

**NINETY FIFTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia  
Thursday, April 13, 2023

The Senate was called to order at 11 o'clock a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Keiser and Muzzall.

The Sergeant at Arms Color Guard consisting of Pages Mr. Andrew Pai and Miss Alexandra Hui, presented the Colors. Page Mr. Aslan Malik led the Senate in the Pledge of Allegiance.

The prayer was offered by Gen Kelsang Rinzin Resident Teacher at Tushita Kadampa Buddhist Center, Olympia.

**MOTIONS**

On motion of Senator Pedersen, the reading of the Journal of the previous day was dispensed with and it was approved.

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

April 12, 2023

SB 5768 Prime Sponsor, Senator Keiser: Protecting access to abortion medications by authorizing the department of corrections to acquire, sell, deliver, distribute, and dispense abortion medications. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Robinson, Vice Chair, Operating & Revenue; Mullet, Vice Chair, Capital; Billig; Conway; Dhingra; Hasegawa; Hunt; Keiser; Nguyen; Pedersen; Saldaña; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member, Operating; Gildon, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Rivers, Assistant Ranking Member, Capital; Boehnke; Braun; Muzzall and Torres.

Referred to Committee on Rules for second reading.

April 12, 2023

EHB 1846 Prime Sponsor, Representative Fey: Addressing vessel procurement at the Washington state ferries. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Liias, Chair; Lovick, Vice Chair; Shewmake, Vice Chair; King, Ranking Member; Holy, Assistant Ranking Member; Cleveland; Fortunato; Kauffman; Lovelett; MacEwen; Nobles; Padden; Randall; Valdez; Wilson, C. and Wilson, J.

Referred to Committee on Rules for second reading.

April 12, 2023

ESHB 1853 Prime Sponsor, Committee on Transportation: Making certain corrective changes resulting from the enactment of chapter 182, Laws of 2022 (transportation resources). Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Liias, Chair; Lovick, Vice Chair; Shewmake, Vice Chair; King, Ranking Member; Holy, Assistant Ranking Member; Cleveland; Kauffman; Lovelett; Nobles; Randall; Valdez; Wilson, C. and Wilson, J.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato and Padden.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator MacEwen.

Referred to Committee on Rules for second reading.

**MOTIONS**

On motion of Senator Pedersen, all measures listed on the Standing Committee report were referred to the committees as designated.

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

**MESSAGES FROM THE HOUSE**

April 12, 2023

MR. PRESIDENT:  
The House has passed:

SENATE BILL NO. 5058,  
SENATE BILL NO. 5323,  
SENATE BILL NO. 5392,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

April 12, 2023

MR. PRESIDENT:  
The House has passed:

SUBSTITUTE SENATE BILL NO. 5114,  
SENATE BILL NO. 5606,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

April 12, 2023

MR. PRESIDENT:  
The House has passed:

SENATE BILL NO. 5330,  
SUBSTITUTE SENATE BILL NO. 5358,  
SUBSTITUTE SENATE BILL NO. 5687,  
SENATE JOINT MEMORIAL NO. 8001,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

**MOTION**

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

Senator Cleveland moved adoption of the following resolution:

SENATE RESOLUTION  
8642

By Senators Cleveland, Boehnke, Conway, Dhingra, Hasegawa, Hunt, Kauffman, Kuderer, Lovick, Torres, Valdez, Wagoner, and L. Wilson

WHEREAS, Mental Health America states that one in five Americans struggle with a diagnosable mental health condition; and

WHEREAS, The COVID-19 pandemic has had a profound negative effect on the mental health of the nation; and

WHEREAS, Throughout the pandemic, communities have suffered with various increases in behavioral health concerns like anxiety, depression, and loneliness; and

WHEREAS, During the early days of mental health treatment, asylums often restrained people who had mental illness with iron chains and shackles around their ankles and wrists; and

WHEREAS, In the early 1950s, Mental Health America issued a call to asylums across the country for their discarded chains and shackles; and

WHEREAS, On April 13, 1953, Mental Health America melted down these inhumane bindings and recast them into a sign of hope: the Mental Health Bell;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate acknowledge that mental and behavioral health are genuine health concerns impacting our communities; and

BE IT FURTHER RESOLVED, That the Washington State Senate remain committed to aiding and supporting those with mental health struggles, as well as their families; and

BE IT FURTHER RESOLVED, That the Washington State Senate lift up and celebrate all community-based behavioral health service organizations throughout our state that have worked so hard to help others, especially in this pandemic; and

BE IT FURTHER RESOLVED, That the Washington State Senate acknowledge that the Bell of Hope serves as a powerful reminder that the invisible chains of misunderstanding and discrimination continue to bind people with mental illness; and

BE IT FURTHER RESOLVED, That the Washington State Senate continue to lead toward improving mental health access and understanding; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Department of Health, the Governor of the State of Washington, and the President of the United States.

Senators Cleveland, Wagoner, Dhingra and Wilson, C. spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8642.

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

MOTION

At 11:20 a.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Short announced a meeting of the Republican Caucus.

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The Senate was called to order at 1:45 p.m. by President Heck.

MOTION

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

MESSAGE FROM THE HOUSE

April 3, 2023

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5187 with the following amendment(s): 5187-S.E AMH ENGR H1823.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in parts I through IX of this act, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 2023, and ending June 30, 2025, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "ARPA" means the American rescue plan act of 2021, P.L. 117-2.

(b) "CRRSA" means the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(c) "CRRSA/ESSER" means the elementary and secondary school emergency relief fund, as modified by the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(d) "Fiscal year 2024" or "FY 2024" means the fiscal year ending June 30, 2024.

(e) "Fiscal year 2025" or "FY 2025" means the fiscal year ending June 30, 2025.

(f) "FTE" means full time equivalent.

(g) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(h) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(3) Whenever the terms in subsection (2)(a) through (c) of this section are used in the context of a general fund—federal appropriation, the term is used to attribute the funding to that federal act.

PART I

GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

General Fund—State Appropriation (FY 2024) ....	\$58,591,000
General Fund—State Appropriation (FY 2025) ....	\$60,612,000
TOTAL APPROPRIATION .....	\$119,203,000

The appropriations in this section are subject to the following conditions and limitations: \$750,000 of the general fund—state appropriation for fiscal year 2024 and \$750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant through the legislative civics education program to a youth development organization providing civic engagement and education through a youth and government program. The grant is provided solely for support of the organization's mock trial and youth legislature programs.

**NEW SECTION. Sec. 102. FOR THE SENATE**

General Fund—State Appropriation (FY 2024).....	\$42,519,000
General Fund—State Appropriation (FY 2025).....	\$45,433,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$87,952,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$260,000 of the general fund—state appropriation for fiscal year 2024 and \$270,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the payment of membership dues to the council of state governments, the national conference of state legislatures, the pacific northwest economic region, the pacific fisheries legislative task force, and the western legislative forestry task force.

**NEW SECTION. Sec. 103. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

Performance Audits of Government Account—State Appropriation.....	\$13,708,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$13,708,000</b>

The appropriations in this section are 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 2023-2025 work plan as necessary to efficiently manage workload.

(2) \$175,000 of the performance audits of government account—state appropriation is for the committee to conduct a review of communication and health care information sharing among state agencies and local governments that house individuals in total confinement. The review should consider current laws and policies relating to health care information sharing between state agencies and local governments that house individuals in jails, the department of corrections, juvenile rehabilitation facilities, western and eastern state hospitals, and the special commitment center. The review should make recommendations to:

- (a) Improve and ensure information and data sharing among agencies regarding the health of adults and juveniles in such facilities;
- (b) Improve coordination among state and local agencies;
- (c) Avoid duplication of work among state and local agencies;
- (d) Provide an efficient and effective forum for communication and information sharing among the department of health, health care authority, department of social and health services, department of corrections, department of children, youth, and families, Washington association of sheriffs and police chiefs, court administrators, and federal, local, and community organizations; and
- (e) Improve communication and information sharing between the state and its federal partners to proactively address public health issues.

(3) \$1,503,000 of the performance audits of government account—state appropriation is for implementation of Engrossed Substitute House Bill No. 1436 (special education funding). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 104. FOR THE LEGISLATIVE**

**EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

Performance Audits of Government Account—State Appropriation .....	\$5,116,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$5,116,000</b>

**NEW SECTION. Sec. 105. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

General Fund—State Appropriation (FY 2024) ....	\$21,200,000
General Fund—State Appropriation (FY 2025) ....	\$18,968,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$40,168,000</b>

The appropriations in this section are subject to the following conditions and limitations: Within the amounts provided in this section, the joint legislative systems committee shall provide information technology support, including but not limited to internet service, for the district offices of members of the house of representatives and the senate.

**NEW SECTION. Sec. 106. FOR THE OFFICE OF STATE LEGISLATIVE LABOR RELATIONS**

General Fund—State Appropriation (FY 2024) .....	\$947,000
General Fund—State Appropriation (FY 2025) .....	\$947,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$1,894,000</b>

**NEW SECTION. Sec. 107. FOR THE OFFICE OF THE STATE ACTUARY**

General Fund—State Appropriation (FY 2024) .....	\$399,000
General Fund—State Appropriation (FY 2025) .....	\$407,000
State Health Care Authority Administrative Account— State Appropriation .....	\$283,000
Department of Retirement Systems Expense Account— State Appropriation .....	\$6,769,000
School Employees' Insurance Administrative Account— State Appropriation .....	\$250,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$8,108,000</b>

**NEW SECTION. Sec. 108. FOR THE STATUTE LAW COMMITTEE**

General Fund—State Appropriation (FY 2024) .....	\$5,960,000
General Fund—State Appropriation (FY 2025) .....	\$6,519,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$12,479,000</b>

**NEW SECTION. Sec. 109. FOR THE OFFICE OF LEGISLATIVE SUPPORT SERVICES**

General Fund—State Appropriation (FY 2024) .....	\$5,623,000
General Fund—State Appropriation (FY 2025) .....	\$6,214,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$11,837,000</b>

**NEW SECTION. Sec. 110. LEGISLATIVE AGENCIES**

In order to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, joint legislative audit and review committee, legislative evaluation and accountability program committee, joint transportation committee, office of the state actuary, joint legislative systems committee, statute law committee, redistricting commission, office of state legislative labor relations, and office of legislative support services.

**NEW SECTION. Sec. 111. FOR THE SUPREME COURT**

General Fund—State Appropriation (FY 2024) ....	\$13,977,000
General Fund—State Appropriation (FY 2025) ....	\$14,214,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$28,191,000</b>

**NEW SECTION. Sec. 112. FOR THE COMMISSION ON JUDICIAL CONDUCT**

General Fund—State Appropriation (FY 2024) .....	\$2,585,000
General Fund—State Appropriation (FY 2025) .....	\$2,497,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$5,082,000</b>

**NEW SECTION. Sec. 113. FOR THE COURT OF**

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**APPEALS**

General Fund—State Appropriation (FY 2024)....	\$24,351,000
General Fund—State Appropriation (FY 2025)....	\$24,870,000
TOTAL APPROPRIATION.....	\$49,221,000

**NEW SECTION. Sec. 114. FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund—State Appropriation (FY 2024)..	\$123,579,000
General Fund—State Appropriation (FY 2025)..	\$119,131,000
General Fund—Federal Appropriation .....	\$2,209,000
General Fund—Private/Local Appropriation.....	\$681,000
Judicial Stabilization Trust Account—State Appropriation.....	\$110,545,000
Judicial Information Systems Account—State Appropriation.....	\$59,530,000
TOTAL APPROPRIATION.....	\$415,675,000

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

(1) \$1,627,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the work of the administrative office of the courts relating to the refund of legal financial obligations and costs associated with *State v. Blake*. In addition to contracting with municipalities and counties for the disbursement of funds appropriated for costs associated with *Blake* related convictions, the administrative office of the courts must:

(a) Collaborate with superior court clerks, district court administrators, and municipal court administrators to prepare comprehensive reports, based on available court records, of all cause numbers impacted by *State v. Blake* going back to 1971. Such reports shall include the refund amount related to each cause number; and

(b) In collaboration with the office of public defense and the office of civil legal aid, establish a method to allow individuals to search for available refunds, provide information to those individuals regarding the application process necessary to claim a refund, and issue payment from the administrative office of the courts' refund bureau to those individuals certified to receive a refund.

(2) \$100,928,000 of the judicial stabilization trust account—state appropriation is provided solely for the administrative office of the courts to assist counties and municipalities with costs of complying with the *State v. Blake* decision and for establishing a direct refund process to individuals for certain costs related to convictions that have been vacated by court order due to the *State v. Blake* ruling. Of this amount:

(a)(i) \$38,000,000 of the judicial stabilization trust account—state appropriation is provided solely for the administrative office of the courts to assist counties with costs of:

(A) Complying with the *State v. Blake* decision that arise from the county's role in operating the criminal justice system, including resentencing and vacating all prior convictions for simple drug possession, which includes possession of marijuana, possession of drug paraphernalia without proof that the person knowingly possessed the paraphernalia, or attempt, conspiracy, or solicitation to possess drugs or drug paraphernalia; and

(B) Identifying and transmitting refunds of legal financial obligations, collections costs, and any other costs ordered by courts borne by the defendant as a result of a *Blake* conviction.

(ii) The office shall contract with counties for judicial, clerk, defense, and prosecution expenses for these purposes.

(iii) In order to qualify for this funding, a county must:

(A) Cancel outstanding legal financial obligation debt for all convictions identified in (a)(i)(A) of this subsection;

(B) Remove accounts from collection agencies and refund any legal financial obligations paid to the county and collection

agencies;

(C) Quash outstanding warrants related to convictions identified in (a)(i)(A) of this subsection;

(D) Refund costs paid to third parties as a result of a *Blake* conviction;

(E) Collaborate with the administrative office of the courts to adopt the standard coding developed by the administrative office of the courts for application to *Blake* convictions; and

(F) Develop a standardized practice regarding vacated convictions that includes, but is not limited to, notification to the *Blake* impacted individual that the individual is released from all penalties and disabilities resulting from the qualifying conviction, that the *Blake* conviction cannot be included in the person's criminal history for purposes of subsequent prosecutions, that convictions predicated on a prior drug possession conviction may be vacated, and that the *Blake* conviction is vacated as unconstitutional pursuant to *State v. Blake*, 197 Wn.2d 170 (2021) to avoid immigration collateral consequences.

(iv) Any county which reallocates paid legal financial obligations to other due accounts does not qualify for additional administrative costs.

(b)(i) \$11,500,000 of the judicial stabilization trust account—state appropriation is provided solely for the administrative office of the courts to assist municipalities with costs of:

(A) Complying with the *State v. Blake* decision that arise from the municipality's role in operating the criminal justice system, including vacating all prior *Blake* convictions for simple drug possession, which includes possession of marijuana, possession of drug paraphernalia without proof that the person knowingly possessed the paraphernalia, or attempt, conspiracy, or solicitation to possess drugs or drug paraphernalia; and

(B) Transmitting refunds of legal financial obligations, collections costs, and other costs borne by the defendant as a result of a *Blake* conviction.

(ii) The administrative office of the courts shall contract with cities for judicial, clerk, defense, and prosecution expenses for these purposes. Any city which reallocates paid legal financial obligations to other due accounts does not qualify for additional administrative costs.

(iii) In order for a city to qualify for this funding, cities must:

(A) Cancel outstanding legal financial obligation debt for all convictions identified in (b)(i)(A) of this subsection;

(B) Remove accounts from collection agencies and refund any legal financial obligations paid to the city and collection agencies;

(C) Quash outstanding warrants related to convictions identified in (b)(i)(A) of this subsection;

(D) Refund costs paid to third parties as a result of a *Blake* conviction;

(E) Collaborate with the administrative office of the courts to adopt the standard coding developed by the administrative office of the courts for application to *Blake* convictions; and

(F) Develop a standardized practice regarding vacated convictions that includes, but is not limited to, notification to the *Blake* impacted individual that the individual is released from all penalties and disabilities resulting from the qualifying conviction, that the *Blake* conviction cannot be included in the person's criminal history for purposes of subsequent prosecutions, that convictions predicated on a prior drug possession conviction may be vacated, and that the *Blake* conviction is vacated as unconstitutional pursuant to *State v. Blake*, 197 Wn.2d 170 (2021) to avoid immigration collateral consequences.

(c) \$51,428,000 of the judicial stabilization trust account—state appropriation is provided solely to establish a direct refund process to individuals to refund legal financial obligations, collection costs, department of corrections supervision fees, and

other documentation verified costs paid to third parties previously by defendants whose convictions have been vacated by court order due to the *State v. Blake* ruling.

(i) Superior court clerks, district court administrators, and municipal court administrators must send the administrative office of the courts the amount of any refund ordered by the court. The court order must either contain the amount of the refund or provide language for the clerk or court administrator to transmit to the administrative office of the courts of the amount to be reimbursed to the individual.

(ii) The department of corrections must send to the administrative office of the courts the amount of supervision fees borne by individuals as a result of a *Blake* conviction.

(3) \$250,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the administrative office of the courts to provide grants to superior courts for the purpose of creating or expanding sanitary lactation spaces or pods that provide privacy for courthouse visitors needing to breastfeed or express breast milk.

(4) \$250,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the administrative office of the courts to contract with an equity and justice nonprofit organization to expand the capacity of the existing equity dashboard program. The contract must review and organize newly available criminal case data with the goal of consolidating and collecting adult felony case data to determine disparities in the legal justice system. The equity dashboard program must be expanded to include adult felony case data that is consolidated, interactable, transparent, and accessible to the public.

(5) \$1,100,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the administrative office of the courts to implement a one-year juror pilot program for the Pierce county superior court. Under the pilot program, each individual that participates as a juror in Pierce county superior court shall receive juror pay totaling \$100 per day for each day that the individual appears during their term of jury service.

(6) \$1,396,000 of the general fund—state appropriation for fiscal year 2024 and \$1,304,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1715 (domestic violence). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(7) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1766 (protection orders/hope cards). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(8) \$18,000 of the general fund—state appropriation for fiscal year 2024 and \$18,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of House Bill No. 1102 (judge pro tempore compensation). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(9) \$1,107,000 of the general fund—state appropriation for fiscal year 2024 and \$1,107,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of Engrossed House Bill No. 1324 (prior juvenile offenses). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(10) \$58,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Substitute House Bill No. 1121 (uniform child abduction act). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(11) \$20,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Substitute House Bill No. 1562 (violence). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(12) \$150,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the Washington state center for court research of the administrative office of the courts to conduct a study of legal financial obligations imposed on juveniles by superior courts and courts of limited jurisdiction. The administrative office of the courts must submit a report of the findings to the appropriate committees of the legislature by November 30, 2023. At a minimum, the study must include statewide and county-level data that shows:

(a) During the previous five state fiscal years that data is available:

(i) The total number of juvenile cases handled by court, the number of cases where legal financial obligations were imposed pursuant to chapter 13.40 RCW, the percentage of cases where legal financial obligations were not imposed, and the total amount of legal financial obligations that were collected;

(ii) An estimate of the proportion of restitution assessed, disaggregated by victim type including natural persons, businesses, state agencies, and insurance companies, for each of the last five years data is available;

(iii) The percentage, number of cases, and total amount of legal financial obligations that are uncollectible pursuant to RCW 13.40.190, 13.40.192, or other statutory authority for the expiration of legal financial obligation debt; and

(iv) The total amount of outstanding debt owed in fees, court costs, fines, and restitution, disaggregated by the defendants' age at the time of adjudication or conviction, race, gender, legal financial obligation type, charging court and date of assessment; and

(b) By year, the total dollars collected for restitution and non-restitution legal financial obligations from fiscal years 2019 through 2023.

