June 15, 2021, for the 2021–22 state fiscal year, divided by the total medicaid emergency ambulance transports, projected by the authority on or before June 15, 2021, for the 2021–22 state

fiscal year. The resulting fee-for-service payment schedule amounts after the application of this section shall be equal to the sum of the medicaid fee-for-service payment schedule amount and the add-on increase.

(2) The increased payments required by this section shall be funded solely from the following:

(a) The quality assurance fee set forth in section 5 of this act, along with any interest or other investment income earned on those funds; and

(b) Federal reimbursement and any other related federal funds.

(3) The proceeds of the quality assurance fee set forth in section 5 of this act, the matching amount provided by the federal government, and any interest earned on those proceeds shall be used to supplement, and not to supplant, existing funding for emergency ambulance transports provided by ambulance transport providers.

(4) Notwithstanding any provision of this chapter, the authority may seek federal approval to implement any add-on increase to the fee-for-service payment schedule pursuant to this section for any state fiscal year or years, as applicable, on a time-limited basis for a fixed program period, as determined by the authority.

**NEW SECTION. Sec. 933.** The authority may adopt rules to implement this chapter.

**NEW SECTION. Sec. 934.** (1)(a) The authority shall request any approval from the federal centers for medicare and medicaid services it determines are necessary for the use of fees pursuant to this chapter and for the purpose of receiving associated federal matching funds.

(b) This chapter shall be implemented only to the extent that any necessary federal approvals are obtained and federal financial participation is available. The quality assurance fee pursuant to section 5 of this act shall only be assessed and collected for quarters in which the add-on pursuant to section 6 of this act is paid.

(2) The authority may modify or make adjustments to any methodology, fee amount, or other provision specified in this chapter to the minimum extent necessary to meet the requirements of federal law or regulations or to obtain federal approval. If the authority, after consulting with ambulance transport providers, determines that a modification is needed, the authority shall execute a declaration stating that this determination has been made and that the actual or projected available fee amount for a state fiscal year remains approximately equal to the actual or projected aggregate fee schedule amount for each applicable state fiscal year, as defined by section 5(2)(c) of this act. The authority shall retain the declaration and provide a copy, within ten working days of the execution of the declaration, to the appropriate fiscal and policy committees of the legislature.

**NEW SECTION. Sec. 935.** If there is a delay in the implementation of this chapter for any reason, including a delay in any required approval of the quality assurance fee and reimbursement methodology specified by the federal

centers for medicare and medicaid services, the following shall apply:

(1) An ambulance transport provider may be assessed the amount the provider would be required to pay to the authority if the add-on increase to the fee-for-service payment schedule described in section 5(2)(c) of this act were already approved, but shall not be required to pay the fee until the add-on increase to the fee-for-service payment schedule described in section 6 of this act is approved. The authority shall establish a schedule for payment of retroactive fees pursuant to this subsection in consultation with ambulance transport providers to minimize the disruption to the cash flow of ambulance transport providers.

(2) The authority may retroactively implement the add-on increase to the fee-for-service payment schedule pursuant to section 6 of this act to the extent the authority determines that federal financial participation is available.

**NEW SECTION. Sec. 936.** (1) The assessment, collection, and disbursement of funds under this chapter shall be conditional upon:

(a) The federal centers for medicare and medicaid services not determining that the quality assurance fee revenues may not be used for the purposes set forth in this chapter;

(b) The state not reducing its fee-for-service payment schedule for emergency ambulance transports provided by ambulance transport providers;

(c) The state not delegating responsibility to pay for emergency ambulance transports to a managed care organization, prepaid inpatient health plan, or prepaid ambulatory health plan, as those terms are defined in 42 C.F.R. Sec. 438.2;

(d) Federal financial participation being available and not otherwise jeopardized;

(e) The program not prohibiting, diminishing, or harming the ground emergency medical transportation services reimbursement program described in RCW 41.05.730; and

(f) Consistent with section 6(3) of this act, the state continuing its maintenance of effort for the level of state funding not derived from the quality assurance fee of emergency ambulance transports reimbursement for the 2021–22 rate year, and for each applicable rate year thereafter, in an amount not less than the amount that the state would have paid for the same number of emergency ambulance transports under the rate methodology that was in effect on July 1, 2019.

(2) This chapter ceases to be operative on the first day of the state fiscal year beginning on or after the date one or more of the following conditions is satisfied:

(a) The federal centers for medicare and medicaid services no longer allows the collection or use of the ambulance transport provider assessment provided in this chapter;

(b) The increase to the medicaid payments described in section 6 of this act no longer remains in effect;

(c) The quality assurance fee assessed and collected pursuant to this chapter is no longer available for the purposes specified in this chapter;

(d) A final judicial determination made by any state or federal court that is not appealed, or by a court of appellate jurisdiction that is not further appealed, in any action by any party, or a final determination by the administrator of the federal centers for medicare and medicaid services that is not appealed, that federal financial participation is not available with respect to any payment made under the methodology implemented pursuant to this chapter;

(e) The state reduces its fee-for-service payment schedule for emergency ambulance transports provided by ambulance transport providers;

(f) The state delegates responsibility to pay for emergency ambulance transports to a managed care organization, prepaid inpatient health plan, or prepaid ambulatory health plan, as those terms are defined in 42 C.F.R. Sec. 438.2; and

(g) The program not prohibiting, diminishing, or harming the ground emergency medical transportation services reimbursement program described in RCW 41.05.730.

(3) In the event one or more of the conditions listed in subsection (2) of this section is satisfied, the authority shall notify, in writing and as soon as practicable, the secretary of state, the secretary of the senate, the chief clerk of the house of representatives, the appropriate fiscal and policy committees of the legislature, and the code reviser's office of the condition and the approximate date or dates that it occurred. The authority shall post the notice on the authority's web site.

(4)(a) Notwithstanding any other law, in the event this chapter becomes inoperative pursuant to subsection (2) of this section, the authority shall be authorized to conduct all appropriate close-out activities and implement applicable provisions of this chapter for prior state fiscal years during which this chapter was operative including, but not limited to, the collection of outstanding quality assurance fees pursuant to section 5 of this act and payments associated with any add-on increase to the medicaid fee-for-service payment schedule pursuant to section 6 of this act. In implementing these close-out activities, the authority shall ensure that the actual or projected available fee amount for each applicable state fiscal year remains approximately equal to the aggregate fee schedule amount for the state fiscal year, as defined by section 5(2)(c) of this act. During this close-out period, the full amount of the quality assurance fee assessed and collected remains available only for the purposes specified in this chapter.

(b) Upon a determination by the authority that all appropriate close-out and implementation activities pursuant to (a) of this subsection have been completed, the authority shall notify, in writing, the secretary of state, the secretary of the senate, the chief clerk of the house of representatives, the

appropriate fiscal and policy committees of the legislature, and the code reviser's office of that determination. This chapter shall expire as of the effective date of the notification issued by the authority pursuant to this subsection.

**Sec. 937.** RCW 43.84.092 and 2019 c 421 s 15, 2019 c 403 s 14, 2019 c 365 s 19, 2019 c 287 s 19, and 2019 c 95 s 6 are each reenacted and amended to read as follows:

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

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

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

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

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the ambulance transport fund, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the

Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of licensing tuition recovery trust fund, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the industrial insurance premium refund account, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C

account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the statewide broadband account, the statewide tourism marketing account, the student achievement council tuition recovery trust fund, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

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

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

**NEW SECTION. Sec. 938.** Sections 1 through 10 and 13 of this act constitute a new chapter in Title 74 RCW.

**NEW SECTION. Sec. 939.** This act expires July 1, 2024.

**NEW SECTION. Sec. 940.** 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 Riccelli and Schmick spoke in favor of the adoption of the amendment.

Amendment (2174) 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 Riccelli and Stokesbary 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 Senate Bill No. 6534, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6534, as amended by the House, and the bill passed the House by the following vote: Yeas, 87; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Calder, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chandler, Dufault, Jenkin, Kraft, McCaslin, Orcutt, Shea, Sutherland, Walsh and Young.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6534, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5628, by Senate Committee on Transportation (originally sponsored by Cleveland, Brown, Hobbs, Walsh and Palumbo)**

**Concerning the classification of heavy equipment rental property as inventory. Revised for 1st Substitute: Concerning heavy equipment rental property taxation.**

The bill was read the second time.

With the consent of the House, amendments (2185) and (2184) were withdrawn.

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

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

Representative Orcutt spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5628.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5628, and the bill passed the House by the following vote: Yeas, 53; Nays, 44; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Cody, Davis, DeBolt, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Corry, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Ramos, Rude, Schmick, Shea, Smith, Steele, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Paul.

SUBSTITUTE SENATE BILL NO. 5628, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6515, by Senate Committee on Ways & Means (originally sponsored by Van De Wege, Randall, Mullet, Takko, Lovelett, Liias, Conway, Hasegawa, Wilson and C.)**

**Adjusting the medicaid payment methodology for skilled nursing facilities. Revised for 2nd Substitute: Concerning nursing facilities.**

The bill was read the second time.

Representative Cody moved the adoption of amendment (2190):

940.0. On page 6, beginning on line 37, strike all of sections 4 through 7

Correct the title.

Representatives Cody and Schmick spoke in favor of the adoption of the striking amendment.

Amendment (2190) 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 Cody and Schmick spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6515, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6515, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6515, as amended by the House, having received the necessary constitutional majority, was declared passed.

With the consent of the House the bills previously acted upon were immediately transmitted to the Senate.

The Speaker called upon Representative Thai to preside.

The Speaker assumed the chair.

**SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

SECOND SUBSTITUTE HOUSE BILL NO. 1661  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116  
     HOUSE BILL NO. 2242  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2248  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2322  
     SUBSTITUTE HOUSE BILL NO. 2441  
     SUBSTITUTE HOUSE BILL NO. 2711  
     HOUSE BILL NO. 2848  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2919  
     THIRD SUBSTITUTE SENATE BILL NO. 5164  
     ENGROSSED SENATE BILL NO. 5282  
 ENGROSSED SECOND SUBSTITUTE SENATE  
     BILL NO. 5291  
     ENGROSSED SENATE BILL NO. 5402  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     5473  
 SECOND SUBSTITUTE SENATE BILL NO. 5488  
 ENGROSSED SECOND SUBSTITUTE SENATE  
     BILL NO. 5549  
 SECOND ENGROSSED SECOND SUBSTITUTE  
     SENATE BILL NO. 5720  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     5759  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     5829  
 SECOND SUBSTITUTE SENATE BILL NO. 5947  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     6040  
     SUBSTITUTE SENATE BILL NO. 6065  
     SUBSTITUTE SENATE BILL NO. 6068  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     6097  
     SUBSTITUTE SENATE BILL NO. 6152  
     SUBSTITUTE SENATE BILL NO. 6158  
     SENATE BILL NO. 6164  
     ENGROSSED SENATE BILL NO. 6180  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     6189  
     SUBSTITUTE SENATE BILL NO. 6190  
 ENGROSSED SECOND SUBSTITUTE SENATE  
     BILL NO. 6205  
 SECOND SUBSTITUTE SENATE BILL NO. 6211  
     ENGROSSED SENATE BILL NO. 6239  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     6248  
     SUBSTITUTE SENATE BILL NO. 6259  
     SENATE BILL NO. 6263  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     6268  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     6288  
     SENATE BILL NO. 6359  
     SUBSTITUTE SENATE BILL NO. 6397  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     6404  
     SENATE BILL NO. 6417  
     SENATE BILL NO. 6420  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     6442  
 SECOND SUBSTITUTE SENATE BILL NO. 6478  
     SENATE BILL NO. 6507

ENGROSSED SECOND SUBSTITUTE SENATE  
     BILL NO. 6518  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     6574  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     6617  
     SENATE BILL NO. 6623  
     ENGROSSED SENATE BILL NO. 6626  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     6641  
     ENGROSSED SENATE BILL NO. 6690

The Speaker called upon Representative Thai to  
preside.

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

#### MESSAGES FROM THE SENATE

March 12, 2020

Mme. SPEAKER:

The President has signed:

SUBSTITUTE SENATE BILL NO. 6068,  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     6248,  
 ENGROSSED SENATE BILL NO. 6690,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 12, 2020

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE  
     BILL NO. 6254,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

March 12, 2020

Mme. SPEAKER:

The President has signed:

ENGROSSED SECOND SUBSTITUTE SENATE  
     BILL NO. 5549,  
 SECOND ENGROSSED SECOND SUBSTITUTE  
     SENATE BILL NO. 5720,  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     5759,  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     5829,

SECOND SUBSTITUTE SENATE BILL NO. 5947,  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6040,  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6097,  
 SUBSTITUTE SENATE BILL NO. 6152,  
 SENATE BILL NO. 6164,  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6189,  
 SUBSTITUTE SENATE BILL NO. 6190,  
 SECOND SUBSTITUTE SENATE BILL NO. 6211,  
 ENGROSSED SENATE BILL NO. 6239,  
 SUBSTITUTE SENATE BILL NO. 6259,  
 SENATE BILL NO. 6263,  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6268,  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6404,  
 SENATE BILL NO. 6417,  
 SENATE BILL NO. 6420,  
 SECOND SUBSTITUTE SENATE BILL NO. 6478,  
 SENATE BILL NO. 6507,  
 ENGROSSED SECOND SUBSTITUTE SENATE  
 BILL NO. 6518,  
 SENATE BILL NO. 6623,  
 ENGROSSED SENATE BILL NO. 6626,  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6641,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 12, 2020

Mme. SPEAKER:

The President has signed:

ENGROSSED HOUSE BILL NO. 1390,  
 THIRD SUBSTITUTE HOUSE BILL NO. 1504,  
 ENGROSSED THIRD SUBSTITUTE HOUSE BILL  
 NO. 1775,  
 HOUSE BILL NO. 1841,  
 ENGROSSED HOUSE BILL NO. 1948,  
 HOUSE BILL NO. 2189,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 2421,  
 HOUSE BILL NO. 2458,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2499,  
 HOUSE BILL NO. 2505,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2513,  
 SUBSTITUTE HOUSE BILL NO. 2554,  
 SUBSTITUTE HOUSE BILL NO. 2634,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 2642,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 2645,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 2660,  
 HOUSE BILL NO. 2669,

ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 2676,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 2723,  
 SUBSTITUTE HOUSE BILL NO. 2728,  
 HOUSE BILL NO. 2739,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2793,  
 ENGROSSED HOUSE BILL NO. 2811,  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
 BILL NO. 2870,  
 HOUSE BILL NO. 2903,  
 SUBSTITUTE HOUSE BILL NO. 2905,  
 HOUSE BILL NO. 2926,  
 HOUSE BILL NO. 2943,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 12, 2020

Mme. SPEAKER:

The Senate has passed:

HOUSE BILL NO. 2242,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 12, 2020

Mme. SPEAKER:

The President has signed:

THIRD SUBSTITUTE SENATE BILL NO. 5164,  
 ENGROSSED SENATE BILL NO. 5282,  
 ENGROSSED SECOND SUBSTITUTE SENATE  
 BILL NO. 5291,  
 ENGROSSED SENATE BILL NO. 5402,  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 5473,  
 SECOND SUBSTITUTE SENATE BILL NO. 5488,  
 SUBSTITUTE SENATE BILL NO. 6065,  
 SUBSTITUTE SENATE BILL NO. 6158,  
 ENGROSSED SENATE BILL NO. 6180,  
 ENGROSSED SECOND SUBSTITUTE SENATE  
 BILL NO. 6205,  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6288,  
 SENATE BILL NO. 6359,  
 SUBSTITUTE SENATE BILL NO. 6397,  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6442,  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6574,  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6617,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 11, 2020

Mme. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
5147,  
SECOND SUBSTITUTE SENATE BILL NO. 5149,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
5323,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
5385,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
5434,  
SECOND SUBSTITUTE SENATE BILL NO. 5601,  
SENATE BILL NO. 5613,  
SUBSTITUTE SENATE BILL NO. 5640,  
SENATE BILL NO. 5792,  
SENATE BILL NO. 5811,  
SECOND ENGROSSED SENATE BILL NO. 5887,  
SECOND SUBSTITUTE SENATE BILL NO. 6027,  
ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 6087,  
SUBSTITUTE SENATE BILL NO. 6088,  
SENATE BILL NO. 6090,  
ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 6128,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6287,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6300,  
SENATE BILL NO. 6305,  
SENATE BILL NO. 6312,  
SUBSTITUTE SENATE BILL NO. 6429,  
SECOND SUBSTITUTE SENATE BILL NO. 6561,  
SENATE BILL NO. 6565,  
SUBSTITUTE SENATE BILL NO. 6570,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6592,  
SUBSTITUTE SENATE BILL NO. 6613,  
SUBSTITUTE SENATE BILL NO. 6660,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 12, 2020

Mme. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
6248,  
ENGROSSED SENATE BILL NO. 6690,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 12, 2020

Mme. SPEAKER:

The President has signed:

SUBSTITUTE SENATE BILL NO. 6068,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6248,  
ENGROSSED SENATE BILL NO. 6690,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 12, 2020

Mme. SPEAKER:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 2393,  
SUBSTITUTE HOUSE BILL NO. 2394,  
SUBSTITUTE HOUSE BILL NO. 2409,  
HOUSE BILL NO. 2412,  
SUBSTITUTE HOUSE BILL NO. 2426,  
SUBSTITUTE HOUSE BILL NO. 2456,  
SECOND SUBSTITUTE HOUSE BILL NO. 2457,  
SUBSTITUTE HOUSE BILL NO. 2464,  
ENGROSSED SECOND SUBSTITUTE HOUSE  
BILL NO. 2528,  
SUBSTITUTE HOUSE BILL NO. 2543,  
HOUSE BILL NO. 2545,  
ENGROSSED HOUSE BILL NO. 2584,  
HOUSE BILL NO. 2587,  
HOUSE BILL NO. 2601,  
SUBSTITUTE HOUSE BILL NO. 2622,  
HOUSE BILL NO. 2640,  
HOUSE BILL NO. 2641,  
ENGROSSED SECOND SUBSTITUTE HOUSE  
BILL NO. 2662,  
HOUSE BILL NO. 2691,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2713,  
SUBSTITUTE HOUSE BILL NO. 2794,  
SUBSTITUTE HOUSE BILL NO. 2889,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

The Speaker assumed the chair.

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

**THIRD READING**

**CONFERENCE COMMITTEE REPORT**

March 12, 2020

Engrossed Substitute Senate Bill No. 6280

Includes "New Item": YES

Madame Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 6280, concerning the use of facial recognition services, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment (H-5447.1) be adopted

and that the bill do pass as recommended by the Conference Committee:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 941. The legislature finds that:

(1) Unconstrained use of facial recognition services by state and local government agencies poses broad social ramifications that should be considered and addressed. Accordingly, legislation is required to establish safeguards that will allow state and local government agencies to use facial recognition services in a manner that benefits society while prohibiting uses that threaten our democratic freedoms and put our civil liberties at risk.

(2) However, state and local government agencies may use facial recognition services to locate or identify missing persons, and identify deceased persons, including missing or murdered indigenous women, subjects of Amber alerts and silver alerts, and other possible crime victims, for the purposes of keeping the public safe.

NEW SECTION. Sec. 942. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Accountability report" means a report developed in accordance with section 3 of this act.

(2) "Enroll," "enrolled," or "enrolling" means the process by which a facial recognition service creates a facial template from one or more images of an individual and adds the facial template to a gallery used by the facial recognition service for recognition or persistent tracking of individuals. It also includes the act of adding an existing facial template directly into a gallery used by a facial recognition service.

(3)(a) "Facial recognition service" means technology that analyzes facial features and is used by a state or local government agency for the identification, verification, or persistent tracking of individuals in still or video images.

(b) "Facial recognition service" does not include: (i) The analysis of facial features to grant or deny access to an

electronic device; or (ii) the use of an automated or semiautomated process for the purpose of redacting a recording for release or disclosure outside the law enforcement agency to protect the privacy of a subject depicted in the recording, if the process does not generate or result in the retention of any biometric data or surveillance information.

(4) "Facial template" means the machine-interpretable pattern of facial features that is extracted from one or more images of an individual by a facial recognition service.

(5) "Identification" means the use of a facial recognition service by a state or local government agency to determine whether an unknown individual matches any individual whose identity is known to the state or local government agency and who has been enrolled by reference to that identity in a gallery used by the facial recognition service.

(6) "Legislative authority" means the respective city, county, or other local governmental agency's council, commission, or other body in which legislative powers are vested. For a port district, the legislative authority refers to the port district's port commission. For an airport established pursuant to chapter 14.08 RCW and operated by a board, the legislative authority refers to the airport's board. For a state agency, "legislative authority" refers to the technology services board created in RCW 43.105.285.

(7) "Meaningful human review" means review or oversight by one or more individuals who are trained in accordance with section 7 of this act and who have the authority to alter the decision under review.

(8) "Nonidentifying demographic data" means data that is not linked or reasonably linkable to an identified or identifiable individual, and includes, at a minimum, information about gender, race or ethnicity, age, and location.

(9) "Ongoing surveillance" means using a facial recognition service to track the physical movements of a specified individual through one or more public places over time, whether in real time or through application of a facial recognition service to historical records. It does not include a single recognition or attempted recognition of an individual, if no attempt is made to subsequently track that individual's movement over time after they have been recognized.

(10) "Persistent tracking" means the use of a facial recognition service by a state or local government agency to track the movements of an individual on a persistent basis without identification or verification of that individual. Such tracking becomes persistent as soon as:

(a) The facial template that permits the tracking is maintained for more than forty-eight hours after first enrolling that template; or

(b) Data created by the facial recognition service is linked to any other data such that the individual who has been tracked is identified or identifiable.

(11) "Recognition" means the use of a facial recognition service by a state or local government agency to determine whether an unknown individual matches:

(a) Any individual who has been enrolled in a gallery used by the facial recognition service; or

(b) A specific individual who has been enrolled in a gallery used by the facial recognition service.

(12) "Verification" means the use of a facial recognition service by a state or local government agency to determine whether an individual is a specific individual whose identity is known to the state or local government agency and who has been enrolled by reference to that identity in a gallery used by the facial recognition service.

**NEW SECTION. Sec. 943.** (1) A state or local government agency using or intending to develop, procure, or use a facial recognition service must file with a legislative authority a notice of intent to develop, procure, or use a facial recognition service and specify a purpose for which the technology is to be used. A state or local government agency may commence the accountability report once it files the notice of intent by the legislative authority.

(2) Prior to developing, procuring, or using a facial recognition service, a state or local government agency must produce an accountability report for that service. Each accountability report must include, at minimum, clear and understandable statements of the following:

(a)(i) The name of the facial recognition service, vendor, and version; and (ii) a description of its general capabilities and limitations, including reasonably foreseeable capabilities outside the scope of the proposed use of the agency;

(b)(i) The type or types of data inputs that the technology uses; (ii) how that data is generated, collected, and processed; and (iii) the type or types of data the system is reasonably likely to generate;

(c)(i) A description of the purpose and proposed use of the facial recognition service, including what decision or decisions will be used to make or support it; (ii) whether it is a final or support decision system; and (iii) its intended benefits, including any data or research demonstrating those benefits;

(d) A clear use and data management policy, including protocols for the following:

(i) How and when the facial recognition service will be deployed or used and by whom including, but not limited to, the factors that will be used to determine where, when, and how the technology is deployed, and other relevant information, such as whether the technology will be operated continuously or used only under specific circumstances. If the facial recognition service will be operated or used by another entity on the agency's behalf, the facial recognition service accountability report must explicitly include a description of the other entity's access and any applicable protocols;

(ii) Any measures taken to minimize inadvertent collection of additional data beyond the amount necessary

for the specific purpose or purposes for which the facial recognition service will be used;

(iii) Data integrity and retention policies applicable to the data collected using the facial recognition service, including how the agency will maintain and update records used in connection with the service, how long the agency will keep the data, and the processes by which data will be deleted;

(iv) Any additional rules that will govern use of the facial recognition service and what processes will be required prior to each use of the facial recognition service;

(v) Data security measures applicable to the facial recognition service including how data collected using the facial recognition service will be securely stored and accessed, if and why an agency intends to share access to the facial recognition service or the data from that facial recognition service with any other entity, and the rules and procedures by which an agency sharing data with any other entity will ensure that such entities comply with the sharing agency's use and data management policy as part of the data sharing agreement;

(vi) How the facial recognition service provider intends to fulfill security breach notification requirements pursuant to chapter 19.255 RCW and how the agency intends to fulfill security breach notification requirements pursuant to RCW 42.56.590; and

(vii) The agency's training procedures, including those implemented in accordance with section 7 of this act, and how the agency will ensure that all personnel who operate the facial recognition service or access its data are knowledgeable about and able to ensure compliance with the use and data management policy prior to use of the facial recognition service;

(e) The agency's testing procedures, including its processes for periodically undertaking operational tests of the facial recognition service in accordance with section 5 of this act;

(f) Information on the facial recognition service's rate of false matches, potential impacts on protected subpopulations, and how the agency will address error rates, determined independently, greater than one percent;

(g) A description of any potential impacts of the facial recognition service on civil rights and liberties, including potential impacts to privacy and potential disparate impacts on marginalized communities, and the specific steps the agency will take to mitigate the potential impacts and prevent unauthorized use of the facial recognition service; and

(h) The agency's procedures for receiving feedback, including the channels for receiving feedback from individuals affected by the use of the facial recognition service and from the community at large, as well as the procedures for responding to feedback.

(3) Prior to finalizing the accountability report, the agency must:

(a) Allow for a public review and comment period;

(b) Hold at least three community consultation meetings; and

(c) Consider the issues raised by the public through the public review and comment period and the community consultation meetings.

(4) The final accountability report must be updated every two years and submitted to a legislative authority.

(5) The final adopted accountability report must be clearly communicated to the public at least ninety days prior to the agency putting the facial recognition service into operational use, posted on the agency's public web site, and submitted to a legislative authority. The legislative authority must post each submitted accountability report on its public web site.

(6) A state or local government agency seeking to procure a facial recognition service must require vendors to disclose any complaints or reports of bias regarding the service.

(7) An agency seeking to use a facial recognition service for a purpose not disclosed in the agency's existing accountability report must first seek public comment and community consultation on the proposed new use and adopt an updated accountability report pursuant to the requirements contained in this section.

(8) This section does not apply to a facial recognition service under contract as of the effective date of this section. An agency must fulfill the requirements of this section upon renewal or extension of the contract.

**NEW SECTION. Sec. 944.** A state or local government agency using a facial recognition service to make decisions that produce legal effects concerning individuals or similarly significant effects concerning individuals must ensure that those decisions are subject to meaningful human review. Decisions that produce legal effects concerning individuals or similarly significant effects concerning individuals means decisions that result in the provision or denial of financial and lending services, housing, insurance, education enrollment, criminal justice, employment opportunities, health care services, or access to basic necessities such as food and water, or that impact civil rights of individuals.