**NEW SECTION. Sec. 115. FOR THE OFFICE OF PUBLIC DEFENSE**

General Fund—State Appropriation (FY 2024) .....	\$59,191,000
General Fund—State Appropriation (FY 2025) .....	\$64,393,000
General Fund—Federal Appropriation.....	\$385,000
Judicial Stabilization Trust Account—State Appropriation .....	\$9,894,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$133,863,000</b>

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

(1) \$900,000 of the general fund—state appropriation for fiscal year 2024 and \$900,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the purpose of improving the quality of trial court public defense services as authorized by chapter 10.101 RCW. The office of public defense must allocate these amounts so that \$450,000 per fiscal year is distributed to counties, and \$450,000 per fiscal year is distributed to cities, for grants under chapter 10.101 RCW.

(2) \$6,000,000 of the judicial stabilization trust account—state appropriation is provided solely to assist counties with public defense services related to vacating the convictions of defendants and/or resentencing for defendants whose convictions or sentences are affected by the *State v. Blake* decision. Of the amounts provided in this subsection:

(a) \$900,000 of the judicial stabilization trust account—state appropriation is provided solely for the office of public defense to provide statewide attorney training, technical assistance, data analysis and reporting, and quality oversight, to administer financial assistance for public defense costs related to *State v.*

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Blake impacts, and to maintain a triage team to provide statewide support to the management and flow of hearings for individuals impacted by the *State v. Blake* decision.

(b) \$5,100,000 of the judicial stabilization trust account—state appropriation is provided solely to assist counties in providing counsel for defendants seeking to vacate a conviction and/or be resentenced under *State v. Blake*. Assistance shall be allocated to all counties based upon a formula established by the office of public defense. Counties may receive assistance by: (i) Applying for grant funding; and/or (ii) designating the office of public defense to contract directly with counsel.

(3) \$171,000 of the general fund—state appropriation for fiscal year 2024 and \$1,460,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of public defense to establish and operate a telephone consultation line to provide contracted legal counsel for parents, guardians, or legal custodians when the department of children, youth, and families proposes a voluntary placement agreement when there is no pending dependency proceeding under chapter 13.34 RCW pursuant to RCW 13.34.090(4).

**NEW SECTION. Sec. 116. FOR THE OFFICE OF CIVIL LEGAL AID**

General Fund—State Appropriation (FY 2024)....	\$53,704,000
General Fund—State Appropriation (FY 2025)....	\$59,534,000
General Fund—Federal Appropriation .....	\$1,468,000
Judicial Stabilization Trust Account—State Appropriation.....	\$3,851,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$118,557,000</b>

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

(1) \$2,387,000 of the judicial stabilization trust account—state appropriation is provided solely to continue legal information, advice, assistance, and representation for individuals eligible for civil relief under the supreme court's ruling in *State v. Blake*.

(2) \$444,000 of the general fund—state appropriation for fiscal year 2024 and \$434,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1715 (domestic violence). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(3) An amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2024 and an amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2025 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.

**NEW SECTION. Sec. 117. FOR THE OFFICE OF THE GOVERNOR**

General Fund—State Appropriation (FY 2024)....	\$22,763,000
General Fund—State Appropriation (FY 2025)....	\$22,053,000
Economic Development Strategic Reserve Account—State Appropriation.....	\$2,284,000
Governor's Office Central Services Account—State Appropriation.....	\$26,751,000
Performance Audits of Government Account—State Appropriation.....	\$632,000
Workforce Education Investment Account—State Appropriation.....	\$100,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$74,583,000</b>

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

(1) \$1,146,000 of the general fund—state appropriation for fiscal year 2024 and \$1,146,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the

office of the education ombuds.

(2) \$21,776,000 of the governor's office central services—state appropriation is provided solely for the office of equity.

(3) \$480,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the governor to invite federally recognized tribes, local governments, agricultural producers, commercial and recreational fisher organizations, business organizations, salmon recovery organizations, forestry and agricultural organizations, and environmental organizations to participate in a process facilitated by an independent entity to develop recommendations on proposed changes in policy and spending priorities to improve riparian habitat to ensure salmon and steelhead recovery.

(a) The independent entity must develop recommendations on furthering riparian funding and policy, including but not limited to, strategies that can attract private investment in improving riparian habitat, and developing a regulatory or compensation strategy if voluntary programs do not achieve concrete targets.

(b) Preliminary recommendations shall be submitted to the legislature and governor by May 1, 2024, with a final report by June 30, 2024.

(c) The office of the governor may contract for an independent facilitator. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.

(4) \$100,000 of the workforce education investment account—state appropriation is provided solely to implement career connected learning.

(5) Within the amounts appropriated in this section, the Washington state office of equity must cofacilitate the Washington digital equity forum with the statewide broadband office.

(6) \$70,000 of the general fund—state appropriation for fiscal year 2024 and \$30,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to work in collaboration with the department of health and environmental justice council to design and implement workshops, review state agency community engagement plans, and develop recommendations for deliberative democratic processes regarding climate equity.

(7)(a) \$125,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the office of the corrections ombuds to prepare a report on incarcerated persons who have been in solitary confinement or any other form of restrictive housing more than 120 days in total during their period of incarceration or have been in solitary confinement or any other form of restrictive housing more than 45 consecutive days in the prior fiscal year. The report must:

(i) Include the basis on which each person was placed in restrictive housing;

(ii) Define the types of restrictive housing used by the department of corrections including, but not limited to, solitary confinement, administrative segregation, disciplinary segregation, protective custody, and maximum custody;

(iii) Identify the specific type of restrictive housing each incarcerated person was placed in and the reason for such placement;

(iv) Provide information regarding each incarcerated person's underlying offenses;

(v) Identify any sanctions imposed during the incarceration of each person;

(vi) State the amount of time each person has remaining in total confinement;

(vii) Document any attempted suicides by each individual in restrictive housing over the past 10 years and the reason, if known;

(viii) Describe the programming offered to and accepted by each incarcerated person during the person's period of restrictive confinement; and

(ix) Identify any short-term policies identified, implemented, or improved by the department for the restrictive housing population including, but not limited to, lighting, ventilation, and access to personal property, communication, and visitation.

(b) The department shall provide a report to the governor and appropriate committees of the legislature by June 30, 2024.

(8) \$225,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1167 (residential housing). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(9) \$521,000 of the general fund—state appropriation for fiscal year 2024 and \$501,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1189 (clemency and pardons board). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(10) \$182,000 of the general fund—state appropriation for fiscal year 2024 and \$363,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1541 (lived experiences). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(11) \$1,411,000 of the general fund—state appropriation for fiscal year 2024 and \$1,371,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1580 (children in crisis). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse. Within the amounts provided in this subsection:

(a) \$750,000 of the general fund—state appropriation for fiscal year 2024 and \$750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for flexible funding to support children in crisis. Uses of the flexible funding include, but are not limited to:

(i) Residential, housing, or wraparound supports that facilitate the safe discharge of children in crisis from hospitals;

(ii) Support for families and caregivers to mitigate the risk of a child going into or returning to a state of crisis;

(iii) Respite and relief services for families and caregivers that would assist in the safe discharge of a child in crisis from a hospital, or prevent or mitigate a child's future hospitalization due to crisis; or

(iv) Any support or service that would expedite a safe discharge of a child in crisis from an acute care hospital or that would prevent or mitigate a child's future hospitalization due to crisis.

(b) Flexible funding expenditures may not be used for administrative expenses.

(c) The care coordinator created in Second Substitute House Bill No. 1580 (children in crisis) must approve any expenditures of flexible funding.

**NEW SECTION. Sec. 118. FOR THE LIEUTENANT GOVERNOR**

General Fund—State Appropriation (FY 2024).....	\$1,262,000
General Fund—State Appropriation (FY 2025).....	\$1,268,000
General Fund—Private/Local Appropriation.....	\$90,000
TOTAL APPROPRIATION.....	\$2,620,000

**NEW SECTION. Sec. 119. FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund—State Appropriation (FY 2024).....	\$5,936,000
General Fund—State Appropriation (FY 2025).....	\$5,699,000
Public Disclosure Transparency Account—State	

Appropriation.....	\$1,082,000
TOTAL APPROPRIATION.....	\$12,717,000

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

(1) \$500,000 of the public disclosure transparency account—state appropriation is provided solely for the development and implementation of projects designated by the commission for the purpose of continuously improving the usability, transparency, and accessibility of systems and information regarding campaign financing, lobbying activities, and the financial affairs of public officials and candidates, consistent with the purposes of chapter 42.17A RCW.

(2) No moneys may be expended from the appropriations in this section to establish an electronic directory, archive, or other compilation of political advertising unless explicitly authorized by the legislature.

**NEW SECTION. Sec. 120. FOR THE SECRETARY OF STATE**

General Fund—State Appropriation (FY 2024)....	\$37,784,000
General Fund—State Appropriation (FY 2025)....	\$46,739,000
General Fund—Federal Appropriation.....	\$8,278,000
Public Records Efficiency, Preservation, and Access Account—State Appropriation.....	\$11,249,000
Charitable Organization Education Account—State Appropriation.....	\$1,161,000
Washington State Library Operations Account—State Appropriation.....	\$13,960,000
Local Government Archives Account—State Appropriation.....	\$11,601,000
Election Account—Federal Appropriation.....	\$4,415,000
Personnel Service Account—State Appropriation..	\$1,586,000
TOTAL APPROPRIATION.....	\$136,773,000

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

(1) \$2,498,000 of the general fund—state appropriation for fiscal year 2024 and \$12,196,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those costs that the secretary of state validates as eligible for reimbursement.

(2)(a) \$4,052,000 of the general fund—state appropriation for fiscal year 2024 and \$4,052,000 of the general fund—state appropriation for fiscal year 2025 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 2023-2025 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 40 percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the

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following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

(4) \$75,000 of the general fund—state appropriation for fiscal year 2024 and \$75,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for humanities Washington speaker's bureau community conversations.

(5) \$114,000 of the general fund—state appropriation for fiscal year 2024 and \$114,000 of the general fund—state appropriation for fiscal year 2025 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, to legislative policy and fiscal committees. The annual report must include statewide analysis and by county analysis on the reasons for ballot rejection and an analysis of the ways ballots are received, counted, rejected and cure data that can be used by policymakers to better understand election administration.

(6) \$1,245,000 of the general fund—state appropriation for fiscal year 2024 and \$1,195,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for staff dedicated to the maintenance and operations of the voter registration and election management system. These staff will manage database upgrades, database maintenance, system training and support to counties, and the triage and customer service to system users.

(7) \$8,000,000 of the general fund—state appropriation for fiscal year 2024 and \$8,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for:

(a) Funding the security operations center, including identified needs for expanded operations, systems, technology tools, training resources;

(b) Additional staff dedicated to the cyber and physical security of election operations at the office and county election offices;

(c) Expanding security assessments, threat monitoring, enhanced security training; and

(d) Providing grants to county partners to address identified threats and expand existing grants and contracts with other public and private organizations such as the Washington military department, national guard, private companies providing cyber security, and county election offices.

(8) \$730,000 of the general fund—state appropriation for fiscal year 2024 and \$580,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office's migration of its applications and systems to Azure cloud environments, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(9) \$160,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a contract with the University of Washington Evans school of public policy and governance to complete a study based on the preliminary report and research design submitted to the office on June 30, 2022. The preliminary report analyzed the 2022 state auditor's performance audit titled

"evaluating Washington's ballot rejection rates." The study must be reported to the governor and the appropriate committees of the legislature by November 1, 2023.

(10) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to continue developing a statewide digital assessment tool and protocol for the tool's usage. The office must use the tool and protocol it developed to reach additional underserved audiences and make improvements to the tool and protocol. The office must develop and publish recommendations to improve implementation of the tool by June 30, 2025.

(11) \$198,000 of the general fund—state appropriation for fiscal year 2024 and \$154,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to establish a Washington state library branch at Green Hill school.

(12) \$225,000 of the general fund—state appropriation for fiscal year 2024 and \$225,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a contract with humanities Washington to expand the prime time family reading program.

(13) \$90,000 of the general fund—state appropriation for fiscal year 2024 and \$90,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the office to contract with the University of Washington Evans school of public policy and governance to examine processes for providing voting registration, voting materials, and voting assistance for people held in Washington jails.

(a) The study must:

(i) Identify challenges and obstacles to voting in Washington jails;

(ii) Examine how election offices and jails can ensure that voter registration, materials, and assistance are provided to registered voters and eligible citizens who are in jail prior to each election;

(iii) Develop recommendations for facilitating voter registration for eligible citizens and voting for registered voters in Washington jails; and

(iv) Develop recommendations for identifying individuals who are registered to vote upon jail admission and for providing voter assistance upon release from jail.

(b) The study is due to the office, the governor, and the appropriate committees of the legislature by December 1, 2024.

**NEW SECTION. Sec. 121. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

General Fund—State Appropriation (FY 2024) ..... \$770,000

General Fund—State Appropriation (FY 2025) ..... \$760,000

Climate Commitment Account—State Appropriation \$658,000

TOTAL APPROPRIATION ..... \$2,188,000

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)(a) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to engage a contractor to:

(i) Conduct a detailed analysis of the opportunity gap for native



American students;

(ii) Analyze the progress in developing effective government-to-government relations and identification and adoption of curriculum regarding tribal history, culture, and government as provided under RCW 28A.345.070;

(iii) Develop recommendations for continuing efforts to close the educational opportunity gap while meeting the state's academic achievement indicators as identified in the state's every student succeeds act consolidated plan; and

(iv) Identify performance measures to monitor adequate yearly progress.

(b) The contractor shall submit a study update by December 1, 2024, and submit a final report by June 30, 2025, to the educational opportunity gap oversight and accountability committee, the governor, the superintendent of public instruction, the state board of education, and the education committees of the legislature.

(3)(a) \$404,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). Within amounts provided in this subsection, the governor's office of Indian affairs, in consultation with the department of ecology, the department of commerce, and the department of archaeology and historic preservation, must coordinate government-to-government engagement with federally recognized Indian tribes who have treaty rights in Washington. Topics of engagement may include:

(i) Implementation of environmental and energy laws, policy regulations, programs, and finances;

(ii) The climate commitment act, chapter 316, Laws of 2021;

(iii) Engrossed Second Substitute House Bill No. 1216 (clean energy siting); and

(iv) Other related policy.

(b) Funding provided within this subsection may support:

(i) Participation on the interagency clean energy siting coordinating council;

(ii) Creation and maintenance of a list of contacts of federally recognized tribes, and tribal preferences regarding outreach about clean energy siting and permitting; and

(iii) Development and delivery of training to clean energy project developers on consultation and engagement processes for federally recognized Indian tribes.

(4) The office must report to and coordinate with the department of ecology to track expenditures from climate commitment accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

**NEW SECTION. Sec. 122. FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS**

General Fund—State Appropriation (FY 2024)..... \$885,000

General Fund—State Appropriation (FY 2025)..... \$866,000

TOTAL APPROPRIATION..... \$1,751,000

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

(1)(a) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the commission to engage a contractor to:

(i) Conduct a detailed analysis of the opportunity gap for Asian American students;

(ii) Develop recommendations for continuing efforts to close the educational opportunity gap while meeting the state's academic achievement indicators as identified in the state's every student succeeds act consolidated plan; and

(iii) Identify performance measures to monitor adequate yearly progress.

(b) The contractor shall submit a study update by December 1, 2024, and submit a final report by June 30, 2025, to the educational opportunity gap oversight and accountability committee, the governor, the superintendent of public instruction, the state board of education, and the education committees of the legislature.

(2)(a) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the commission to engage a contractor to:

(i) Conduct a detailed analysis of the opportunity gap for Native Hawaiian and Pacific Islander students;

(ii) Develop recommendations for continuing efforts to close the educational opportunity gap while meeting the state's academic achievement indicators as identified in the state's every student succeeds act consolidated plan; and

(iii) Identify performance measures to monitor adequate yearly progress.

(b) The contractor shall submit a study update by December 1, 2024, and submit a final report by June 30, 2025, to the educational opportunity gap oversight and accountability committee, the governor, the superintendent of public instruction, the state board of education, and the education committees of the legislature.

**NEW SECTION. Sec. 123. FOR THE STATE TREASURER**

General Fund—State Appropriation (FY 2024)..... \$250,000

General Fund—State Appropriation (FY 2025)..... \$250,000

State Crime Victim and Witness Assistance Account—  
State Appropriation ..... \$8,200,000

State Treasurer's Service Account—State  
Appropriation ..... \$22,226,000

TOTAL APPROPRIATION ..... \$30,926,000

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

(1) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 207, Laws of 2021 (tax increment financing).

(2) \$350,000 of the state treasurer's service account—state appropriation is provided solely for one staff for ongoing policy and program analysis of the Washington future fund program.

(3) \$500,000 of the state treasurer's service account—state appropriation is provided solely for the office to study existing and proposed laws in other jurisdictions that limit consideration of material factors in public financing and investments. The study must consider any investment risk and economic risk to Washington associated with identified laws. Authorized uses of the amount provided in this subsection include, but are not limited to, staffing, consulting fees, travel expenditures, or other goods and services. The office must submit the study to the appropriate committees of the legislature by December 1, 2024.

(4) \$8,200,000 of the crime victim and witness assistance account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1169 (legal financial obligations). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 124. FOR THE STATE AUDITOR**

General Fund—State Appropriation (FY 2024)..... \$1,058,000

General Fund—State Appropriation (FY 2025)..... \$1,063,000

Auditing Services Revolving Account—State  
Appropriation ..... \$17,313,000

Performance Audits of Government Account—State

Appropriation ..... \$1,858,000

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TOTAL APPROPRIATION..... \$21,292,000

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

(1) \$1,585,000 of the performance audit of government account—state appropriation is provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state-funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(2) Within existing resources of the performance audits of government account, the state auditor's office shall conduct a performance audit or accountability audit of Washington charter public schools to satisfy the requirement to contract for an independent performance audit pursuant to RCW 28A.710.030(2).

(3) \$825,000 of the auditing services revolving account—state appropriation is provided solely for accountability and risk-based audits.

(4) \$1,523,000 of the performance audits of government account nonappropriated account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1436 (special education funding).

**NEW SECTION. Sec. 125. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**

General Fund—State Appropriation (FY 2024)..... \$282,000

General Fund—State Appropriation (FY 2025)..... \$280,000

TOTAL APPROPRIATION..... \$562,000

**NEW SECTION. Sec. 126. FOR THE ATTORNEY GENERAL**

General Fund—State Appropriation (FY 2024).... \$34,944,000

General Fund—State Appropriation (FY 2025).... \$32,271,000

General Fund—Federal Appropriation ..... \$22,666,000

Public Service Revolving Account—State Appropriation ..... \$4,750,000

New Motor Vehicle Arbitration Account—State

Appropriation..... \$1,810,000

Medicaid Fraud Penalty Account—State Appropriation ..... \$6,303,000

Child Rescue Fund—State Appropriation ..... \$80,000

Legal Services Revolving Account—State Appropriation ..... \$368,162,000

Local Government Archives Account—State

Appropriation..... \$1,053,000

Tobacco Prevention and Control Account—State

Appropriation..... \$273,000

TOTAL APPROPRIATION..... \$472,312,000

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 90 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 \$5,000,000, the attorney general

shall notify the director of the office of financial management and the chairs and ranking members of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new cy pres awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) \$1,217,000 of the general fund—state appropriation for fiscal year 2024 and \$1,217,000 of the general fund—state appropriation for fiscal year 2025 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.

(5) \$958,000 of the general fund—state appropriation for fiscal year 2024 and \$958,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of a program for receiving and responding to tips from the public regarding risks or potential risks to the safety or well-being of youth, called the YES tip line program. Risks to safety or well-being may include, but are not limited to, harm or threats of harm to self or others, sexual abuse, assault, rape, bullying or cyberbullying, substance use, and criminal acts. Any person contacting the YES tip line, whether for themselves or for another person, must receive timely assistance and not be turned away. The program must operate within the guidelines of this subsection.

(a) During the development and implementation of the YES tip line program the attorney general shall convene an advisory committee consisting of representatives from the Washington state patrol, the department of health, the health care authority, the office of the superintendent of public instruction, the Washington student achievement council, the Washington association of educational service districts, and other participants the attorney general appoints.

(b) The attorney general shall develop and implement policies and processes for:

(i) Assessing tips based on the level of severity, urgency, and assistance needed using best triage practices including the YES tip line;

(ii) Risk assessment for referral of persons contacting the YES tip line to service providers;

(iii) Threat assessment that identifies circumstances requiring the YES tip line to alert law enforcement, mental health services, or other first responders immediately when immediate emergency response to a tip is warranted;

(iv) Referral and follow-up on tips to schools or postsecondary institution teams, local crisis services, law enforcement, and other entities;

(v) YES tip line information data retention and reporting requirements;

(vi) Ensuring the confidentiality of persons submitting a tip and to allow for disclosure when necessary to respond to a specific emergency threat to life; and

(vii) Systematic review, analysis, and reporting by the YES tip line program of YES tip line data including, but not limited to, reporting program utilization and evaluating whether the YES tip line is being implemented equitably across the state.

(c) The YES tip line shall be operated by a vendor selected by the attorney general through a competitive contracting process. The attorney general shall ensure that the YES tip line program

vendor and its personnel are properly trained and resourced. The contract must require the vendor to be bound confidentiality policies developed by the office. The contract must also provide that the state of Washington owns the data and information produced from the YES tip line and that vendor must comply with the state's data retention, use, and security requirements.

(d) The YES tip line program must develop and maintain a reference and best practices tool kit for law enforcement and mental health officials that identifies statewide and community mental health resources, services, and contacts, and provides best practices and strategies for investigators to use in investigating cases and assisting youths and their parents and guardians.

(e) The YES tip line program must promote and market the program and YES tip line to youth, families, community members, schools, and others statewide to build awareness of the program's resources and the YES tip line. Youth perspectives must be included and consulted in tip line development and implementation including creating marketing campaigns and materials required for the YES tip line program. The insights of youth representing marginalized and minority communities must be prioritized for their invaluable insight. The attorney general may determine the criteria for honorariums and award youth who participate in the tip line development and implementation an honorarium of up to \$200 per day.

(f) In addition to honorarium amounts, youth are eligible for reasonable allowances for reimbursement, lodging, and travel expenses as provided in RCW 43.03.050 and 43.03.060.

(g) Nothing in this subsection creates an employment relationship, or any membership or qualification in any state or other publicly supported retirement system, due to the payment of an honorarium or lodging and travel expenses provided under this subsection where such a relationship, membership, or qualification did not already exist.

(6) \$464,000 of the general fund—state appropriation for fiscal year 2024 and \$464,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the attorney general to support the Washington state missing and murdered indigenous women and people task force created in section 916 of this act.

(7) \$9,188,000 of the legal services revolving fund—state appropriation is provided solely for additional legal services to address additional legal services necessary for dependency actions where the state and federal Indian child welfare act apply. The office must report to the fiscal committees of the legislature within 90 days of the close of the fiscal year the following information for new cases initiated in the previous fiscal year to measure quantity and use of this funding:

(a) The number and proportion of cases where the state and federal Indian child welfare act (ICWA) applies as compared to non-ICWA new cases;

(b) The amount of time spent advising on, preparing for court, and litigating issues and elements related to ICWA's requirements as compared to the amount of time advising on, preparing for court, and litigating issues and elements that are not related to ICWA's requirements;

(c) The length of state and federal Indian child welfare act cases as compared to non-ICWA cases measured by time or number of court hearings; and

(d) Any other information or metric the office determines is appropriate to measure the quantity and use of the funding in this subsection.

(8)(a) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the establishment of a truth and reconciliation tribal advisory

committee to conduct research and outreach to understand the operations and impact of Indian boarding schools in Washington run by public and faith-based institutions, and to develop recommendations for the state to acknowledge and address the historical and intergenerational harms caused by Indian boarding schools and other cultural and linguistic termination practices.

(b) The advisory committee shall consist of five members nominated by the attorney general. The committee members must be citizens from federally recognized tribes in diverse geographic areas across the state that possess personal, policy, or specific expertise with Indian boarding school history and policies, or who have expertise in truth and healing endeavors that are traditionally and culturally appropriate.

(c) The advisory committee must hold its first meeting by September 30, 2023, and shall meet at least quarterly. The advisory committee may conduct meetings in person or virtually and must accept written testimony. The advisory committee may, when feasible, invite and consult with any entity, agency, or individual deemed necessary to further its work, or with experts or professionals involved, having expertise, or having lived experience regarding Indian boarding schools or tribal engagement.

(d) The office and the advisory committee must conduct at least six listening sessions in collaboration with tribes and Native-led organizations. The listening sessions must be held with consideration of the cultural, emotional, spiritual, and psychological well-being of survivors, family members, and community members. In planning and facilitating the listening sessions, the office must seek to avoid imposing undue burdens on survivors, family members, or community members.

(e) The office of the attorney general must administer and provide staff support for the advisory committee.

(f) By June 30, 2025, the office must submit a final report to the appropriate committees of the legislature that includes, but is not limited to:

(i) A summary of activities undertaken by the advisory committee;

(ii) Findings regarding the extent and types of support provided by the state to Indian boarding schools;

(iii) Findings regarding current state policies and practices that originate from Indian boarding schools or other assimilationist policies and practices and that cause disproportionate harm to American Indian and Alaska Native people and communities; and

(iv) Recommendations regarding how the state can address the harm done by Indian boarding schools and other cultural and linguistic termination practices through a truth and reconciliation model, including but not limited to:

(A) Resources and assistance that the state may provide to aid in the healing of trauma caused by Indian boarding school policies; and

(B) Actions to correct current state policies and practices with origins in assimilationist policies or that cause disproportionate harm to Native people and communities.

(9) \$526,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(10) \$50,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (climate change/planning). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(11) \$138,000 of the general fund—state appropriation for fiscal year 2024 and \$138,000 of the general fund—state

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appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1028 (crime victims and witnesses). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(12) \$537,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1392 (electronics repair). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(13) \$41,000 of the legal services revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1491 (employee personal vehicles). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(14) \$213,000 of the general fund—state appropriation for fiscal year 2024 and \$213,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1469 (health care services/access). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(15) \$2,514,000 of the general fund—state appropriation for fiscal year 2024 and \$2,544,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1579 (independent prosecutions). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(16) \$158,000 of the general fund—state appropriation for fiscal year 2024 and \$153,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of House Bill No. 1512 (missing persons). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(17) \$264,000 of the public service revolving account—state appropriation and \$152,000 of the legal services revolving account—state appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1589 (clean energy). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(18) \$1,005,000 of the general fund—state appropriation for fiscal year 2024 and \$1,005,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1177 (indigenous women). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(19) \$1,464,000 of the legal services revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1205 (service by pub./dependency). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(20) \$43,000 of the legal services revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1470 (private detention facilities). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(21) \$75,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1570 (TNC insurance programs). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(22) \$106,000 of the legal services revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1762 (warehouse employees). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(23) \$9,000 of the legal services revolving account—state

appropriation is provided solely for implementation of Substitute House Bill No. 1069 (mental health counselor compensation). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(24) \$338,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1175 (petroleum storage tanks). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(25) \$463,000 of the general fund—state appropriation for fiscal year 2024, \$454,000 of the general fund—state appropriation for fiscal year 2025, \$398,000 of the general fund—federal appropriation, \$91,000 of the public service revolving account—state appropriation, \$133,000 of the medicaid fraud penalty account—state appropriation, and \$6,740,000 of the legal services revolving account—state appropriation are provided solely for the legal matter management platform replacement project, and are subject to the conditions, limitations, and review requirements of section 701 of this act.

(26) \$50,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the office of the attorney general to update the introduction to Washington water law legal primer. The updated primer must cover subjects including, but not limited to, municipal water law, the trusts water rights program, instream flows, and significant appellate water law cases that have been decided since the previous introduction to Washington water law was prepared in 2000. The office must complete the updated primer by June 1, 2024.

**NEW SECTION. Sec. 127. FOR THE CASELOAD FORECAST COUNCIL**

General Fund—State Appropriation (FY 2024).....	\$2,812,000
General Fund—State Appropriation (FY 2025).....	\$2,781,000
Workforce Education Investment Account—State Appropriation .....	\$338,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$5,931,000</b>

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

(1) \$331,000 of the workforce education investment account—state appropriation is provided solely to forecast the caseload for the Washington college grant program.

(2) Within existing resources, and beginning with the November 2021 forecast, the caseload forecast council shall produce an unofficial forecast of the long-term caseload for juvenile rehabilitation as a courtesy.

(3) \$198,000 of the general fund—state appropriation for fiscal year 2024 and \$198,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for forecasting the number of people eligible for the apple health expansion for Washington residents with incomes at or below 138 percent of the federal poverty level, regardless of immigration status, beginning in January 2024.

(4) \$198,000 of the general fund—state appropriation for fiscal year 2024 and \$198,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of House Bill No. 1218 (caseload forecast/tax credit). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(5) \$196,000 of the general fund—state appropriation for fiscal year 2024 and \$196,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1188 (child welfare services/DD). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(6) \$6,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Substitute

House Bill No. 1268 (sentencing enhancements). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF COMMERCE**

The appropriations in sections 129 through 133 of this act 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) The department is authorized to suspend issuing any nonstatutorily required grants or contracts of an amount less than \$1,000,000 per year.

(3)(a) The appropriations to the department of commerce in this act must be expended for the programs and in the amounts specified in this act. However, after May 1, 2024, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2024 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 that provisoed amounts may be transferred among programs if they are transferred in their entirety.

(b) Within 30 days after the close of fiscal year 2024, the department must provide the office of financial management and the fiscal committees of the legislature with an accounting of any transfers under this subsection. The accounting 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. The department must also provide recommendations for revisions to appropriations to better align funding with the new budget structure for the department in this act and to eliminate the need for the transfer authority in future budgets.

(4) The department must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

**NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF COMMERCE—COMMUNITY SERVICES AND HOUSING**

General Fund—State Appropriation (FY 2024).....	\$331,190,000
General Fund—State Appropriation (FY 2025).....	\$404,264,000
General Fund—Federal Appropriation .....	\$281,789,000
General Fund—Private/Local Appropriation.....	\$5,252,000
Affordable Housing for All Account—State Appropriation.....	\$109,227,000
Apple Health and Homes Account—State Appropriation .....	\$15,452,000
Climate Commitment Account—State Appropriation .....	\$25,000,000
Community Reinvestment Account—State Appropriation .....	\$200,000,000
Community and Economic Development Fee Account—State Appropriation.....	\$3,159,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation.....	\$98,378,000
Covenant Homeownership Account—State Appropriation .....	\$150,000,000
Financial Fraud and Identity Theft Crimes	

Investigation and Prosecution Account—State Appropriation .....	\$2,631,000
Home Security Fund Account—State Appropriation .....	\$290,410,000
Lead Paint Account—State Appropriation.....	\$233,000
Prostitution Prevention and Intervention Account— State Appropriation .....	\$26,000
Washington Housing Trust Account—State Appropriation .....	\$9,863,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$1,926,874,000</b>

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

(1) \$13,000,000 of the general fund—state appropriation for fiscal year 2024 and \$13,000,000 of the general fund—state appropriation for fiscal year 2025 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.

(2) \$375,000 of the general fund—state appropriation for fiscal year 2024 and \$375,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to the retired senior volunteer program.

(3) Within existing resources, the department shall provide administrative and other indirect support to the developmental disabilities council.

(4) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 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.

(5) \$768,000 of the general fund—state appropriation for fiscal year 2024 and \$797,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with a private, nonprofit organization to provide developmental disability ombuds services.

(6) \$500,000 of the general fund—state appropriation for fiscal year 2024, \$500,000 of the general fund—state appropriation for fiscal year 2025, \$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.

(7) \$1,500,000 of the general fund—state appropriation for fiscal year 2024, \$1,500,000 of the general fund—state appropriation for fiscal year 2025, and \$2,000,000 of the home security fund—state appropriation are provided solely for the administration of the grant program required in chapter 43.185C RCW, linking homeless students and their families with stable housing.

(8)(a) \$1,980,000 of the general fund—state appropriation for fiscal year 2024 and \$1,980,000 of the general fund—state appropriation for fiscal year 2025 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

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help to reduce admissions to the state psychiatric hospitals. The department must coordinate with the health care authority and the department of social and health services in establishing conditions for the awarding of these funds. The department must contract with local entities to provide a mix of (i) shared permanent supportive housing; (ii) independent permanent supportive housing; and (iii) low and no-barrier housing beds for people with a criminal history, substance abuse disorder, and/or mental illness.

(b) Priority for permanent supportive housing must be given to individuals on the discharge list at the state psychiatric hospitals or in community psychiatric inpatient beds whose conditions present significant barriers to timely discharge.

(9) \$557,000 of the general fund—state appropriation for fiscal year 2024 and \$557,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to design and administer the achieving a better life experience program.

(10) \$8,000,000 of the general fund—state appropriation for fiscal year 2024 and \$8,000,000 of the general fund—state appropriation for fiscal year 2025 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.

(11)(a) \$7,500,000 of the general fund—state appropriation for fiscal year 2024, \$7,500,000 of the general fund—state appropriation for fiscal year 2025, and \$37,000,000 of the affordable housing for all account—state appropriation 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 30 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.

(12) \$7,000,000 of the home security fund—state appropriation is provided solely for the office of homeless youth prevention and protection programs to:

(a) Expand outreach, services, and housing for homeless youth and young adults including but not limited to secure crisis residential centers, crisis residential centers, and HOPE beds, so that resources are equitably distributed across the state;

(b) Contract with other public agency partners to test innovative program models that prevent youth from exiting public systems into homelessness; and

(c) Support the development of an integrated services model, increase performance outcomes, and enable providers to have the necessary skills and expertise to effectively operate youth programs.

(13) \$5,000,000 of the general fund—state appropriation for fiscal year 2024 and \$5,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the

office of homeless youth to build infrastructure and services to support a continuum of interventions, including but not limited to prevention, crisis response, and long-term housing, to reduce youth homelessness in communities identified as part of the anchor community initiative.

(14) \$3,375,000 of the general fund—state appropriation for fiscal year 2024 and \$3,375,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of homeless youth to contract with one or more nonprofit organizations to provide youth services and young adult housing on a multi-acre youth campus located in the city of Tacoma. Youth services include, but are not limited to, HOPE beds and crisis residential centers to provide temporary shelter and permanency planning for youth under the age of 18. Young adult housing includes, but is not limited to, rental assistance and case management for young adults ages 18 to 24. The department shall submit an annual report to the legislature on the use of the funds. The report is due annually on June 30th. The report shall include but is not limited to:

(a) A breakdown of expenditures by program and expense type, including the cost per bed;

(b) The number of youth and young adults helped by each program;

(c) The number of youth and young adults on the waiting list for programs, if any; and

(d) Any other metric or measure the department deems appropriate to evaluate the effectiveness of the use of the funds.

(15) \$65,310,000 of the general fund—state appropriation for fiscal year 2024 and \$65,310,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the essential needs and housing support program and related services. The department may use a portion of the funds provided in this subsection to continue the pilot program established in section 127(106) of chapter 357, Laws of 2020 (addressing the immediate housing needs of low or extremely low-income elderly or disabled adults in certain counties who receive social security disability or retirement income). The department must ensure the timely redistribution of the funding provided in this subsection among entities or counties to reflect actual caseload changes as required under RCW 43.185C.220(5)(c).

(16) \$198,000 of the general fund—state appropriation for fiscal year 2024 and \$198,000 of the general fund—state appropriation for fiscal year 2025 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.

(17) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with an entity located in the Beacon hill/Chinatown international district area of Seattle to provide low income housing, low income housing support services, or both. To the extent practicable, the chosen location must be colocated with other programs supporting the needs of children, the elderly, or persons with disabilities.

(18) \$4,740,000 of the general fund—state appropriation for fiscal year 2024, \$4,740,000 of the general fund—state appropriation for fiscal year 2025, 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 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for diversion services for those families and individuals who are at substantial risk of losing stable housing or who have recently become homeless and are determined to have a high probability of returning to stable housing.

(c) Of the amounts provided in this subsection, \$3,240,000 of the general fund—state appropriation for fiscal year 2024 and \$3,240,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for up to nine months of rental assistance for individuals enrolled in the foundational community supports initiative who are transitioning off of benefits under RCW 74.04.805 due to increased income or other changes in eligibility. The health care authority, department of social and health services, and department of commerce shall collaborate on this effort.

(19) \$1,366,000 of the general fund—state appropriation for fiscal year 2024 and \$2,114,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the operations of the long-term care ombudsman program.

(20) \$1,007,000 of the general fund—state appropriation for fiscal year 2024 and \$1,007,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to administer a transitional housing program for nondependent homeless youth.

(21) \$80,000 of the general fund—state appropriation for fiscal year 2024 and \$80,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to establish an identification assistance and support program to assist homeless persons in collecting documentation and procuring an identicaid 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 1,000,000 or more and one county east of the crest of the Cascade mountain range with a population of 500,000 or more.

(22)(a) \$1,750,000 of the general fund—state appropriation for fiscal year 2024 and \$1,750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of homeless youth prevention and protection programs to administer flexible funding to support the anchor community initiative and anchor communities through the homeless prevention and diversion fund and serve eligible youth and young adults. The flexible funding administered under this subsection may be used for the immediate needs of eligible youth or young adults. An eligible youth or young adult may receive support under this subsection more than once.