**NEW SECTION. Sec. 945.** Prior to deploying a facial recognition service in the context in which it will be used, a state or local government agency using a facial recognition service to make decisions that produce legal effects on individuals or similarly significant effects on individuals must test the facial recognition service in operational conditions. An agency must take reasonable steps to ensure best quality results by following all guidance provided by the developer of the facial recognition service.

**NEW SECTION. Sec. 946.** (1)(a) A state or local government agency that deploys a facial recognition service must require a facial recognition service provider to make available an application programming interface or other technical capability, chosen by the provider, to enable legitimate, independent, and reasonable tests of those facial recognition services for accuracy and unfair performance

differences across distinct subpopulations. Such subpopulations are defined by visually detectable characteristics such as: (i) Race, skin tone, ethnicity, gender, age, or disability status; or (ii) other protected characteristics that are objectively determinable or self-identified by the individuals portrayed in the testing dataset. If the results of the independent testing identify material unfair performance differences across subpopulations, the provider must develop and implement a plan to mitigate the identified performance differences within ninety days of receipt of such results. For purposes of mitigating the identified performance differences, the methodology and data used in the independent testing must be disclosed to the provider in a manner that allows full reproduction.

(b) Making an application programming interface or other technical capability does not require providers to do so in a manner that would increase the risk of cyberattacks or to disclose proprietary data. Providers bear the burden of minimizing these risks when making an application programming interface or other technical capability available for testing.

(2) Nothing in this section requires a state or local government agency to collect or provide data to a facial recognition service provider to satisfy the requirements in subsection (1) of this section.

**NEW SECTION. Sec. 947.** A state or local government agency using a facial recognition service must conduct periodic training of all individuals who operate a facial recognition service or who process personal data obtained from the use of a facial recognition service. The training must include, but not be limited to, coverage of:

(1) The capabilities and limitations of the facial recognition service;

(2) Procedures to interpret and act on the output of the facial recognition service; and

(3) To the extent applicable to the deployment context, the meaningful human review requirement for decisions that produce legal effects concerning individuals or similarly significant effects concerning individuals.

**NEW SECTION. Sec. 948.** (1) A state or local government agency must disclose their use of a facial recognition service on a criminal defendant to that defendant in a timely manner prior to trial.

(2) A state or local government agency using a facial recognition service shall maintain records of its use of the service that are sufficient to facilitate public reporting and auditing of compliance with the agency's facial recognition policies.

(3) In January of each year, any judge who has issued a warrant for the use of a facial recognition service to engage in any surveillance, or an extension thereof, as described in section 11 of this act, that expired during the preceding year, or who has denied approval of such a warrant during that year shall report to the administrator for the courts:

(a) The fact that a warrant or extension was applied for;

(b) The fact that the warrant or extension was granted as applied for, was modified, or was denied;

(c) The period of surveillance authorized by the warrant and the number and duration of any extensions of the warrant;

(d) The identity of the applying investigative or law enforcement officer and agency making the application and the person authorizing the application; and

(e) The nature of the public spaces where the surveillance was conducted.

(4) In January of each year, any state or local government agency that has applied for a warrant, or an extension thereof, for the use of a facial recognition service to engage in any surveillance as described in section 11 of this act shall provide to a legislative authority a report summarizing nonidentifying demographic data of individuals named in warrant applications as subjects of surveillance with the use of a facial recognition service.

**NEW SECTION. Sec. 949.** (1) This chapter does not apply to a state or local government agency that: (a) Is mandated to use a specific facial recognition service pursuant to a federal regulation or order, or that are undertaken through partnership with a federal agency to fulfill a congressional mandate; or (b) uses a facial recognition service in association with a federal agency to verify the identity of individuals presenting themselves for travel at an airport or seaport.

(2) A state or local government agency must report to a legislative authority the use of a facial recognition service pursuant to subsection (1) of this section.

**NEW SECTION. Sec. 950.** (1)(a) The William D. Ruckelshaus center must establish a facial recognition task force, with members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate;

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives;

(iii) Eight representatives from advocacy organizations that represent individuals or protected classes of communities historically impacted by surveillance technologies 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;

(iv) Two members from law enforcement or other agencies of government;

(v) One representative from a retailer or other company who deploys facial recognition services in physical premises open to the public;

(vi) Two representatives from consumer protection organizations;

(vii) Two representatives from companies that develop and provide facial recognition services; and

(viii) Two representatives from universities or research institutions who are experts in either facial recognition services or their sociotechnical implications, or both.

(b) The task force shall choose two cochairs from among its legislative membership.

(2) The task force shall review the following issues:

(a) Provide recommendations addressing the potential abuses and threats posed by the use of a facial recognition service to civil liberties and freedoms, privacy and security, and discrimination against vulnerable communities, as well as other potential harm, while also addressing how to facilitate and encourage the continued development of a facial recognition service so that individuals, businesses, government, and other stakeholders in society continue to utilize its benefits;

(b) Provide recommendations regarding the adequacy and effectiveness of applicable Washington state laws; and

(c) Conduct a study on the quality, accuracy, and efficacy of a facial recognition service including, but not limited to, its quality, accuracy, and efficacy across different subpopulations.

(3) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(4) The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by September 30, 2021.

(5) This section expires September 30, 2022.

**NEW SECTION. Sec. 951.** (1) A state or local government agency may not use a facial recognition service to engage in ongoing surveillance, conduct real-time or near real-time identification, or start persistent tracking unless:

(a) A warrant is obtained authorizing the use of the service for those purposes;

(b) Exigent circumstances exist; or

(c) A court order is obtained authorizing the use of the service for the sole purpose of locating or identifying a missing person, or identifying a deceased person. A court may issue an ex parte order under this subsection (1)(c) if a law enforcement officer certifies and the court finds that the information likely to be obtained is relevant to locating or identifying a missing person, or identifying a deceased person.

(2) A state or local government agency may not apply a facial recognition service to any individual based on their religious, political, or social views or activities, participation in a particular noncriminal organization or lawful event, or

actual or perceived race, ethnicity, citizenship, place of origin, immigration status, age, disability, gender, gender identity, sexual orientation, or other characteristic protected by law. This subsection does not condone profiling including, but not limited to, predictive law enforcement tools.

(3) A state or local government agency may not use a facial recognition service to create a record describing any individual's exercise of rights guaranteed by the First Amendment of the United States Constitution and by Article I, section 5 of the state Constitution.

(4) A law enforcement agency that utilizes body worn camera recordings shall comply with the provisions of RCW 42.56.240(14).

(5) A state or local law enforcement agency may not use the results of a facial recognition service as the sole basis to establish probable cause in a criminal investigation. The results of a facial recognition service may be used in conjunction with other information and evidence lawfully obtained by a law enforcement officer to establish probable cause in a criminal investigation.

(6) A state or local law enforcement agency may not use a facial recognition service to identify an individual based on a sketch or other manually produced image.

(7) A state or local law enforcement agency may not substantively manipulate an image for use in a facial recognition service in a manner not consistent with the facial recognition service provider's intended use and training.

**NEW SECTION. Sec. 952.** Nothing in this chapter applies to the use of a facial recognition matching system by the department of licensing pursuant to RCW 46.20.037.

**NEW SECTION. Sec. 953.** Sections 1 through 12 of this act constitute a new chapter in Title 43 RCW.

**NEW SECTION. Sec. 954.** Sections 1 through 9 and 11 through 13 of this act take effect July 1, 2021."

**ESSB 6280 - CONF REPT**

By Conference Committee

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "adding a new chapter to Title 43 RCW; providing an effective date; and providing an expiration date."

Senators Nguyen and Wellman  
Representatives Entenman and Hudgins

There being no objection, the House adopted the conference committee report on ENGROSSED SUBSTITUTE SENATE BILL NO. 6280 and advanced the bill as recommended by the conference committee to final passage.

**FINAL PASSAGE OF SENATE BILL AS  
RECOMMENDED BY CONFERENCE COMMITTEE**

Representatives Entenman and Hudgins spoke in favor of the passage of the bill as recommended by the conference committee.

Representatives Boehnke, Klippert, Walsh and Smith spoke against the passage of the bill as recommended by the conference committee.

Representative Shea was excused from the bar.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 6280 as recommended by the conference committee.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6280, as recommended by the conference committee, and the bill passed the House by the following votes Yeas: 53 Nays: 43 Absent: 0 Excused: 2

Voting Yea: Representatives Appleton, Bergquist, Callan, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jenkins, Johnson, J., Kilduff, Kirby, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, and Wylie

Voting Nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Chapman, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kloba, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young

Excused: Representatives Paul and Shea

ENGROSSED SUBSTITUTE SENATE BILL NO. 6280, as recommended by the conference committee, having received the constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

March 12, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1154 with the following amendment:

954.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 955.** (1) The legislature finds that the office of Chehalis basin, established in RCW 43.21A.730, is faithfully carrying out one of the prime directives of legislative intent from chapter 194, Laws of 2016, by drafting a strategic plan and accompanying environmental assessments, as the legislation called for a Chehalis basin strategy that "must include an

implementation schedule and quantified measures for evaluating the success of implementation."

(2) The legislature also finds that the office of Chehalis basin has been successful in its initial work to secure both state and federal funds for projects in the near term. However, specificity is needed for consideration of the long-term funding needs.

(3) In enacted appropriations to date, the legislature has provided significant funding for projects of the office of Chehalis basin, and it is the intent of the legislature to continue to do so.

**NEW SECTION. Sec. 956.** A new section is added to chapter 43.21A RCW to read as follows:

(1) The office of Chehalis basin shall, based on the anticipation of completing the strategic plan with an implementation schedule, submit agency decision packages in preparation for the 2021-2023 fiscal biennium omnibus capital appropriations act, with a report of out-biennia detail, containing:

- (a) A specific list of projects;
- (b) Project costs and suggested fund sources;
- (c) Location information; and
- (d) A time frame, including initiation and completion.

(2) The total cost for all submitted projects are expected to be consistent with biennial amounts of prior requests, which were fifty million dollars in state bonds in 2017-2019 and seventy-three million two hundred thousand dollars in 2019-2021 in state bonds.

**NEW SECTION. Sec. 957.** A new section is added to chapter 43.21A RCW to read as follows:

The office of Chehalis basin shall submit a report by January 1, 2021, to the legislature that meets the requirement of a finalized strategic plan containing an implementation schedule and quantified measures for evaluating the success of implementation, and the appropriate policy and fiscal committees of the legislature shall, within one hundred twenty days of the receipt, conduct a joint hearing for the purposes of: (1) Receiving a report from the office of Chehalis basin; and (2) considering potential funding strategies to achieve the implementation schedule.

**NEW SECTION. Sec. 958.** A new section is added to chapter 43.21A RCW to read as follows:

The Chehalis basin taxable account is created in the state treasury. All receipts from the proceeds of taxable bonds for the office of Chehalis basin, as well as other moneys directed to the account, must be deposited in the account. Interest earned by deposits in the account will be retained in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes set out in RCW 43.21A.730 and for the payment of expenses incurred in the issuance and sale of the bonds.

**Sec. 959.** RCW 43.84.092 and 2019 c 421 s 15, 2019 c 403 s 14, 2019 c 365 s 19, 2019 c 287 s 19, and 2019 c 95 s 6 are each reenacted and amended to read as follows:

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

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

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

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

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation

account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of licensing tuition recovery trust fund, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the industrial insurance premium refund account, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the

state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the statewide broadband account, the statewide tourism marketing account, the student achievement council tuition recovery trust fund, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

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

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

On page 1, line 2 of the title, after "projects;" strike the remainder of the title and insert "reenacting and amending

RCW 43.84.092; adding new sections to chapter 43.21A RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1154 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives DeBolt, Tharinger 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 Substitute House Bill No. 1154, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1154, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative McCaslin.

Excused: Representatives Paul and Shea.

SUBSTITUTE HOUSE BILL NO. 1154, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 12, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2486 with the following amendment:

959.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 960.** RCW 82.08.996 and 2019 c 287 s 21 are each amended to read as follows:

(1) The tax imposed by RCW 82.08.020 does not apply to:

(a) The sale of new battery-powered electric marine propulsion systems with continuous power greater than fifteen kilowatts((-));

(b) The sale of new vessels equipped with propulsion systems that qualify under (a) of this subsection((-);

(c)(i) The sale of batteries and battery packs used to exclusively power electric marine propulsion systems or hybrid electric marine propulsion systems, if such systems operate with a continuous power greater than fifteen kilowatts;

(ii) The sale of or charge made for labor and services rendered in respect to installing, repairing, altering, or improving batteries or battery packs that qualify under (c)(i) of this subsection;

(d)(i) The sale of new shoreside batteries purchased and installed for the purpose of reducing grid demand when charging electric and hybrid vessels;

(ii) The sale of or charge made for labor and services rendered in respect to installing, repairing, altering, or improving shoreside batteries;

(iii) The sale of or charge made for labor and services rendered in respect to installing, constructing, repairing, or improving shoreside batteries infrastructure; and

(iv) The sale of tangible personal property that will become a component of shoreside batteries infrastructure.

(2) Sellers may make tax exempt sales under this section only if the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

~~(3) ((On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the multimodal transportation account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data, except that the department may provide estimates of taxes exempted under this section until such time as retailers are able to report such exempted amounts on their tax returns.~~

~~(4)) For the purposes of this section:~~

(a) "Battery" means a secondary battery or storage cell that can be charged, discharged into a load, and recharged many times; and includes one of several different combinations of electrode materials and electrolytes;

(b) "Battery pack" means a group of any number of secondary or rechargeable batteries within a casing and used as a power source for battery-powered electric marine

propulsion systems or hybrid electric marine propulsion systems;

~~(c)~~ (c) "Battery-powered electric marine propulsion system" means a fully electric outboard or inboard motor used by vessels, the sole source of propulsive power of which is the energy stored in the battery packs. The term includes required accessories, such as throttles, displays, and battery packs; ~~(and~~

~~(b))~~ (d) "Hybrid electric marine propulsion system" means a propulsion system that includes two or more sources of propulsion in one design, one of which must be electric;

(e) "Shoreside batteries" means batteries installed at a dock or similar location to provide an electric charge to a vessel powered by an electric marine propulsion system;

(f) "Shoreside batteries infrastructure" means the shoreside battery bank, charging apparatus, and emergency services generator; and

(g) "Vessel" includes every watercraft, other than a seaplane, used or capable of being used as a means of transportation on the water.

~~((5))~~ (4) This section expires July 1, ~~((2025))~~ 2030.

**Sec. 961.** RCW 82.12.996 and 2019 c 287 s 22 are each amended to read as follows:

(1) The tax imposed by RCW 82.12.020 does not apply to the use of:

(a) New battery-powered electric marine propulsion systems with continuous power greater than fifteen kilowatts; ~~(and)~~

(b) New vessels equipped with propulsion systems that qualify under (a) of this subsection;

(c)(i) Batteries and battery packs used to exclusively power electric marine propulsion systems or hybrid electric marine propulsion systems, if such systems operate with a continuous power greater than fifteen kilowatts;

(ii) Labor and services rendered in respect to installing, repairing, altering, or improving batteries or battery packs that qualify under (c)(i) of this subsection; and

(d)(i) New shoreside batteries purchased and installed for the purpose of reducing grid demand when charging electric and hybrid vessels;

(ii) Labor and services rendered in respect to installing, altering, or improving shoreside batteries; and

(iii) Tangible personal property that will become a component of shoreside batteries infrastructure.

(2) Sellers may make tax exempt sales under this section only if the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(3) ~~(On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from~~

~~the multimodal transportation account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data, except that the department may provide estimates of taxes exempted under this section until such time as retailers are able to report such exempted amounts on their tax returns.~~

~~(4) For the purposes of this section, "battery-powered electric marine propulsion system" and "vessel" have the same meanings as provided in section 22 of this act.)~~ The definitions in RCW 82.08.996 apply to this section.

~~((5))~~ (4) This section expires July 1, ~~((2025))~~ 2030.

**Sec. 962.** 2019 c 287 s 20 (uncodified) is amended to read as follows:

This section is the tax preference performance statement for the tax preferences contained in sections 1 and 2, chapter . . . , Laws of 2020 (sections 1 and 2 of this act) and sections 21 and 22, chapter 287, Laws of 2019. 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.

(1) The legislature categorizes the tax preferences as ones intended to induce certain designated behavior by taxpayers, as indicated in RCW 82.32.808(2)(a).

(2) It is the legislature's specific public policy objective to increase the use of electric vessels in Washington. It is the legislature's intent to establish a sales and use tax exemption on certain electric vessels in order to reduce the price charged to customers for electric vessels and to create and retain jobs associated with electric marine battery manufacturing and the construction of new electric ferries in Washington.

(3) To measure the effectiveness of the tax preferences in sections 1 and 2, chapter . . . , Laws of 2020 (sections 1 and 2 of this act) and sections 21 and 22, chapter 287, Laws of 2019 in achieving the public policy objectives described in subsection (2) of this section, the joint legislative audit and review committee must evaluate the number of electric vessels titled in the state.

(4) If a review finds that jobs in Washington associated with electric marine battery manufacturing and the construction of new electric ferries using electric battery power are created and retained, then the legislature intends to extend the expiration date of these tax preferences.

(5) In order to obtain the data necessary to perform the reviews in subsections (3) and (4) of this section, the department of licensing and the department of revenue must provide data needed for the joint legislative audit and review committee analysis. In addition to the data source described under this subsection, the joint legislative audit and review committee may use any other data it deems necessary.

**NEW SECTION. Sec. 963.** This act takes effect July 1, 2020."

On page 1, line 2 of the title, after "incentive;" strike the remainder of the title and insert "amending RCW 82.08.996 and 82.12.996; amending 2019 c 287 s 20 (uncodified); providing an effective date; and providing expiration dates."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2486 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Lekanoff 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 Substitute House Bill No. 2486, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2486, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Paul and Shea.

SUBSTITUTE HOUSE BILL NO. 2486, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 12, 2020

Madame Speaker:

The Senate adheres to its position on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2816 and asks the House to concur.

963.0. and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2816 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Corry 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. 2816, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2816, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault and Kraft.

Excused: Representatives Paul and Shea.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2816, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

With the consent of the House the bills previously acted upon were immediately transmitted to the Senate.

#### RESOLUTION

**HOUSE RESOLUTION NO. 2020-4688**, by Representatives Jinkins, Wilcox, Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey,

**Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wylie, Ybarra, and Young**

WHEREAS, Representative Christine Kilduff was elected to the House of Representatives in 2014, after serving as president of the University Place School Board, named the State Board of the Year that same year; and

WHEREAS, Her passionate belief in the power of education to give people a chance at the American dream comes from her family's history, as she is the granddaughter of Irish immigrants who came to these shores without much of an education or any resources; and

WHEREAS, Kilduff excelled in her own studies, graduating summa cum laude and with Phi Beta Kappa honors from Boston College before attending law school; and

WHEREAS, She and Colleen, her wife and partner of more than 27 years, have two daughters, Julia and Amelia, who both graduated from University Place schools; and

WHEREAS, She came to Washington state, starting her career representing businesses in labor and employment issues and helping families going through difficult times, then joined the state attorney general's office where she made sure that kids and parents received the child support they were due, led a statewide team to tackle the problem of drunk driving, and protected the industrial insurance appeals fund; and

WHEREAS, As a civil prosecuting attorney, she worked to prevent gun violence and end criminal enterprises, experience she used in the House of Representatives in her time as chair of the Civil Rights and Judiciary Committee; and

WHEREAS, Chris Kilduff is known and valued by her legislative colleagues for her hard work, incisive questions, quick wit, and deep sense of caring for the people of the 28th district and Washington state; and

WHEREAS, Kilduff worked tirelessly for veterans, education, and justice during her time in the House of Representatives;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives acknowledge Christine Kilduff's service to this institution and to our democracy.

Representative Leavitt moved adoption of HOUSE RESOLUTION NO. 4688

Representative Leavitt: Thank you, Madam Speaker. Did you know that the good Representative from the 28<sup>th</sup> District likes music by Prince, Billy Idol, Puerto Rican

Rapper Daddy Yankee? Did you know that she speaks five languages – Spanish, Italian, English, conversational French, and dangerously conversational Mandarin? Did you know that she swears like a sailor to her seatmate, only to her seatmate in the 28<sup>th</sup> as we have conversations on the way here and on the way home, and did you know that she is a fierce mother to Amelia and Julia? Many of you may have known some of those things and some of you've just learned some of those things but I know that we all know that she is brilliant. There are legislators who become showboats and there are legislators who are workhorses, and she is the stallion of our caucus. She is graceful, competitive, on values that she's fought for – whether it's our earliest learners to people with disabilities to equity and making sure that we have fair laws for all. The good gentleman from the 24th earlier today called her a titan and I think that's a fitting title or a moniker for the good woman of the 28<sup>th</sup>. It's really hard for me. I have, it's really hard for me to stand up here and say how happy I am for her to have this opportunity to spend time with her family and how grateful we all are in this body for her diligence and her hard work and her brilliance and her mentorship and the compassion that she has shown and the impact she has had on our districts. I'll end with a quick story that I shared with folks earlier. We, in the interim this past session, we went and we visited Pierce County Transit and we went on a bus ride on this electric bus around the parking lot and the bus driver was there and the bus driver happened to be from our district and she remembered him as she remembers many in our district. Every day she comes here and remembers the people that she was sent here to serve. We are so fortunate that she has done that in her six years here and I will miss her and it's, I don't want to commend the body to say goodbye. So if we could put this resolution down I would do that, but I don't have that power Madam Speaker, but you do and I just, you know, she is a brilliant, compassionate, kind, caring, swearing sailor that I will miss very, very much. Thank you.

Representative Rude: Thank you Madam Speaker. Apparently, I did not hang out with the member from the 28th enough because I did not know that she swore like a sailor and that's fascinating. This is sad news for me. I'm bummed but happy for you as well. I've enjoyed the opportunity to spend one term with you and I remember, as an LA, appreciating you and your kindness. One of the highlights of this session was when we had the opportunity to work with the member from the 33rd on trying to wrap up some bill language in the last 15 minutes before cut off and running across, running all over the place trying to track down staff and so that's one of my highlights from the session. But I've always thought that you're a very thoughtful person and I remember that last session there was a bill, it was your bill, that we discussed in caucus and I thought, you know, I just, I feel like there's more information for Representative Kilduff to be running this bill with this language and I remember I went across the chamber and talked to you about it and you had great reasons and it definitely changed my vote from a no to yes. So, I definitely appreciated how thoughtful you've been and also the opportunity to serve on Civil Rights and Judiciary with you as Chair. That was a really great experience for me, so thank you for that. Again, I'm bummed; you're going to be missed

by many of us – definitely by me. Wish you all the best in the future.

Representative Doglio: It's an honor to be able to honor you today Chris. I first got to know her when I was a freshman and I was running a bill and the advocates said "You know, I'm not sure Rep Kilduff, she might have some concerns about this bill, you better go talk to her about it." I was new and nervous and I'm like oh she's a Democrat but she doesn't like my bill, what am I going to do, but I went in and we had a great conversation and I just remember her being super honest and transparent and talked me through it, and I knew that she was going to be one of my very favorite legislators in this body from that very first conversation that we had in your office. And then, over the years we sort of developed this friendship in the stairway, right? Like we are very committed stair walkers and we would often run into each other at odd hours of the day and have a little bit of private time in the stairway and we just had great conversations on issues and personal things and just continued to develop a really wonderful friendship that I know will continue well beyond our time here in the Legislature, so I'm really happy to have had that. But the things that I saw, that I see in you, you know, Rep Leavitt talked about them as well - your brilliance is just unbelievable. You're so freaking smart and you do it with such grace and integrity, and then your oratory skills. I just just love hearing you brief bills or speak on the House Floor or speak in small groups of people and, you know, I'm always kind of like "Dang, I'm so jealous." I wish I were half as articulate as she is. And I've gotten to know some of your constituents recently in your district and they just love you. They, I really have heard very few constituents speak more highly of a legislator than your constituents speak about you. It's really been, it's really been amazing to hear that and to get to know them and to know how much they have benefited and heard from you, and how much they care about you and have really really enjoyed having you as their legislator. I just, in closing I just think Chris, you know, this institution is a better place because of you. We've heard that about other legislators today and it's true about them as well. But it is really true about you and it's also true that I'm a better legislator because of you and the institution is better because of your mind and the issues that you've worked on and the people that you've cared about, the compassion that you brought forward in this work. I'm so honored to have you as a friend and a fellow colleague for the last four years and I wish you well in whatever your path is in the future and I look forward to seeing what that is.

Representative Dent: Thank you, Madam Speaker. Speeches like this are things I don't like to do. They're hard and when the floor leader asked me to do this I said "No. I'm not gonna do that." and he says "Yes you are or we're going to put you back on Appropriations." I said "Absolutely, I'm there. I'm in." But truly, I'm honored. I'm honored to speak. The gentlelady from the 28<sup>th</sup>, we came in at the same time and we were at the DoubleTree, I believe, doing our orientation meetings and things down here. You know, we hit it right off; we were friends instantly and you know, we do that sometimes in life. We get a chance to meet people that we just click with and we enjoy visiting about things and

it just happened and as we talk about our passions, you know, we both have a passion for our children; we have a passion for early learning and we had passion for young people in general and it allowed us to build on that friendship. And the fun thing about working with this, with this lady was that she would, we'd have an idea of where we wanted to go or a bill we were doing and we would know where we wanted to go, but we would disagree on how we were going to get there and how we were going to craft this, but she was always willing to talk, always, even interrupting me in committee sometimes saying "We'll work on this." because we did and we found common ground, and you know, and I think that's really what makes us so powerful as a body when we could do that. And I found her, too, as we became better friends, she trusted me because I would ask her to sign on to bills that she knew absolutely nothing about the subject area and she would say "Sure, where do you want me to sign?" and she trusted me, but unfortunately she would talk me into doing the same thing, and I would – so far I think I'm good, but I was a little suspect for that because she is an attorney and I wasn't sure. She's been here for the right reasons because she has service in her heart and she has passion for people and the previous speaker talked about her being so enamored by her constituents and I believe that, I can believe that. She's done an outstanding job and I can say that I really agree working with her. It's been, I've enjoyed working with her and I will say that she's passionate about her principles but they're somewhat misguided. I'm going to miss having you here because I think I was kind of getting you to turn just a little bit. Last weekend on Sunday, I went up to Tacoma and had lunch with a friend of mine. This friend of mine, we've known each other since 1955, since we were five years old, and about once a year we get together and we talk about things, you know, and we usually have quite a long lunch, you know, three or four hours and we just visit about our lives going to school together. We went all through school together and things, and we got the talking about what's important. What's important in life is the friends that we meet, the people that we know and the relationships that we build - that's all we have. You know, we can have all the fluff, all the cars, all the stuff, but what we have is our friendships and our relationships and that's what's really important in this life. That's what's important to me. I'm really proud to call you my friend. I hope we remain friends. I wish you all the best and I'm going to truly miss you. Thank you for being my friend.

Representative Senn: Thank you Madam Speaker. So to all the freshmen here in the chamber. I mean you no disrespect but when the good lady from the 28<sup>th</sup> started, I knew that we had found a star. She's compassionate, composed, as somebody said wicked smart. From that first session we started plotting about – "Okay, where would you go? What would be your role? Where can we use you? Where can we use your strength, your passion, your oratory, your brains, your poise in making this place a better place." I think the only people who might be, they might not know it, who might be a little bit lucky that you're leaving would be our good Speaker Pro Tems because, really, you would be amazing up there managing this floor and being up there in front of us all. But of course you became Chair of Judiciary in great part because of your brains and your

compassion and your poise. But I want to talk a little bit about your role on the Human Services and Early Learning Committee that I was just so honored to have you be a part of and we will miss you so much. There's lots of topics in our committee and it kind of gets natural that people start to specialize in one area or lead on one area and you are the leader for the developmental disabilities community and that's not an easy community to work with and that was part of your passion and of your community, and you worked tirelessly during the interim with that community - with individuals, with bringing forth the passion and their stories and their desires with the Able Act, and now with the DD Bill of Rights and you worked those bills and you made sure that they were something that spoke not just to us, but spoke to the community and was responsive to the community and that takes a special skill.

There's lots of times we introduced legislation and it's something that we've been thinking of and we put it forth but you brought forth bills and you made sure we saw them to the end that really reflected the voice of the community and as we've heard from the other speakers today, that's no surprise given how much you relate to your constituents and your constituents relate to you. But it was amazing to watch you work and to know what an impact you have made for the people of this state and the developmental disabilities community in particular. So the other day there was a particularly tough bill that I was trying to figure out how I was going to vote on and got some good advice. Somebody said, "Well don't listen to me, go find somebody you trust and talk to them about it" and I didn't have second thoughts about who I wanted to ask about what they thought and I sought you out and I was right. Seeking your counsel and sharing and talking about, very openly, our common concerns, our thoughts, our reasons for and reasons against and it was that kind of moment where you're like, "this is the person I want to have as my colleague," and so knowing that you're gone is really bittersweet. But we also had a lot of great discussions about college-bound for our kids, both as teenagers and the roles of parenting and the fears and the joys of what lies ahead for our kids. So it's no wonder to me that you're wanting to spend more time with your family and you worked so hard here, but as you've mentioned we know that you're not going far from public service because that is just part of your DNA. It is so clear. And so while we will miss you incredibly - I will personally miss you, I know the DD community will miss you, the HSEL committee will miss you, everybody that you have touched in this chamber, in this institution, in your community will miss your leadership, but your family will have more time with you, and again, we know that your impact is not ending. It's just moving in a different direction. Love you.

Representative Dufault: Thank you Madam Speaker. I think it's really cool to watch a powerful woman in action and I've had a ringside seat here for the last several months, watching you in action Madam Chair, and I've been so impressed with your leadership and that's the first of a couple words that mean a lot to me that I want to say about you. It's not every leader who, when they don't agree with something that's coming forward will still give it voice, and time and time again, you brought forward bills that maybe you didn't necessarily agree with or you weren't going to support in the

end, but you recognized that there were people on the committee, you recognized that there were people in both caucuses who thought they were important and that they represented constituents that wanted those policies to at least be heard and you did that and you didn't have to and I was so impressed, and as long as I'm privileged to be in this chamber, I will tell that story time and time again to folks who are, who are in leadership positions about what that means to people who don't necessarily have the ability to bring something forward on their own and they're given an opportunity to have their voice heard. The other word that comes to mind is character. You have such a strong character and I saw that firsthand when you did something, and I don't even know if you know how important this was to me and what an impact you made on the young lady who testified before the committee. She was a very, she's a very dear friend of mine. We've known each other for many years and go to church together and we're in church place together and when she started her testimony in Spanish and you responded back to her in Spanish. It was, it was hard for me to be the serious advocate that I that I sometimes need to be and just watching her reaction and knowing how much that meant to her a first-generation American coming to Olympia for the first time in her life to testify in a very intimidating situation and to get that kind of response from the person who was running the room meant the world to her. I could see it in that moment and she confirmed that after the fact and that really meant a lot and thank you for doing that and it just shows even though she wasn't articulating the position that you or your caucus agreed with you, again, you gave her voice and you gave her an opportunity to be heard and that legacy will carry on in her and her family and her children when she talks about how you can have a voice in your government. And the last thing that I want to say, Madam Chair, about you and the time that I've, the short time that I've been privileged to watch you at work in the Legislature is your advocacy for veterans and service members. You represent so many of our service members in this state and you have been so gracious and so fierce and so precise in bringing forward, in my view, much-needed legislation, much-needed policy, and much-needed perspective for the rest of the state that may not be as familiar with the military and the veteran community in our state, and vigorously advocating for them and effectively advocating for them and, as a veteran and on behalf of all the veterans that I know and represent in my district, I want to say thank you for your advocacy on behalf of our men and women in uniform. May God bless you and your family, and I hope you won't be far away. Thank you.

#### **SPEAKER'S PRIVILEGE**

Speaker Jenkins: You and I have known each other for 25 years. Started out playing softball together, worked together at the Attorney General's office, we knew each other before we had kids and then our kids' lives overlapped, and then it was just a wonderful experience to have you come here. Some know this but when I was talking to you about running and coming to serve here, one of the questions that's always asked, I'm sure of everyone in the room, is "is there anything about you that you've ever done that would prohibit you from serving or might be a problem?" So I'm going to

tell you what she told me - her big secret. She had a parking ticket once and I actually, when she told me that, I said "Well then you clearly can't serve here because you haven't done enough bad things ever to know how to do this job." She was really quite earnest and worried about her parking ticket because it did happen when she was driving a state car. But anyway, but that, the commitment that you have, your commitment to the law and to living life in alignment with that and also to being honest and direct and to treating every issue with sincere concern, I've always thought was amazing, and that was why when I took on this Speaker role, the one thing I knew about the Civil Rights and Judiciary Committee is that it would be in better hands with you then it was with me, and it was and you will be missed there. I am certain that your dad Joe is probably watching right now and probably your other family, so welcome to Chris's family. And I do know the one thing that gives me comfort, it's a little bit cold today seeing you go, but your commitment to public service, that's only second to your commitment to your family. Your commitment to your family comes first, and I know we will see you again serving the public because that is your second love and I love you, too, so does this body.

HOUSE RESOLUTION NO. 4688 was adopted.

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

#### INTRODUCTION & FIRST READING

There being no objection, SECOND SUBSTITUTE SENATE BILL NO. 6231 was read the first time, and under suspension of the rules was placed on the second reading calendar.

The Speaker called upon Representative Lovick to preside.

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

#### MESSAGES FROM THE SENATE

March 12, 2020

Mme. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
6168,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

March 12, 2020

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 2950,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

March 12, 2020

Mme. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 6515,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6534,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 12, 2020

Mme. SPEAKER:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6168 and has passed the bill as recommended by the Conference Committee.

Brad Hendrickson, Secretary

March 12, 2020

Mme. SPEAKER:

The President has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1661,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2116,  
HOUSE BILL NO. 2242,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2248,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2322,  
SUBSTITUTE HOUSE BILL NO. 2441,  
SUBSTITUTE HOUSE BILL NO. 2711,  
HOUSE BILL NO. 2848,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2919,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 12, 2020

Mme. SPEAKER:

The President has signed:

HOUSE BILL NO. 1368,  
 SUBSTITUTE HOUSE BILL NO. 2632,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 2722,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2737,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

### INTRODUCTION & FIRST READING

There being no objection the following bills were read the first time, and under suspension of the rules were placed on the third reading calendar.

SENATE CONCURRENT RESOLUTION NO. 8413  
 SENATE CONCURRENT RESOLUTION NO. 8414

### RESOLUTION

**HOUSE RESOLUTION NO. 2020-4687**, by Representatives Jinkins, Wilcox, Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wylie, Ybarra, and Young

WHEREAS, Representative Eric Pettigrew grew up in South Central Los Angeles, raised by a single mother, and attended Nogales High School, where he excelled on the football field; and

WHEREAS, He received a football scholarship to attend Oregon State University, where he received a degree in sociology and counseling psychology, and to this day remains a stalwart fan of the Oregon Beavers, and allergic to the yellow-and-gold colors of the University of Oregon Ducks; and

WHEREAS, Upon graduation in 1985, Pettigrew began his studies for a master's degree in social work at the University of Washington; and

WHEREAS, Pettigrew then began his career in public service and nonprofit work, serving as the director of the Minority Youth Health Project, which worked to reduce teen pregnancy and sexually transmitted disease rates in Seattle, and as Deputy Chief of Staff for Public Safety for Seattle Mayor Norm Rice; and

WHEREAS, In 2002, he was elected to the Washington State House of Representatives, where he advocated on behalf of affordable housing, and equity and opportunity for all when it came to education and jobs; and

WHEREAS, In 2010, Pettigrew was elected chair of the House Democratic Caucus, placing him in a leadership role that he retained throughout the final decade of his legislative career, providing a firm and steady guiding hand to facilitate caucus meetings and meting out justice to members who neglected to mute their cell phones; and

WHEREAS, Pettigrew has been a consistent progressive force in the Legislature, chalking up victories ranging from persons living with spinal cord injuries or Parkinson's disease, to grandmothers raising grandchildren and former convicts hoping to reintegrate into society; and

WHEREAS, Pettigrew reached across the aisle to build relationships with members from every corner of the state and each political party, leading to this Seattle Democrat's enthusiastic role as sponsor and advocate for laws and reforms on behalf of Washington's farmers and ranchers; and

WHEREAS, In his spare time, Pettigrew has worked tirelessly for community groups, including serving as president of the Rainier Valley Chamber of Commerce, and as a board member of the Rainier Vista Boys and Girls Club and the ACT Theatre, along with coaching Little League and youth basketball; and

WHEREAS, Without his enthusiastic "good morning" each day in caucus, who knows what will become of this place?

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize Pettigrew'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.

Representative Stonier moved adoption of HOUSE RESOLUTION NO. 4687

Representative Stonier: Thank you. Mr. Speaker. I'm proud to rise in honor of our good friend and the steady hand of our caucus, Eric Pettigrew, today. Eric, you have been the heart and soul of this caucus from the first day that I arrived and it was clear to me that you had served in that form before I got here. You welcome everybody into the doors of this place. You help them to understand the integrity they should feel, the pride, the potential that each of us have, on either side of the aisle, walking up those marble steps and knowing that what we are about to do in this building is to be done with heart and passion - as I said in the caucus room yesterday. When I first stepped into your office as a newly elected freshman legislator, you said this is where you come to relax to take a break. You need a shoulder to cry on, you

need somebody to talk to, something's bothering you, you let me know. This is where you come. You take a break, sit on the couch, things are getting slow downstairs you want to come up here and visit with each other, this is where you do it; this is where the family meets. That is your office. It has been that for all of us. You care deeply about getting to know each one of us as a person and then beyond that you want to know our families. I know that this story is not unique to me. You sat down and got to know my dad; you realized we come from the same kind of family. I grew up in a really rough part of East LA County and when I told you where I was from you were like, "I know that neighborhood, it's right by Palmdale, I know that place." Tough places. Tough places to grow up with violence in the streets, and kids growing up not knowing whether they're going to face more violence on the street or in their home. Those are the kids you think about every day you walked up those marble steps. We all have different people we think about when we're working hard here on behalf of the state. It's no secret who you're thinking about. Every day you walked up those steps you were thinking about people who needed a second chance because they never got a first one. You think about people who are raising other people's children because the system is letting them down. The body of work that you have provided for this state is not without heart, it is not without a sense of justice, and it is not without the love that you expect from each of us. I'm proud to know you. I'm proud to have served with you, and I'm very proud to have gotten to know you, not just as a leader, a man, a Legislator, but also as somebody with a good sense of humor. Earlier today I showed a picture in our caucus room of my two feet, one on top of the other, sized up against one of your big feet. Your shoes will be big shoes to fill in this place, literally. But Eric, you have been a steady strong voice and a steady hand at the gavel in our caucus room when we needed time to vent, to process and to come together as a family. When we needed to know when it was okay to not find a center and to move on anyways because we can come back to revisit. When we needed a laugh and we needed a tissue. You have been the pulse and the heart of this caucus and you will continue to do so in your next steps. Wherever you go in your future you will continue to be the heart, the passion and the steady voice of those around you. We love you.

Representative MacEwen: Thank you Mr. Speaker. It's a privilege and honor to stand up and honor Representative Eric Pettigrew. I was elected in 2012. In those first few years, I didn't really have an opportunity to work with him or interact with him, and you know, I used to observe him on the floor and you see how people interact. As the good lady said you just can tell there's a cool calm demeanor about him. As I've gotten to know him and as we started to work on a couple of bills a few years ago and I got to know him a little bit better, there's a big heart there, that's without question, and I was happy to join forces with him on a victims rights bill that for whatever reason we're having a hard time getting through here, and I don't exactly remember the exact sequence. I think I tried it one time and then the following biennium we got together and I thought okay, this thing can get through; it'll be better with having Eric on that bill with me and we did it and then we worked on a few other things together, but just in getting to know him through that

it's just so clear and from his background and growing up on the streets of Los Angeles to getting a full ride scholarship to the Oregon State Beavers, and yeah, we don't like the Ducks either, that's a bipartisan agreement there; horrible school, don't send your kids there. And then to get elected to this legislature, you know, I know a little bit of your background, but I don't know all of it, but what I do know and I watch how you operate and to me that is just the model of leadership that's so badly needed in this world. We all come with things from our background that have shaped us and formed us and how we choose to learn from those and influence others is a big part of who we become and that you have put that mark on this legislature and on this state and we are forever grateful for that. I've never seen you mad and I don't want to. Whenever you see Eric, it's always a smile on his face and a good morning, how are you, good to see you, fist bump and that it's just a tone that is set for the day, and I so appreciate that and I'm excited for your new position and look forward to seeing you around the arena regularly and to have be able to bond with you about some sports stories that's been fantastic, and I know you'll be missed by your caucus, but you will be missed over here as well. You've been a great advocate for children and they thank you; we thank you. It's been an honor to work with you. I look forward to continue to grow our friendship and doing what we can outside of this arena and doing it in other places and a job well done. It's been an honor to serve with you. Thank you.

Representative Tharinger: Thank you, Mr. Speaker, and we all know about Eric's passion. We've seen it when it's dealing with children or those that are may be overlooked in various communities, but I want to speak about a little different passion. As a lot of you know, I grew up in Minnesota. I learned to skate when I was five. I played hockey from the time I was 14 through college and Division 1, and Western Washington is kind of a hockey desert. That desert's changing; its going to start to blossom thanks to Mr. Pettigrew and a lot of other folks. Hopefully the Orca or Sockeye will make that Desert Bloom, but when you're in western Washington looking for someone who's interested in hockey, there's not that many folk. So when I'm sitting in Approps, you know, and there's time in Approps where it's a little slow, and I'm looking at Eric's computer and Eric's watching hockey and I'm going what's the deal here Eric? So I sit down and say "Eric, you're watching NHL hockey, what's the deal?" He tells me this story about growing up in East LA, not having a lot of money, but his Mom would give him money to go take the bus down to the LA Forum where he could get into a Kings game for like five bucks. So he is one of the most rabid hockey fans I know and he's got the Kings jersey, he's totally, and his future with, I don't know was it the Orcas? The Sockeyes? I don't know what the team is going to be, Eric, but his passion will make western Washington less of a hockey desert and I'm glad to see you're moving to that arena. Thank you Eric for all you do.

Representative DeBolt: So it's funny. I was going to tell the story about your Olympic ice dancing tryout and how much you love to ice skate, but Represented Tharinger stole my thunder there. I just want to tell you there used to be this

thing when I first got elected called the big guy caucus. Do you remember the big guy caucus? And I remember one night, this is back before maybe, you know cell phones with photos and Twitter, the big guy caucus was having a rather raucous evening and Eric was there and I decided that you know, I'm not small, so I decided to go bust up the big guy caucus and tell them they need to calm down. And until you guys understand what the big I caucus is, they were massive; Volz was the runt. So I walk in the middle and I'm like I felt demure for the first time in my life and I wanted to thank you for that. And so you are the last of the big guy caucus, kind of leaving, and I will tell you this you have been so much fun to have around and the difference, I think, that makes it is that in our hearts and your hearts we're all the same and that you make us smile each and every one of us. There is never a time that goes by when things are too serious for you. I've seen you mad a couple times not my favorite days. But the thing that I'll always remember is that you always wanted to make sure you had time for people. You always had time for your visitors and you loved it when people came to the Capitol and you celebrated that, and you always wanted to make sure that they felt welcome in our building. Whether they were famous or not, you treated them the same way, and that's always been remarkable to me, and I actually look to you for diplomacy because I think you're one of the best diplomats that we have in this building. You are genuine, you are kind, you are thoughtful, you're massive, and all those things work for getting your point across in a very kind way. Some of us have to make up for it in, you know, spit and vinegar but you got this. One of the other things, though, that I want to tell you is as you go forth in your endeavors, and I remember when you were at one of your past jobs and you were helping your community and it was early on in your career and you were working on making sure that there was an opportunity for some kids to have a place to go after school, and it was in a project that you were focused in on and it was funny to me because I don't think you really knew how much people loved you in this building and were willing to do what you asked and you kind of asked hesitantly of some of us when we were on the floor, about supporting your project and I was like "You bet, happy to!" and I think you were surprised because you were new here and you were passionate about it, but you were so deliberate in your compassion and your love for everyone in this state. The neat thing about it is you are bringing hockey to Washington, so thank you very much. I don't really know much about hockey from... you and I have discussed this- I still can't get it on TV, I don't know how you do. I don't know how Rep. Tharinger does. I like it live, it's pretty neat but on TV, I just can't follow that puck but I will tell you this, our state is lucky to have you. You've been an advocate for us. You fought hard to keep the Sonics when the Sonics were trying to go and you brought all those people to town and you collaborated and I'm sorry that didn't work, but I know now that we're going to be richer for having you in the state and man you look nice today, and if I had known I would try to dress for the occasion. But you look spectacular, you look fabulous. You're going to have everything going your way and we are so proud to have had the opportunity to have your ray of sunshine in our world, and so thank you for that.

Representative Ormsby: Thank you, Mr. Speaker. It's an honor to rise in tribute to our good friend, my good friend, Eric whom I met at what's now the Murano, was the Sheraton Hotel, for an advance for the HDC. The last seat in the room was next to Eric and I sat down and we were getting presentations and he made a very funny play on words just to me. I was the only one that heard then someone louder said the same thing, and I turned to Eric and said "You just said that, you can claim some credit." and he said "That was just for you." I felt privileged in that moment and I felt privileged in every moment I've been able to share with him going back to times when Bill Grant was our caucus chair. There are photos that are proof of our admiration of him, and looking at him we shared that. Some of the things he taught us became life lessons and we've talked about that in that shared memory. All of those things keep flooding back. We looked up to Bill and Eric knew that was something that was important, that all of us need someone to look up to. When it was his time and in his place he knew he had to be a role model and model behavior for those that would look up to him and knew that it was a responsibility he couldn't shirk. He has taken that very seriously, has been a mentor to so many people that are going to do fabulous things. We were neighbors with the good gentleman from the 47th and some antics and hijinks that occurred in the offices where we migrated to are some of my fondest memories here and the fact that you're not going to be here as a North star for our collective good will, whoever shows up next year, we'll figure out a way to do it, but it's hard to imagine doing it without you at the helm. His heroes were my heroes - Rosa Parks and Doris Kearns Goodwin- not so much on the sports side, but Serena Williams and Frank Robinson and his walls are covered with photos of these people that he has sought out to be a part of because they were his heroes and having, with this background of the Watts area where the riots were, that was, and the struggles that he recognized; he always defaults to the underdog; the one that needs protecting and we've all been the beneficiary of that. I've heard folks say that they have seen Eric angry and not angry. I have seen him angry and it was right in this space where I'm standing and he had had an encounter with someone outside the doors and he came in a little bit of a raw nerve and even as thick as I am, I was perceptive enough to realize that it wasn't the Eric that I knew and I asked him and he explained what was happening and then to the cleanest version I can say is that the next time that happens with that individual he was going to go south central on their backside and I took him very seriously. But the other thing that we know about Eric was his football days and that's a violent sport and there is and for me football is a kind of a metaphor for life and we shared a little bit of that. The violence is prevalent. He told me that he played during those times in the Pac-10 and those days Kenny Easley and Ronnie Lott were also big players that went on to NFL careers and Eric bragged to me once that he cheapshotted both of them after the play but before the whistle, and so he knew the rules and he's always played by them. But the one thing about that that is not intuitive, we know what a soft heart he has, and how gentle he is, and reconciling that is pretty easy when you know that he played left tackle and left tackle's job is to protect the blind side, the vulnerable side and that's what you've done. You've taken that to this place and to all the other places you've been. The

underdog, the awkward, the ones that need attention and you did that. Madam Speaker thanked you in caucus for being a role model in the sense of being the one that had to represent a lot of other people. You've recognized others and you've genuinely seen them, you've acknowledged that you share some of that journey and, including my mother who is one woman in the midst of nine boys, and her being the only, and I would just say, Eric, of all of the things that you have done for all of us and for me in particular the thing that I will remember most fondly is the ease at which you give people hugs and I was a beneficiary of one of those and I thank you because every time you do it makes me feel like the delicate flower that I am. Eric thank you. You are going to continue to do good things. You will always be looking out for others and it is a lesson for all of us tomorrow.

Representative Maycumber: Thank you. Mr. Speaker. I stand here in joy with Eric. I was at an event this summer and I heard someone say who are the weirdest legislative friendships and I heard Pettigrew and Maycumber and I was like, why is that weird? We are so much alike. And so I stand here in joy. We have been friends longer than I have been on the house floor, and when I became appointed, you got me in a lot of trouble and I don't know if you know that. You were almost excited as I was and when I came on the house floor I was very nervous. I was you know as scared as one would be and we went to announce to go to caucus and you grab the mic and you said "Democrats will caucus. *MAYCUMBER!*" so that wasn't cool for my caucus because I was new and I just remember being like so honored that you recognized me here as the new member and to have that friendship carry over here to the floor and that bipartisan way that was, that was special and to have it carry for years and you shared your joy and your love of your mother with us and you have texted me on Mother's Day for more years than many - I can't even think of another person to remind me that I'm a good mother and to thank me for being a mother as I had had two babies as staff here as you know, and you always were there to remind me and that's your love of your mother and you shared your joy of your beautiful wife and your marriage and when you came back you glowed. You glow with that love. And I'm honored to be able to share in that friendship and that love and that happiness with you and you've shared it with all of us and that love of your grandbaby, oh my goodness - I mean if there's not a conversation that we're not having when you don't talk about that beautiful grandbaby, I mean beautiful, and you share that joy with all of us. I'm just honored, honored to share those years of friendship with you. Honored to feel equal, whether I was staff or a member, and it didn't matter where I was, it was an equal friendship. Thank you for sharing your joy of music and dancing. I would like to say that I was equal to you on that, but I don't think so. It's been wonderful to have someone to just laugh with when all the seriousness goes away, and politics never dulled your shine - it never inhibited your joy. I remember voting on a bill that you had so much emotion for and I had voted against the policy, and I walked across the aisle and you gave me a hug even though I voted against it, you just hugged me because it wasn't about the policy, it was about helping people and bridging that divide right there. Eric, thank you for sharing your joy and your happiness with me all these years, and I look forward

to seeing that being shared with the rest of the state of Washington and your new adventures. You are a great man through and through. Thank you.

Representative Santos: Thank you, Mr. Speaker. The man seated to your right, my junior seatmate as I remind him every time I have to introduce him, the man seated to your right is a large man. He's larger than life. He has a big heart as you've heard and he leads with it. It's that motor of his passion. He wants to get things done, and that's where he and I have often had challenges in our relationship because I want to make sure the process is being observed, but he wants to get things done. You've heard, Mr. Speaker, that this passion of my seatmate's bleeds into a variety of different sectors, sectors that you might not imagine. There's sports, but there's every kind of sport as we heard from the good gentleman from the 24th. There's music that means so much to him, but not just the boogie down kind of music, it is musicals. He loves to travel and that's evident from all of the photographs that you see that adorn his office walls. But most of all, Mr. Speaker, his passion is in people. In meeting people, in knowing people, in loving people. Indeed as I said, it's so evident by the wall of mementos of the faces; faces of famous people that he has sought out. People that he admires for their principles, for their accomplishments, for the inspiration that they give to others and I think those mementos that are on his wall are there not just to inspire him but to inspire all of us who enter into that room. But Mr. Speaker, when I am in that room, and it's not very often, when I am in that room my eye is always drawn to one piece of art and it's a simple rendition, I think there are only two colors in it, of an older man - I imagine a grandfather - holding the hand of a small child, and to me that art gives me a peek, I think gives all of us a peek, into what is the core value of my seatmate. The value of love that exists in a relationship. The value of being responsible and responsive to one another. The value that passes between generations. It is that soft vulnerable sweet caring value. But Mr. Speaker, I would strongly admonish you to not let his teddy bear demeanor fool you. The good gentleman from the 20th District referenced the big guy caucus. I remember that big guy caucus - it included names like Bill Hinkle and Mike Armstrong and Eric Pettigrew, and my memory of the big guy caucus was of one late night late in a session where somebody came running to the wing saying the bulls are running the bulls are running and sure enough when we all came out there was my seatmate and Bill Hinkle, pressed chest to chest against one another arguing fiercely and this was not a joke. They were arguing, and we all thought the rotunda was going to fall over. But as we've also heard, my seatmate is very good about letting the day's challenges go and he and Representative, former Representative Hinkle became arguably the best of friends. That sense of bipartisan friendship is, I think, where I really want to commend the good gentleman from the 37th as he stepped into, as I told my caucus yesterday, some very big shoes. Succeeding our former caucus chair Bill Grant who was the only rural Democrat east of the mountains, who was constantly holding up many of the priorities of our good friends across the aisle and Representative Grant really forged that culture and that tradition that the good lady from the 49th mentioned of having a safe space where your partisan hat was left at the

door and when you walked across the threshold you were there for fellowship and fun regardless of where you are from. I'm very proud that my seatmate upheld that tradition with such grace and with such gusto. I think the other piece is that my seatmate does not recognize station. That everyone is a friend and while we often are huddled in our little corners – members to members, if you say “where's Eric?” chances are he's in the back, in the Chief Clerks Office huddling with the people from the workroom enjoying food and fellowship. So after tonight, Mr. Speaker, when we ask “Where's Eric?” we're going to have to say that he's following his heart, he's following his passion which leads him back to his beautiful wife Nicole at home in the 37th District. It leads him to a career in sports which he loves so much and I know nothing about NHL so I won't say anything. Life is large, Mr. Speaker, almost as large as Eric himself. I ask you to join me in giving my junior seatmate our best wishes as we asked him to go forth and share his passion in the world. Mr. Speaker with your permission. I would like to address personally the gentleman to your right. Eric it's been 18 years of shared journeys, shared adventures, shared conflicts. You have been not only a worthy successor to the caucus chair, but you have been a worthy successor to my former seatmate. I thank you for being such an honorable man, and someone that I can be proud of. Thank you, Mr. Speaker.