(b) Flexible funding provided under this subsection may be used for purposes including but not limited to:

- (i) Car repair or other transportation assistance;
- (ii) Rental application fees, a security deposit, or short-term rental assistance;

(iii) Offsetting costs for first and last month's rent and security deposits;

(iv) Transportation costs to go to work;

(v) Assistance in obtaining photo identification or birth certificates; and

(vi) Other uses that will support the eligible youth or young adult's housing stability, education, or employment, or meet immediate basic needs.

(c) The flexible funding provided under this subsection may be provided to:

(i) Eligible youth and young adults. For the purposes of this subsection, an eligible youth or young adult is a person under age 25 who is experiencing or at risk of experiencing homelessness, including but not limited to those who are unsheltered, doubled up or in unsafe living situations, exiting inpatient programs, or in school;

(ii) Community-based providers assisting eligible youth or young adults in attaining safe and stable housing; and

(iii) Individuals or entities, including landlords, providing safe housing or other support designed to lead to housing for eligible youth or young adults.

(23) \$607,000 of the general fund—state appropriation for fiscal year 2024 and \$607,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to assist homeowners at risk of foreclosure pursuant to chapter 61.24 RCW. Funding provided in this section may be used for activities to prevent mortgage or tax lien foreclosure, housing counselors, a foreclosure prevention hotline, legal services for low-income individuals, mediation, and other activities that promote homeownership. The department may contract with other foreclosure fairness program state partners to carry out this work.

(24) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with a nonprofit entity located in Seattle that focuses on poverty reduction and racial equity to convene and staff a poverty reduction workgroup steering committee comprised of individuals that have lived experience with poverty. Funding provided in this section may be used to reimburse steering committee members for travel, child care, and other costs associated with participation in the steering committee.

(25) \$400,000 of the general fund—state appropriation for fiscal year 2024 and \$400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for capacity-building grants through the Latino community fund for emergency response services, educational programs, and human services support for children and families in rural and underserved communities.

(26) \$1,400,000 of the general fund—state appropriation for fiscal year 2024 and \$1,400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of homeless youth to administer a competitive grant process to award funding to licensed youth shelters, HOPE centers, and crisis residential centers to provide behavioral health support services for youth in crisis, and to increase funding for current grantees.

(27) \$9,864,000 of the general fund—state appropriation for fiscal year 2024 and \$9,864,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for long-term rental subsidies for individuals with mental health or substance use disorders. This funding may be used for individuals enrolled in the foundational community support program while waiting for a longer term resource for rental support or for individuals transitioning from behavioral health treatment

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facilities or local jails. Individuals who would otherwise be eligible for the foundational community support program but are not eligible because of their citizenship status may also be served.

(28) \$9,575,000 of the general fund—state appropriation for fiscal year 2024 and \$9,575,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to continue the Washington state office of firearm safety and violence prevention, including the creation of a state and federal grant funding plan to direct resources to cities that are most impacted by community violence. Of the amounts provided in this subsection:

(a) \$600,000 of the general fund—state appropriation for fiscal year 2024 and \$600,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for community-based violence prevention and intervention services to individuals identified through the King county shots fired social network analysis. The department must complete an evaluation of the program and provide a report to the governor and the appropriate legislative committees by June 30, 2023.

(b) \$5,318,000 of the general fund—state appropriation for fiscal year 2024 and \$5,318,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to support existing programs and capacity building for new programs providing evidence-based violence prevention and intervention services to individuals at high risk to perpetrate or be victims of firearm violence and who reside in areas with high rates of firearm violence as provided in RCW 43.330A.050.

(i) Priority shall be given to programs that partner with the University of Washington, school of medicine, department of psychiatry and behavioral sciences for training and support to deliver culturally relevant family integrated transition services through use of credible messenger advocates.

(ii) The office may enter into agreement with the University of Washington or another independent entity with expertise in evaluating community-based grant-funded programs to evaluate the grant program's effectiveness.

(iii) The office shall enter into agreement to provide funding to the University of Washington, school of medicine, department of psychiatry and behavioral sciences to directly deliver trainings and support to programs providing culturally relevant family integrated transition services through use of credible messenger and to train a third-party organization to similarly support those programs.

(iv) Of the amounts provided under (b) of this subsection, \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a certified credible messenger program that does work in at least three regions of Washington state to train and certify credible messengers to implement a culturally responsive, evidence-based credible messenger violence prevention and intervention services program.

(c) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided to further support firearm violence prevention and intervention programs and initiatives consistent with the duties of the office as set forth in RCW 43.330A.020.

(d) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided to support safe storage programs and suicide prevention outreach and education efforts across the state.

(29) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state

appropriation for fiscal year 2025 are provided solely for the department to administer grants to diaper banks for the purchase of diapers, wipes, and other essential baby products, for distribution to families in need. The department must give priority to providers serving or located in marginalized, low-income communities or communities of color; and providers that help support racial equity.

(30) \$4,500,000 of the general fund—state appropriation for fiscal year 2024 and \$4,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to counties to stabilize newly arriving refugees, including those from the 2021 Afghanistan conflict and the 2022 Ukraine-Russia conflict.

(31) \$120,000 of the general fund—state appropriation for fiscal year 2024 and \$120,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit resource center in King county that provides sexual assault advocacy services, therapy services, and prevention and outreach to begin a three-year, multigrade sexual violence prevention program in the Renton school district.

(32) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of homeless youth prevention and protection programs to colead a prevention work group with the department of children, youth, and families. The work group must focus on preventing youth and young adult homelessness and other related negative outcomes. The work group shall consist of members representing the department of social and health services, the employment security department, the health care authority, the office of the superintendent of public instruction, the Washington student achievement council, the interagency work group on homelessness, community-based organizations, and young people and families with lived experience of housing instability, child welfare involvement, justice system involvement, or inpatient behavioral health involvement.

(a) The work group shall help guide implementation of:

(i) The state's strategic plan on prevention of youth homelessness;

(ii) Chapter 157, Laws of 2018 (SSB 6560);

(iii) Chapter 312, Laws of 2019 (E2SSB 5290);

(iv) Efforts to reform family reconciliation services; and

(v) Other state initiatives addressing the prevention of youth homelessness.

(b) The office of homeless youth prevention and protection programs must use the amounts provided in this subsection to contract with a community-based organization to support the involvement with the work group of young people and families with lived experience of housing instability, child welfare involvement, justice system involvement, or inpatient behavioral health involvement. The community-based organization must serve and be substantially governed by marginalized populations. The amounts provided in this subsection must supplement private funding to support the work group.

(33) \$26,250,000 of the general fund—state appropriation for fiscal year 2024 and \$26,250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to increase existing grantee contracts providing rental or housing subsidy and services for eligible tenants in housing and homeless programs. The department must distribute funding in a manner that will prioritize maintaining current levels of homeless subsidies and services and stabilizing the homeless service provider workforce.

(34)(a) \$25,000,000 of the climate commitment account—state appropriation is provided solely for the department to administer grant funding through the existing network of federal low-income



home energy assistance program grantees to provide low-income households with energy utility bill assistance.

(b) To qualify for assistance, a household must be below 80 percent of the area median income and living in a community that experiences high environmental health disparities.

(c) Under the grant program, each household accessing energy bill assistance must receive an energy assessment that includes determining the household's need for clean cooling and heating system upgrades that improve safety and efficiency while meeting Washington's climate goals. If beneficial, households may be offered grant funding to cover the replacement of inefficient, outdated, or unsafe home heating and cooling systems with more energy efficient electric heating and cooling technologies, such as heat pumps.

(d) Of the amounts provided in this subsection, no more than 60 percent of the funding may be utilized by the department to target services to multifamily residential buildings across the state that experience high energy use, where a majority of the residents within the building are below 80 percent of the area median income and the community experiences high environmental health disparities.

(e) In serving low-income households who rent or lease a residence, the department must establish processes to ensure that the rent for the residence is not increased and the tenant is not evicted as a result of receiving assistance under the grant program.

(f) The department must incorporate data collected while implementing this program into future energy assistance reports as required under RCW 19.405.120. The department may publish information on its website on the number of furnace or heating and cooling system replacements, including replacements within multifamily housing units.

(g) The department may utilize a portion of the funding provided within this subsection to create an electronic application system.

(35) \$76,000,000 of the general fund—state appropriation for fiscal year 2025 and \$76,000,000 of the coronavirus state fiscal recovery account—federal appropriation are provided solely for the department to continue grant funding for emergency housing and shelter capacity and associated supports such as street outreach, diversion services, short-term rental assistance, hotel and motel vouchers, housing search and placement, and housing stability case management. Entities eligible for grant funding include local governments and nonprofit entities. The department may use existing programs, such as the consolidated homelessness grant program, to award funding under this subsection. Grants provided under this subsection must be used to maintain or increase current emergency housing capacity, funded by the shelter program grant and other programs, as practicable due to increased costs of goods, services, and wages. Emergency housing includes transitional housing, congregate or noncongregate shelter, sanctioned encampments, or short-term hotel or motel stays.

(36)(a) \$75,050,000 of the general fund—state appropriation for fiscal year 2024 and \$75,050,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a targeted grant program to transition persons residing in encampments to safer housing opportunities, with an emphasis on ensuring individuals living unsheltered reach permanent housing solutions. Eligible grant recipients include local governments and nonprofit organizations operating to provide housing or services. The department may provide funding to state agencies to ensure individuals accessing housing services are also able to access other wrap-around services that enable them to obtain housing such as food, personal identification, and other related services.

Local government and nonprofit grant recipients may use grant funding to provide outreach, housing, case management, transportation, site monitoring, and other services needed to assist individuals residing in encampments and on public rights-of-way with moving into housing.

(b) Of the amounts provided in this subsection:

(i) No less than \$120,000,000 must be used for housing services for persons residing on state-owned rights-of-way; and

(ii) All remaining funds may be used for housing services for persons residing in encampments, including encampments located on public lands, as defined in RCW 79.02.010, or state parks and parkways.

(c) Grant criteria must include, but are not limited to:

(i) Whether a site where the grantee will conduct outreach and engagement has been identified as a location where individuals residing in encampments or on the public right-of-way are in specific circumstances or physical locations that expose them to especially or imminently unsafe conditions;

(ii) A commitment to resolve encampments through extensive outreach followed by matching individuals with temporary lodging or permanent housing that is reasonably likely to fit with their actual needs and situation, is noncongregate whenever possible, and takes into consideration individuals' immediate and long-term needs and abilities to achieve and maintain housing stability;

(iii) A commitment to transition individuals who are initially matched to temporary lodging into a permanent housing placement within six months except under unusual circumstances;

(iv) Local government readiness and capacity to enter into and fulfill the grant requirements as applicable; and

(v) Other criteria as identified by the department.

(d) When awarding grants under (a) of this subsection, the department must prioritize applicants that focus on ensuring an expeditious path to sustainable permanent housing solutions, and that demonstrate an understanding of working with individuals to identify their optimal housing type and level of ongoing services through the effective use of outreach, engagement, and temporary lodging and permanent housing placement.

(e) Grant recipients under (a) of this subsection must enter into a memorandum of understanding with the department, and other state agencies if applicable, as a condition of receiving funds. Memoranda of understanding must specify the responsibilities of the grant recipients and the state agencies, consistent with the requirements of (c) of this subsection, and must include specific measurable outcomes for each entity signing the memorandum. The department must publish all signed memoranda on the department's website and must publish updates on outcomes for each memorandum at least every 90 days, while taking steps to protect the privacy of individuals served by the program. At a minimum, outcomes must include:

(i) The number of people actually living in any encampment identified for intervention by the department or grantees;

(ii) The demographics of those living in any encampment identified for intervention by the department or grantees;

(iii) The duration of engagement with individuals living within encampments;

(iv) The types of housing options that were offered;

(v) The number of individuals who accepted offered housing;

(vi) Any reasons given for why individuals declined offered housing;

(vii) The types of assistance provided to move individuals into offered housing;

(viii) Any services and benefits in which an individual was successfully enrolled; and

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(ix) The housing outcomes of individuals who were placed into housing six months and one year after placement.

(f) Grant recipients under (a) of this subsection may not transition individuals from encampments or close encampments unless they have provided extensive outreach and offered each individual temporary lodging or permanent housing that matches the actual situation and needs of each person, is noncongregate whenever possible, and takes into consideration individuals' immediate and long-term needs and abilities to achieve and maintain housing stability. Grant recipients who initially match an individual to temporary lodging must make efforts to transition the person to a permanent housing placement within six months except under unusual circumstances. The department must establish criteria regarding the safety, accessibility, and habitability of housing options to be offered by grant recipients to ensure that such options are private, sanitary, healthy, and dignified, and that grant recipients provide options that are well-matched to an individual's assessed needs.

(g) Funding granted to eligible recipients under (a) of this subsection may not be used to supplant or replace existing funding provided for housing or homeless services.

(37) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to increase funding for the community services block grant program. Distribution of these funds to community action agencies shall prioritize racial equity and undoing inequity from historic underinvestment in Black, indigenous, and people of color, and rural communities.

(38) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide a grant to a nonprofit organization to identify opportunities for cities in Whatcom county to improve access to affordable housing through conducting market research, engaging stakeholders, and developing tools and implementation strategies for cities that will increase access to affordable housing. The grant recipient must be a nonprofit organization based in Bellingham that promotes affordable housing solutions and with a mission to create thriving communities.

(39) \$225,000 of the general fund—state appropriation for fiscal year 2024 and \$225,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide a grant to a nonprofit organization located in the city of Redmond that serves Latino low-income, immigrant, and Spanish-speaking communities in King and Snohomish counties through arts and culture events and community services. The grant funding may be used to expand existing programs including, but not limited to, support for small businesses, rent assistance, vaccination and COVID-19 outreach, programs aimed at increasing postsecondary enrollments in college and trade schools, and other community services and programs.

(40) \$5,000,000 of the general fund—state appropriation for fiscal year 2024 and \$5,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a community assembly pilot program. The purpose of the pilot program is to create a community assembly model to establish a formalized process for soliciting community input on state policies, programs, and budgets, and to assist state agencies in implementing executive order 22-04. The department must contract with community-based organizations to facilitate community assemblies on a statewide basis. In selecting organizations with which to contract, the department must prioritize organizations serving historically disadvantaged and underserved populations, and organizations serving

geographically diverse areas of the state. By June 30, 2024, and by June 30, 2025, the department must submit a report to the governor and the appropriate committees of the legislature summarizing community input and feedback provided from the community assemblies.

(41) \$5,000,000 of the general fund—state appropriation for fiscal year 2024 and \$5,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to administer grants to community-based organizations that serve historically disadvantaged populations to conduct outreach and to assist community members in applying for state and federal assistance programs including, but not limited to, those administered by the department of social and health services, department of commerce, and department of children, youth, and families.

(42) \$150,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to provide a grant to a nonprofit organization located in the city of Issaquah to provide cultural programs and navigational supports for individuals and families who may face language or other cultural barriers when engaging with schools, public safety, health and human services, and local government agencies.

(43) \$200,000,000 of the community reinvestment account—state appropriation is provided solely for the department to distribute grants for economic development, civil and criminal legal assistance, community-based violence intervention and prevention services, and reentry services programs. Grants must be distributed in accordance with the recommendations of the community reinvestment plan developed pursuant to section 128(134), chapter 297, Laws of 2022 (ESSB 5693).

(44) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000,000 of the covenant homeownership account—state appropriation are provided solely for implementation of Second Substitute House Bill No. 1474 (covenant homeownership prg.). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(45) \$140,000 of the general fund—state appropriation for fiscal year 2024 and \$140,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for additional staffing for the developmental disabilities council.

(46) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit organization located in the city of Spokane to provide transitional housing, educational programs, and other resources for refugee and immigrant families.

(47) \$1,169,000 of the general fund—state appropriation for fiscal year 2024 and \$1,169,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1715 (domestic violence). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(48) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a dispute resolution center located in Snohomish county to provide mediation and resolution services for landlords and tenants, with the goal of avoiding evictions.

(49) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for grants to nonprofit organizations to operate hunger relief response programs serving individuals living in permanent supportive housing. Of the amounts provided in this subsection:

(a) \$550,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to a nonprofit organization

located in King county.

(b) \$450,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to a nonprofit organization located in Spokane county.

(50) \$180,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to a nonprofit organization operating a teen center in the city of Issaquah to provide case management and counseling services for youth ages 12 to 19.

(51)(a) \$375,000 of the general fund—state appropriation for fiscal year 2024 and \$375,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit community-based organization for the coordination of a gang violence prevention consortium with entities including community-based organizations, law enforcement, and members of the faith community, and to continue and expand after-school activities and social services for students and young adults in the Yakima valley. Social services may include, but are not limited to, employment, mental health, counseling, tutoring, and mentoring services. The grant recipient must be a community-based organization located in Granger operating a Spanish language public radio station and with the mission of addressing the social, educational, and health needs of economically disadvantaged Spanish-speaking residents of central and eastern Washington.

(b) By June 30, 2025, the department must provide a report to the appropriate committees of the legislature. The report must include: (i) A description of the gang violence prevention programs conducted by the consortium and how they were implemented; and (ii) The number of individuals who participated in or received services through the programs conducted by the consortium, including any relevant demographic data for those individuals.

(52) \$400,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to contract with a nonprofit organization to develop an affordable housing predevelopment plan. The affordable housing predevelopment plan must assess the feasibility of using surplus public land located at or near north Seattle Community College and Highline Community College for the development of affordable colocated housing that could serve low and moderate-income state workers. The contract recipient must be an organization that provides consultation services on affordable housing development. In creating the predevelopment plan, the contract recipient must solicit input from interested parties including, but not limited to, low-income and affordable housing experts, policy staff in the office of the governor, state public employee unions, and legislators.

(53) \$1,562,000 of the general fund—state appropriation for fiscal year 2024 and \$1,562,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1406 (youth seeking housing assist). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(54)(a) \$1,750,000 of the general fund—state appropriation for fiscal year 2024 and \$1,750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of firearm safety and violence prevention to continue a healthy youth and violence prevention initiative demonstration program serving south King county, with the goal of preventing violence, decreasing involvement with the juvenile justice system, and encouraging health and wellbeing for youth and young adults ages 12 to 24. As part of the demonstration program, the office must provide grant funding to and partner with a community-based organization to serve as a regional coordinator

to:

(i) Connect youth and young adults ages 12 to 24 who are most vulnerable to violence with programs that provide services including, but not limited to, street outreach, youth employment and preapprenticeship programs, case management, behavioral health services, and other services as appropriate; and

(ii) Assist local governments, service providers, and nonprofit organizations in accessing and leveraging federal, state, and local funding for violence prevention and related services.

(b) The grant recipient under (a) of this subsection must be a nonprofit health system currently administering a violence prevention initiative in King and Pierce counties. The grant recipient may subgrant or subcontract funds to programs providing services as described in (a)(i) of this subsection.

(55) \$300,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to a nonprofit sexual assault resource center located in Renton. Grant funding may be used for information technology improvements focused on client data management that will improve client access to health services, cybersecurity, and data privacy.

(56)(a) \$850,000 of the general fund—state appropriation for fiscal year 2024 and \$850,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the continuation of existing contracts with a nonprofit organization to increase housing supply and equitable housing outcomes by advancing affordable housing developments, including supportive housing, transitional housing, shelter, or housing funded through the apple health and homes program, that are colocated with community services such as education centers, health clinics, nonprofit organizations, social services, or community spaces or facilities, available to residents or the public, on underutilized or tax-exempt land.

(b) The contract recipient must use the funding provided under this subsection to:

(i) Implement strategies to accelerate development of affordable housing with space for education centers, health clinics, nonprofit organizations, social services, or community space or facilities, available to residents or the public, on underutilized or tax-exempt land;

(ii) Analyze the suitability of properties and sites for affordable housing as described under (b)(i) of this subsection, including existing buildings for supportive housing, through completing due diligence, conceptual design, and financial analysis activities, and applying and implementing an equity lens in site selection, program planning, development, and operations;

(iii) Work with elected officials, local governments, educational institutions, public agencies, local housing and community development partners, early learning partners, health care providers, and nonprofit service organizations to:

(A) Identify and catalyze surplus, underutilized, or tax-exempt properties for the development of affordable housing;

(B) Provide catalytic funding and technical assistance to advance the development of affordable housing, including by identifying funding sources to support the needs of specific projects; and

(C) Identify impediments to the development of affordable housing and develop recommendations and strategies to address those impediments, reduce costs, advance community vision and equitable outcomes, and accelerate predevelopment and development times associated with affordable housing;

(iv) Organize community partners and build capacity to develop affordable housing sites;

(v) Facilitate collaboration and codevelopment between affordable housing and education centers, health clinics, nonprofit organizations, social services, or community spaces and

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facilities available to residents or the public;

(vi) Provide technical assistance and predevelopment services to support future development of sites; and

(vii) Catalyze the redevelopment of at least 20 sites to create approximately 2,000 affordable homes.

(c) Funding may also be used to:

(i) Partner with state, regional, and local public entities, nonprofit housing developers, and service providers to develop a broad range of housing types for supportive housing for populations authorized to receive the housing benefit under the apple health and homes act;

(ii) Provide technical assistance on the constructive alignment of state or local capital funds and other services for the construction, acquisition, refurbishment, redevelopment, master leasing of properties for noncongregate housing, or conversion of units from nonresidential to residential, of dwelling units for supportive housing funded through the apple health and homes program;

(iii) Advise on local community engagement, especially with populations with lived experience of homelessness and housing insecurity, for supportive housing funded through the apple health and homes program;

(iv) Subcontract for specialized predevelopment services, as needed, and subgrant to reimburse for supportive housing funded through the apple health and homes program; and

(v) Hire staff necessary to implement activities under (b) and (c) of this subsection.

(57)(a) \$750,000 of the general fund—state appropriation for fiscal year 2024 and \$750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to continue a lifeline support system pilot project to assist individuals who have experienced or are at risk of entering into public systems of care. Public systems of care include office of homeless youth prevention and protection shelter and housing programs, the juvenile justice system, dependency under chapter 13.34 RCW, and inpatient behavioral health treatment.

(b)(i) The lifeline must function as a no-wrong-door access point for support and connections to services for qualifying individuals who require assistance to overcome a life challenge that could escalate into a crisis, or who are in need of general mentorship and counsel. The lifeline support system must facilitate and promote partnerships across state agencies, federally recognized tribes, counties, and community-based providers to coordinate trauma-informed and culturally responsive services for youth and young adults and their supports. The department is authorized to implement lifeline services through contracts with community partners and nonprofit organizations.

(ii) From amounts provided in this subsection, the department must allocate funding to establish a lifeline fund program. The department may use moneys allocated for the fund program to assist community partners and nonprofit organizations to implement lifeline services when those providers cannot identify an existing resource to resolve a recipient's need. The department must establish an application process and criteria for the fund program.

(c) By June 30, 2025, the department shall report to the legislature regarding the success and shortcomings of the lifeline support system, request-for-service outcomes, and the demographics of beneficiaries.

(58) \$350,000 of the general fund—state appropriation for fiscal year 2024 and \$350,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit organization to provide legal aid in subjects including, but not limited to, criminal law and civil rights cases

for underserved populations focusing on Black gender-diverse communities. The grant recipient must be a nonprofit organization with offices in Seattle and Tacoma and with a mission to provide intersectional legal and social services for Black intersex and gender-diverse communities in Washington.

(59) \$213,000 of the general fund—state appropriation for fiscal year 2024 and \$213,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit organization within the city of Tacoma that provides social services and educational programming to assist Latino and indigenous communities in honoring heritage and culture through the arts, and in overcoming barriers to social, political, economic, and cultural community development. Of the amounts provided in this subsection:

(a) \$175,000 of the general fund—state appropriation for fiscal year 2024 and \$175,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for education and training programming in community health organizing, "promotora" health education, grassroots organizing, leadership development, and civic engagement focused on Latino and indigenous community members; and

(b) \$38,000 of the general fund—state appropriation for fiscal year 2024 and \$38,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for advocacy, translation services, emergency housing, and other services for victims of crime and domestic violence.

(60) \$500,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to provide grants to nonprofit organizations including, but not limited to, religious nonprofits, to fund the physical security of such institutions. Grant recipients must have reasons to believe they have been subject to security threats and must demonstrate a need for enhanced security. Grant funding must be used and limited to the purchase of security hardware and equipment to enhance the security of the buildings and grounds of such organizations.

(61) \$400,000 of the general fund—state appropriation for fiscal year 2024 and \$400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide grant funding to a nonprofit organization to provide supports, including behavioral health resources, housing services, and parenting education, to parents with substance use disorder. The grant recipient must be a nonprofit organization located in the south Puget Sound region that provides a parent child assistance program and focuses on building parenting skills and confidence to ensure children have safe and healthy childhoods.

(62) \$450,000 of the general fund—state appropriation for fiscal year 2024 and \$450,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for costs to develop and operate community-based residential housing and services for youth wellness spanning a range of needs and circumstances at the Pacific hospital preservation and development authority quarters, buildings three through 10 in Seattle. The amounts provided in this subsection may be used for planning, lease payments, and other related expenses for the development and operation of comprehensive residential programs providing housing, on-site social services, and community-based resources for youth identified by the department of commerce, the department of children, youth, and families, or the health care authority. The funding may also be used for the preparation and issuance of a request for qualifications for a site operator, or lease management and related administrative functions. The department is authorized to enter into a lease, with an option to enter into multiyear extensions, for the Pacific hospital preservation and development authority

quarters, buildings three through 10.

(63) \$350,000 of the general fund—state appropriation for fiscal year 2024 and \$350,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit organization based in the city of Seattle that works to improve the quality of life for low-income families and members of the refugee and immigrant community, with a focus on the Somali and Oromos community. The grant funding may be used to expand current programs including, but not limited to, case management and referral services for immigrants and refugees, youth programs, and services for seniors.

(64) \$270,000 of the general fund—state appropriation for fiscal year 2024 and \$270,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit organization headquartered in Mount Vernon for costs to operate and provide homeless services at a low-barrier emergency temporary homeless center located in Burlington.

(65) \$750,000 of the general fund—state appropriation for fiscal year 2024 and \$750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit organization located in the city of Seattle that provides legal assistance and representation to survivors of sexual and gender-based violence to expand their current services including, but not limited to, legal assistance and representation; technical assistance for advocates, providers, and attorneys; community education and trainings; and other legal support services. In providing services, the grant recipient must protect the privacy, safety, and civil rights of survivors and utilize trauma-informed practices and equity principles.

(66) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide a grant to a nonprofit organization serving King and Snohomish counties for a program conducted in partnership with King county, which serves individuals who are involved in the criminal justice system and who have experienced domestic, sexual, or gender-based violence. The grant recipient may use the funding for costs including, but not limited to, legal advocacy, outreach, connecting clients to housing and other resources, data analytics, and staffing.

(67) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$50,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of crime victims advocacy to contract for a study of the impacts of the commercial sex industry on Black and African American communities in Washington, with a focus on Black and African American persons who identify as female. The office must contract with an organization that has expertise on the topic of the commercial sex industry and Black communities in Washington. The study must include a review of the impacts of the commercial sex industry on Black and African American residents of Washington, and culturally informed and survivor-informed policy recommendations for reducing sex trafficking and sexual exploitation of Black and African American Washingtonians. The department must submit a report of the study findings to the appropriate committees of the legislature by September 1, 2024.

(68) \$20,656,000 of the general fund—state appropriation for fiscal year 2024 and \$20,656,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to crime victims service providers to ensure continuity of services impacted by reductions in federal victims of crime act funding and to help address increased demand for services attributable to the COVID-19 pandemic. The department must distribute the funding in a manner that is consistent with the office of crime

victims advocacy's state plan.

(69) \$200,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to the city of Seattle for start-up costs for the Seattle social housing developer and to meet the requirements of the city of Seattle initiative 135, which concerns developing and maintaining affordable social housing in Seattle. The funding provided under this subsection may only be used for costs associated with creating social housing developments, operating costs associated with maintaining social housing developments, and administrative costs of operating social housing.

(70) \$250,000 of the general fund—state appropriation for fiscal year 2024 is provided solely to contract with a nonprofit to provide wraparound services for homeless families with children, including prevention, shelter, and stabilization services. The nonprofit must be located in Pierce county and be an affiliate of a national organization dedicated to preventing and ending family homelessness by providing prevention, shelter, and stabilization services.

(71) Within existing resources, the department must submit an interim and a final report to the appropriate committees of the legislature on efforts taken by the department to stabilize rents for tenants of affordable housing units financed through the housing assistance program created under RCW 43.185.015 including, but not limited to, efforts to limit or mitigate the impacts of rent increases for tenants of qualifying units. The department must submit the interim report by December 1, 2023, and the final report by December 1, 2024.

(72)(a) Before awarding and entering into grants or contracts for the 2023-2025 fiscal biennium for homeless housing and service programs that are funded from the home security fund account or the affordable housing for all account, the department must consult with local governments and eligible grantees to ensure that funding from these accounts is used to maintain the levels and types of homeless housing and services available in local communities as of December 31, 2022, before the funding is used for other expenditures.

(b) By October 31, 2023, all grant and contract recipients who receive funding from the home security fund account or the affordable housing for all account for homeless housing and service programs must report to the department on any funds not yet spent or committed. The department must work with all grant and contract recipients to reprioritize any uncommitted funds to expedite their use for homeless housing and service programs on a statewide basis, including adjusting contracts or redistributing funds to other eligible entities to the extent that such redistribution does not conflict with any other requirements under chapter 43.185C RCW. The department must report to the appropriate committees of the legislature by December 1, 2023, on any redistribution of funds conducted pursuant to this subsection.

(73) \$369,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to the Yakama Nation to update court software and to implement a court management system.

**NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF COMMERCE—LOCAL GOVERNMENT**

General Fund—State Appropriation (FY 2024) .....	\$49,068,000
General Fund—State Appropriation (FY 2025) .....	\$48,428,000
General Fund—Federal Appropriation.....	\$39,374,000
General Fund—Private/Local Appropriation .....	\$1,050,000
Climate Commitment Account—State Appropriation .....	\$40,953,000
Community Preservation and Development Authority Account—State Appropriation.....	\$4,750,000
Growth Management Planning and Environmental Review	

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Fund—State Appropriation.....	\$5,681,000
Liquor Excise Tax Account—State Appropriation....	\$986,000
Liquor Revolving Account—State Appropriation ..	\$6,827,000
Model Toxics Control Stormwater Account—State	
Appropriation.....	\$100,000
Natural Climate Solutions Account—State	
Appropriation.....	\$2,747,000
Public Facilities Construction Loan Revolving	
Account—State Appropriation .....	\$1,026,000
Public Works Assistance Account—State Appropriation	
.....	\$7,267,000
TOTAL APPROPRIATION.....	\$208,257,000

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

(1) 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.

(2) \$375,000 of the general fund—state appropriation for fiscal year 2024 and \$375,000 of the general fund—state appropriation for fiscal year 2025 are provided solely as pass-through funding to Walla Walla Community College for its water and environmental center.

(3) \$6,827,000 of the liquor revolving account—state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.

(4) The department must develop a model ordinance for cities and counties to utilize for siting community based behavioral health facilities.

(5) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to produce the biennial report identifying a list of projects to address incompatible developments near military installations as provided in RCW 43.330.520.

(6) \$100,000 of the model toxics control stormwater account—state appropriation is provided solely for planning work related to stormwater runoff at the aurora bridge and I-5 ship canal bridge. Planning work may include, but is not limited to, coordination with project partners, community engagement, conducting engineering studies, and staff support.

(7) \$1,500,000 of the community preservation and development authority account—state/operating appropriation is provided solely for the operations of the Pioneer Square-International district community preservation and development authority established in RCW 43.167.060.

(8) \$1,160,000 of the general fund—state appropriation for fiscal year 2024 and \$1,159,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the statewide broadband office established in RCW 43.330.532.

(9) \$10,000,000 of the general fund—state appropriation for fiscal year 2024 and \$10,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department for grants for updating and implementing comprehensive plans and development regulations in order to implement the requirements of the growth management act.

(a) In allocating grant funding to local jurisdictions, awards must be based on a formula, determined by the department, to ensure that grants are distributed equitably among cities and counties. Grants will be used primarily to fund the review and update requirements for counties and cities required by RCW 36.70A.130. Funding provided on this formula basis shall cover additional county and city costs, if applicable, to implement chapter 254, Laws of 2021 (Engrossed Second Substitute House Bill No. 1220).

(b) Within the amounts not utilized under (a) of this subsection, the department shall establish a competitive grant program to implement requirements of the growth management act.

(c) Up to \$500,000 per biennium may be allocated toward growth management policy research and development or to assess the ongoing effectiveness of existing growth management policy.

(d) The department must develop a process for consulting with local governments, affected stakeholders, and the appropriate committees of the legislature to establish emphasis areas for competitive grant distribution and for research priorities.

(10) \$1,100,000 of the general fund—state appropriation for fiscal year 2024 and \$1,100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with the municipal research and services center, in coordination with the Washington procurement technical assistance center, to provide training and technical assistance to local governments and contractors on public works contracting. Training topics may include utilization of supplemental bidding criteria, utilization of alternate public works, contracting, cost estimating, obtaining performance and payment bonds, and increasing participation of women-owned and minority-owned businesses.

(11) \$5,500,000 of the general fund—state appropriation for fiscal year 2024 and \$5,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to administer grants and provide technical assistance to cities or counties for actions relating to adopting ordinances that plan for and accommodate housing. Grants may be used for the following activities:

(a) Analyzing comprehensive plan policies and development regulations to determine the extent of amendments required to meet the goal of authorizing middle housing types on at least 30 percent of lots currently zoned as single family residential within the city, or for counties inside the unincorporated urban growth area. For the purposes of this subsection, "middle housing types" means buildings that are compatible in scale, form, and character with single family houses, and contain two or more attached, stacked, or clustered homes. This includes duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, courtyard apartments, and cottage housing;

(b) Planning work to facilitate transit-oriented development, including costs associated with the preparation of state environmental policy act environmental impact statements, planned action ordinances, and subarea plans, costs associated with the use of other tools under the state environmental policy act, and the costs of local code adoption and implementation of such efforts; and

(c) Planning for and accommodating housing that is affordable for individuals and families earning less than 50 percent of the area median income, including:

(i) Land use and regulatory solutions to address homelessness and low-income housing; and

(ii) Bridging homeless service planning with land use planning.

(12) Within the amounts provided in this section, the department must publish on its website housing data needed to complete housing needs assessments required by RCW 36.70A.070(2)(a). The data shall include:

(a) Housing profiles for each county and city in the state, including cost burden, vacancy, and income;

(b) Data to assess racially disparate impacts, exclusion, and displacement;

(c) A dashboard to display data in an easily accessible format; and

(d) An affordable housing auditing program to monitor ongoing affordability of income-restricted units constructed with

affordable housing incentives, including the multi-family tax exemption.

(13) \$1,553,000 of the general fund—state appropriation for fiscal year 2024 and \$1,220,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1110 (middle housing). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(14) \$15,000,000 of the general fund—state appropriation for fiscal year 2024 and \$15,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide grants to entities that provide digital navigator services, devices, and subscriptions. These services must include, but are not limited to, one-on-one assistance for people with limited access to services, including individuals seeking work, students seeking digital technical support, families supporting students, English language learners, medicaid clients, people experiencing poverty, and seniors.

(15) \$2,750,000 of the community preservation and development authority account—state appropriation is provided solely for the operations of the Central district community preservation and development authority established in RCW 43.167.070.

(16) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the city of Battle Ground to complete a feasibility study on options for a downtown revitalization project by June 30, 2025.

(17) \$175,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to the city of Cheney fire department for the purchase of a new type 6 fire truck.

(18) \$175,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to Ferry/Okanogan fire protection district number 14 for the purchase of a new ambulance and related costs for response to 911 calls, including those from local residents, recreators, and hunters.

(19) \$250,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to the Pierce county public transportation benefit area corporation (Pierce transit) to administer a public transit and behavioral health coresponder pilot program in partnership with a Pierce county behavioral health professional agency.

(20) \$120,000 of the general fund—state appropriation for fiscal year 2024 and \$115,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the transportation demand management program at the canyon park subarea in the city of Bothell.

(21) \$238,000 of the general fund—state appropriation for fiscal year 2024 and \$239,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1167 (residential housing). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(22) \$40,953,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (climate change/planning). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(23) \$490,000 of the public works assistance account—state appropriation is provided solely for the public works board to develop a data dashboard to map investments made by the public works board, the department of commerce, the department of health, the department of ecology, the department of transportation, the transportation improvement board, and by board partners to the system improvement team created in RCW

43.155.150.

(24) \$96,000 of the general fund—state appropriation for fiscal year 2024 and \$423,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to conduct a study on the feasibility of implementing a Washington state zoning atlas project that will provide a publicly available mapping tool illustrating key features of zoning codes across jurisdictions.