Representative Kretz: Thank you, Mr. Speaker. I'm a jumper tonight. So I'll be brief. I'm thinking back 16 years ago when I got here and I was fresh off Okanagan Farm Bureau president. I was interested in ag natural resource issues and I got here, I can't even remember the name of the committee we were on Eric, but I sat up in the back with Pat Sullivan and Bill Grant and I was interested in those issues and I was asking folks in your caucus, you know,” Who's the point guy? Who do I talk to?” and they said “Well, Eric Pettigrew.” and I'm looking at this guy and I'm thinking let's see East LA, downtown - is this the best you can do? and I asked Bill Grant about that and he told me then he said “This is a good, honorable man that you can trust.” and I have found that to be true. We haven't spent as much time together as we should have. We talked about having dinner the other night – I'm gonna hold you to that. But I think Bill Grant said it best - this is a good honorable, man. Thank you.

#### **SPEAKER'S PRIVILEGE**

The Speaker (Representative Lovick presiding) would take just a moment of Speaker's privilege to thank my good friend for being such an ambassador. I will never ever ever forget the day that you came to my office when I was County Sheriff in Snohomish County and you just wanted to talk about people that you didn't know; talk about doing things for people that you didn't even know, and I just have to tell you this - listening to these members speak, your values are the right values and I'm so honored to know you. Best to you sir.

HOUSE RESOLUTION NO. 4687 was adopted.

Speaker Jenkins assumed the chair.

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

#### **SECOND READING**

**SECOND SUBSTITUTE SENATE BILL NO. 6231, by Senate Committee on Ways & Means (originally sponsored by Kuderer, Darneille, Dhingra, Hunt, Mullet, Wilson and C.)**

**Providing a limited property tax exemption for the construction of accessory dwelling units. Revised for 2nd Substitute: Expanding and studying the property tax exemption for physical improvements to single-family dwellings.**

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 Walen 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 Second Substitute Senate Bill No. 6231.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6231, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Kraft and Pollet.

Excused: Representatives Paul and Shea.

SECOND SUBSTITUTE SENATE BILL NO. 6231, 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 12, 2020

Madame Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2797 with the following amendment:

963.0.

Strike everything after the enacting clause and insert the following:

"Sec. 964. RCW 82.14.540 and 2019 c 338 s 1 are each amended to read as follows:

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

(a) "Nonparticipating city" is a city that does not impose a sales and use tax in accordance with the terms of this section.

(b) "Nonparticipating county" is a county that does not impose a sales and use tax in accordance with the terms of this section.

(c) "Participating city" is a city that imposes a sales and use tax in accordance with the terms of this section.

(d) "Participating county" is a county that imposes a sales and use tax in accordance with the terms of this section.

(e) "Qualifying local tax" means the following tax sources, if the tax source is ~~((instated no later than twelve months after July 28, 2019))~~ adopted by December 31, 2021:

(i) The affordable housing levy authorized under RCW 84.52.105;

(ii) The sales and use tax for housing and related services authorized under RCW 82.14.530, provided the city has imposed the tax at a minimum ~~((or H:DATA:2020 JOURNAL Journal 2020 Leg Day 060 of doe))~~ of at least half of the authorized rate;

(iii) The sales tax for chemical dependency and mental health treatment services or therapeutic courts authorized under RCW 82.14.460 imposed by a city; and

(iv) The levy authorized under RCW 84.55.050, if used solely for affordable housing.

(2) Starting on the effective date of this section, a city that has not adopted a qualifying local tax but intends to before December 31, 2021, must adopt a notice of intent to adopt the qualifying local tax and send a copy to the department, and to the county the city is located within, by July 28, 2020. If a notice of intent has not been adopted by July 28, 2020, the tax sources in subsection (1)(e)(i) through (iv) of this section are not considered a qualifying local tax for the purposes of this section, unless the tax was being imposed before July 28, 2020.

(3)(a) A county or city legislative authority may authorize, fix, and impose a sales and use tax in accordance with the terms of this section.

(b) The tax under this section is assessed on the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

~~(c) ((The))~~ For taxes authorized under this section after the effective date of this section, the rate of the tax under this section for an individual participating city and an individual participating county may not exceed:

~~(i) ((Beginning on July 28, 2019, until twelve months after July 28, 2019:~~

~~(A))~~ 0.0073 percent for a:

~~((H)) (A) Participating city, ((unless the participating city levies a qualifying local tax))~~ that does not levy a qualifying tax; and

~~((H)) (B) Participating county, within the limits of ((nonparticipating cities))~~ participating cities within the county ~~((and within participating cities))~~ that do not ~~((currently))~~ levy a qualifying tax;

~~((B)) (ii) 0.0146 percent for a:~~

~~((H)) (A) Participating city that ((currently))~~ levies a qualifying local tax;

~~((H)) (B) Participating city ((if the county in which it is located declares they will not levy the sales and use tax authorized under this section or does not adopt a resolution in accordance with this section))~~ within a nonparticipating county; and

~~((H)) (C) Participating county within the unincorporated areas of the county and within any nonparticipating city ((that declares they will not levy the sales and use tax authorized under this section or does not adopt a resolution in accordance with this section;~~

~~(ii) Beginning twelve months after July 28, 2019:~~

~~(A) 0.0073 percent for a:~~

~~(I) Participating city that is located within a participating county if the participating city is not levying a qualifying local tax; and~~

~~(II) Participating county, within the limits of a participating city if the participating city is not levying a qualifying local tax;~~

~~(B) 0.0146 percent within the limits of a:~~

~~(I) Participating city that is levying a qualifying local tax; and~~

~~(II) Participating county within the unincorporated area of the county and within the limits of any nonparticipating city that is located within the county--))~~

(d) A county may not levy the tax authorized under this section within the limits of a participating city that levies a qualifying local tax.

(e)(i) In order for a county or city legislative authority to impose the tax under this section, the authority must adopt:

(A) A resolution of intent to adopt legislation to authorize ~~((the maximum capacity of))~~ the tax in this section within six months of July 28, 2019; and

(B) Legislation to authorize ~~((the maximum capacity of))~~ the tax in this section within one year of July 28, 2019, and send a copy to the department within forty-five days of adopting such legislation.

(ii) Adoption of the resolution of intent and legislation to authorize the tax requires simple majority approval of the enacting legislative authority.

~~((iii)) If a county or city has not adopted a resolution of intent in accordance with the terms of this section, the county or city may not authorize, fix, and impose the tax.~~

~~((3))~~ (4) The tax imposed under this section must be deducted from the amount of tax otherwise required to be collected or paid to the department of revenue under chapter 82.08 or 82.12 RCW. The department must perform the collection of such taxes on behalf of the county or city at no cost to the county or city.

~~((4))~~ (5) By ~~((December 31, 2019, or within thirty days of a))~~ January 1, 2021, for every county or city authorizing the tax under this section, ~~((whichever is later))~~ including those counties and cities currently imposing the tax authorized under this section, the department must calculate ~~((the))~~ or recalculate a preliminary annual maximum amount of tax distributions for each county and city authorizing the tax under this section and assign the authorized tax rate as provided in subsection (3)(c) of this section. The annual maximum must be calculated as follows:

(a) The annual maximum amount for a participating county equals the taxable retail sales within the unincorporated area of a county, within the nonparticipating cities, and within the participating cities without a qualifying local tax, in state fiscal year 2019 multiplied by the tax rate imposed under this section. ~~((If a county imposes a tax authorized under this section after a city located in that county has imposed the tax, the taxable retail sales within the city in state fiscal year 2019 must be subtracted from the taxable retail sales within the county for the calculation of the maximum amount))~~ The annual maximum amount for a participating county does not include the taxable retail sales within the participating cities with a qualifying local tax within the county; and

(b) The annual maximum amount for a participating city equals the taxable retail sales within the city in state fiscal year 2019 multiplied by the tax rate imposed under subsection ~~((4))~~ (3) of this section.

~~((5))~~ (6) By June 30, 2022, the department must calculate a final annual maximum amount of tax distributions for each county and city authorizing the tax under this section using the method in subsection (5)(a) and (b) of this section. The department must also assign the authorized tax rate as provided in subsection (3)(c) of this section.

(7)(a) The tax must cease to be distributed to a county or city for the remainder of any fiscal year in which the amount of tax exceeds:

(i) Until June 30, 2022, the preliminary annual maximum amount calculated in subsection ~~((4))~~ (5) of this section; and

(ii) Beginning July 1, 2022, the final annual maximum amount calculated in subsection (6) of this section.

(b) The department must remit any annual tax revenues above the annual maximum to the state treasurer for deposit in the general fund. Distributions to a county or city meeting the annual maximum amount must resume at the beginning of the next fiscal year.

~~((6))~~ (8)(a) If, when the tax is first imposed, a county has a population greater than four hundred thousand or a city has a population greater than one hundred thousand, the moneys collected or bonds issued under this section may only be used for the following purposes:

(i) Acquiring, rehabilitating, or constructing affordable housing, which may include new units of affordable housing within an existing structure or facilities providing supportive housing services under RCW 71.24.385; or

(ii) Funding the operations and maintenance costs ~~((of new units))~~ of affordable or supportive housing including, but not limited to, staffing necessary for daily operations of permanent supportive housing.

(b) If, when the tax is first imposed, a county has a population of four hundred thousand or less or a city has a population of one hundred thousand or less, the moneys collected under this section may only be used for the purposes provided in (a) of this subsection or for providing rental assistance to tenants.

~~((7))~~ (c) Administrative costs of the county or city associated with administering this section may not exceed six percent of the annual tax distributed to the jurisdiction under this section.

(d) Operations and maintenance costs or rental assistance under this section may not be funded with bonds.

(9) The housing and services provided pursuant to subsection ~~((6))~~ (8) of this section may only be provided to persons whose income, at each required income certification or recertification, is at or below sixty percent of the median household income of the ~~((county or city))~~ standard metropolitan statistical area within which the county, city, or town imposing the tax is located.

~~((8))~~ (10) In determining the use of funds under subsection ~~((6))~~ (8) of this section, a county or city must consider the income of the individuals and families to be served, the leveraging of the resources made available under this section, and the housing needs within the jurisdiction of the taxing authority.

~~((9))~~ (11)(a) To carry out the purposes of this section including, but not limited to, financing loans or grants to nonprofit organizations or public housing authorities, the legislative authority of the county or city imposing the tax has the authority to issue general obligation or revenue bonds within the limitations now or hereafter prescribed by the laws of this state, and may use, and is authorized to

pledge, the moneys collected under this section for repayment of such bonds.

(b) However, a county may not pledge for repayment of such bonds any moneys collected from retail sales within the limits of a participating city:

(i) Before July 28, 2020; or

(ii) Before June 30, 2022, within the limits of a participating city that has adopted a notice of intent under subsection (2) of this section.

~~((10) A)~~ (12) To carry out the purposes of this section, a county or city may enter into a contract or an interlocal agreement, or utilize an existing contract or interlocal agreement, in accordance with chapter 39.34 RCW with one or more ((counties, cities, or public housing authorities in accordance with chapter 39.34 RCW)) public entities or nonprofit organizations. The contract or interlocal agreement may include, but is not limited to, pooling the tax receipts received under this section, pledging those taxes to bonds issued by one or more parties to the agreement, and allocating the proceeds of the taxes levied or the bonds issued in accordance with such contract or interlocal agreement and this section. The contract or interlocal agreement must include a requirement, or otherwise ensure through contractual obligations, that the housing or services provided with moneys collected under this section comply with the use restrictions in subsection (8) of this section and the income restrictions in subsection (9) of this section.

~~((11))~~ (13) Counties and cities imposing the tax under this section must report annually to the department of commerce on the collection and use of the revenue. Counties and cities that have pooled funds may submit joint reports on their collective activities. The department of commerce must adopt rules prescribing content of such reports. By December 1, 2019, and annually thereafter, and in compliance with RCW 43.01.036, the department of commerce must submit a report annually to the appropriate legislative committees with regard to such uses.

~~((12))~~ (14) The tax imposed by a county or city under this section expires twenty years after the date on which the tax is first imposed."

On page 1, line 2 of the title, after "housing;" strike the remainder of the title and insert "and amending RCW 82.14.540."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2797 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

Representative Orcutt spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2797, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2797, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 61; Nays, 35; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Hansen, Harris, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Graham, Griffey, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Schmick, Smith, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Paul and Shea.

ENGROSSED HOUSE BILL NO. 2797, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 12, 2020

Madame Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2965 with the following amendment:

964.0.

On page 1, line 5, after "sum of" strike "one hundred million" and insert "one hundred seventy-five million"

On page 1, line 14, after "sum of" strike "one hundred million" and insert "one hundred seventy-five million"

On page 1, line 15, after "account" insert "and the sum of twenty-five million dollars is appropriated from the general fund—federal"

On page 1, at the beginning of line 17, after "and" strike "is" and insert "are"

On page 2, line 1, after "The" strike "appropriation" and insert "appropriations"

On page 2, line 2, after "section" strike "is" and insert "are"

On page 2, line 7, after "state," insert "tribal,"

On page 2, line 9, after "Agencies" insert ", federally recognized tribes,"

On page 2, line 12, after "agency" insert ", federally recognized tribe,"

On page 2, line 14, after "agency" insert ", federally recognized tribe,"

On page 2, after line 22, insert the following:

"(5) In order to facilitate the monthly reporting required by subsection (1) of this section and to increase transparency, the office of financial management must create unique appropriation and expenditure codes to be used in the statewide accounting and financial reporting system that must be used by state agencies and institutions of higher education to separately identify state spending by the appropriations in this act and for other unanticipated spending in response to the coronavirus (COVID-19) outbreak funded by appropriations in the omnibus operating appropriations act."

On page 2, after line 22, insert the following:

**NEW SECTION. Sec. 3.** The sum of twenty-five million dollars is appropriated from the budget stabilization account for the fiscal year ending June 30, 2020, and is provided solely for expenditure into the COVID-19 unemployment account for the purposes described in section 5 of this act. For purposes of RCW 43.88.055(4), the appropriation in this section does not alter the requirement to balance in the ensuing biennium.

**NEW SECTION. Sec. 4.** A new section is added to chapter 50.16 RCW to read as follows:

(1) The COVID-19 unemployment account is created in the custody of the state treasurer. Revenues to the account shall consist of appropriations and transfers by the legislature and all other funding directed for deposit into the account. Only the commissioner of the employment security department or the commissioner's designee may authorize expenditures from the account. Expenditures from the account may be used only for reimbursing the unemployment trust fund account for unemployment benefits paid to the approved employees of employers approved for such reimbursement pursuant to section 5 of this act. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Any federal funding or relief for novel coronavirus that could be used for the purposes of section 5 of this act must be used first before spending from the account. Additionally, if the employment security department subsequently receives reimbursements from federal sources for amounts spent from the account, the department must remit the federal funding to the state treasurer for reimbursement to the budget stabilization account. If federal law or rules would prevent such remittance, the department must notify the office of financial management and the fiscal

committees of the legislature within thirty days of receipt of the reimbursement.

(3) By July 1, 2021, the commissioner must certify to the state treasurer the amount of any unobligated moneys in the COVID-19 unemployment account that are attributable to the budget stabilization account appropriation in section 3 of this act, and the treasurer must transfer those moneys back to the budget stabilization account.

**NEW SECTION. Sec. 5.** A new section is added to chapter 50.29 RCW to read as follows:

(1) By September 30, 2020, a contribution paying employer may submit an application to the employment security department to have the approved benefits paid to approved employees be reimbursed by the COVID-19 unemployment account instead of charged to the employer's experience rating account. The application must be submitted in a form and manner approved by the department through rule.

(2) The department should not approve an application if the benefits paid will not otherwise be charged to the employer's experience rating account or if the employer was otherwise eligible to receive relief of benefit charges.

(3) If the department approves an employer's application, the department will not charge the forgiven benefits to the employer's experience rating account. The commissioner shall instead transfer from the COVID-19 unemployment account to the unemployment trust fund account an amount equal to the forgiven benefits.

(4) If the department rejects an employer's application, the department shall present the employer with the reasons why the application was rejected. The reasons for the rejection are final and nonappealable.

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

(a) "Approved employee" means an employee who:

(i) Was temporarily laid off as a direct or indirect consequence of an outbreak of COVID-19;

(ii) Was approved by the department to be on standby pursuant to rules adopted by the department;

(iii) Has returned to the same employment with the employer the employee had prior to the temporary unemployment; and

(iv) Meets other criteria the department may establish by rule.

(b) "Approved benefits" means benefits paid to an approved employee while the approved employee was on standby pursuant to rules adopted by the department.

(c) "Total approved benefits" means the sum total of all approved benefits paid to all approved employees.

(d) "Forgiveness ratio" is computed by dividing the amount of money in the COVID-19 unemployment account by the total approved benefits. The forgiveness ratio cannot be more than 1.

(e) "Forgiven benefits" means the approved benefits for an individual employer multiplied by the forgiveness ratio.

(6) The department shall adopt such rules as are necessary to carry out the purposes of this section.

(7) This section expires July 30, 2021."

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

On page 3, after line 16, insert the following:

**"NEW SECTION. Sec. 5.** 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 or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is inoperative solely to the extent of the conflict, and this finding or determination does not affect the operation of the remainder of this act. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state."

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

On page 1, line 2 of the title, after "38.52.105;" insert "adding a new section to chapter 50.16 RCW; adding a new section to chapter 50.29 RCW;"

On page 1, line 2 of the title, after "74.46 RCW;" insert "creating a new section;"

On page 1, line 3 of the title, after "appropriations;" insert "providing an expiration date;"

and the same is herewith transmitted.

Brad Hendrickson, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2965 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.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2965, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 2965, 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 Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Paul and Shea.

ENGROSSED HOUSE BILL NO. 2965, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

With the consent of the House the bills previously acted upon were immediately transmitted to the Senate.

The Speaker called upon Representatives Appleton, Smith, Kilduff and Pettigrew to preside.

#### **RESOLUTION**

**HOUSE RESOLUTION NO. 2020-4689**, by **Representatives Sullivan and Kretz**

WHEREAS, It is necessary to provide for the continuation of the work of the House of Representatives after its adjournment and during the interim periods between legislative sessions;

NOW, THEREFORE, BE IT RESOLVED, That the Executive Rules Committee is hereby created by this resolution and shall consist of three members of the majority caucus and two members of the minority caucus, to be named by the Speaker of the House of Representatives and Minority Leader respectively; and

BE IT FURTHER RESOLVED, That the Executive Rules Committee may assign subject matters, bills, memorials, and resolutions to authorized committees of the House of Representatives for study during the interim, and the Speaker of the House of Representatives may create special and select committees as may be necessary to carry out the functions, including interim studies, of the House of Representatives in an orderly manner and shall appoint members to such committees with the approval of the Executive Rules Committee; and

BE IT FURTHER RESOLVED, That, during the interim, the schedules, agendas, and locations for all meetings of any legislative task force, committee, or subcommittee shall be approved by the Executive Rules Committee, and those task forces, committees, or subcommittees may conduct hearings and scheduling without a quorum being present; and

BE IT FURTHER RESOLVED, That, during the interim, authorized committees have the power of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with chapter 44.16 RCW if and when specifically authorized by the Executive Rules Committee for specific purposes and specific subjects; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall complete the work of the 2020 Regular Session of the Sixty-Sixth Legislature during interim periods, and all details that arise therefrom, including the editing, indexing, and publishing of the journal of the House of Representatives; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall make the necessary inventory of furnishings, fixtures, and supplies; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives may approve vouchers of the members of the House of Representatives, covering expenses incurred during the interim for official business of the Legislature in accordance with policies set by the Executive Rules Committee, at the per diem rate provided by law and established by the Executive Rules Committee, for each day or major portion of a day, plus mileage at the rate provided by law and established by the Executive Rules Committee; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall, during the interim, and as authorized by the Speaker of the House of Representatives, retain or hire any necessary employees and order necessary supplies, equipment, and printing to enable the House of Representatives to carry out its work promptly and efficiently, and accept committee reports, committee bills, prefiled bills, memorials, and resolutions as directed by the Rules of the House of Representatives; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall have authority to execute personal services contracts relating to workplace investigations, and with approval of the Executive Rules Committee, may execute other types of personal services contracts that necessitate the expenditure of House of Representatives appropriations; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall execute the necessary vouchers upon which warrants are drawn for all legislative expenses and expenditures of the House of Representatives; and

BE IT FURTHER RESOLVED, That members and employees of the Legislature be reimbursed for expenses incurred in attending authorized conferences and meetings at the rate provided by law and established by the Executive Rules Committee, plus mileage to and from the conferences and meetings at the rate provided by law and established by the Executive Rules Committee, which reimbursement shall be paid on vouchers from any appropriation made to the House of Representatives for legislative expenses; and

BE IT FURTHER RESOLVED, That, during the interim, the use of the House of Representatives Chamber, any of its committee rooms, or any of the furniture or furnishings in them is permitted upon such terms and conditions as the Chief Clerk of the House of Representatives shall deem appropriate; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives may express the sympathy of the House of Representatives by sending flowers and correspondence when the necessity arises; and

BE IT FURTHER RESOLVED, That this Resolution applies throughout the interim between sessions of the Sixty-Sixth Legislature, as well as any committee assembly.

There being no objection, HOUSE RESOLUTION NO. 4689 was adopted.

**SENATE CONCURRENT RESOLUTION NO. 8413, by Senators Liias and Short**

**Returning bills to their house of origin.**

The concurrent resolution was read the third time.

With the consent of the House, SENATE CONCURRENT RESOLUTION NO. 8413 was adopted.

**SENATE CONCURRENT RESOLUTION NO. 8414, by Senators Liias and Short**

**Adjourning SINE DIE.**

The concurrent resolution was read the third time.

With the consent of the House, SENATE CONCURRENT RESOLUTION NO. 8414 was adopted.

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

**MESSAGE FROM THE SENATE**

March 12, 2020

Mme. SPEAKER:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8413,  
SENATE CONCURRENT RESOLUTION NO. 8414,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 12, 2020

Mme. SPEAKER:

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8413, the following House Bills were returned to the House of Representatives:

SUBSTITUTE HOUSE BILL NO. 1009,  
 SUBSTITUTE HOUSE BILL NO. 1010,  
 ENGROSSED HOUSE BILL NO. 1058,  
     HOUSE BILL NO. 1061,  
     HOUSE BILL NO. 1079,  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
     BILL NO. 1110,  
     HOUSE BILL NO. 1201,  
     HOUSE BILL NO. 1242,  
 SUBSTITUTE HOUSE BILL NO. 1255,  
 SUBSTITUTE HOUSE BILL NO. 1256,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     1264,  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
     BILL NO. 1272,  
     HOUSE BILL NO. 1278,  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
     BILL NO. 1304,  
 SECOND ENGROSSED SUBSTITUTE HOUSE  
     BILL NO. 1332,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     1422,  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
     BILL NO. 1503,  
 SECOND ENGROSSED SUBSTITUTE HOUSE  
     BILL NO. 1565,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     1598,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1633,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1659,  
     HOUSE BILL NO. 1674,  
     SUBSTITUTE HOUSE BILL NO. 1715,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1733,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     1813,  
     SUBSTITUTE HOUSE BILL NO. 1826,  
     HOUSE BILL NO. 1829,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1853,  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
     BILL NO. 1860,  
     ENGROSSED HOUSE BILL NO. 1894,  
     HOUSE BILL NO. 1952,  
     HOUSE BILL NO. 1983,  
 ENGROSSED HOUSE BILL NO. 2008,  
     HOUSE BILL NO. 2013,  
 SUBSTITUTE HOUSE BILL NO. 2032,  
     HOUSE BILL NO. 2033,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     2036,  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
     BILL NO. 2050,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     2085,  
     HOUSE BILL NO. 2092,  
     HOUSE BILL NO. 2110,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     2138,  
     SUBSTITUTE HOUSE BILL NO. 2155,

ENGROSSED HOUSE BILL NO. 2166,  
 SUBSTITUTE HOUSE BILL NO. 2187,  
     HOUSE BILL NO. 2197,  
 SUBSTITUTE HOUSE BILL NO. 2200,  
 ENGROSSED HOUSE BILL NO. 2216,  
     HOUSE BILL NO. 2218,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     2220,  
     ENGROSSED HOUSE BILL NO. 2228,  
 SUBSTITUTE HOUSE BILL NO. 2244,  
     HOUSE BILL NO. 2252,  
 SUBSTITUTE HOUSE BILL NO. 2287,  
     HOUSE BILL NO. 2305,  
 SUBSTITUTE HOUSE BILL NO. 2306,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2310,  
     HOUSE BILL NO. 2319,  
 SUBSTITUTE HOUSE BILL NO. 2326,  
     HOUSE BILL NO. 2340,  
     HOUSE BILL NO. 2345,  
     HOUSE BILL NO. 2347,  
     HOUSE BILL NO. 2348,  
     HOUSE BILL NO. 2352,  
 SUBSTITUTE HOUSE BILL NO. 2353,  
 SUBSTITUTE HOUSE BILL NO. 2356,  
 SUBSTITUTE HOUSE BILL NO. 2359,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2386,  
 SUBSTITUTE HOUSE BILL NO. 2388,  
     HOUSE BILL NO. 2396,  
 SUBSTITUTE HOUSE BILL NO. 2400,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     2427,  
     ENGROSSED HOUSE BILL NO. 2440,  
     HOUSE BILL NO. 2442,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     2443,  
     ENGROSSED HOUSE BILL NO. 2461,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     2471,  
     HOUSE BILL NO. 2477,  
     HOUSE BILL NO. 2484,  
 SUBSTITUTE HOUSE BILL NO. 2498,  
 ENGROSSED HOUSE BILL NO. 2501,  
     HOUSE BILL NO. 2540,  
     HOUSE BILL NO. 2542,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     2575,  
     HOUSE BILL NO. 2580,  
     HOUSE BILL NO. 2596,  
 ENGROSSED HOUSE BILL NO. 2610,  
 SUBSTITUTE HOUSE BILL NO. 2621,  
 ENGROSSED HOUSE BILL NO. 2623,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     2625,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     2629,  
     HOUSE BILL NO. 2664,  
     HOUSE BILL NO. 2680,  
 SUBSTITUTE HOUSE BILL NO. 2684,  
 ENGROSSED HOUSE BILL NO. 2687,  
     HOUSE BILL NO. 2710,  
 SUBSTITUTE HOUSE BILL NO. 2712,  
 SUBSTITUTE HOUSE BILL NO. 2714,