**NEW SECTION. Sec. 131. FOR THE DEPARTMENT OF COMMERCE—OFFICE OF ECONOMIC DEVELOPMENT**

General Fund—State Appropriation (FY 2024) .....	\$27,708,000
General Fund—State Appropriation (FY 2025) .....	\$27,726,000
General Fund—Federal Appropriation .....	\$108,069,000
General Fund—Private/Local Appropriation .....	\$1,230,000
Dedicated Cannabis Account—State Appropriation (FY 2024) .....	\$3,444,000
Dedicated Cannabis Account—State Appropriation (FY 2025) .....	\$3,549,000
Andy Hill Cancer Research Endowment Fund Match Transfer Account—State Appropriation .....	\$20,684,000
Climate Commitment Account—State Appropriation .....	\$2,352,000
Community and Economic Development Fee Account—State Appropriation .....	\$765,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation .....	\$22,200,000
Economic Development Strategic Reserve Account—State Appropriation .....	\$2,786,000
Statewide Tourism Marketing Account—State Appropriation .....	\$8,919,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$229,432,000</b>

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

(1) \$4,304,000 of the general fund—state appropriation for fiscal year 2024 and \$4,304,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for associate development organizations. During the 2023-2025 fiscal biennium, the department shall consider an associate development organization's total resources when making contracting and fund allocation decisions, in addition to the schedule provided in RCW 43.330.086. The department must distribute the funding as follows:

(a) For associate development organizations serving urban counties, which are counties other than rural counties as defined in RCW 82.14.370, a locally matched allocation of up to \$1.00 per capita, totaling no more than \$300,000 per organization; and

(b) For associate development organizations in rural counties, as defined in RCW 82.14.370, a \$1.00 per capita allocation with a base allocation of \$75,000.

(2) \$350,000 of the general fund—state appropriation for fiscal year 2024 and \$350,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the northwest agriculture business center.

(3) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 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.

(4) \$1,070,000 of the general fund—state appropriation for fiscal year 2024 and \$1,070,000 of the general fund—state appropriation for fiscal year 2025 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

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Seattle for purposes of assisting rural businesses with export strategies.

(5) \$60,000 of the general fund—state appropriation for fiscal year 2024 and \$60,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to submit the necessary Washington state membership dues for the Pacific Northwest economic region.

(6) \$1,808,000 of the general fund—state appropriation for fiscal year 2024 and \$1,808,000 of the general fund—state appropriation for fiscal year 2025 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; (g) military and defense; and (h) creative industries. 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.

(7) \$20,684,000 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.

(8) \$300,000 of the general fund—state appropriation for fiscal year 2024 and \$300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to establish representation in key international markets that will provide the greatest opportunities for increased trade and investment for small businesses in the state of Washington. Prior to entering into any contract for representation, the department must consult with associate development organizations and other organizations and associations that represent small business, rural industries, and disadvantaged business enterprises.

(9) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to assist people with limited incomes in urban areas of the state start and sustain small businesses. The grant recipient must be a nonprofit organization involving a network of microenterprise organizations and professionals to support micro entrepreneurship and access to economic development resources.

(10) \$3,000,000 of the general fund—state appropriation for fiscal year 2024 and \$3,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a nonprofit organization whose sole purpose is to provide grants, capacity building, and technical assistance support to a network of microenterprise development organizations. The microenterprise development organizations will support rural and urban Black, indigenous and people of color owned businesses, veteran owned businesses, and limited resourced and other hard to serve businesses with five or fewer employees throughout the state with business training, technical assistance, and microloans.

(11) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a business center that provides confidential, no-cost, one-on-

one, client-centered assistance to small businesses to expand outreach in underserved communities, especially Black, indigenous, and people of color-owned businesses, providing targeted assistance where needed. Funding may also be used to collaborate the department, the Washington economic development association, and others to develop a more effective and efficient service delivery system for Washington's women and minority-owned small businesses.

(12) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to strengthen capacity of the keep Washington working act work group established in RCW 43.330.510.

(13) \$7,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to continue to administer the small business innovation and competitiveness fund program created in section 128(167), chapter 297, Laws of 2022 (ESSB 5693). The department may prioritize projects that received conditional awards in the 2021-2023 fiscal biennium but were not funded due to the project's inability to be substantially completed by June 30, 2023.

(14) \$2,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to administer grants to businesses and nonprofits in the arts, heritage, and science sectors, including those that operate live entertainment venues, to provide bridge funding for continued recovery from the COVID-19 pandemic and related economic impacts. The department must develop criteria for successful grant applications in coordination with the Washington state arts commission.

(15) \$352,000 of the climate commitment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1176 (climate-ready communities). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(16) \$225,000 of the general fund—state appropriation for fiscal year 2024 and \$225,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with an associate development organization located in Thurston county to provide a training curriculum to assist small businesses in scaling up to reach their next tier of operations. The contract recipient may use the funding for costs including, but not limited to, curriculum materials, trainers, and follow up coaching and mentorship in multiple languages.

(17) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract for technical assistance programs focused on assisting small minority, women, and veteran-owned businesses in south King and Pierce counties. The contract recipient must be a nonprofit organization located in Tukwila that provides educational and business assistance for underserved and minority groups, with a focus on the African American community. The department must provide a preliminary report on program outcomes by June 30, 2024, and a final report by June 30, 2025, to the relevant committees of the legislature. The preliminary and final reports must include outcome data including, but not limited to, the number of events or workshops provided, the number of businesses served, and ownership and other demographics of businesses served.

(18) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to contract with a nonprofit organization to conduct workforce and economic



development activities serving the south Puget Sound region. The contract recipient must be a nongovernmental nonprofit organization located in Federal Way that has been in operation for at least 10 years and whose mission is to develop resources to enhance the economy of the south sound region by facilitating innovation, job creation, and the growth and development of businesses.

(19) \$250,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to provide grant funding to a nonprofit biotech incubator and science research center located in the city of Tacoma. The grant funding is to provide support for programs aimed at increasing workforce readiness and entrepreneurship in the life sciences, with a focus on promoting access to science, technology, engineering, and math careers for individuals from underserved communities.

(20) \$2,656,000 of the general fund—state appropriation for fiscal year 2024 and \$2,656,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1717 (associate development orgs.). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(21) \$900,000 of the general fund—state appropriation for fiscal year 2024 and \$900,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1783 (grant writers). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(22) \$5,966,000 of the statewide tourism marketing account—state appropriation is provided solely for implementation of Substitute House Bill No. 1258 (tourism marketing), which assumes that 3.0 percent of taxes collected pursuant to RCW 82.08.020(1) on retail sales of lodging, car rentals, and restaurants will be deposited into the statewide tourism marketing account. If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(23) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to renew licenses for cloud-based business engagement tools for state agencies and local workforce and economic development boards, and to procure additional licenses for state agency procurement professionals, to assist in complying with the department of enterprise services supplier diversity policy effective April 1, 2023.

(24) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for activities related to securing federal funding from programs created by or funded through federal legislation including, but not limited to, the inflation reduction act, P.L. 117-169; the chips and science act, P.L. 117-167; and the infrastructure investment and jobs act, P.L. 117-58. Funding provided under this subsection may be used to support regional and locally led initiatives seeking federal funding, to provide technical support for application development and grant writing, to conduct economic analysis of various sectors, and other activities the department deems necessary for the state and partners with the state to compete for federal funds.

**NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF COMMERCE—ENERGY AND INNOVATION**

General Fund—State Appropriation (FY 2024).....	\$144,661,000
General Fund—State Appropriation (FY 2025).....	\$144,599,000
General Fund—Federal Appropriation .....	\$39,461,000
General Fund—Private/Local Appropriation.....	\$34,000
Building Code Council Account—State Appropriation	

.....	\$13,000
Climate Commitment Account—State Appropriation .....	\$52,340,000
Community and Economic Development Fee Account—State Appropriation .....	\$160,000
Electric Vehicle Incentive Account—State Appropriation .....	\$50,000,000
Low-Income Weatherization and Structural Rehabilitation Assistance Account—State Appropriation .....	\$1,399,000
Natural Climate Solutions Account—State Appropriation .....	\$167,000
TOTAL APPROPRIATION .....	\$432,834,000

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

(1) 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.

(2)(a) \$50,000,000 of the electric vehicle incentive account—state appropriation is provided solely for the department to implement programs and incentives that promote the purchase of or conversion to alternative fuel vehicles. The department must work with the interagency electric vehicle coordinating council to develop and implement alternative fuel vehicle programs and incentives.

(b) In developing and implementing programs and incentives under this subsection, the department must prioritize programs and incentives that:

(i) Will serve individuals living in an overburdened community, as defined in RCW 70A.02.010;

(ii) Will serve individuals who are in greatest need of this assistance in order to reduce the carbon emissions and other environmental impacts of their current mode of transportation in the overburdened community in which they live; and

(iii) Will serve low-income communities, communities with the greatest health disparities, and communities of color that are most likely to receive the greatest health benefits from the programs through a reduction in greenhouse gas emissions and other pollutants that will result in improved groundwater and stormwater quality, improved air quality, and reductions in noise pollution.

(3) \$69,000,000 of the general fund—state appropriation for fiscal year 2024 and \$69,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the development of community electric vehicle charging infrastructure.

(a) Funding provided in this section must be used for projects that provide a benefit to the public through development, demonstration, and deployment of clean energy technologies that save energy and reduce energy costs, reduce harmful air emissions, or increase energy independence for the state.

(b) Projects that receive funding under this section must be implemented by, or include partners from, one or more of the following: Local governments, federally recognized tribal governments, or public and private electrical utilities that serve retail customers in the state.

(c) Grant funding must be used for level 2 or higher charging infrastructure and related costs including but not limited to construction and site improvements. Projects may include a robust public and private outreach plan that includes engaging with affected parties in conjunction with the new electric vehicle infrastructure.

(d) The department must prioritize funding for projects in the

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following order:

- (i) Multifamily housing;
- (ii) Publicly available charging at any location;
- (iii) Schools and school districts;
- (iv) State and local government buildings and office buildings;
- (v) All other eligible projects.

(e) The department must coordinate with other electrification programs, including projects developed by the department of transportation, to determine the most effective distribution of the systems. The department must also collaborate with the interagency electric vehicle coordinating council established in RCW 43.392.030 to implement this subsection and must work to meet benchmarks established in chapter 182, Laws of 2022.

(4) \$37,000,000 of the general fund—state appropriation for fiscal year 2024 and \$37,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to increase solar deployment and installation of battery storage in community buildings to enhance grid resiliency and provide backup power for critical needs, such as plug load and refrigeration for medication, during outages or to provide incentives to support electric utility demand response programs that include customer-sited solar and battery storage systems. Eligible uses of the amounts provided in this subsection include, but are not limited to, planning and predevelopment work with vulnerable, highly impacted, and rural communities. For the purposes of this subsection "community buildings" means K-12 schools, community colleges, community centers, recreation centers, libraries, tribal buildings, state and local government buildings, and other publicly owned infrastructure.

(5) \$20,000,000 of the general fund—state appropriation for fiscal year 2024 and \$20,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant program to provide solar and battery storage community solar projects for public assistance organizations serving low-income communities. Eligible uses of the amounts provided in this subsection include, but are not limited to, planning and predevelopment work with vulnerable, highly impacted, and rural communities.

(a) Grants are not to exceed 100 percent of the cost of the project, taking into account any federal tax credits or other federal or nonfederal grants or incentives that the project is benefiting from.

(b) Priority must be given to projects sited on "preferred sites" such as rooftops, structures, existing impervious surfaces, landfills, brownfields, previously developed sites, irrigation canals and ponds, storm water collection ponds, industrial areas, dual-use solar projects that ensure ongoing agricultural operations, and other sites that do not displace critical habitat or productive farmland.

(c) For the purposes of this subsection "low-income" has the same meaning as provided in RCW 19.405.020 and "community solar project" means a solar energy system that: Has a direct current nameplate capacity that is greater than 12 kilowatts but no greater than 1,000 kilowatts; and has, at minimum, either two subscribers or one low-income service provider subscriber.

(6) \$8,500,000 of the general fund—state appropriation for fiscal year 2024 and \$8,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to build a mapping and forecasting tool that provides locations and information on charging and refueling infrastructure as required in chapter 300, Laws of 2021 (zero emissions transp.). The department shall collaborate with the interagency electric vehicle coordinating council established in chapter 182, Laws of 2022 (transportation resources) when developing the tool and must work to meet benchmarks established in chapter 182, Laws of

2022 (transportation resources).

(7) \$10,000,000 of the climate commitment account—state appropriation is provided solely for grants to support port districts, counties, cities, towns, special purpose districts, any other municipal corporations or quasi-municipal corporations, and tribes to support siting and permitting of clean energy projects in the state. Eligible uses of grant funding provided in this section include supporting predevelopment work for sites intended for clean energy projects, land use studies, conducting or engaging in planning efforts such as planned actions and programmatic environmental impact statements, and staff to improve permit timeliness and certainty.

(8)(a) \$2,250,000 of the general fund—state appropriation for fiscal year 2024 and 2,250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with one or more of the western national laboratories, or a similar independent research organization, in consultation with state and federal energy agencies, stakeholders, and relevant utilities, to conduct an analysis for new electricity generation, transmission, ancillary services, efficiency and storage sufficient to offset those presently provided by the lower Snake river dams. The analysis should include a list of requirements for a replacement portfolio that diversifies and improves the resilience and maintains the reliability and adequacy of the electric power system, is consistent with the state's statutory and regulatory requirements for clean electricity generation, and is supplementary to the resources that will be required to replace fossil fuels in the electrical generation, transportation, industry, and buildings sectors. The department and its contractor's assessment will include quantitative analysis based on available data as well as qualitative input gathered from tribal and other governments, the Northwest power and conservation council, relevant utilities, and other key stakeholders. The analysis must include the following:

(i) Expected trends for demand, and distinct scenarios that examine potential outcomes for electricity demand, generation, and storage technologies development, land use and land use constraints, and cost through 2050, as well as the most recent analysis of future resource adequacy and reliability;

(ii) A resource portfolio approach in which a combination of commercially available generating resources, energy efficiency and demand response programs, transmission resources, and other programs and resources that would be necessary prerequisites to replace the power and grid reliability services otherwise provided by the lower Snake river dams and the time frame needed to put those resources into operation;

(iii) Identification of generation and transmission siting options consistent with the overall replacement resource portfolio, in coordination with other state processes and requirements supporting the planning of clean energy and transmission siting;

(iv) An evaluation of alternatives for the development, ownership and operation of the replacement resource portfolio;

(v) Examination of possible impacts and opportunities that might result from the renewal of the Columbia river treaty, revisions of the Bonneville power administration preference contracts, implementation of the western resource adequacy program (WRAP), and other changes in operation and governance of the regional electric power system, consistent with statutory and regulatory requirements of the clean energy transformation act;

(vi) Identification of revenue and payment structures sufficient to maintain reliable and affordable electricity supplies for ratepayers, with emphasis on overburdened communities;

(vii) Development of distinct scenarios that examine different potential cost and timeline potentials for development and

implementation of identified generation and transmission needs and options including planning, permitting, design, and construction, including relevant federal authorities, consistent with the statutory and regulatory requirements of the clean energy transformation act; and

(viii) Quantification of impacts to greenhouse gas emissions including life-cycle emissions analysis associated with implementation of identified generation and transmission needs and options including (A) planning, permitting, design, and construction, and, if relevant, emissions associated with the acquisition of non-Washington state domestic or foreign sources of electricity, and (B) any additional operations of existing fossil-fueled generating resources.

(b) The department shall, to the extent determined practicable, consider related analyses undertaken by the federal government as part of the Columbia river system operation stay of litigation agreed to in *National Wildlife Federation et al. v. National Marine Fisheries Service et al.* in October 2021.

(c) The department shall provide a status update to the energy and environment committees of the legislature and governor's office by December 31, 2024.

(9) \$10,664,000 of the climate commitment account—state appropriation is provided solely for the department to administer a pilot program to provide grants and technical assistance to support planning, predevelopment, and installation of commercial, dual-use solar power demonstration projects. Eligible grant recipients may include, but are not limited to, nonprofit organizations, public entities, and federally recognized tribes.

(10) \$20,592,000 of the climate commitment account—state appropriation is provided solely for the department to administer a grant program to assist owners of public buildings in covering the costs of conducting an investment grade energy audit for those buildings. Public buildings include those owned by state and local governments, tribes, and school districts.

(11) \$375,000 of the general fund—state appropriation for fiscal year 2024 and \$375,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the energy resilience and emergency management office to modify the contingency plans that the department prepares pursuant to RCW 43.21F.045 to include an analysis of human, natural, and cybersecurity hazards.

(12)(a) \$300,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to develop recommendations on a design for a statewide energy assistance program to address the energy burden and provide access to energy assistance for low-income households. The department may contract with a third-party entity to complete the work required in this subsection.

(b) The recommendations must include considerations for data collection on the energy burden and assistance need of households, universal intake coordination and data sharing across statewide programs serving low-income households, program eligibility, enrollment, multilingual services, outreach and community engagement, program administration, funding, and reporting.

(c) By January 1, 2024, the department must submit a report with the recommendations to the appropriate committees of the legislature.

(13) \$250,000 of the climate commitment account—state appropriation is provided solely for a grant to a nonprofit for a smart buildings education program to educate building owners and operators about smart building practices and technologies, including the development of onsite and digital trainings that detail how to operate residential and commercial facilities in an

energy efficient manner. The grant recipient must be located in a city with a population of more than 700,000 and must serve anyone within Washington with an interest in better understanding energy efficiency in commercial and institutional buildings.

(14) \$1,879,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1282 (public building materials). This project is subject to the conditions, limitations, and review requirements of section 701 of this act. If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(15) \$111,000 of the general fund—state appropriation for fiscal year 2024 and \$109,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1390 (district energy systems). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(16) \$3,152,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(17) \$167,000 of the natural climate solutions account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1170 (climate response strategy). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(18) \$1,277,000 of the general fund—state appropriation for fiscal year 2024 and \$1,287,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1391 (energy in buildings). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(19) \$33,000 of the general fund—state appropriation for fiscal year 2024 and \$17,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1329 (utility shutoffs/heat). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(20) \$93,000 of the general fund—state appropriation for fiscal year 2024 and \$96,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1032 (wildfires/electric utilities). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(21)(a) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$50,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with a third-party entity to conduct a study that analyzes how the economic impact of oil refining in Washington state is likely to impact Washington's refineries, refinery workers, and refinery communities. By December 31, 2024, the report must be distributed to the energy and environment committees of the state legislature.

(b) The study required in (a) of this subsection must include:

(i) An overview of Washington's five oil refineries including: Location, age, workforce demographics, direct and indirect jobs connected with the industry, health and environmental impacts, local tax revenues paid by refineries, and primary and secondary products and markets;

(ii) A summary of projected scenarios for Washington refineries' primary markets, taking into account realistic, real world outcomes, given existing mandated decarbonization targets, feedstock availability, and statutes that impact

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Washington refinery products;

(iii) A summary of anticipated short-term, medium-term, and long-term economic viability of the five Washington oil refineries based on refinery product demand forecasts as outlined in (b)(ii) of this subsection;

(iv) A forecast of direct and indirect effects of the projected petroleum decline, including indirect employment impacts, the geography of those impacts, and impacts to local jurisdictions, utilities, ports, and special purpose districts from reduction in tax revenues, and impacts to local nonprofits and community programs from the refining industry;

(v) An assessment of potential future uses of refinery sites that include energy industrial, nonenergy industrial, heavy manufacturing, and industrial symbiosis, including an assessment of previously closed refinery sites throughout the United States and current use of those sites. Each potential future use shall be assessed and include data regarding: Greenhouse gas emissions, local pollution and environmental health, direct and indirect employment benefits, estimated tax impacts, potential costs to Washington residents, and feasibility based on relevant market trends; and an assessment of previously closed refinery sites throughout the United States and current use of those sites;

(vi) The competitive position of Washington refineries to produce alternative fuels consistent with Washington's emissions reductions defined in RCW 70A.45.020, the anticipated regional, national, and global demand for these fuels between 2023 and 2050; and the likely employment, tax, environmental, cultural, and treaty impacts of refinery conversion to these alternative fuels;

(vii) An identification of refinery workers' skillsets, potential alternative sectors and industries of employment, an assessment and comparison of total compensation and benefit packages including retirement and health care programs of current and alternative jobs, impacts to apprenticeship utilization, and the current and expected availability of those jobs in Pierce, Skagit, and Whatcom counties;

(viii) A land and water remediation analysis; including cost estimates, current terrestrial and aquatic pollution mapping, an overview of existing policies and regulations that determine accountability for cleanup and identifies gaps that may leave local and state taxpayers financially liable, and an assessment of the workforce and skills required for potential cleanup;

(ix) A summary of existing petroleum refining capacity and trends in Washington, the United States, and internationally;

(x) An assessment of decline or loss of tax revenues supporting state environmental programs including the model toxics control act, the pollution liability insurance agency, and other programs, as well as the decline or loss of transportation gas tax revenues; and

(xi) An assessment of current state grant programs, including within the climate commitment act, that can help offset the costs of adding equipment and processes to Washington's five refineries to add renewable liquid fuels production.

(c) The department may require data and analysis from refinery owners and operators to inform the study. Pursuant to RCW 42.56.270, data shared or obtained in the course of this study is not subject to public disclosure. Where unavailable, the department and entity commissioned to complete the study shall rely on the best available public data.

(d) The study must include a robust public engagement process including local and state elected officials, labor groups, fence line communities, port districts, economic development associations, and environmental organizations in Skagit, Whatcom, and Pierce counties, and the five Washington refineries.

(e) The department must offer early, meaningful, and

individual consultation with any affected Indian tribe for the purpose of understanding potential impacts to tribal rights and resources including cultural resources, archaeological sites, sacred sites, fisheries, and human health.

**NEW SECTION. Sec. 133. FOR THE DEPARTMENT OF COMMERCE—PROGRAM SUPPORT**

General Fund—State Appropriation (FY 2024) .....	\$25,134,000
General Fund—State Appropriation (FY 2025) .....	\$16,699,000
General Fund—Federal Appropriation.....	\$6,065,000
General Fund—Private/Local Appropriation .....	\$1,694,000
Affordable Housing for All Account—State Appropriation .....	\$85,000
Building Code Council Account—State Appropriation	\$4,000
Community and Economic Development Fee Account—State Appropriation .....	\$210,000
Financial Fraud and Identity Theft Crimes Investigation and Prosecution Account—State Appropriation .....	\$47,000
Growth Management Planning and Environmental Review Fund—State Appropriation .....	\$128,000
Home Security Fund Account—State Appropriation .....	\$1,062,000
Lead Paint Account—State Appropriation.....	\$25,000
Liquor Excise Tax Account—State Appropriation....	\$341,000
Liquor Revolving Account—State Appropriation.....	\$15,000
Low-Income Weatherization and Structural Rehabilitation Assistance Account—State Appropriation .....	\$5,000
Public Facilities Construction Loan Revolving Account—State Appropriation.....	\$270,000
Public Works Assistance Account—State Appropriation .....	\$1,716,000
Statewide Tourism Marketing Account—State Appropriation .....	\$81,000
Washington Housing Trust Account—State Appropriation .....	\$845,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$54,426,000</b>

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 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants and associated technical assistance and administrative costs to foster collaborative partnerships that expand child care capacity in communities. Eligible applicants include nonprofit organizations, school districts, educational service districts, and local governments. These funds may be expended only after the approval of the director of the department of commerce and must be used to support planning and activities that help communities address the shortage of child care, prioritizing partnerships serving in whole or in part areas identified as child care access deserts.

(2) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit organization located in the city of Vancouver that is the lead organization in a collaborative partnership to expand child care capacity in southwest Washington, for activities that will increase access to affordable, high-quality child care and help meet community needs.

**NEW SECTION. Sec. 134. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund—State Appropriation (FY 2024) .....	\$930,000
General Fund—State Appropriation (FY 2025) .....	\$983,000
Lottery Administrative Account—State Appropriation	\$50,000

TOTAL APPROPRIATION.....	\$1,963,000
<b>NEW SECTION. Sec. 135. FOR THE OFFICE OF FINANCIAL MANAGEMENT</b>	
General Fund—State Appropriation (FY 2024)....	\$18,941,000
General Fund—State Appropriation (FY 2025)....	\$19,514,000
General Fund—Federal Appropriation .....	\$38,673,000
General Fund—Private/Local Appropriation.....	\$1,572,000
Climate Investment Account—State Appropriation ..	\$909,000
Climate Commitment Account—State Appropriation .....	\$4,485,000
Economic Development Strategic Reserve Account—State Appropriation.....	\$53,000
Personnel Service Account—State Appropriation	\$27,851,000
Higher Education Personnel Services Account—State Appropriation.....	\$1,899,000
Statewide Information Technology System Development Revolving Account—State Appropriation.....	\$167,332,000
Office of Financial Management Central Service Account—State Appropriation .....	\$26,354,000
Performance Audits of Government Account—State Appropriation.....	\$88,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation.....	\$656,000
TOTAL APPROPRIATION.....	\$308,327,000

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 Washington college grant and college bound recipients;
- (ii) Persistence and completion rates of Washington college grant recipients and college bound recipients, disaggregated by institution of higher education;
- (iii) Washington college grant recipients grade point averages; and
- (iv) Washington college grant and college bound scholarship program costs.

(b) The student achievement council shall submit student unit record data for state financial aid program applicants and recipients to the education data center.

(2)(a) \$167,332,000 of the statewide information technology system development revolving account—state appropriation, \$352,000 of the personnel services account—state appropriation, and \$326,000 of the office of financial management central services account—state appropriation are provided solely for the one Washington enterprise resource planning statewide program and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(b) Beginning July 1, 2023, the office of financial management shall provide written quarterly reports, within 30 days of the end of each fiscal quarter, to legislative fiscal committees and the legislative evaluation and accountability program committee to include how funding was spent compared to the budget spending plan for the prior quarter by fiscal month and what the ensuing quarter budget will be by fiscal month. All reporting must be separated by phase of one Washington subprojects. The written report must also include:

- (i) A list of quantifiable deliverables accomplished and the associated expenditures by each deliverable by fiscal month;

(ii) A report on the contract full-time equivalent charged compared to the budget spending plan by month for each contracted vendor and what the ensuing contract equivalent budget spending plan assumes by fiscal month;

(iii) A report identifying each state agency that applied for and received organizational change management pool resources, the staffing equivalent used, and the cost by fiscal month by agency compared to budget spending plan;

(iv) A report identifying each state agency that applied for and received technology pool resources, the staffing equivalent used, and the cost by fiscal month by agency compared to the budget spending plan;

(v) A report on budget spending plan by fiscal month by phase compared to actual spending by fiscal month; and

(vi) A report on current financial office performance metrics that at least 10 state agencies use, to include the monthly performance data, starting July 1, 2023.

(3) \$250,000 of the office of financial management central services account—state appropriation is provided solely for a dedicated information technology budget staff for the work associated with statewide information technology projects that are under the oversight of the office of the chief information officer. The staff will be responsible for providing a monthly financial report after each fiscal month close to fiscal staff of the senate ways and means and house appropriations committees to reflect at least:

- (a) Fund balance of the information technology pool account after each fiscal month close;
- (b) Amount by information technology project, differentiated if in the technology pool or the agency budget, of what funding has been approved to date and for the last fiscal month;
- (c) Amount by agency of what funding has been approved to date and for the last fiscal month;
- (d) Total amount approved to date, differentiated if in the technology pool or the agency budget, and for the last fiscal month;
- (e) A projection for the information technology pool account by fiscal month through the 2023-2025 fiscal biennium close, and a calculation spent to date as a percentage of the total appropriation;
- (f) A projection of each information technology project spending compared to budget spending plan by fiscal month through the 2023-2025 fiscal biennium, and a calculation of amount spent to date as a percentage of total project cost; and
- (g) A list of agencies and projects that have not yet applied for nor been approved for funding by the office of financial management.

(4) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of chapter 245, Laws of 2022 (state boards, etc./stipends).

(5) \$137,000 of the climate investment account—state appropriation is provided solely for the office of financial management to complete an analysis of laws regulating greenhouse gas emissions as required by RCW 70A.65.200(10).

(6) \$3,060,000 of the general fund—federal appropriation and \$4,485,000 of the climate commitment account—state appropriation are provided solely for implementation of Second Substitute House Bill No. 1176 (climate-ready communities). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse. A minimum of 60 percent of climate service corps positions created pursuant to the bill shall be provided to members of vulnerable populations in overburdened communities as defined in RCW 70A.65.010, the climate commitment act.

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(7) 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.

(8) \$277,000 of the office of financial management central services account—state appropriation is provided solely for implementation of House Bill No. 1679 (student homelessness group). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(9) Within existing resources, the office of financial management shall convene a work group with the goal to improve the state salary survey and provide employees with a voice in the process. The work group shall consist of five employees from the office of financial management, five representatives from employee labor organizations to act as a coalition on behalf of all labor organizations representing state employees, and one chairperson appointed by the director of the office of financial management, to share information and identify concerns with the state salary survey and benchmark job descriptions. By December 31, 2023, the work group shall provide a report of identified concerns to the fiscal and state government committees of the legislature and the director of the office of financial management.

(10) \$772,000 of the climate investment account—state appropriation is provided solely for the office to develop a data portal to improve public understanding of expenditures from climate commitment act accounts. The development of the data portal must be coordinated with the department of ecology and the expenditure tracking process described in section 302(13) of this act. "Climate commitment act accounts" means the carbon emissions reduction account created in RCW 70A.65.240, the climate commitment account created in RCW 70A.65.260, the natural climate solutions account created in RCW 70A.65.270, the climate investment account created in RCW 70A.65.250, the air quality and health disparities improvement account created in RCW 70A.65.280, the climate transit programs account created in RCW 46.68.500, and the climate active transportation account created in RCW 46.68.490.

(11)(a) \$410,000 of the general fund—state appropriation for fiscal year 2024 and \$615,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to establish a difficult to discharge task force to oversee a pilot program and make recommendations about how to address challenges faced with discharging patients from acute care settings and postacute care capacity by July 1, 2023.

(b) The task force shall consist of six members, one from each of the following:

- (i) The governor's office;
- (ii) The health care authority;
- (iii) The department of social and health services;
- (iv) The Washington state hospital association;
- (v) Harborview medical center; and
- (vi) Postacute care provider organizations.

(c) In consultation with stakeholder groups, the governor's office will identify task force members.

(d) The task force shall provide recommendations to the governor and appropriate committees of the legislature on topics including, but not limited to:

- (i) Pilot program implementation and evaluation and recommendations for statewide implementation;
- (ii) Available funding mechanisms;
- (iii) Postacute care and administrative day rates;
- (iv) Managed care contracting; and

(v) Legal, regulatory, and administrative barriers to discharge.

(e) The task force shall consult with stakeholders with relevant expertise to inform recommendations, including the health care authority, the department of social and health services, hospitals, postacute care providers, and medicaid managed care organizations.

(f) The task force may assemble ad hoc subgroups of stakeholders as necessary to complete its work.

(g) The task force and its operations, including any associated ad hoc subgroups, will be organized and facilitated by the University of Washington through October 31, 2023. Beginning November 1, 2023, the office shall identify a contractor to undertake the following responsibilities, with oversight from the task force:

- (i) Organization and facilitation of the task force, including any associated subgroups;
- (ii) Management of task force process to ensure deliverables, including report writing;
- (iii) Oversight of the launch of a three-site, two-year pilot project based on a model created by Harborview medical center by November 1, 2023; and
- (iv) Coordination of pilot implementation, associated reports, and deliverables.

(h) The task force shall provide recommendations to the governor and appropriate committees of the legislature outlining its initial recommendations by November 1, 2023. A report outlining interim recommendations and findings shall be provided by July 1, 2024, and a final report shall be provided by July 1, 2025.

(12)(a) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a joint legislative and executive committee on behavioral health, with members as provided in this subsection:

- (i) The president of the senate shall appoint three legislative members, including a chair of a senate committee that includes behavioral health within its jurisdiction and a member of the children and youth behavioral health work group;
- (ii) The speaker of the house of representatives shall appoint three legislative members, including a chair of a house committee that includes behavioral health within its jurisdiction and a member of the children and youth behavioral health work group;
- (iii) The governor or his or her designee;
- (iv) The secretary of the department of social and health services or his or her designee;
- (v) The director of the health care authority or his or her designee;
- (vi) The insurance commissioner or his or her designee;
- (vii) The secretary of the department of health or his or her designee; and
- (viii) The secretary of the department of children, youth, and families or his or her designee;
- (ix) Other agency directors or designees as necessary; and
- (x) Two individuals representing the interests of individuals living with behavioral health conditions.

(b)(i) The committee must convene by September 1, 2023, and shall meet at least quarterly. Cochairs shall be one legislative member selected by members of the committee at the first meeting and the representative of the governor's office. All meetings are open to the public.

(ii) The office of financial management shall contract or hire dedicated staff to facilitate and provide staff support to the nonlegislative members and for facilitation and project management support of the committee. Senate committee services and the house of representatives office of program

research shall provide staff support to the legislative members of the committee. The contractor shall support the work of all members of the committee, legislative and nonlegislative.

(iii) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives, and the office of financial management. Committee expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. 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.

(c) The purpose of the committee is to identify key strategic actions to improve access to behavioral health services, by conducting at least, but not limited to, the following tasks:

(i) Establishing a profile of Washington's current population and its behavioral health needs and a projection of population growth and anticipated need through 2028;

(ii) Establishing an inventory of existing and anticipated behavioral health services and supports for adults, children, and youth, including health care providers and facilities;

(iii) Assessing the areas of the current system where additional support is needed for Washington's current population;

(iv) Establishing an anticipated inventory of future services and supports that will be required to meet the behavioral health needs of the population in 2028 and beyond with a specific emphasis on prevention, early intervention, and home or community-based capacity designed to reduce reliance on emergency, criminal legal, crisis, and involuntary services;

(v) Reviewing the integrated care initiative on access to timely and appropriate behavioral health services for individuals with acute behavioral health needs; and

(vi)(A) Developing a strategy of actions that the state may take to prepare for the future demographic trends in the population and building the necessary capacity to meet these demands, including but not limited to:

(I) Exploring the role that education, housing and homelessness response systems, the criminal legal system, primary health care, and insurance systems have in the identification and treatment of behavioral health issues;

(II) Evaluating behavioral health workforce demand and workforce education, training, and continuing education requirements; and

(III) Statutory and regulatory changes to promote the most efficient use of resources, such as simplifying administrative procedures, facilitating access to services and supports systems, and improving transitions between care settings.

(B) Strategies must:

(I) Be based on explicit and measurable actions;

(II) Identify what must be done, by whom, and by when to assure implementation;

(III) Estimate a cost to the party responsible for implementation;

(IV) Recommend specific fiscal strategies that rely predominately on state and federal funding;

(V) Include recommendations for needed and appropriate additional caseload forecasting for state-funded behavioral health services; and

(VI) Incorporate and reconcile, where necessary, recommendations from past and current behavioral health work groups created by the legislature and network adequacy standards established by the health care authority.

(d) The committee shall incorporate input from the office of the insurance commissioner, the caseload forecast council, the health care authority, and other appropriate entities with specialized knowledge of the needs and growth trends of the population and

people with behavioral health issues. In the conduct of its business, the committee shall have access, upon request, to health-related data available to state agencies by statute, as allowed by state and federal law. All requested data or other relevant information maintained by an agency shall be provided in a timely manner.

(e) The committee shall submit a sustainable five-year plan to substantially improve access to behavioral health for all Washington residents to the governor, the office of financial management, and the legislature by June 1, 2025.

(13) The office of financial management must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(14) \$100,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the office of financial management to collect information from all state agencies and institutions of higher education on expenditures for diversity, equity, and inclusion programs and initiatives, including on staffing for such programs and initiatives, in the most recent fiscal year for which data is available. The office of financial management must compile the information into a report and submit the report to the appropriate legislative committees no later than January 1, 2024.

**NEW SECTION. Sec. 136. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Account—State	
Appropriation .....	\$65,489,000
Administrative Hearings Revolving Account—Local	
Appropriation .....	\$12,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$65,501,000</b>

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

(1) \$40,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1491 (employee personal vehicles). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(2) \$61,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1762 (warehouse employees). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 137. FOR THE WASHINGTON STATE LOTTERY**

Lottery Administrative Account—State	Appropriation
.....	\$31,146,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$31,146,000</b>

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.

**NEW SECTION. Sec. 138. FOR THE COMMISSION ON HISPANIC AFFAIRS**

General Fund—State Appropriation (FY 2024) .....	\$1,794,000
General Fund—State Appropriation (FY 2025) .....	\$1,849,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$3,643,000</b>

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

(1)(a) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the

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commission to engage a contractor to:

(i) Conduct a detailed analysis of the opportunity gap for Hispanic and Latinx students;

(ii) Develop recommendations for continuing efforts to close the educational opportunity gap while meeting the state's academic achievement indicators as identified in the state's every student succeeds act consolidated plan; and

(iii) Identify performance measures to monitor adequate yearly progress.

(b) The contractor shall submit a study update by December 1, 2024, and submit a final report by June 30, 2025, to the educational opportunity gap oversight and accountability committee, the governor, the superintendent of public instruction, the state board of education, and the education committees of the legislature.

(2) \$187,000 of the general fund—state appropriation for fiscal year 2024 and \$395,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a two-year pilot program for gang reentry navigators in Skagit and Clark counties.

(3) \$210,000 of the general fund—state appropriation for fiscal year 2024 and \$210,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a two-year pilot program for gang youth intervention specialists within two high schools in Washington.

**NEW SECTION. Sec. 139. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

General Fund—State Appropriation (FY 2024)..... \$631,000

General Fund—State Appropriation (FY 2025)..... \$634,000

TOTAL APPROPRIATION..... \$1,265,000

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

(1)(a) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the commission to engage a contractor to:

(i) Conduct a detailed analysis of the opportunity gap for African American and Black students;

(ii) Develop recommendations for continuing efforts to close the educational opportunity gap while meeting the state's academic achievement indicators, as identified in the state's every student succeeds act consolidated plan; and

(iii) Identify performance measures to monitor adequate yearly progress.

(b) The contractor shall submit a study update by December 1, 2024, and submit a final report by June 30, 2025, to the educational opportunity gap oversight and accountability committee, the governor, the superintendent of public instruction, the state board of education, and the education committees of the legislature.