SUBSTITUTE HOUSE BILL NO. 2725,  
 SUBSTITUTE HOUSE BILL NO. 2730,  
   HOUSE BILL NO. 2747,  
   HOUSE BILL NO. 2749,  
   HOUSE BILL NO. 2757,  
 SUBSTITUTE HOUSE BILL NO. 2768,  
 SUBSTITUTE HOUSE BILL NO. 2772,  
 SUBSTITUTE HOUSE BILL NO. 2773,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
   2775,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
   2786,  
   SUBSTITUTE HOUSE BILL NO. 2789,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
   2804,  
   HOUSE BILL NO. 2809,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
   2825,  
   SUBSTITUTE HOUSE BILL NO. 2836,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
   2849,  
   SUBSTITUTE HOUSE BILL NO. 2865,  
   HOUSE BILL NO. 2867,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
   2879,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
   2880,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
   2890,  
   ENGROSSED HOUSE BILL NO. 2896,  
   SUBSTITUTE HOUSE BILL NO. 2906,  
   SUBSTITUTE HOUSE BILL NO. 2936,  
   HOUSE JOINT MEMORIAL NO. 4012,  
 SUBSTITUTE HOUSE JOINT MEMORIAL NO.  
   4014,  
   HOUSE JOINT MEMORIAL NO. 4016,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

#### MESSAGES FROM THE HOUSE

MR. PRESIDENT:

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8413, the following Senate bills are returned to the Senate:

SUBSTITUTE SENATE BILL NO. 5011  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
   5024  
 SECOND SUBSTITUTE SENATE BILL NO. 5093  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
   5167  
   SUBSTITUTE SENATE BILL NO. 5168  
 SECOND SUBSTITUTE SENATE BILL NO. 5236  
   SUBSTITUTE SENATE BILL NO. 5247  
   ENGROSSED SENATE BILL NO. 5294  
 ENGROSSED SECOND SUBSTITUTE SENATE  
   BILL NO. 5299  
   SENATE BILL NO. 5339

SECOND ENGROSSED SUBSTITUTE SENATE  
   BILL NO. 5389  
   SUBSTITUTE SENATE BILL NO. 5400  
   SUBSTITUTE SENATE BILL NO. 5441  
 SECOND SUBSTITUTE SENATE BILL NO. 5493  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
   5504  
 FOURTH SUBSTITUTE SENATE BILL NO. 5533  
 SECOND SUBSTITUTE SENATE BILL NO. 5607  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
   5614  
   SUBSTITUTE SENATE BILL NO. 5679  
 SECOND ENGROSSED SECOND SUBSTITUTE  
   SENATE BILL NO. 5740  
   SENATE BILL NO. 5749  
   SENATE BILL NO. 5782  
   SUBSTITUTE SENATE BILL NO. 5789  
   ENGROSSED SENATE BILL NO. 5834  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
   5908  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
   5946  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
   5984

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

March 12, 2020

MR. PRESIDENT:

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8413, the following Senate bills are returned to the Senate:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
   6012  
   SUBSTITUTE SENATE BILL NO. 6022  
   SUBSTITUTE SENATE BILL NO. 6035  
   SENATE BILL NO. 6046  
   SENATE BILL NO. 6047  
   SENATE BILL NO. 6057  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
   6062  
 SECOND SUBSTITUTE SENATE BILL NO. 6064  
   SENATE BILL NO. 6073  
   SUBSTITUTE SENATE BILL NO. 6081  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
   6092  
   SENATE BILL NO. 6099  
   SENATE BILL NO. 6100  
   SENATE BILL NO. 6101  
   SUBSTITUTE SENATE BILL NO. 6105  
   SUBSTITUTE SENATE BILL NO. 6112  
   SUBSTITUTE SENATE BILL NO. 6113  
   SENATE BILL NO. 6115  
 SECOND SUBSTITUTE SENATE BILL NO. 6117  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
   6122  
   SUBSTITUTE SENATE BILL NO. 6127

SENATE BILL NO. 6132  
 SENATE BILL NO. 6138  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6147  
 SUBSTITUTE SENATE BILL NO. 6155  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6156  
 SUBSTITUTE SENATE BILL NO. 6182  
 SUBSTITUTE SENATE BILL NO. 6183  
 ENGROSSED SECOND SUBSTITUTE SENATE  
 BILL NO. 6213  
 SUBSTITUTE SENATE BILL NO. 6215  
 ENGROSSED SENATE BILL NO. 6238  
 SUBSTITUTE SENATE BILL NO. 6262  
 SENATE BILL NO. 6265  
 SECOND SUBSTITUTE SENATE BILL NO. 6275  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6278  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6282  
 SUBSTITUTE SENATE BILL NO. 6297  
 SUBSTITUTE SENATE BILL NO. 6302  
 SENATE BILL NO. 6316  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6324  
 SECOND SUBSTITUTE SENATE BILL NO. 6342  
 SENATE BILL NO. 6354  
 SUBSTITUTE SENATE BILL NO. 6358  
 SENATE BILL NO. 6363  
 SENATE BILL NO. 6370  
 SECOND SUBSTITUTE SENATE BILL NO. 6382  
 SENATE BILL NO. 6403  
 SUBSTITUTE SENATE BILL NO. 6408  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6432  
 SUBSTITUTE SENATE BILL NO. 6455  
 SENATE BILL NO. 6468  
 SENATE BILL NO. 6480  
 SUBSTITUTE SENATE BILL NO. 6488  
 SUBSTITUTE SENATE BILL NO. 6501  
 SUBSTITUTE SENATE BILL NO. 6531  
 SENATE BILL NO. 6537  
 SENATE BILL NO. 6556  
 SENATE BILL NO. 6580  
 SENATE BILL NO. 6582  
 SECOND SUBSTITUTE SENATE BILL NO. 6591  
 SUBSTITUTE SENATE BILL NO. 6605  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6638  
 SENATE BILL NO. 6643  
 SUBSTITUTE SENATE BILL NO. 6676  
 SENATE JOINT MEMORIAL NO. 8014

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

March 12, 2020

MR. PRESIDENT:

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8413, the following Senate bills are returned to the Senate:

SUBSTITUTE SENATE BILL NO. 6050  
 ENGROSSED SECOND SUBSTITUTE SENATE  
 BILL NO. 6331

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

March 12, 2020

MR. PRESIDENT:

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8413, the following Senate bills are returned to the Senate:

ENGROSSED SECOND SUBSTITUTE SENATE  
 BILL NO. 6254

and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTIONS

On motion of Representative Sullivan, the reading of the Journal of the 60th Day of the 2020 Regular Session of the 66th Legislature was dispensed with and ordered to stand approved.

On motion of Representative Sullivan, the 2020 Regular Session of the 66th Legislature was adjourned SINE DIE.

Laurie Jinkins, Speaker

BERNARD DEAN, Chief Clerk

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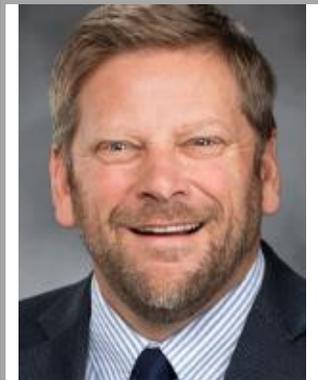


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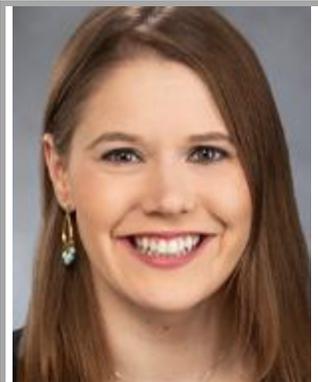
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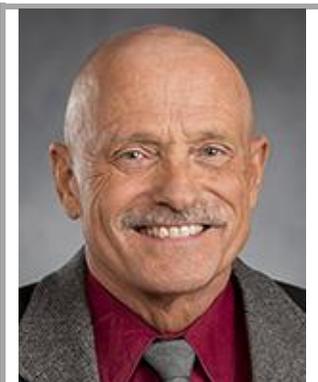
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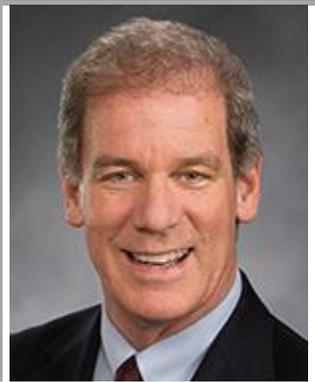


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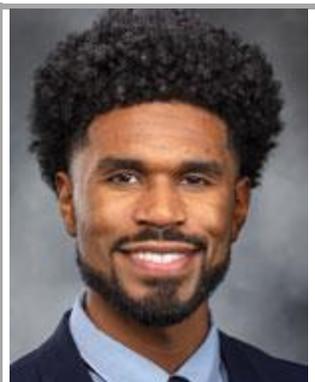


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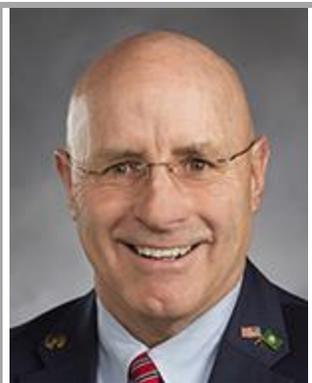
Legislative Assistant: Jennifer Way

**Steve Kirby (D) District 29**

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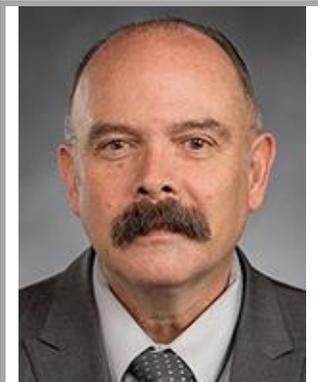
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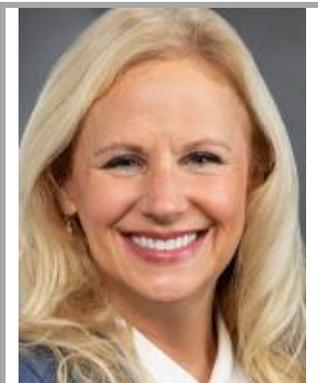
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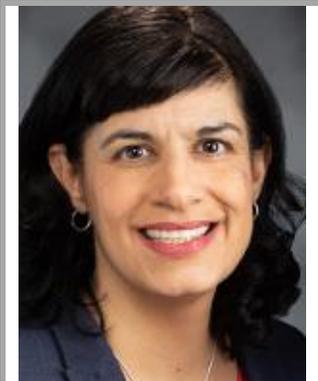
**John Lovick (D) District 44**

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Transportation  
Legislative Assistant: Matthew Southard



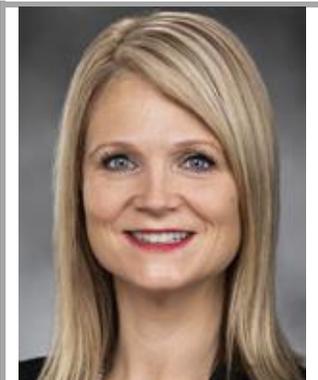
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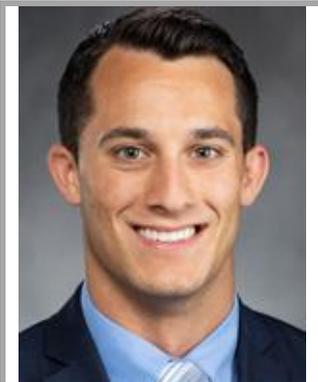
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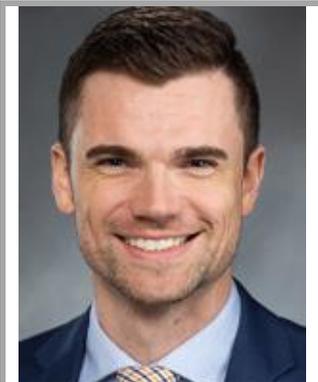
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Local Government  
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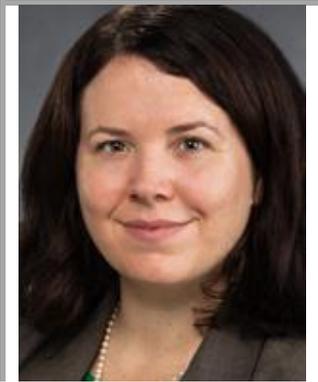


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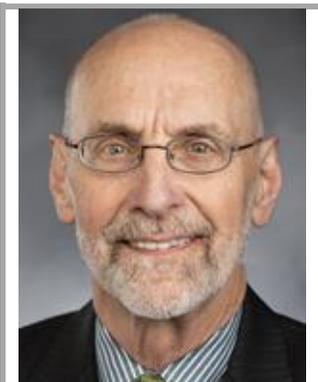
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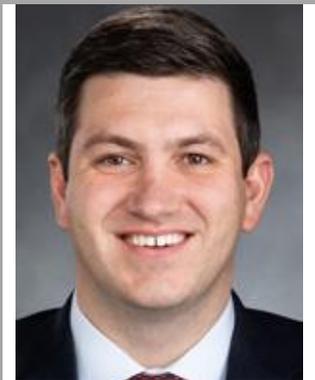
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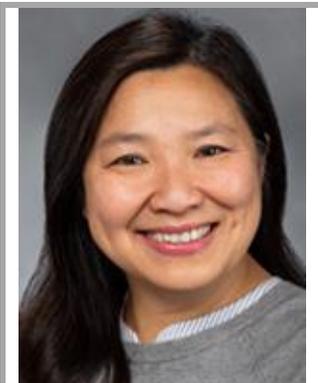
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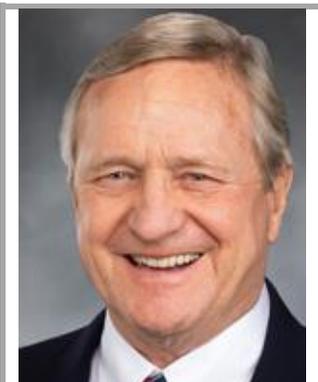
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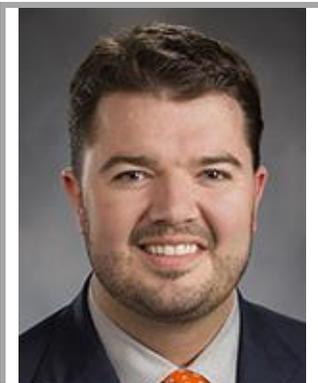
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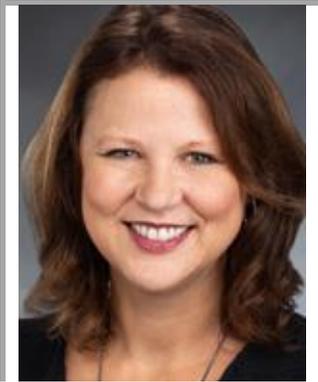
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Legislative Assistant:

# BILLS, MEMORIALS AND RESOLUTIONS PASSED

## 2020 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
Initiative 976	C 1 L 20	Motor vehicle taxes and fees	12/5/2019 *	
ESSB 6492	C 2 L 20	Addressing Workforce Education Investment	2/10/2020*	
EHB 1687	C 3 L 20	Limiting defenses based on victim identity	6/11/2020	
EHB 1552	C 4 L 20	Health care provider cred. by health carries	6/11/2020*	
ESHB 2099	C 5 L 20	Use of video technology under invol treatment act	6/11/2020*	
HB 2739	C 6 L 20	Adjusting certain requirements - shared leave prog	6/11/2020*	
EHB 2965	C 7 L 20	The state's response to the novel coronavirus	3/17/2020	
ESSB 6189	C 8 L 20	School employee's benefits board coverage	3/17/2020	
HB 1165	C 9 L 20	Low-water landscaping	6/11/2020	
ESHB 1261	C 10 L 20	Clean water act/discharges	6/11/2020	
HB 1347	C 11 L 20	Vehicle reseller permits	6/11/2020	
ESHB 1520	C 12 L 20	Ballot envelope dates	6/11/2020	
3SHB 1660	C 13 L 20	Extracurricular/low income	6/11/2020	
HB 1750	C 14 L 20	County sheriff vacancies	6/11/2020	
HB 1755	C 15 L 20	Education doctorate degrees	6/11/2020	
2SHB 2066	C 16 L 20	Driver's license restriction	1/1/2022	
HB 2109	C 17 L 20	Chehalis board membership	6/11/2020	
SHB 2205	C 18 L 20	Technical corrections	6/11/2020	
ESHB 2231	C 19 L 20	Bail jumping	6/11/2020	
SHB 2246	C 20 L 20	Environment reorganization	6/11/2020*	
HB 2251	C 21 L 20	Biological product notice	6/11/2020	
HB 2259	C 22 L 20	Background checks/education	6/11/2020	
ESHB 2265	C 23 L 20	Firefighting foam	6/11/2020	
HB 2271	C 24 L 20	Transp. bonds/budget ref.	6/11/2020	
SHB 2295	C 25 L 20	Small claims court judgments	6/11/2020	
ESHB 2318	C 26 L 20	Criminal investigation	6/11/2020*	
E2SHB 2405	C 27 L 20	Comm. property/clean energy	6/11/2020	
E2SHB 2467	C 28 L 20	Firearm background checks	6/11/2020	
SHB 2473	C 29 L 20	Domestic violence	3/18/2020	
SHB 2476	C 30 L 20	Debt buyers	6/11/2020	
HB 2508	C 31 L 20	City utility surplus	6/11/2020	
E2SHB 2518	C 32 L 20	Natural gas transmission	6/11/2020	
SHB 2525	C 33 L 20	Family connections program	6/11/2020	
SHB 2527	C 34 L 20	Census rights	3/18/2020	
ESHB 2551	C 35 L 20	Tribal regalia/graduation	3/18/2020	
SHB 2555	C 36 L 20	Other firearms/background	6/11/2020	
SHB 2567	C 37 L 20	Courts/arrests	6/11/2020	
ESHB 2571	C 38 L 20	Fish and wildlife violations	6/11/2020	
SHB 2589	C 39 L 20	Suicide prevention/ID cards	6/11/2020	

## BILLS, MEMORIALS AND RESOLUTIONS PASSED

2020 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
HB 2617	C 40 L 20	Surplus school property	6/11/2020	
HB 2682	C 41 L 20	Out-of-home services	6/11/2020	
HB 2762	C 42 L 20	Peer support privilege/DOC	6/11/2020	
ESHB 2783	C 43 L 20	On-demand gasoline providers	6/11/2020	
SHB 2785	C 44 L 20	CJTC membership	6/11/2020	
EHB 2792	C 45 L 20	Missing & unident. persons	6/11/2020	
EHB 2819	C 46 L 20	Pumped storage projects	6/11/2020	
HB 2833	C 47 L 20	Engineers and land surveyors	6/11/2020	
HB 2837	C 48 L 20	Historical societies, powers	6/11/2020	
HB 2853	C 49 L 20	Charter school commission	6/11/2020	
HB 2860	C 50 L 20	Plane coordinate system	6/11/2020	
SHB 2873	C 51 L 20	Families in conflict	6/11/2020	
ESB 5165	C 52 L 20	Discrimination/immigration	6/11/2020	
ESB 5450	C 53 L 20	Adding superior court judges	6/11/2020	
SB 5519	C 54 L 20	Mosquito control districts	6/11/2020	
SSB 5867	C 55 L 20	Drug offense resentencing	6/11/2020	
SSB 5900	C 56 L 20	LGBTQ coordinator/veterans	6/11/2020	
ESSB 6028	C 57 L 20	Uniform electronic transact.	6/11/2020	
ESSB 6063	C 58 L 20	DOC health care admin.	6/11/2020	
SB 6066	C 59 L 20	Ethnic studies materials	6/11/2020	
SSB 6074	C 60 L 20	Financial fraud/theft crimes	6/11/2020	
SB 6103	C 61 L 20	Educational reporting	6/11/2020	
SB 6119	C 62 L 20	Money laundering proceeds	6/11/2020	
SSB 6135	C 63 L 20	System reliability/energy	6/11/2020	
SB 6136	C 64 L 20	Electronic benefit cards	6/11/2020	
SB 6187	C 65 L 20	Data breaches/SSN	6/11/2020	
SSB 6208	C 66 L 20	Bicyclists/stop signs	10/1/2020	
SSB 6210	C 67 L 20	Antifouling paints	6/11/2020	
2SSB 6309	C 68 L 20	WIC fruit & veg. benefit	6/11/2020	
SB 6326	C 69 L 20	Municipal conflicts	6/11/2020	
SB 6357	C 70 L 20	Pull-tab dollar limit	6/11/2020	
SB 6423	C 71 L 20	Child abuse, neglect reports	6/11/2020	
SB 6493	C 72 L 20	Active transp safety council	6/11/2020	
SSB 6500	C 73 L 20	Foster-family location move	6/11/2020	
SB 6567	C 74 L 20	Blood donor day	6/11/2020	
ESHB 6670	C 75 L 20	Discover pass/libraries	6/11/2020	
ESHB 1551	C 76 L 20	Communicable disease control	6/11/2020	
SHB 2017	C 77 L 20	Admin. law judge bargaining	3/19/2020	
EHB 2188	C 78 L 20	Military veteran CDL waivers	1/1/2021	
E2HB 2311	C 79 L 20	Greenhouse gas emissions	6/11/2020	
SHB 2378	C 80 L 20	Physician assistants	6/11/2020*	
HB 2416	C 81 L 20	Forensic mental health info.	6/11/2020	
SHB 2417	C 82 L 20	Community custody terms	6/11/2020	
HB 2449	C 83 L 20	Commissioner compensation	6/11/2020	
HB 2474	C 84 L 20	Sales commissions	6/11/2020	
HB 2602	C 85 L 20	Hair discrimination	6/11/2020	

# BILLS, MEMORIALS AND RESOLUTIONS PASSED

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## 2020 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
SHB 2613	C 86 L 20	Unemployment benefits	6/11/2020	
SHB 2673	C 87 L 20	Infill development	6/11/2020	
HB 2701	C 88 L 20	Fire & smoke control systems	7/1/2021	
HB 2763	C 89 L 20	DOC employee interest arb.	6/11/2020	
SHB 2787	C 90 L 20	Infants and toddlers program	9/1/2020	
SHB 2868	C 91 L 20	Historic property valuation	6/11/2020	
ESSB 5385	C 92 L 20	Telemedicine reimbursement	3/19/2020	
ESB 6032	C 93 L 20	Apples special license plate	7/1/2020	
SSB 6058	C 94 L 20	Fire district health clinics	6/11/2020	
SB 6102	C 95 L 20	School bus stop signals	6/11/2020	
ESSB 6217	C 96 L 20	Airport labor standards	6/11/2020	
SB 6218	C 97 L 20	WSP retirement/salary def.	6/11/2020	
SSB 6267	C 98 L 20	Long-term services trust	6/11/2020	
SSB 6415	C 99 L 20	Perm. fire district charge	6/11/2020	
ESSB 6473	C 100 L 20	Asbestos building materials	6/11/2020	
SHB 1251	C 101 L 20	Election security breaches	6/11/2020	
ESHB 1608	C 102 L 20	Patient care/health entities	6/11/2020	
2SHB 1661	C 103 L 20	Higher education retirement	7/1/2020	
HB 1702	C 104 L 20	Low-cost course material/CTC	6/11/2020	
SHB 1847	C 105 L 20	Aircraft noise abatement	6/11/2020	
2SHB 1888	C 106 L 20	Employee info. disclosure	6/11/2020	
HB 2051	C 107 L 20	Pension & disability boards	6/11/2020	
HB 2189	C 108 L 20	PSERS/comp restoration work	6/11/2020	
HB 2229	C 109 L 20	Land dev. & management/tax	6/11/2020	
HB 2242	C 110 L 20	Travel trailers	6/11/2020	
HB 2266	C 111 L 20	Expression of breast milk	6/11/2020	
HB 2315	C 112 L 20	Mitigation equipment	6/11/2020	
ESHB 2342	C 113 L 20	Comprehensive plan updates	6/11/2020*	
HB 2402	C 114 L 20	Statutory committees	7/1/2020	
SHB 2426	C 115 L 20	Psychiatric patient safety	3/25/2020	
SHB 2464	C 116 L 20	Excess Rx medication charges	6/11/2020	
SHB 2483	C 117 L 20	DUI vehicle impoundment	6/11/2020	
HB 2491	C 118 L 20	Tribal vehicles compact	6/11/2020	
2SHB 2499	C 119 L 20	Correction officer cert.	6/11/2020	
E2SHB 2528	C 120 L 20	Forest products/climate	6/11/2020	
SEHB 2565	C 121 L 20	Disposable wipe labeling	7/1/2022	
HB 2599	C 122 L 20	Multiple handicaps, children	6/11/2020	
HB 2601	C 123 L 20	Parks & rec. common leases	6/11/2020	
SHB 2607	C 124 L 20	Identicards/homelessness	6/11/2020	
SHB 2614	C 125 L 20	Paid family & medical leave	6/11/2020*	
SHB 2622	C 126 L 20	Firearm orders compliance	6/11/2020	
ESHB 2638	C 127 L 20	Sports wagering/compacts	3/25/2020	
HB 2640	C 128 L 20	Private detention/GMA	3/25/2020	
HB 2669	C 129 L 20	Sports license plates	10/1/2020	
2SHB 2737	C 130 L 20	Child. mental health wk grp	6/11/2020	
EHB 2755	C 131 L 20	Air ambulance cost transp.	6/11/2020	

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2020 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
SHB 2803	C 132 L 20	Indian tribes compact/taxes	6/11/2020	
HB 2826	C 133 L 20	Marijuana vapor products	3/25/2020	
HB 2858	C 134 L 20	Assessment rolls filing	6/11/2020	
SHB 2889	C 135 L 20	Utility tax disclosures	6/11/2020	
3SSB 5164	C 136 L 20	Public assist./crime victims	2/1/2022	
E2SSB 5291	C 137 L 20	Confinement alts./children	6/11/2020	
ESSB 5323	C 138 L 20	Plastic bags	6/11/2020*	
ESB 5402	C 139 L 20	Tax and licensing laws	6/11/2020*	Partial Veto
ESB 5457	C 140 L 20	Naming of subcontractors	6/11/2020	
2SSB 5488	C 141 L 20	Youth sentencing guidelines	6/11/2020	
ESSB 5522	C 142 L 20	City annexing/interlocal ag.	6/11/2020	
SB 5811	C 143 L 20	Clean car standards & prog.	6/11/2020	
ESSB 5829	C 144 L 20	Vol. firefighter pensions	1/1/2021**	
SB 6034	C 145 L 20	Pregnancy discrim complaints	6/11/2020	
SB 6045	C 146 L 20	Vulnerable public way users	6/11/2020	
SSB 6061	C 147 L 20	Telemedicine training	6/11/2020	
SSB 6072	C 148 L 20	State wildlife account	7/1/2021	
SB 6090	C 149 L 20	Detection device liability	6/11/2020	
SB 6120	C 150 L 20	Gambling/nonprofit orgs	6/11/2020	
SB 6131	C 151 L 20	Debenture company laws	6/11/2020	
SSB 6152	C 152 L 20	Foreign national ownership	6/11/2020	
SB 6170	C 153 L 20	Plumbing	6/11/2020*	
SSB 6206	C 154 L 20	Marijuana compliance cert.	6/11/2020	
SB 6229	C 155 L 20	Housing funds/quality award	6/11/2020	
SSB 6257	C 156 L 20	Underground storage tanks	6/11/2020	
SB 6286	C 157 L 20	Athlete agents/benefits	6/11/2020	
ESSB 6300	C 158 L 20	Animals	6/11/2020	
SB 6312	C 159 L 20	Nonprofit fund-raising/tax	6/11/2020	
SB 6383	C 160 L 20	Retirement strategy funds	6/11/2020	
SB 6417	C 161 L 20	Survivor option change	6/11/2020	
SB 6420	C 162 L 20	Underground utilities/safety	6/11/2020	
SB 6565	C 163 L 20	Motorcycle parking methods	6/11/2020	
SSB 6632	C 164 L 20	Business licensing services	7/1/2020	
ESB 6690	C 165 L 20	Aerospace B&O taxes/WTO	3/25/2020	
EHB 1187	C 166 L 20	Fish habitat projects	6/11/2020	
2SHB 1191	C 167 L 20	School notifications	6/11/2020	
ESHB 1622	C 168 L 20	Drought preparedness	6/11/2020	
EHB 1694	C 169 L 20	Tenants/installment payments	6/11/2020	
HB 1841	C 170 L 20	Crew size on certain trains	6/11/2020	Partial Veto
HB 2217	C 171 L 20	Cottage food product labels	6/11/2020	
SHB 2250	C 172 L 20	Coastal crab derelict gear	6/11/2020	
SHB 2343	C 173 L 20	Urban housing	6/11/2020	
SHB 2374	C 174 L 20	Auto dealer products	6/11/2020	
HB 2512	C 175 L 20	Mobile home delinquent taxes	6/11/2020	
HB 2524	C 176 L 20	Ag. product negotiations	6/11/2020	
ESHB 2535	C 177 L 20	Grace period for past due rents	6/11/2020	

# BILLS, MEMORIALS AND RESOLUTIONS PASSED

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## 2020 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
SHB 2544	C 178 L 20	Definition of veteran	6/11/2020	
ESHB 2588	C 179 L 20	Special purpose districts	6/11/2020	
HB 2624	C 180 L 20	Dept of Ag examination fees	6/11/2020	
HB 2641	C 181 L 20	Passenger-only ferry service	6/11/2020	
ESHB 2676	C 182 L 20	Autonomous vehicle testing	6/11/2020*	
HB 2677	C 183 L 20	Health insurance information	6/11/2020	
SHB 2794	C 184 L 20	Juvenile record sealing	6/11/2020*	
SHB 2883	C 185 L 20	Adolescent behavioral health	6/11/2020*	
ESSB 5006	C 186 L 20	On-premises endorsement	6/11/2020	
ESB 5282	C 187 L 20	Pelvic exam consent	6/11/2020	
ESSB 5395	C 188 L 20	Sexual health education	6/11/2020	
ESSB 5434	C 189 L 20	Weapons in certain locations	6/11/2020	
ESSB 5473	C 190 L 20	Unemployment benefits/cause	6/11/2020	
SSB 5640	C 191 L 20	Youth courts	6/11/2020	
SB 5792	C 192 L 20	Cultural access programs	6/11/2020	
2ESB 5887	C 193 L 20	Prior authorization	6/11/2020	
SSB 6037	C 194 L 20	Business corporations	6/11/2020	
SB 6049	C 195 L 20	Insurance fraud account	7/1/2020	
SSB 6051	C 196 L 20	Medicare part D supplement	3/27/2020	
SSB 6052	C 197 L 20	Life insurance/behavior	7/1/2020	
SB 6078	C 198 L 20	Fire juris. reimbursement	6/11/2020	
SSB 6084	C 199 L 20	Circular intersections	6/11/2020	
ESSB 6095	C 200 L 20	Liquor/common carriers	6/11/2020	
SB 6096	C 201 L 20	Labor unrest/state services	6/11/2020	
SSB 6158	C 202 L 20	Model sex. assault protocols	6/11/2020	
SB 6164	C 203 L 20	Resentencing discretion	6/11/2020	
2SSB 6231	C 204 L 20	Single-family dwellings	6/11/2020	
ESSB 6261	C 205 L 20	Farm labor contractor system	6/11/2020	
SB 6263	C 206 L 20	Data sharing/schools, tribes	6/11/2020	
SB 6305	C 207 L 20	Library districts	6/11/2020	
ESB 6313	C 208 L 20	Young voters	6/11/2020*	
SSB 6319	C 209 L 20	Senior property tax admin.	6/11/2020	
SSB 6392	C 210 L 20	Local wine industry license	6/11/2020	
SSB 6409	C 211 L 20	Industrial equip./electrical	6/11/2020	
ESB 6421	C 212 L 20	Farm internship program	3/27/2020	
ESSB 6440	C 213 L 20	Workers' comp medical exam	6/11/2020*	
ESSB 6574	C 214 L 20	GMHB & ELUHO powers, duties	6/11/2020	
ESSB 6592	C 215 L 20	Tourism authorities	6/11/2020	
SSB 6613	C 216 L 20	Aquatic farming inspections	6/11/2020	
ESSB 6617	C 217 L 20	Accessory dwelling units	6/11/2020	
SSB 6660	C 218 L 20	Four-year balanced budget	7/1/2020	
ESHB 2322	C 219 L 20	Transp. budget, supplemental	3/31/2020	Partial Veto
ESHB 1023	C 220 L 20	Adult family homes, 8 beds	6/11/2020	
SHB 1154	C 221 L 20	Chehalis basin financing	6/11/2020	
HB 1590	C 222 L 20	Housing tax/councilmanic	6/11/2020	
ESHB 1754	C 223 L 20	Homeless hosting/religious	6/11/2020	

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2020 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
ESHB 1793	C 224 L 20	Auto. traffic safety cameras	6/11/2020	
EHB 2040	C 225 L 20	Nonhigh school districts	6/11/2020	
ESHB 2116	C 226 L 20	Institutional education	3/31/2020	
SHB 2302	C 227 L 20	Child support	6/11/2020*	
SHB 2338	C 228 L 20	Mental health coverage	6/11/2020	
ESHB 2411	C 229 L 20	Suicide prevention/providers	6/11/2020*	
HB 2412	C 230 L 20	Domestic brewery retail	6/11/2020	
HB 2458	C 231 L 20	Optional benefits/schools	6/11/2020	
SHB 2543	C 232 L 20	In-state residency/veterans	6/11/2020	
SHB 2711	C 233 L 20	Educational outcomes	6/11/2020	
SHB 2758	C 234 L 20	911 dispatch personnel/PTSD	6/11/2020	
ESHB 2816	C 235 L 20	School & classroom climates	6/11/2020	
E2SHB 2870	C 236 L 20	Marijuana retail licenses	6/11/2020	
SHB 2950	C 237 L 20	Housing tax exemption	6/11/2020	Partial Veto
E2SSB 5549	C 238 L 20	Distillery marketing & sales	6/11/2020*	
ESSB 5591	C 239 L 20	Stolen vehicle check fee	7/1/2020	
2SSB 5601	C 240 L 20	Health care benefit manage.	6/11/2020*	Partial Veto
ESSB 5759	C 241 L 20	Remote technology/lens Rx	6/11/2020	Partial Veto
SSB 5976	C 242 L 20	Dentistry access/disability	6/11/2020	
SSB 6048	C 243 L 20	Insurance group supervision	6/11/2020	
SSB 6086	C 244 L 20	Opioid use/medications	6/11/2020	
E2SSB 6087	C 245 L 20	Insulin cost-sharing	6/11/2020	
SSB 6091	C 246 L 20	WA food policy forum	6/11/2020	
ESSB 6097	C 247 L 20	Health carrier surplus level	6/11/2020	
SB 6143	C 248 L 20	Podiatric medical board	6/11/2020	
ESB 6180	C 249 L 20	Juvenile sex offense regist.	6/11/2020	
SSB 6190	C 250 L 20	Dev. disabilities trust	6/11/2020	
SSB 6191	C 251 L 20	Adverse childhood experience	6/11/2020	
2SSB 6211	C 252 L 20	Drug offender sentencing	1/1/2021	
SB 6212	C 253 L 20	Affordable housing/prop. tax	10/1/2020	
SB 6236	C 254 L 20	Noneconomic damage waivers	6/11/2020	
ESB 6239	C 255 L 20	Public works projects	6/11/2020	
SSB 6259	C 256 L 20	Indian behavioral health sys	6/11/2020*	
ESSB 6280	C 257 L 20	Facial recognition services	7/1/2021	Partial Veto
SB 6359	C 258 L 20	Home health shortage areas	6/11/2020	
SB 6374	C 259 L 20	Apprenticeship materials	6/11/2020	
SSB 6397	C 260 L 20	Nonparticipating providers	6/11/2020	
SSB 6429	C 261 L 20	Medical condition desig.	1/1/2022	
SB 6507	C 262 L 20	DCYF program reporting	6/11/2020	
E2SSB 6515	C 263 L 20	Nursing facilities	6/11/2020	
SSB 6526	C 264 L 20	Prescription drug reuse	6/11/2020	
SB 6623	C 265 L 20	Host home funding	6/11/2020	
ESSB 6641	C 266 L 20	Sex offender treatment avail	6/11/2020	
SSB 6663	C 267 L 20	Eating disorders & diabetes	6/11/2020	
SHB 1293	C 268 L 20	Discover pass penalty dist.	6/11/2020	
E2SHB 1521	C 269 L 20	Government contracting	6/11/2020	

# BILLS, MEMORIALS AND RESOLUTIONS PASSED

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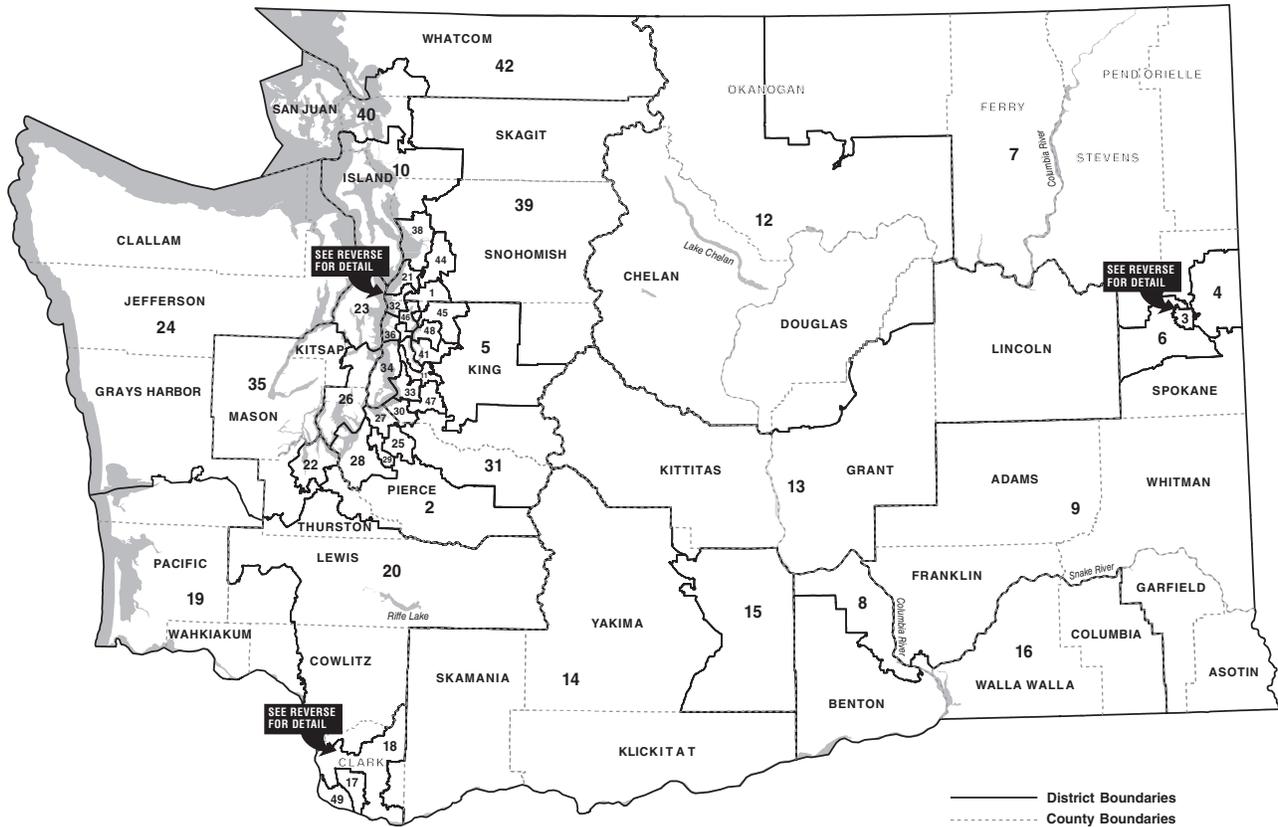
## 2020 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
2SHB 1645	C 270 L 20	Parental improvement	1/1/2021	
2SHB 1651	C 271 L 20	Dev. disability serv. rights	6/11/2020	
HB 2230	C 272 L 20	Indian tribe-owned property	6/11/2020	
SHB 2384	C 273 L 20	Nonprofit housing/prop. tax	6/11/2020	
HB 2390	C 274 L 20	Dev. disability language	6/11/2020	
SHB 2393	C 275 L 20	Community custody credit	6/11/2020	
SHB 2394	C 276 L 20	Community custody	6/11/2020	
SHB 2409	C 277 L 20	Industrial insur./employers	9/1/2020*	
SHB 2448	C 278 L 20	Enhanced services facilities	6/11/2020	
SHB 2456	C 279 L 20	Working connect. eligibility	7/1/2020	
HB 2497	C 280 L 20	Affordable housing financing	6/11/2020	
2SHB 2513	C 281 L 20	Higher ed. debt collection	6/11/2020	
HB 2545	C 282 L 20	Jail records/managed health	6/11/2020	
SHB 2554	C 283 L 20	Health plan exclusions	6/11/2020	
ESHB 2576	C 284 L 20	Private detention facilities	6/11/2020	
EHB 2584	C 285 L 20	Behavioral health rates	6/11/2020	
HB 2587	C 286 L 20	Scenic bikeways	6/11/2020	
ESHB 2645	C 287 L 20	Photovoltaic modules	6/11/2020	Partial Veto
ESHB 2660	C 288 L 20	School meals at no cost	6/11/2020	
HB 2691	C 289 L 20	Language access providers	6/11/2020	
ESHB 2713	C 290 L 20	Compost procurement and use	6/11/2020	Partial Veto
SHB 2728	C 291 L 20	Funding model/telehealth	6/11/2020	
EHB 2811	C 292 L 20	Environmental education	6/11/2020	
SHB 2905	C 293 L 20	Baby, child dentistry access	6/11/2020	
HB 2926	C 294 L 20	Critical incident stress	6/11/2020	
SSB 5097	C 295 L 20	Massage therapists/photo	6/11/2020	
2SSB 5149	C 296 L 20	Monitoring w/ victim notif.	6/11/2020	
SB 5197	C 297 L 20	National guard ed. grants	6/11/2020	
E2SSB 5481	C 298 L 20	Collective bargaining/WDFW	6/11/2020	
2SSB 5572	C 299 L 20	School modernization grants	6/11/2020	
SB 5613	C 300 L 20	Road vacation/body of water	6/11/2020	
SSB 5628	C 301 L 20	Heavy equipment rental prop.	6/11/2020	
2E2SSB 5720	C 302 L 20	Involuntary treatment act	6/11/2020**	
SSB 6029	C 303 L 20	Uniform directed trust act	1/1/2021	
SSB 6068	C 304 L 20	Private airplanes/sales tax	6/11/2020*	
SB 6123	C 305 L 20	Organ donation leave	6/11/2020	
2SSB 6139	C 306 L 20	Aerospace tech. innovation	6/11/2020	
ESSB 6141	C 307 L 20	Higher education access	6/11/2020	
2SSB 6181	C 308 L 20	Crime victims' compensation	6/11/2020	
E2SSB 6205	C 309 L 20	Long-term care workers	6/11/2020	
SSB 6256	C 310 L 20	Heating oil insurance	6/11/2020	
ESSB 6268	C 311 L 20	Abusive litigation/partners	1/1/2021	
ESSB 6287	C 312 L 20	Guardianships, etc.	1/1/2022*	
ESSB 6288	C 313 L 20	Office of firearm safety	6/11/2020	
SSB 6306	C 314 L 20	Soil health initiative	6/11/2020	
ESSB 6378	C 315 L 20	Residential tenants	6/11/2020*	

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 2020 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
ESSB 6404	C 316 L 20	Health plans/prior auth.	6/11/2020	
ESSB 6419	C 317 L 20	Habilitation center clients	6/11/2020	
ESSB 6442	C 318 L 20	Private detainment	4/2/2020	
SSB 6476	C 319 L 20	Correctional services access	6/11/2020	
2SSB 6478	C 320 L 20	Economic assistance programs	6/11/2020*	
SSB 6483	C 321 L 20	Child care provider rating	6/11/2020	
SSB 6495	C 322 L 20	Essential needs & housing	6/11/2020	
SSB 6499	C 323 L 20	Health info./retirement	6/11/2020	
2SSB 6528	C 324 L 20	Derelict vessel prevention	6/11/2020	Partial Veto
SB 6551	C 325 L 20	International medical grads	6/11/2020	
2SSB 6561	C 326 L 20	Undocumented student support	7/1/2021	
SSB 6570	C 327 L 20	Law enforce. mental health	6/11/2020	Partial Veto
ESB 6626	C 328 L 20	Military spouse liaison	6/11/2020	
EHB 1390	C 329 L 20	PERS/TRS 1 benefit increase	7/1/2020	
3SHB 1504	C 330 L 20	Impaired driving	6/11/2020*	
E3SHB 1775	C 331 L 20	Sexually exploited children	6/11/2020*	
E2SHB 1783	C 332 L 20	Office of equity	6/11/2020*	Partial Veto
2SHB 2277	C 333 L 20	Youth solitary confinement	6/11/2020	
HB 2308	C 334 L 20	Job title reporting	10/1/2021	
ESHB 2327	C 335 L 20	Sexual misconduct/postsec.	6/11/2020	
HB 2380	C 336 L 20	Home care agencies	6/11/2020*	
ESHB 2421	C 337 L 20	Election cost reimbursement	7/1/2021	
SHB 2441	C 338 L 20	TANF access	7/1/2021	
ESHB 2455	C 339 L 20	High school/child care	6/11/2020*	
2SHB 2457	C 340 L 20	Health care cost board	6/11/2020	
SHB 2486	C 341 L 20	Electric marine batteries	7/1/2020	
SHB 2556	C 342 L 20	Early learning provider regs	6/11/2020	
HB 2619	C 343 L 20	Early learning access	6/11/2020	Partial Veto
SHB 2632	C 344 L 20	False reporting	6/11/2020	
ESHB 2642	C 345 L 20	Sub. use disorder coverage	6/11/2020	
E2SHB 2662	C 346 L 20	Total cost of insulin	6/11/2020	
ESHB 2731	C 347 L 20	Student concussion reports	6/11/2020	
2SHB 2864	C 348 L 20	Running start summer pilot	6/11/2020	
2SSB 5144	C 349 L 20	Child support pass-through	6/11/2020	
ESSB 5147	C 350 L 20	Menstrual products sales tax	7/1/2020	
2SSB 5947	C 351 L 20	Sustainable farms and fields	6/11/2020	
ESSB 6040	C 352 L 20	Dev. disability budgeting	6/11/2020	
SSB 6521	C 353 L 20	Innovative learning pilot	4/3/2020	
ESSB 6534	C 354 L 20	Ambulance quality assur. fee	4/3/2020	
ESSB 6540	C 355 L 20	Working connect. payments	1/1/2021	
ESSB 6248	C 356 L 20	Capital budget, supplemental	4/3/2020	
ESSB 6168	C 357 L 20	Operating budget, supplement	4/3/2020	Partial Veto

# 2020 Statewide Legislative District Map With Legislative Members



**District 1**  
Sen. Derek Stanford, D  
Rep. Davina Duerr, D  
Rep. Shelley Kloba, D

**District 2**  
Sen. Randi Becker, R  
Rep. Andrew Barkis, R  
Rep. J.T. Wilcox, R

**District 3**  
Sen. Andy Billig, D  
Rep. Marcus Riccelli, D  
Rep. Timm Ormsby, D

**District 4**  
Sen. Mike Padden, R  
Rep. Matt Shea, R  
Rep. Bob McCaslin, R

**District 5**  
Sen. Mark Mullet, D  
Rep. Bill Ramos, D  
Rep. Lisa Callan, D

**District 6**  
Sen. Jeff Holy, R  
Rep. Mike Volz, R  
Rep. Jenny Graham, R

**District 7**  
Sen. Shelly Short, R  
Rep. Jacquelin Maycumber, R  
Rep. Joel Kretz, R

**District 8**  
Sen. Sharon Brown, R  
Rep. Brad Klippert, R  
Rep. Matt Boehnke, R

**District 9**  
Sen. Mark Schoesler, R  
Rep. Mary Dye, R  
Rep. Joe Schmick, R

**District 10**  
Sen. Ron Muzzall, R  
Rep. Norma Smith, R  
Rep. Dave Paul, D

**District 11**  
Sen. Bob Hasegawa, D  
Rep. Zack Hudgins, D  
Rep. Steve Bergquist, D

**District 12**  
Sen. Brad Hawkins, R  
Rep. Keith Goehner, R  
Rep. Mike Steele, R

**District 13**  
Sen. Judy Warnick, R  
Rep. Tom Dent, R  
Rep. Alex Ybarra, R

**District 14**  
Sen. Curtis King, R  
Rep. Chris Corry, R  
Rep. Gina R. Mosbrucker, R

**District 15**  
Sen. Jim Honeyford, R  
Rep. Bruce Chandler, R  
Rep. Jeremie Dufault, R

**District 16**  
Sen. Maureen Walsh, R  
Rep. William Jenkin, R  
Rep. Skyler Rude, R

**District 17**  
Sen. Lynda Wilson, R  
Rep. Vicki Kraft, R  
Rep. Paul Harris, R

**District 18**  
Sen. Ann Rivers, R  
Rep. Brandon Vick, R  
Rep. Larry A. Hoff, R

**District 19**  
Sen. Dean Takko, D  
Rep. Jim Walsh, R  
Rep. Brian Blake, D

**District 20**  
Sen. John E. Braun, R  
Rep. Richard DeBolt, R  
Rep. Ed Orcutt, R

**District 21**  
Sen. Marko Liias, D  
Rep. Strom Peterson, D  
Rep. Lillian Ortiz-Self, D

**District 22**  
Sen. Sam Hunt, D  
Rep. Laurie Dolan, D  
Rep. Beth Doglio, D

**District 23**  
Sen. Christine Rolfes, D  
Rep. Sherry Appleton, D  
Rep. Drew Hansen, D

**District 24**  
Sen. Kevin Van De Wege, D  
Rep. Mike Chapman, D  
Rep. Steve Tharinger, D

**District 25**  
Sen. Hans Zeiger, R  
Rep. Kelly Chambers, R  
Rep. Chris Gildon, R

**District 26**  
Sen. Emily Randall, D  
Rep. Jesse Young, R  
Rep. Michelle Caldier, R

**District 27**  
Sen. Jeannie Darneille, D  
Rep. Laurie Jinkins, D  
Rep. Jake Fey, D

**District 28**  
Sen. Steve O'Ban, R  
Rep. Mari Leavitt, D  
Rep. Christine Kilduff, D

**District 29**  
Sen. Steve Conway, D  
Rep. Melanie Morgan, D  
Rep. Steve Kirby, D

**District 30**  
Sen. Claire Wilson, D  
Rep. Mike Pellicciotti, D  
Rep. Jesse Johnson, D

**District 31**  
Sen. Phil Fortunato, R  
Rep. Drew Stokesbary, R  
Rep. Morgan Irwin, R

**District 32**  
Sen. Jesse Salomon, D  
Rep. Cindy Ryu, D  
Rep. Lauren Davis, D

**District 33**  
Sen. Karen Keiser, D  
Rep. Tina Orwall, D  
Rep. Mia Gregerson, D

**District 34**  
Sen. Joe Nguyen, D  
Rep. Eileen Cody, D  
Rep. Joe Fitzgibbon, D

**District 35**  
Sen. Tim Sheldon, D  
Rep. Dan Griffey, R  
Rep. Drew MacEwen, R

**District 36**  
Sen. Reuven Carlyle, D  
Rep. Noel Frame, D  
Rep. Gael Tarleton, D

**District 37**  
Sen. Rebecca Saldaña, D  
Rep. Sharon Tomiko Santos, D  
Rep. Eric Pettigrew, D

**District 38**  
Sen. June Robinson, D  
Rep. Emily Wicks, R  
Rep. Mike Sells, D

**District 39**  
Sen. Keith Wagoner, R  
Rep. Robert J. Sutherland, R  
Rep. Carolyn Eslick, R

**District 40**  
Sen. Liz Lovelett, D  
Rep. Debra Lekanoff, D  
Rep. Alex Ramel, D

**District 41**  
Sen. Lisa Wellman, D  
Rep. Tana Senn, D  
Rep. My-Linh Thai, D

**District 42**  
Sen. Doug Erickson, R  
Rep. Luanne Van Werven, R  
Rep. Sharon Shewmake, D

**District 43**  
Sen. Jamie Pedersen, D  
Rep. Nicole Macri, D  
Rep. Frank Chopp, D

**District 44**  
Sen. Steve Hobbs, D  
Rep. John Lovick, D  
Rep. Jared M. Mead, D

**District 45**  
Sen. Manka Dhingra, D  
Rep. Roger Goodman, D  
Rep. Larry Springer, D

**District 46**  
Sen. David Frockt, D  
Rep. Gerry Pollet, D  
Rep. Javier Valdez, D

**District 47**  
Sen. Mona Das, D  
Rep. Debra Entenman, D  
Rep. Pat Sullivan, D

**District 48**  
Sen. Patricia Kuderer, D  
Rep. Vandana Slatter, D  
Rep. Amy Walen, D

**District 49**  
Sen. Annette Cleveland, D  
Rep. Sharon Wylie, D  
Rep. Monica Jurado Stonier, D

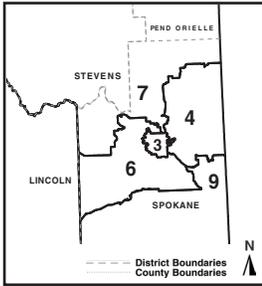


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# Break-out of Washington Area Legislative Districts

## Members Representing Spokane and Vancouver Areas

### Spokane Area



**District 3**  
 Sen. Andy Billig, D  
 Rep. Marcus Riccelli, D  
 Rep. Timm Ormsby, D

**District 4**  
 Sen. Mike Padden, R  
 Rep. Matt Shea, R  
 Rep. Bob McCaslin, R

**District 6**  
 Sen. Jeff Holy, R  
 Rep. Mike Volz, R  
 Rep. Jenny Graham, R

**District 7**  
 Sen. Shelly Short, R  
 Rep. Jacquelin Maycumber, R  
 Rep. Joel Kretz, R

**District 9**  
 Sen. Mark Schoesler, R  
 Rep. Mary Dye, R  
 Rep. Joe Schmick, R

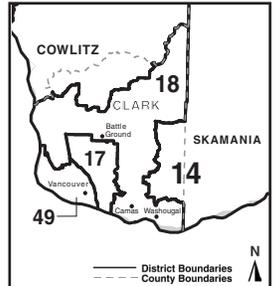
**District 14**  
 Sen. Curtis King, R  
 Rep. Chris Corry, R  
 Rep. Gina R. Mosbrucker, R

**District 17**  
 Sen. Lynda Wilson, R  
 Rep. Vicki Kraft, R  
 Rep. Paul Harris, R

**District 18**  
 Sen. Ann Rivers, R  
 Rep. Brandon Vick, R  
 Rep. Larry A. Hoff, R

**District 49**  
 Sen. Annette Cleveland, D  
 Rep. Sharon Wylie, D  
 Rep. Monica Jurado Stonier, D

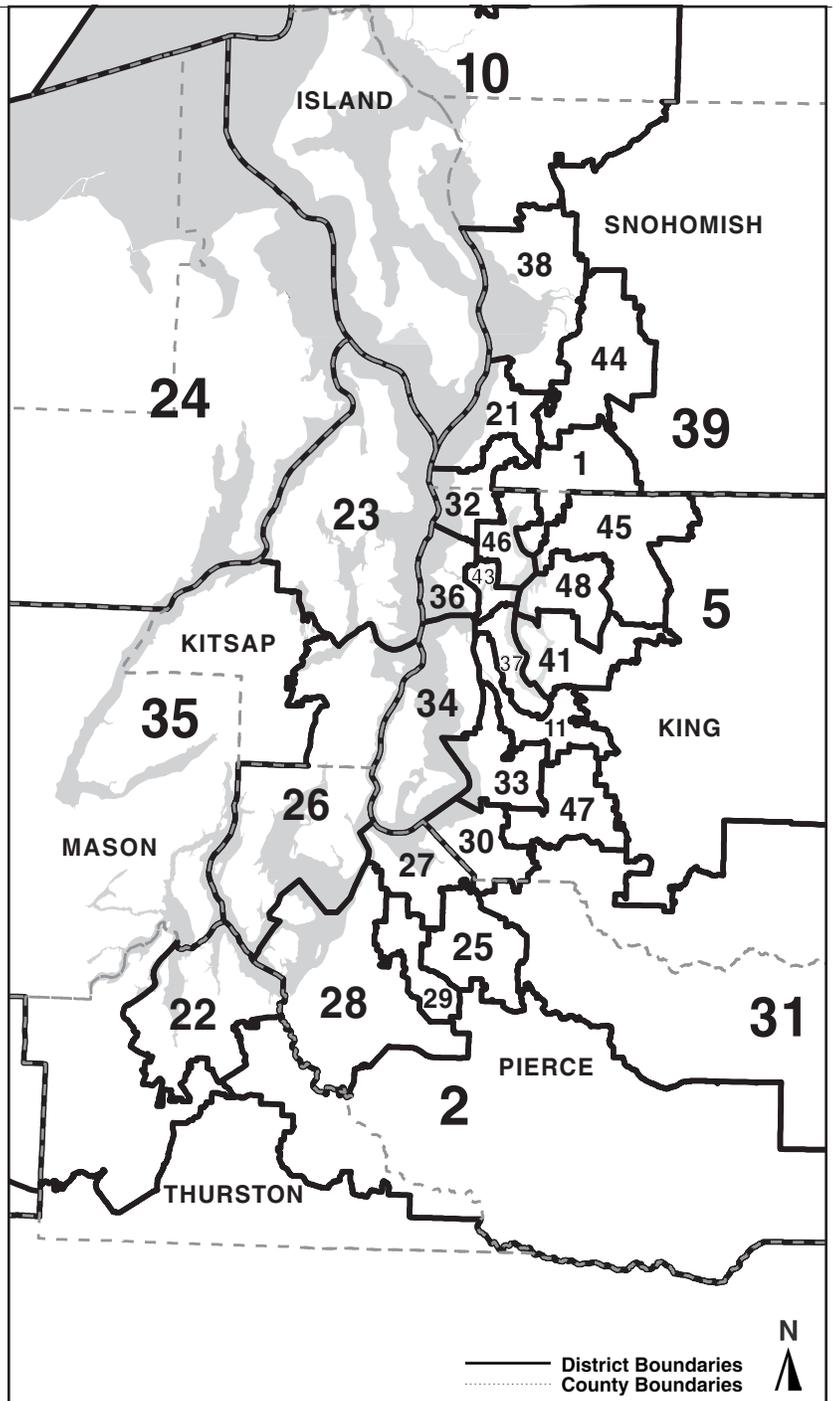
### Vancouver Area



## Members Representing the Puget Sound Area

- District 1**  
 Sen. Derek Stanford, D  
 Rep. Davina Duerr, D  
 Rep. Shelley Kloba, D
- District 2**  
 Sen. Randi Becker, R  
 Rep. Andrew Barkis, R  
 Rep. J.T. Wilcox, R
- District 5**  
 Sen. Mark Mullet, D  
 Rep. Bill Ramos, D  
 Rep. Lisa Callan, D
- District 10**  
 Sen. Ron Muzzall, R  
 Rep. Norma Smith, R  
 Rep. Dave Paul, D
- District 11**  
 Sen. Bob Hasegawa, D  
 Rep. Zack Hudgins, D  
 Rep. Steve Bergquist, D
- District 21**  
 Sen. Marko Liias, D  
 Rep. Strom Peterson, D  
 Rep. Lillian Ortiz-Self, D
- District 22**  
 Sen. Sam Hunt, D  
 Rep. Laurie Dolan, D  
 Rep. Beth Doglio, D
- District 23**  
 Sen. Christine Rolfes, D  
 Rep. Sherry Appleton, D  
 Rep. Drew Hansen, D
- District 24**  
 Sen. Kevin Van De Wege, D  
 Rep. Mike Chapman, D  
 Rep. Steve Tharinger, D
- District 25**  
 Sen. Hans Zeiger, R  
 Rep. Kelly Chambers, R  
 Rep. Chris Gildon, R
- District 26**  
 Sen. Emily Randall, D  
 Rep. Jesse Young, R  
 Rep. Michelle Caldier, R
- District 27**  
 Sen. Jeannie Darneille, D  
 Rep. Laurie Jinkins, D  
 Rep. Jake Fey, D
- District 28**  
 Sen. Steve O'Ban, R  
 Rep. Mari Leavitt, D  
 Rep. Christine Kilduff, D
- District 29**  
 Sen. Steve Conway, D  
 Rep. Melanie Morgan, D  
 Rep. Steve Kirby, D
- District 30**  
 Sen. Claire Wilson, D  
 Rep. Mike Pellicciotti, D  
 Rep. Jesse Johnson, D
- District 31**  
 Sen. Phil Fortunato, R  
 Rep. Drew Stokesbary, R  
 Rep. Morgan Irwin, R

- District 32**  
 Sen. Jesse Salomon, D  
 Rep. Cindy Ryu, D  
 Rep. Lauren Davis, D
- District 33**  
 Sen. Karen Keiser, D  
 Rep. Tina Orwall, D  
 Rep. Mia Gregerson, D
- District 34**  
 Sen. Joe Nguyen, D  
 Rep. Eileen Cody, D  
 Rep. Joe Fitzgibbon, D
- District 35**  
 Sen. Tim Sheldon, D  
 Rep. Dan Griffey, R  
 Rep. Drew MacEwen, R
- District 36**  
 Sen. Reuven Carlyle, D  
 Rep. Noel Frame, D  
 Rep. Gael Tarleton, D
- District 37**  
 Sen. Rebecca Saldaña, D  
 Rep. Sharon Tomiko Santos, D  
 Rep. Eric Pettigrew, D
- District 38**  
 Sen. June Robinson, D  
 Rep. Emily Wicks, D  
 Rep. Mike Sells, D
- District 39**  
 Sen. Keith Wagoner, R  
 Rep. Robert J. Sutherland, R  
 Rep. Carolyn Eslick, R
- District 41**  
 Sen. Lisa Wellman, D  
 Rep. Tana Senn, D  
 Rep. My-Linh Thai, D
- District 43**  
 Sen. Jamie Pedersen, D  
 Rep. Nicole Macri, D  
 Rep. Frank Chopp, D
- District 44**  
 Sen. Steve Hobbs, D  
 Rep. John Lovick, D  
 Rep. Jared M. Mead, D
- District 45**  
 Sen. Manka Dhingra, D  
 Rep. Roger Goodman, D  
 Rep. Larry Springer, D
- District 46**  
 Sen. David Frockt, D  
 Rep. Gerry Pollet, D  
 Rep. Javier Valdez, D
- District 47**  
 Sen. Mona Das, D  
 Rep. Debra Entenman, D  
 Rep. Pat Sullivan, D
- District 48**  
 Sen. Patricia Kuderer, D  
 Rep. Vandana Slatter, D  
 Rep. Amy Walen, D





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April 3, 2020

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Second Engrossed House Bill No. 1056 entitled:

“AN ACT Relating to creating a task force to identify the role of the workplace in helping curb domestic violence.”

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed Second Engrossed House Bill No. 1056 in its entirety.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Inslee".

Jay Inslee  
Governor



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April 3, 2020

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, House Bill No. 1368 entitled:

“AN ACT Relating to reauthorizing the business and occupation tax deduction for cooperative finance organizations.”

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed House Bill No. 1368 in its entirety.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Inslee".

Jay Inslee  
Governor



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April 3, 2020

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed House Bill No. 1948 entitled:

“AN ACT Relating to supporting warehousing and manufacturing job centers.”

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed Engrossed House Bill No. 1948 in its entirety.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Jay Inslee', written over a light blue circular stamp.

Jay Inslee  
Governor



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April 3, 2020

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Substitute House Bill No. 2248 entitled:

“AN ACT Relating to expanding equitable access to the benefits of renewable energy through community solar projects.”

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed Engrossed Substitute House Bill No. 2248 in its entirety.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Inslee".

Jay Inslee  
Governor



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April 3, 2020

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute House Bill No. 2419 entitled:

“AN ACT Relating to studying barriers to the use of the Washington death with dignity act.”

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed Substitute House Bill No. 2419 in its entirety.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Jay Inslee', written over a light blue circular stamp.

Jay Inslee  
Governor



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April 3, 2020

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, House Bill No. 2505 entitled:

“AN ACT Relating to extending the business and occupation tax exemption for amounts received as credits against contracts with or funds provided by the Bonneville power administration and used for low-income ratepayer assistance and weatherization.”

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed House Bill No. 2505 in its entirety.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Inslee".

Jay Inslee  
Governor



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April 3, 2020

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, House Bill No. 2579 entitled:

“AN ACT Relating to establishing a wild horse holding and training program at Coyote Ridge corrections center.”

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed House Bill No. 2579 in its entirety.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Inslee".

Jay Inslee  
Governor



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April 3, 2020

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute House Bill No. 2634 entitled:

“AN ACT Relating to exempting a sale or transfer of real property for affordable housing to a nonprofit entity, housing authority, or public corporation from the real estate excise tax.”

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed Substitute House Bill No. 2634 in its entirety.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Inslee".

Jay Inslee  
Governor



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April 3, 2020

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Substitute House Bill No. 2722 entitled:

“AN ACT Relating to minimum recycled content requirements.”

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed Engrossed Substitute House Bill No. 2722 in its entirety.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Inslee".

Jay Inslee  
Governor



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April 3, 2020

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Substitute House Bill No. 2723 entitled:

“AN ACT Relating to off-road vehicle and snowmobile registration enforcement.”

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed Engrossed Substitute House Bill No. 2723 in its entirety.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Inslee", written over a light blue circular stamp.

Jay Inslee  
Governor



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April 3, 2020

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Second Substitute House Bill No. 2793 entitled:

“AN ACT Relating to vacating criminal records.”

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed Second Substitute House Bill No. 2793 in its entirety.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Jay Inslee', written over a light blue circular stamp.

Jay Inslee  
Governor

2794

JAY INSLEE  
Governor



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April 3, 2020

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed House Bill No. 2797 entitled:

“AN ACT Relating to the sales and use tax for affordable and supportive housing.”

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed Engrossed House Bill No. 2797 in its entirety.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Inslee", written over a light blue circular stamp.

Jay Inslee  
Governor



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April 3, 2020

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, House Bill No. 2848 entitled:

“AN ACT Relating to changing the expiration date for the sales and use tax exemption of hog fuel to coincide 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.”

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed House Bill No. 2848 in its entirety.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Inslee".

Jay Inslee  
Governor



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April 3, 2020

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, House Bill No. 2903 entitled:

“AN ACT Relating to providing that qualified dealer cash incentives paid to auto dealers are bona fide discounts for purposes of the business and occupation tax.”

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed House Bill No. 2903 in its entirety.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Jay Inslee', written over a light blue circular stamp.

Jay Inslee  
Governor



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April 3, 2020

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Substitute House Bill No. 2919 entitled:

“AN ACT Relating to adjusting the amount and use of county fees on the real estate excise tax.”

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed Engrossed Substitute House Bill No. 2919 in its entirety.

Respectfully submitted,

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Jay Inslee  
Governor



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April 3, 2020

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, House Bill No. 2943 entitled:

“AN ACT Relating to providing a business and occupation tax preference for behavioral health administrative services organizations.”

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed House Bill No. 2943 in its entirety.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Inslee".

Jay Inslee  
Governor

**ABORTION**

Abolition of abortion in Washington act: HB 2154  
 Convenience abortions, direct/indirect use of public funds for, prohibiting: HB 2935  
 Insurance coverage, single-invoice billing and segregation: HB 1902, \***2SSB 5602, CH 399 (2019)**  
 Life appropriations act, 1st amendment establishment clause and convenience abortions public funds use prohibition: HB 2935  
 Pain capable unborn child protection act, abortion restrictions/procedures: HB 1526  
 Potassium chloride or digoxin, to induce abortion, facility reporting: HB 1525  
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 Campaigns, treasurers for, training course: SSB 5388  
 Candidates, candidacy and ballot name requirements for: HB 1442  
 Candidates, for local offices, television airtime: HB 1180  
 Candidates, fundraising events for, liquor-serving special permit for: HB 2920  
 Candidates, presidential and vice presidential, income tax return disclosure: SB 5078  
 Candidates, presidential, income tax return disclosure before primary: HB 1698  
 Candidates, state officials/legislators, campaign contribution restrictions: HB 2530  
 Candidates, state representative, state voters' pamphlet statements, word count: HB 2346  
 Certification of election, audit report information requirements: HB 1821  
 Districting plans, jurisdictions modifying, governing body elections: **\*SSB 5266, CH 454 (2019)**  
 Districting plans, submission to legislature, deadline: HB 1494, **\*SSB 5502, CH 192 (2019)**  
 Districts, last known address for inmates or involuntarily committed persons: **\*2SSB 5287, CH 456 (2019) PV**  
 Districts, neutrality toward political parties: HB 1396  
 Districts, voting precinct boundaries within: ESB 5496  
 Election data, standards for collecting and reporting: HB 1822  
 Election operations/infrastructure, security records, disclosure exemption: HB 2293  
 Election systems and data, security breaches by foreign entities: HB 1251  
 Elections professionals, administrators, and personnel, certification of: HB 1884, HB 1885, HB 1989  
 Elections, calendar date on larger ballot envelope: HB 1520  
 Elections, cost share proration: HB 2421  
 Elections, in odd-numbered and even-numbered years, provisions: HB 2529  
 Elections, postelection audits of ballots and voting systems, various: HB 2647  
 Elections, primary or general/special, costs of, state and county shares: HB 1291, HB 1481  
 Elections, primary or general/special, dates and timelines: HB 2530  
 Elections, security measures, comprehensive provisions: HB 2647  
 Elections, state or federal, county not responsible for costs: HB 2421  
 Materials, post-election storage of ballots and, retention period: HB 1820  
 Parties, major political, presidential primary voters without party declaration: HB 2698

Parties, state committees, opposite-sex county members requirement, removing: HB 1190  
 President, interstate compact to elect by national popular vote, withdrawing from: HB 2146  
 Presidential electors, uniform faithful presidential electors act: HB 1539, **\*SB 5074, CH 143 (2019)**  
 Presidential primaries, provisions: HB 1262, HB 1310, HB 1698, HB 2698, HB 2968, **\*ESB 5273, CH 7 (2019)**  
 Reconciliation reports, additional information in: HB 1819  
 Reconciliation reports, statewide, state auditor audit of: HB 1887  
 School district bonds and payment levies, simple majority to authorize: HB 1184, HJR 4203  
 Special districts, elections for certain, conforming with Title 29A: HB 2415  
 Voter discrimination, persons experiencing, remedies: HB 1886  
 Voter outreach and education, funding and county auditor duties: HB 2421  
 Voters and voting, student engagement hubs on campuses: **\*ESB 6313, CH 208 (2020)**  
 Voters' pamphlet, local, county auditor's name in, prohibitions: HB 1212  
 Voters' pamphlet, local, printing and distributing, county auditor duties: HB 2421  
 Voters' pamphlet, state, fiscal statements when impact indeterminate: HB 2224  
 Voters' pamphlet, state, secretary of state's name in, prohibitions: HB 1212  
 Voters' pamphlet, state, state representative candidate statements, word count: HB 2346  
 Voters' pamphlets, advisory votes on tax legislation: HB 2333  
 Voters' pamphlets, for primaries and general elections, when: HB 1482  
 Voters' pamphlets, for service/overseas voters, distribution with ballots: HB 2916  
 Voting centers, accessibility for voters with disabilities, county auditor survey: HB 2437  
 Voting centers, as student engagement centers on empowerment campuses: HB 2558  
 Voting rights act, technical amendments to: HB 1091  
 Voting, electronic portal for sending and receiving ballots: HB 2437  
 Voting, Native American voter rights: HB 1339, **\*ESSB 5079, CH 6 (2019)**  
 Voting, non-uniform practices and procedures, state preemption of: HB 2060  
 Voting, ranked choice voting work group, creating: HB 1722  
 Voting, ranked choice, local government option to use: HB 1722  
 Voting, registration oath and ballot declaration by voter: HB 2292  
 Voting, registration, deadline for: HB 1292, **\*SB 5227, CH 391 (2019)**  
 Voting, registration, digital signature for, service/overseas applicant use of: SSB 6183  
 Voting, registration, information disclosure restrictions: HB 1063  
 Voting, registration, signing up to register by automated process at 16: HB 2558, **\*ESB 6313, CH 208 (2020)**  
 Voting, registration, to vote in primary if 18 by general election: HB 1063, HB 2558, **\*ESB 6313, CH 208 (2020)**  
 Voting, registration, violations as class A felonies, when: HB 2268  
 Voting, right to vote, offender not confined in DOC custody to have: HB 1924  
 Voting, right to vote, offender not in total confinement to have: HB 2292  
 Voting, rights restoration process, notifying inmates of: HB 2292, **\*SB 5207, CH 43 (2019)**  
 Women's right to vote, 100th anniversary of state's ratification of 19th amendment, celebrating: **\*HR 4656 (2020)**

#### **ELECTRICIANS AND ELECTRICAL INSTALLATIONS**

Industrial equipment, manufacturer's engineer/technician for, exempting, when: **\*SSB 6409, CH 211 (2020)**  
 Pump and irrigation or domestic pump electrical contractor license, provisions: **\*SB 6170, CH 153 (2020)**  
 Service providers, in-home, licensing and background checks: HB 1967  
 Telecommunications installations, wiring requirements, exemption: HB 1594

#### **ELECTRONIC PRODUCTS (See also APPLIANCES; COMPUTERS; TELECOMMUNICATIONS)**

Delivery devices, personal, regulation of: HB 1325  
 Digital products, servicing and repair, fair repair act: HB 1342  
 Efficiency standards, various products: HB 1444  
 Electronic monitoring devices and services, tax exemptions: HB 2130  
 Electronic personal and alcohol monitoring devices, tax exemptions: HB 1271  
 User data, products that transmit, sticker for: HB 2365  
 Voice recognition feature, connected device with, disclosure and consent: HB 2399

**EMERGENCIES (See also EMERGENCY MANAGEMENT AND SERVICES; EMERGENCY, STATE OF; NATURAL DISASTERS)**

Catastrophic incidents, continuity of government: HB 1077, HJR 4200, \*SSB 5012, CH 471 (2019), \*SJR 8200 (2019)  
 Catastrophic incidents, plans and guidance for school districts: HB 1200, SSB 5247  
 Energy emergency, governor authority to declare, and emergency powers: HB 2829  
 False reporting of an emergency or crime, classification and penalties: HB 2632

**EMERGENCY MANAGEMENT AND SERVICES (See also EMERGENCIES; EMERGENCY, STATE OF; FIRE PROTECTION; FIRST RESPONDERS; HAZARDOUS MATERIALS; LAW ENFORCEMENT AND LAW ENFORCEMENT PERSONNEL; MILITARY DEPARTMENT; NATURAL DISASTERS; OIL AND GAS)**

211 information system (WIN 211), DSHS contracting for operational support: HB 2126  
 211 information system, Washington information and referral access account, creating: HB 2126  
 911 enhanced service, person with disability at scene, immediate display: HB 2143  
 911, emergency dispatch personnel, PTSD as occupational disease: HB 2758  
 911, false reporting of a crime or emergency, classification and penalties: HB 2632  
 911, person with disability, Travis alert outreach demonstration campaign: HB 2884  
 Ambulance and aid services, emergency medical services data system use: HB 1331, \*SSB 5380, CH 314 (2019)  
 Ambulance service, air, claims data online availability: \*EHB 2755, CH 131 (2020)  
 Ambulance transport providers, additional medicaid payments to: HB 1553  
 Ambulance transport providers, medicaid payments add-on for: HB 2846, \*ESSB 6534, CH 354 (2020)  
 Ambulance transports, quality assurance fee for, imposing: HB 1553, HB 2846, \*ESSB 6534, CH 354 (2020)  
 Buildings, emergency service, functional recovery standard for: SSB 5247  
 Catastrophic incidents, continuity of government: HB 1077, \*SSB 5012, CH 471 (2019)  
 Catastrophic incidents, plans and guidance for school districts: HB 1200, SSB 5247  
 Communications systems, emergency, sales/use tax for, interlocal agreements: HB 2781  
 Communications systems, sales and use taxes for, maximum rate: HB 1653, \*ESSB 5272, CH 281 (2019)  
 Emergency management council, education safety issues: HB 1216  
 Emergency management council, tribal members and advisory committee: HB 2680  
 Emergency medical personnel, certain fishing/hunting licenses, at no charge: HB 2450  
 Emergency medical services personnel licensure interstate compact: HB 2462  
 Emergency medical services personnel practice, interstate commission for: HB 2462  
 Emergency medical technicians, certain, LEOFF plan 2 service credit, when: HB 2902  
 Emergency medical transportation, aircraft, removing tax exemption, when: HB 2236, \*SSB 6068, CH 304 (2020)  
 Emergency response, reimbursement by intoxicated driver, when: HB 1504  
 Emergency services vehicles, clearing railroad grade crossings for, when: HB 2923  
 Management plans, nuclear attack planning in: HB 1419  
 Medical transportation, nonprofit organization aircraft for, tax preferences: HB 1816  
 Medical transportation, organ transport vehicles for time urgent organs: SB 6580  
 Oso landslide, honoring responders: \*HR 4623 (2019)  
 Paramedics, training program use of live animals, prohibitions: SSB 5211  
 Reporting of an emergency or crime, false, classification and penalties: HB 2632  
 School safety, threat notifications to nearby schools by first responders: \*SSB 5514, CH 84 (2019)  
 Volunteers, emergency response worker services, reimbursement for: HB 2078

**EMERGENCY, STATE OF (See also EMERGENCIES; EMERGENCY MANAGEMENT AND SERVICES; NATURAL DISASTERS)**

Air operations branch, DOT aviation division as, emergency role: HB 2766  
 Broadcasters, first informer, during emergency: \*HB 1147, CH 207 (2019)  
 Coronavirus, declared state of emergency, appropriations for response to: \*EHB 2965, CH 7 (2020)  
 COVID-19 emergency, school employee eligibility for SEBB contribution: \*ESSB 6189, CH 8 (2020)  
 COVID-19 emergency, schools, graduation requirements waiver program for: \*EHB 2965, CH 7 (2020)  
 COVID-19 emergency, shared leave, granting due to quarantine or isolation: \*HB 2739, CH 6 (2020)  
 COVID-19 emergency, unemployment compensation modifications due to: \*EHB 2965, CH 7 (2020)  
 Waiver or suspension of legal obligations or limitations, governor authority: \*SB 5260, CH 472 (2019)  
 Wildfires, 2018-2019 appropriations from budget stabilization account for: HB 2159

**EMPLOYMENT AND EMPLOYEES (See also BUSINESSES; CONTRACTORS; DISCRIMINATION; EMPLOYMENT SECURITY DEPARTMENT; LABOR; PROFESSIONS; PUBLIC EMPLOYMENT AND EMPLOYEES; RAILROADS; UNEMPLOYMENT COMPENSATION; WAGES AND HOURS; WOMEN; WORKER TRAINING AND WORKFORCE NEEDS; WORKERS' COMPENSATION)**

Adult entertainment, entertainer safety and advisory committee: \***EHB 1756, CH 304 (2019)**

Agricultural employees, farm labor contracting, nonprofits exemption, removing: \***ESSB 6261, CH 205 (2020)**

Agricultural workers, H-2A, temporary foreign grower-employed employees as: HB 1398, \***E2SSB 5438, CH 441 (2019)**

Airports, minimum labor standards: \***ESSB 6217, CH 96 (2020)**

Airports/air navigation facilities, minimum labor standards: HB 2715

Breast milk, expressing, employer accommodation of: HB 1930, \***HB 2266, CH 111 (2020)**

Care workers, care worker research and resource center, creating: HB 1851

Domestic workers rights grant program, establishing: HB 2511

Domestic workers, wages and working conditions, minimum standards for: HB 2511

Domestic workers, work group on, forming: HB 2511

Employees, employee fair classification act, creating: HB 1515, HB 1601

Employer debt owed to deceased employee, payment of: \***SB 5831, CH 89 (2019)**

Employer-employee relationship, under wage and compensation laws: HB 1515, HB 1601

Employment positions, creation of, B&O tax credits: HB 1566

Family and medical leave, paid, various provisions: HB 1399, HB 1400, HB 2191, HB 2614, \***ESB 5439, CH 81 (2019)**

Farm labor contracting system, definition of agricultural employee: \***ESSB 6261, CH 205 (2020)**

Farm labor contracting system, removing exemption for nonprofits: \***ESSB 6261, CH 205 (2020)**

Franchises, franchisor/franchisee relationship: HB 1757

Harassment, of complaining employee in unfair practices investigations: \***EHB 2020, CH 349 (2019)**

Health care settings, workplace violence protections: HB 1931

Interviews, artificial intelligence video interview act, employer requirements: HB 2401

Isolated workers, sexual harassment and assault of, employer prevention role: HB 1728, \***ESSB 5258, CH 392 (2019)**

Legislators, non-legislative employment of, leave of absence from: ESB 5294

Marijuana, medical use, when employer required to have drug-free workplace: HB 2740

Marijuana, screening tests/results for prospective or newly hired employees: HB 2740

Medical assistance, employer assessment for employees receiving: HB 1518

Military spouses, employment of, demonstration campaign to increase: HB 2730

Military spouses, employment of, termination of employment contract: HB 2730

Military spouses, employment opportunities through recruitment program: HB 1328

Noncompetition covenants, enforceable or unenforceable, when: HB 1450, ESSB 5478, SSB 6081

Nonemployee workers, wage boards for, convening: HB 1601

Parking cash out programs, for employees with parking subsidy, requirements: HB 2748

Payroll expense tax, on businesses in King county, imposing, when: HB 2907

Payroll expense tax, on employers doing business in King county, imposing: HB 2948

Positions, wage scale or salary range, employer to provide: HB 1696

Prospective employee, wage or salary history, employer inquiries: HB 1696

Railroad workers, safe leave act and account: HB 1843

Sales commissions, earned by sales representative, payment of: \***HB 2474, CH 84 (2020)**

Sexual discrimination, in workplace, prevention measures: HB 1728, \***ESSB 5258, CH 392 (2019)**

Temporary workers, employment agencies for, payroll expense tax, when: HB 2948

Temporary workers, staffing agencies assigning, duties of: ESSB 6122

Vehicles of employees, employer searches of, prohibitions: HB 2107, HB 2239

Working families' tax credit, converting sales tax exemption to: HB 1527

**EMPLOYMENT SECURITY DEPARTMENT (See also UNEMPLOYMENT COMPENSATION)**

Agricultural workers, H-2A, advisory committee, appointing: HB 1398, \***E2SSB 5438, CH 441 (2019)**

Agricultural workers, H-2A, office of agricultural and seasonal workforce services, establishing: \***E2SSB 5438, CH 441 (2019)**

Agricultural workers, H-2A, office of H-2A compliance and farm labor, creating: HB 1398

Agricultural workers, H-2A, temporary foreign employees as, ESD role: HB 1398, \***E2SSB 5438, CH 441 (2019)**

Domestic violence, community resources poster for workplace: \***HB 1533, CH 228 (2019)**

Family and medical leave, paid, exemptions and exclusions: HB 2191  
 Family and medical leave, paid, records confidentiality: HB 1400, \***ESB 5439, CH 81 (2019)**  
 Family and medical leave, paid, records disclosure exemption: HB 1399  
 Family and medical leave, paid, various provisions: HB 1399, HB 2191, HB 2614  
 Hospitality industry, opportunities for employment in hospitality grant: HB 1556  
 Long-term care, insurance benefit for, ESD role: HB 1087  
 Long-term services and supports trust program, premium exemption, when: HB 2423, \***SSB 6267, CH 98 (2020)**  
 Military spouses, employment of, demonstration campaign to increase, ESD role: HB 2730  
 Professional licensing, ESD military assistance web page concerning: HB 2303  
 Railroads, safe leave act for Washington railroad workers, ESD role: HB 1843  
 Records, agency privacy officer, designating: HB 1400, \***ESB 5439, CH 81 (2019)**  
 Secure choice retirement savings trust, program, and fund, ESD role: HB 2516, 2E2SSB 5740  
 Unemployment benefits, employees voluntarily leaving work, studying: \***ESSB 5473, CH 190 (2020)**  
 Unemployment benefits, reimbursing from COVID-19 account, ESD role: \***EHB 2965, CH 7 (2020)**  
 Workforce education investment account, appropriations from: HB 2158  
 WorkSource, employment and training services, high school student use of: HB 2183

### **ENERGY (See also AIR QUALITY AND POLLUTION; ENERGY FACILITY SITE EVALUATION COUNCIL; UTILITIES)**

Alternative energy machinery and equipment, sales and use tax exemptions: HB 1211, \***E2SSB 5116, CH 288 (2019)**  
 Carbon free Washington act, including various tax preferences: HB 1226  
 Clean energy building improvements, C-PACER program for: HB 1796, HB 2405  
 Clean energy transformation act, Washington: HB 1211, \***E2SSB 5116, CH 288 (2019)**  
 Coal, coal-fired resources and plants, provisions: HB 1211, \***E2SSB 5116, CH 288 (2019)**  
 Commercial property assessed clean energy and resiliency program, authorizing: HB 2405  
 Contractors, energy service, performance-based contracting services: 2SSB 5308  
 Distributed energy, resources growth, studying utility capital expenditures: HB 1127  
 Distributed energy, resources planning, electric utilities: \***EHB 1126, CH 205 (2019)**  
 Efficiency standards, various products: HB 1444  
 Efficiency, including standards, codes, programs, and incentives: HB 1257  
 Emergency, energy, governor authority to declare, and emergency powers: HB 2829  
 Energy and climate policy advisory committee, convening: HB 1211, \***E2SSB 5116, CH 288 (2019)**  
 Energy and climate policy advisory committee, duties: HB 2594  
 Energy independence act, contingent repeal if carbon tax or price enacted: HB 1226  
 Energy independence act, modifying: HB 1642, \***E2SSB 5116, CH 288 (2019)**  
 Energy strategy advisory committee, establishing: HB 1211, \***E2SSB 5116, CH 288 (2019)**  
 Hog fuel, sales and use tax exemptions, extending expiration of: \***HB 2848 (2020) V**  
 Hydroelectric generation, as renewable energy resource: HB 1232, \***E2SSB 5116, CH 288 (2019)**  
 Hydroelectric generation, oil-free adjustable turbine hubs, sales/use tax exemptions: ESSB 6012  
 Hydroelectric generation, oil-free turbine technology, sales/use tax exemptions: HB 2825  
 Hydrogen, renewable, production, use, and sale by public utility districts: \***SSB 5588, CH 24 (2019)**  
 Performance standard, state, early adoption incentive program: HB 1257  
 Renewable energy production incentive program, modifications: HB 2248  
 Renewable energy system cost recovery program, modifications: HB 2248  
 Renewable energy systems, encouraging and studying: HB 1862, \***E2SSB 5223, CH 235 (2019)**  
 Renewable resources, alternative energy machinery, tax exemptions: HB 1211, \***E2SSB 5116, CH 288 (2019)**  
 Renewable resources, clean energy transformation act, Washington: HB 1211, \***E2SSB 5116, CH 288 (2019)**  
 Resource adequacy, electric generation, stakeholder meetings, convening: \***SSB 6135, CH 63 (2020)**  
 Solar, community projects, access to: HB 2248  
 Solar, photovoltaic module recovery, reuse, and recycling task force, convening: HB 2389  
 Solar, photovoltaic module stewardship/takeback program: HB 2645  
 Solid waste combustion, municipal energy recovery facilities for: HB 2495  
 State energy strategy, requirements: HB 1211, \***E2SSB 5116, CH 288 (2019)**

### **ENERGY FACILITY SITE EVALUATION COUNCIL**

Operations of council, streamlining and updating: HB 1332

Transmission corridors work group, convening: \*E2SSB 5116, CH 288 (2019)

**ENTERPRISE SERVICES, DEPARTMENT (See also BUILDING CODE COUNCIL; STATE AGENCIES AND DEPARTMENTS)**

Contracts, "contracting out" requirements and contractor ethics: HB 1521  
 Electric vehicles, public agencies switching to, DES role: HB 1832  
 Energy service contractors, registry for municipalities, DES role: 2SSB 5308  
 State-owned land/property, underutilized, inventory of, DES role: HB 2774, EHB 2896

**ENVIRONMENT (See also AIR QUALITY AND POLLUTION; CLIMATE; ECOLOGY, DEPARTMENT; GROWTH MANAGEMENT; HAZARDOUS MATERIALS; HAZARDOUS WASTE; LAND USE PLANNING AND DEVELOPMENT; SOLID WASTE; WATER POLLUTION; WATER RIGHTS)**

Building materials, for public works, environmental product declarations for: HB 2744  
 Cumulative impact analysis, state agency adoption of: 2SSB 5489  
 Engle, Helen, life and work of, recognizing and honoring: \*HR 4628 (2019)  
 Environmental health statutes, reorganizing into new title: HB 2246  
 Herbicide aerial application on forestlands, use of SEPA for, reviewing: SSB 6488  
 Justice, environmental, state agency incorporation of principles of: EHB 2009, 2SSB 5489  
 Justice, environmental, task force on: EHB 2009, 2SSB 5489  
 Mitigation hierarchy and net ecological gain, for GMA planning purposes: HB 2549  
 Mitigation hierarchy and net ecological gain, land use/development/environment: HB 2550  
 SEPA, environmental impact statements, by government branches: HB 1029  
 SEPA, exemptions, bulkheads and bank protection structures: HB 1031  
 SEPA, exemptions, community facilities districts formation: \*HB 1366, CH 260 (2019)  
 SEPA, exemptions, GMA residential capacity/housing affordability compliance: HB 1923, HB 2343  
 SEPA, exemptions, temporary shelter or transitional encampment for homeless: ESSB 5946  
 SEPA, exemptions, urban growth area infill development: HB 2673  
 SEPA, greenhouse gas emissions evaluation under, rule adoption: HB 1549, HB 2472  
 SEPA, local project permit application completeness, when: HB 1451  
 Standards, environmental and sustainability, school educational programming: \*EHB 2811, CH 292 (2020)  
 Standards, environmental and sustainability, school science instruction in: HB 1496

**ENVIRONMENTAL AND LAND USE HEARINGS OFFICE**

Growth management hearings board, administrative appeals judges: HB 2802  
 Growth management hearings board, cases before, procedures: HB 2802  
 Growth management hearings board, decisions/orders searchable database, ELUHO role: \*SSB 5151, CH 452 (2019)  
 Growth management hearings board, role of ELUHO: HB 2802, \*ESSB 6574, CH 214 (2020)

**ESTATES, TRUSTS, AND PROBATE (See also GUARDIANSHIP; RECORDS)**

Administration of estate, services, office of public guardianship: HB 1329  
 Adult guardianship and protective proceedings jurisdiction act, uniform, modifying: \*ESSB 6287, CH 312 (2020)  
 Digital assets, uniform fiduciary access to digital assets act, compliance: HB 1150  
 Guardianship, conservatorship, and other protective arrangements act: HB 1259, \*2SSB 5604, CH 437 (2019)  
 Guardianship, conservatorship, and other protective arrangements act, modifying: \*ESSB 6287, CH 312 (2020)  
 Trusts, directed, uniform directed trust act: \*SSB 6029, CH 303 (2020)  
 Trusts, directed, Washington directed trust act, repealing: \*SSB 6029, CH 303 (2020)

**ETHICS IN GOVERNMENT (See also EXECUTIVE ETHICS BOARD; JUDICIAL CONDUCT, COMMISSION ON; LEGISLATIVE ETHICS BOARD; PUBLIC DISCLOSURE COMMISSION)**

Harassment or discrimination, unlawful, by legislators/legislative employees: HB 2018  
 State officers and employees, false testimony to legislature: HB 1030  
 State officers and employees, postemployment income disclosure: HB 1067  
 State officers and employees, prohibited "special privileges," expanded definition: HB 2057

**EXECUTIVE ETHICS BOARD (See also ETHICS IN GOVERNMENT)**

Postemployment disclosure statements, process and requirements: HB 1067

**EXPLOSIVES**

License applicants, background checks: HB 2805  
 Licensees and license applicants, background checks: HB 2133  
 Licenses, issuance denial/revocation/refusal to renew, criteria for: HB 2805  
 Records and reports, disclosure exemption: **\*HB 1673, CH 125 (2019)**  
 Violations, explosives act, property seizure and forfeiture: HB 1269

**FARMS AND FARMING (See also AGRICULTURE; FOOD AND FOOD PRODUCTS; WILDLIFE)**

Adaptive agricultural equipment, sales and use tax preferences, when: HB 1736  
 Agricultural producers, Washington state, honoring and appreciating: **\*HR 4653 (2020)**  
 Compost, farm operations purchasing and using, reimbursement pilot program: HB 2713  
 Composting, protecting from nuisance lawsuits: HB 1167  
 Custom farming and hauling farm products tax exemptions: HB 1881  
 Dairy cattle, Chehalis future farmers of America dairy cattle evaluation team, congratulating: **\*HR 4678 (2020)**  
 Egg layer operations, commercial, guidelines and requirements: HB 2049  
 Employees, farm internship pilot project, delaying expiration: HB 2136  
 Employees, farm internship pilot project, reestablishing: **\*ESB 6421, CH 212 (2020)**  
 Employees, farm internship pilot project, various provisions: **\*ESB 6421, CH 212 (2020)**  
 Farmers markets, alcoholic beverage sales at, various: HB 1947  
 Farmers, future farmers of America, Washington's, 90th year of, recognizing: **\*HR 4680 (2020)**  
 Farmers, future farmers of America, Washington's, recognizing: **\*HR 4611 (2019)**  
 Farmers, retired, removal from current use classification of land owned by: HB 2087  
 Fertilizers, renewable ammonia for producing, certification/labeling program: HB 2652  
 Hemp, commodity program, developing: **\*E2SSB 5276, CH 158 (2019)**  
 Hemp, industrial hemp research pilot program, replacing: HB 1401  
 Hemp, industrial, plan for production of: **\*E2SSB 5276, CH 158 (2019)**  
 Hemp, licensing and regulatory program for production: HB 1401  
 Labor, farm labor contracting system, definition of agricultural employee: **\*ESSB 6261, CH 205 (2020)**  
 Labor, farm labor contracting system, removing exemption for nonprofits: **\*ESSB 6261, CH 205 (2020)**  
 Lands, agricultural, state agency acquisitions, land assessments for: HB 1733  
 Meat and poultry processing and marketing assistance program, creating: 2SSB 6382  
 Milk producers, small-scale farms, direct sales by, milk testing requirements: HB 2861  
 Products, farm, vehicles carrying, authority to exceed weight limits: HB 1712  
 Products, producer-processor negotiations to include mediation, when: **\*HB 2524, CH 176 (2020)**  
 Products, sweet corn/potatoes/pears, producer-processor negotiations: **\*HB 2524, CH 176 (2020)**  
 Soil, Washington soil health initiative, creating: **\*SSB 6306, CH 314 (2020)**  
 Sustainable farms and fields grant program, developing: HB 2095, **\*2SSB 5947, CH 351 (2020)**  
 Vehicles, single or combination carrying farm products, weight limit exception: **\*SSB 5883, CH 439 (2019)**  
 Washington farm bureau, recognizing in its centennial year: **\*HR 4650 (2020)**  
 Wildlife, agricultural damage by, claims for: HB 1875  
 Workers, H-2A, office of agricultural and seasonal workforce services, establishing: **\*E2SSB 5438, CH 441 (2019)**  
 Workers, H-2A, office of H-2A compliance and farm labor, establishing: HB 1398  
 Workers, Latino, Ricardo R. Garcia and KDNA Radio Cadena, recognizing: **\*HR 4670 (2020)**

**FERRIES**

Auto ferries, purchase of additional: HB 2161  
 Cameras, traffic safety, authorized use of: HB 1793  
 Cameras, traffic safety, authorized use of and pilot program for: SSB 5789  
 Employees, time/schedules and collective bargaining, ferry rider relief act: HB 2403  
 Passenger-only service, by cities on Puget Sound, authority/investment plan: **\*HB 2641, CH 181 (2020)**  
 Performance measures for ferry system: HB 1189  
 Vessel replacement surcharge, additional, on certain fares: HB 2161

**FINANCIAL INSTITUTIONS (See also BUSINESSES; CONSUMER PROTECTION; LOANS; RECORDS; TRUST INSTITUTIONS)**

Affordable housing, institutions issuing loans to programs for, B&O tax credit: HB 2606

Blockchain technology, Washington blockchain work group, establishing: **HB 2604, \*SSB 6065 (2020) V**  
 Businesses, women-/minority-/veteran-owned, loans to, B&O tax credit: **HB 2605**  
 Credit unions, Washington state credit union act, revising: **\*HB 1247, CH 19 (2019)**  
 Financial fraud and identity theft crimes investigation and prosecution program: **HB 2193, \*SSB 6074, CH 60 (2020)**  
 Investment management companies, international, tax preferences: **\*ESB 6016, CH 426 (2019)**  
 Investment management services, international, sales and use tax exemptions: **HB 1266**  
 Linked deposit program, administrative provisions: **ESSB 5167**  
 Payment cards, theft or fraud using, aiding reporting of: **\*SSB 5278, CH 186 (2019)**

#### **FINANCIAL INSTITUTIONS, DEPARTMENT**

Regulatory compliance, technical assistance, enforcement, and training: **HB 2330**

#### **FINANCIAL MANAGEMENT, OFFICE (See also PUBLIC WORKS; REGULATORY ASSISTANCE, OFFICE OF)**

Bills, tax or fee increases and preferences in, cost/savings determination: **HB 2333**  
 Census, Washington census bill of rights and responsibilities, OFM role: **HB 2527**  
 Contracting agencies, rates paid to vendors, advisory group regarding, OFM role: **HB 2944**  
 Coronavirus, appropriations for response to, OFM role: **\*EHB 2965, CH 7 (2020)**  
 Duties and organization of OFM, correcting statutes to reflect: **HB 1294, \*SB 5310, CH 146 (2019)**  
 Education data center, colleges' and universities' unit budgets, displaying: **HB 2089**  
 Fiscal impact, dynamic fiscal impact statements, instituting, OFM role: **HB 2151**  
 Fiscal impact, statements for ballot measures, when impact indeterminate: **HB 2224**  
 Fiscal notes and analysis, shifting to new legislative budget office: **HB 2225**  
 Fiscal notes, various provisions: **HB 2151**  
 Health care providers, out-of-network, data set and business process: **HB 1065**  
 Homelessness, budget stabilization account appropriations to alleviate: **HB 2522**  
 Lost and found property, monetary thresholds for disposition, OFM role: **HB 1764**  
 Military spouse recruitment program, OFM role: **HB 1328**  
 Mitigation hierarchy/net ecological gain, land use/development/environment: **HB 2550**  
 Prescription drugs, cost transparency, OFM role: **HB 1224**  
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 Right to vote, 100th anniversary of state's ratification of 19th amendment, celebrating: **\*HR 4656 (2020)**  
 Samuelson, Joan Benoit, renaming Olympia's Marathon Park after: SCR 8403  
 School athletics, male students competing with female students, prohibiting: HB 2201  
 Sharon Park, Sister, honoring for community service: **\*HR 4636 (2019)**  
 Veterans, women veterans special license plates, creating: HB 2187  
 Women in Cloud initiative, recognizing: **\*HR 4668 (2020)**  
 Women on corporate boards act: **\*SSB 6037, CH 194 (2020)**  
 Women, infant, and children program, EBT card use in ATM, where and when: HB 2830, **\*SB 6136, CH 64 (2020)**  
 Women, maternal mortality reviews and data-sharing: HB 1369, **\*SSB 5425, CH 317 (2019)**  
 Women/infant/children farmers market nutrition program, fruit/vegetable benefit: HB 1587, HB 2262, **\*2SSB 6309, CH 68 (2020)**

### **WORKER TRAINING AND WORKFORCE NEEDS (See also APPRENTICES AND APPRENTICESHIP PROGRAMS)**

Adult diploma and workforce training program, Washington, establishing: HB 1903  
 Behavioral health professions, opportunity grant and scholarship programs: HB 1850, SB 5635  
 Behavioral health, workforce academic and career pathway programs: SSB 5633  
 Building trades, education-based apprenticeship preparation program: HB 1418  
 Care workers, care worker research and resource center, creating: HB 1851  
 Career connected learning cross-agency work group and grant program: HB 1336, E2SSB 5327  
 Career connected learning cross-agency work group, establishing: HB 2158  
 Career connected learning grant program, establishing: HB 2158  
 Customized employment training program, B&O tax credit, extending: HB 2517  
 Educator workforce, expanding supply, multiple strategies: HB 1139  
 Hospitality industry, opportunities for employment in hospitality grant: HB 1556  
 Military spouses, employment opportunities through recruitment program: HB 1328  
 Petroleum/petrochemical high hazard facilities, skilled and trained workforce: HB 1817  
 Port district worker development and training programs, provisions: **\*HB 1568, CH 117 (2019)**  
 Programs, higher education, for academic and career success: HB 1735  
 Space economy, fostering, public policy study of: HB 2596  
 Students, high school, WorkSource employment and training services use by: HB 2183  
 Teachers, educator workforce supply, expanding via multiple strategies: HB 1139  
 Workforce education investment accountability/oversight board, members: HB 2532, **\*ESSB 6492, CH 2 (2020)**  
 Workforce education investment, B&O tax general service rate increase: **\*ESSB 6492, CH 2 (2020)**  
 Workforce education investment, B&O tax surcharge for: HB 2158  
 Workforce education investment, B&O tax surcharge for, and revenue use: HB 2532  
 Workforce education investment, B&O tax surcharge for, calculating: HB 2468  
 Workforce education investment, B&O tax surcharge for, exemptions: HB 2391, HB 2392  
 Workforce education investment, B&O tax surcharge for, modifying: HB 2468  
 Workforce education investment, B&O tax surcharge for, replacing revenue: **\*ESSB 6492, CH 2 (2020)**  
 Workforce education investment, B&O tax surcharge on large computing businesses: **\*ESSB 6492, CH 2 (2020)**  
 Workforce education investment, Washington students for Washington jobs: HB 2158

### **WORKERS' COMPENSATION**

Claims, closure of, self-insured employer communication of: HB 1682  
 Employer-employee relationship, under wage and compensation laws: HB 1515, HB 1601  
 Hanford nuclear site, workers, occupational disease presumption for cancer: **\*HB 1490, CH 108 (2019)**  
 Industrial insurance, claim records, confidentiality and employer review: HB 1909

Industrial insurance, employee fair classification act, creating: HB 1515, HB 1601  
 Industrial insurance, employer penalties, increasing various: HB 2409  
 Industrial insurance, freight broker/forwarder with agreement with carrier: HB 1961, ESB 5765  
 Industrial insurance, independent medical examination work group, establishing: **\*ESSB 6440, CH 213 (2020)**  
 Industrial insurance, medical examinations for: HB 2689, **\*ESSB 6440, CH 213 (2020)**  
 Industrial insurance, medical examinations, telemedicine use for: **\*ESSB 6440, CH 213 (2020)**  
 Industrial insurance, musculoskeletal disorders, provider best practices for: HB 2646  
 Industrial insurance, self-insurers, claims administration and related provisions: HB 2409  
 Industrial insurance, self-insurers, various provisions: HB 1682, HB 2409, **\*SSB 5474, CH 190 (2019)**  
 Industrial insurance, staffing agency employee-related claims, reviewing: ESB 6122  
 Industrial insurance, task force on choice and competition, establishing: HB 2025  
 Industrial insurance, third-party administrators, licensing: HB 2409  
 Industrial insurance, wage replacement, impact on shared leave: HB 2304, **\*HB 2739, CH 6 (2020)**  
 Industrial insurance, wages and lost earning capacity of workers: HB 1492  
 Occupational disease presumptions, advisory committee on, creating: **\*HB 1913, CH 133 (2019)**  
 Occupational disease presumptions, various conditions and professions: **\*HB 1913, CH 133 (2019)**  
 Occupational diseases, PTSD, 911 dispatch personnel: HB 2758

**WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD (See also EMPLOYMENT SECURITY DEPARTMENT; VOCATIONAL EDUCATION)**

Board membership, OSPI designee for: HB 2269, SSB 6105  
 Career connected learning opportunities, board role: HB 1336, E2SSB 5327  
 Complaints, student complaint portal, modifications, board role: HB 2014  
 Health care stakeholder group, care worker research and resource center: HB 1851  
 Postsecondary institutions, performance of, board role in evaluating: HB 2014  
 Private vocational schools, regulating, board role: HB 1124

**ZOOS AND AQUARIUMS**

Animals, in petting zoos as traveling animal act, prohibiting participation of: HB 2824  
 Cultural access programs, community preservation and development authorities: **\*SB 5792, CH 192 (2020)**  
 Cultural access programs, public school access: **\*SB 5792, CH 192 (2020)**  
 Cultural access programs, same requirements for all counties: HB 1435, **\*SB 5792, CH 192 (2020)**  
 Metropolitan park districts, with zoo or aquarium, commissioner compensation: **\*HB 1092, CH 198 (2019)**, SB 5036  
 Zoological facilities, B&O tax deduction: HB 1323