**NEW SECTION. Sec. 140. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS**

General Fund—State Appropriation (FY 2024)..... \$387,000

Department of Retirement Systems Expense Account—

State Appropriation..... \$109,880,000

TOTAL APPROPRIATION..... \$110,267,000

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

(1) \$31,491,000 of the department of retirement systems expense account—state appropriation is provided solely for pension system modernization, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(2) \$1,058,000 of the department of retirement systems expense account—state appropriation is provided solely for implementation of Substitute House Bill No. 1056 (postretirement employment). If the bill is not enacted by June 30,

2023, the amount provided in this subsection shall lapse.

(3) \$143,000 of the department of retirement systems expense account—state appropriation is provided solely for implementation of Substitute House Bill No. 1007 (military service credit). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(4) \$199,000 of the department of retirement systems expense account—state appropriation is provided solely for implementation of House Bill No. 1055 (public safety telecommunications). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(5) \$536,000 of the department of retirement systems expense account—state appropriation is provided solely for implementation of House Bill No. 1481 (tribal peace officers/LEOFF). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF REVENUE**

General Fund—State Appropriation (FY 2024) ..\$426,008,000

General Fund—State Appropriation (FY 2025) ..\$427,691,000

Timber Tax Distribution Account—State Appropriation .....

..... \$7,736,000

Business License Account—State Appropriation..\$18,785,000

Waste Reduction, Recycling, and Litter Control

Account—State Appropriation..... \$174,000

Model Toxics Control Operating Account—State

Appropriation .....

..... \$120,000

Financial Services Regulation Account—State

Appropriation .....

..... \$5,000,000

TOTAL APPROPRIATION .....

.....\$885,514,000

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

(1) \$3,952,000 of the general fund—state appropriation for fiscal year 2024 and \$2,621,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of chapter 196, Laws of 2021 (capital gains tax). Of the amounts provided in this subsection, \$2,497,000 of the general fund—state appropriation for fiscal year 2024 and \$1,389,000 of the general fund—state appropriation for fiscal year 2025 are subject to the conditions, limitations, and review requirements of section 701 of this act.

(2) \$249,199,000 of the general fund—state appropriation for fiscal year 2024 and \$257,924,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 195, Laws of 2021 (working families tax exempt.). Of the total amounts provided in this subsection:

(a) \$14,199,000 of the general fund—state appropriation for fiscal year 2024 and \$9,924,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for IT implementation and administration of the working families tax exemption program. Of the amounts provided in this subsection, \$5,865,000 of the general fund—state appropriation for fiscal year 2024 and \$3,136,000 of the general fund—state appropriation for fiscal year 2025 are subject to the conditions, limitations, and review requirements of section 701 of this act; and

(b) \$235,000,000 of the general fund—state appropriation for fiscal year 2024 and \$248,000,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for remittances under the working families tax exemption program.

(3) \$2,614,000 of the general fund—state appropriation for fiscal year 2024 and \$762,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to implement 2023 revenue legislation.

(4) \$3,639,000 of the general fund—state appropriation for



fiscal year 2024 and \$3,582,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1477 (working families' tax credit). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(5) \$48,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Engrossed Substitute House Bill No. 1175 (petroleum storage tanks). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(6) \$19,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of House Bill No. 1303 (property tax administration). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 142. FOR THE BOARD OF TAX APPEALS**

General Fund—State Appropriation (FY 2024).....	\$2,668,000
General Fund—State Appropriation (FY 2025).....	\$2,640,000
TOTAL APPROPRIATION.....	\$5,308,000

**NEW SECTION. Sec. 143. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

General Fund—State Appropriation (FY 2024).....	\$4,457,000
General Fund—State Appropriation (FY 2025).....	\$4,404,000
Minority and Women's Business Enterprises Account— State Appropriation.....	\$5,575,000
TOTAL APPROPRIATION.....	\$14,436,000

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

(1) The office of minority and women's business enterprises shall consult with the Washington state office of equity on the Washington state toolkit for equity in public spending.

(2) \$941,000 of the general fund—state appropriation for fiscal year 2024 and \$900,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to expand its outreach and communications department.

(3) \$410,000 of the general fund—state appropriation for fiscal year 2024 and \$401,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to establish a department of strategy, accountability, and performance.

(4) \$848,000 of the general fund—state appropriation for fiscal year 2024 and \$848,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to implement, maintain, and operate its access equity system, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(5) \$24,000 of the general fund—state appropriation for fiscal year 2024 and \$25,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1391 (energy in buildings). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 144. FOR THE INSURANCE COMMISSIONER**

General Fund—Federal Appropriation .....	\$4,684,000
Insurance Commissioner's Regulatory Account—State Appropriation.....	\$72,117,000
Insurance Commissioner's Fraud Account—State Appropriation.....	\$4,042,000
TOTAL APPROPRIATION.....	\$80,843,000

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

(1) \$63,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of House Bill No. 1120 (annuity transactions). If

the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(2) \$190,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of Substitute House Bill No. 1266 (insurance comnr./email). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(3) \$59,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1151 (fertility services coverage). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(4) \$66,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1222 (hearing instruments coverage). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(5) \$25,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of House Bill No. 1061 (insurance producer education). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(6) \$14,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of Substitute House Bill No. 1060 (mutual insurer reorg.). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(7) \$132,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1357 (prior authorization). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(8)(a) \$250,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for an analysis of how health plans define, cover, and reimburse for maternity care services, including prenatal, delivery, and postpartum care. The commissioner shall:

(i) Obtain necessary information regarding health plans offered by carriers with more than one percent accident and health market share based upon the commissioner's most recent annual market information report and health plans offered to public employees under chapter 41.05 RCW to evaluate:

(A) How health plan benefit designs define maternity care services;

(B) Whether and to what extent maternity care services are subject to deductibles and other cost-sharing requirements;

(C) Which maternity care services are considered preventive services under section 2713 of the federal public health service act and are therefore exempt from cost sharing;

(D) The five most used maternity care reimbursement methodologies used by each carrier; and

(E) With respect to reimbursement methodologies that bundle payment for maternity care services, which specific services are included in the bundled payment;

(ii) Estimate the total and per member per month impact on health plan rates of eliminating cost sharing for maternity care services in full, or for prenatal care only, for the following markets:

(A) Individual health plans other than Cascade select plans;

(B) Cascade select health plans;

(C) Small group health plans;

(D) Large group health plans;

(E) Health plans offered to public employees under chapter 41.05 RCW; and

(F) All health plans in the aggregate; and

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(iii) Submit a report on the findings and cost estimate to the appropriate committees of the legislature by July 1, 2024.

(b) The commissioner may contract for all or a portion of the analysis required in this subsection.

**NEW SECTION. Sec. 145. FOR THE STATE INVESTMENT BOARD**

State Investment Board Expense Account—State	
Appropriation.....	\$80,208,000
TOTAL APPROPRIATION.....	\$80,208,000

**NEW SECTION. Sec. 146. FOR THE LIQUOR AND CANNABIS BOARD**

General Fund—State Appropriation (FY 2024).....	\$741,000
General Fund—State Appropriation (FY 2025).....	\$768,000
General Fund—Federal Appropriation.....	\$3,111,000
General Fund—Private/Local Appropriation.....	\$75,000
Dedicated Cannabis Account—State Appropriation (FY 2024) .....	\$13,453,000
Dedicated Cannabis Account—State Appropriation (FY 2025) .....	\$13,862,000
Liquor Revolving Account—State Appropriation .....	\$118,153,000
TOTAL APPROPRIATION.....	\$150,163,000

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 cannabis excise tax levied by RCW 69.50.535. The liquor and cannabis board may allow a waiver to the electronic payment requirement for good cause as provided by rule.

(2) Of the liquor revolving account—state appropriation, \$35,278,000 is provided solely for the modernization of regulatory systems and are subject to the conditions, limitations, and review requirements of section 701 of this act.

(3) \$225,000 of the liquor revolving account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1731 (short-term rentals/liquor). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 147. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

General Fund—State Appropriation (FY 2024).....	\$1,673,000
General Fund—State Appropriation (FY 2025).....	\$1,576,000
Public Service Revolving Account—State Appropriation .....	\$64,469,000
Public Service Revolving Account—Federal Appropriation.....	\$100,000
Pipeline Safety Account—State Appropriation .....	\$3,612,000
Pipeline Safety Account—Federal Appropriation ..	\$3,283,000
Climate Commitment Account—State Appropriation	\$540,000
TOTAL APPROPRIATION.....	\$75,253,000

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 provided solely 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) \$100,000 of the public service revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1032 (wildfires/electric utilities). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(3) \$67,000 of the public service revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(4) \$57,000 of the public service revolving account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1329 (utility shutoffs/heat). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(5) \$472,000 of the general fund—state appropriation for fiscal year 2024 and \$375,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1589 (clean energy). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(6) The commission must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(7) Communications providers receiving a distribution pursuant to RCW 80.36.650 must provide to the commission detailed compensation information for officers, directors, and the five highest compensated employees. The compensation information must include all monetary and non-monetary compensation, from whatever source derived, including, but not limited to, salary, stipends, health and welfare benefits, retirement benefits, expense accounts, deferred compensation, stock options, and fringe benefits. The commission must compile this information into a report and submit it to the appropriate committees of the legislature by June 30, 2024.

**NEW SECTION. Sec. 148. FOR THE MILITARY DEPARTMENT**

General Fund—State Appropriation (FY 2024)....	\$14,905,000
General Fund—State Appropriation (FY 2025)....	\$15,132,000
General Fund—Federal Appropriation.....	\$143,408,000
911 Account—State Appropriation.....	\$54,127,000
Disaster Response Account—State Appropriation	\$62,040,000
Disaster Response Account—Federal Appropriation .....	\$1,184,554,000
Military Department Rent and Lease Account—State Appropriation .....	\$1,009,000
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 .....	\$1,957,000
Natural Climate Solutions Account—State Appropriation .....	\$113,000
TOTAL APPROPRIATION .....	\$1,478,685,000

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

(1) The military department shall submit a report to the office of financial management and the legislative fiscal committees by February 1st and October 31st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2023-2025 fiscal biennium based on current revenue and expenditure patterns.

(2) \$40,000,000 of the general fund—federal appropriation is provided solely for homeland security, subject to the following conditions: Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards

set by the Washington state interoperability executive committee.

(3) \$11,000,000 of the enhanced 911 account—state appropriation is provided solely for financial assistance to counties.

(4) \$784,000 of the disaster response account—state appropriation is provided solely for fire suppression training, equipment, and supporting costs to national guard soldiers and airmen.

(5) \$750,000 of the general fund—state appropriation for fiscal year 2024 and \$750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide a grant to Whatcom county for disaster relief and recovery activities in response to the November 2021 flooding and mudslides presidentially-declared disaster.

(6) \$3,292,000 of the disaster response account—state appropriation is provided solely for implementation of Substitute House Bill No. 1012 (extreme weather events). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(7) \$625,000 of the general fund—state appropriation for fiscal year 2024 and \$625,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1728 (statewide resiliency program). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(8) \$113,000 of the natural climate solutions account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1170 (climate response strategy). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(9) The department must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

**NEW SECTION. Sec. 149. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**

General Fund—State Appropriation (FY 2024).....	\$2,478,000
General Fund—State Appropriation (FY 2025).....	\$2,477,000
Personnel Service Account—State Appropriation..	\$4,586,000
Higher Education Personnel Services Account—State Appropriation.....	\$1,560,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$11,101,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$40,000 of the higher education personnel services account—state appropriation is provided solely for implementation of Substitute House Bill No. 1291 (academic employee bargaining). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 150. FOR THE BOARD OF ACCOUNTANCY**

Certified Public Accountants' Account—State Appropriation.....	\$4,542,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$4,542,000</b>

**NEW SECTION. Sec. 151. FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS**

Volunteer Firefighters' and Reserve Officers' Administrative Account—State Appropriation.....	\$3,474,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$3,474,000</b>

The appropriation in this section is subject to the following conditions and limitations: \$1,128,000 of the volunteer firefighters' and reserve officers' administrative account—state appropriation is provided solely for a benefits management system, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

**NEW SECTION. Sec. 152. FOR THE FORENSIC**

**INVESTIGATION COUNCIL**

Death Investigations Account—State Appropriation	\$819,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$819,000</b>

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

(1)(a) \$250,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

(b) Of the amounts provided in this subsection, \$30,000 of the death investigations account—state appropriation is provided solely for the Adams county crime lab to investigate a double homicide that occurred in fiscal year 2021.

(2) \$210,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in identifying human remains.

(3) Within the amount appropriated in this section, the forensic investigation council may enter into an interagency agreement with the department of enterprise services for the department to provide services related to public records requests, to include responding to, or assisting the council in responding to, public disclosure requests received by the council.

**NEW SECTION. Sec. 153. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

General Fund—State Appropriation (FY 2024) ....	\$14,820,000
General Fund—State Appropriation (FY 2025) ....	\$13,704,000
General Fund—Private/Local Appropriation .....	\$102,000
Building Code Council Account—State Appropriation .....	\$2,509,000
Electric Vehicle Incentive Account—State Appropriation .....	\$2,296,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$33,431,000</b>

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

(1) \$7,011,000 of the general fund—state appropriation for fiscal year 2024 and \$6,913,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the payment of facilities and services charges to include campus rent, parking, security, contracts, public and historic facilities, financial cost recovery, 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 have all of the same rights of occupancy and space use on the capitol campus as historically established.

(2) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have approval from the director of the department of enterprise services. Agencies that are exempted from the requirement are the Washington state patrol, Washington state department of transportation, and the department of natural resources.

(3) From the fee charged to master contract vendors, the department shall transfer to the office of minority and women's business enterprises in equal monthly installments \$1,500,000 in fiscal year 2024 and \$1,300,000 in fiscal year 2025.

(4) Within existing resources, the department, in collaboration

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with consolidated technology services, must provide a report to the governor and fiscal committees of the legislative by October 31 of each calendar year that reflects information technology contract information based on a contract snapshot from June 30 of that same calendar year, and must also include any contract that was active since July 1 of the previous calendar year. The department will coordinate to receive contract information for all contracts to include those where the department has delegated authority so that the report includes statewide contract information. The report must contain a list of all information technology contracts to include the agency name, contract number, vendor name, contract term start and end dates, contract dollar amount in total, and contract dollar amounts by state fiscal year. The report must also include, by contract, the contract spending projections by state fiscal year for each ensuing state fiscal year through the contract term, and note the type of service delivered. The list of contracts must be provided electronically in Excel and be sortable by all field requirements. The report must also include trend analytics on information technology contracts, and recommendations for reducing costs where possible.

(5) \$654,000 of the general fund—state appropriation for fiscal year 2024 and \$654,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department, in collaboration with the state efficiency and environmental performance program, to implement the zero emission vehicle strategy.

(6) \$2,671,000 of the general fund—state appropriation for fiscal year 2024 and \$2,671,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for zero emission electric vehicle supply equipment infrastructure at facilities to accommodate charging station installation. The electric vehicle charging equipment must allow for the collection of usage data and must be coordinated with the state efficiency and environmental performance program. The department must prioritize locations based on state efficiency and environmental performance location priorities, and at least where zero emission fleet vehicles are or are scheduled to be purchased. The department must report when and where the equipment was installed, usage data at each charging station, and the state agencies and facilities that benefit from the installation of the charging station to the fiscal committees of the legislature by June 30. The department shall collaborate with the interagency electric vehicle coordinating council to implement this subsection and must work to meet benchmarks established in chapter 182, Laws of 2022 (transportation resources).

(7) \$400,000 of the state building code council account—state appropriation is provided solely for additional staffing to support the state building code council's work regarding the Washington state energy code.

(8) \$137,000 of the general fund—state appropriation for fiscal year 2024 and \$136,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1167 (residential housing). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 154. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

General Fund—State Appropriation (FY 2024).....	\$3,711,000
General Fund—State Appropriation (FY 2025).....	\$3,664,000
General Fund—Federal Appropriation .....	\$2,843,000
General Fund—Private/Local Appropriation.....	\$14,000
Climate Commitment Account—State Appropriation.....	\$977,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$11,209,000</b>

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 2024 and \$103,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for archaeological determinations and excavations of inadvertently discovered skeletal human remains, and removal and reinterment of such remains when necessary.

(2) \$350,000 of the general fund—state appropriation for fiscal year 2024 and \$350,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington main street program.

(3) \$477,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(4) The department must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

**NEW SECTION. Sec. 155. FOR THE CONSOLIDATED TECHNOLOGY SERVICES AGENCY**

General Fund—State Appropriation (FY 2024).....	\$21,688,000
General Fund—State Appropriation (FY 2025).....	\$1,688,000
Consolidated Technology Services Revolving Account—	
State Appropriation .....	\$122,557,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$145,933,000</b>

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

(1) \$14,849,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of the chief information officer. Of this amount:

(a) \$2,000,000 of the consolidated technology services revolving account—state appropriation is provided solely for experienced information technology project managers to provide critical support to agency IT projects that are under oversight from the office of the chief information officer. The staff or vendors will:

(i) Provide master level project management guidance to agency IT stakeholders;

(ii) Consider statewide best practices from the public and private sectors, independent review and analysis, vendor management, budget and timing quality assurance and other support of current or past IT projects in at least Washington state and share these with agency IT stakeholders and legislative fiscal staff at least twice annually and post these to the statewide IT dashboard; and

(iii) Provide independent recommendations to legislative fiscal committees by December of each calendar year on oversight of IT projects to include opportunities for accountability and performance metrics.

(b) \$2,960,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of privacy and data protection.

(c) \$2,226,000 of the consolidated technology services agency revolving account—state appropriation is provided solely for the enterprise data management pilot project, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(2) \$16,896,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security.

(3) The consolidated technology services agency shall work with customer agencies using the Washington state electronic records vault (WASERV) to identify opportunities to:

(a) Reduce storage volumes and costs associated with vault

records stored beyond the agencies' record retention schedules; and

(b) Assess a customized service charge as defined in chapter 304, Laws of 2017 for costs of using WASERV to prepare data compilations in response to public records requests.

(4)(a) In conjunction with the office of the chief information officer's prioritization of proposed information technology expenditures, agency budget requests for proposed information technology expenditures must include the following:

(i) The agency's priority ranking of each information technology request;

(ii) The estimated cost by fiscal year and by fund for the current biennium;

(iii) The estimated cost by fiscal year and by fund for the ensuing biennium;

(iv) The estimated total cost for the current and ensuing biennium;

(v) The total cost by fiscal year, by fund, and in total, of the information technology project since it began;

(vi) The estimated cost by fiscal year and by fund over all biennia through implementation and close out and into maintenance and operations;

(vii) The estimated cost by fiscal year and by fund for service level agreements once the project is implemented;

(viii) The estimated cost by fiscal year and by fund for agency staffing for maintenance and operations once the project is implemented; and

(ix) The expected fiscal year when the agency expects to complete the request.

(b) The office of the chief information officer and the office of financial management may request agencies to include additional information on proposed information technology expenditure requests.

(5) The consolidated technology services agency must not increase fees charged for existing services without prior approval by the office of financial management. The agency may develop fees to recover the actual cost of new infrastructure to support increased use of cloud technologies.

(6) Within existing resources, the agency must provide oversight of state procurement and contracting for information technology goods and services by the department of enterprise services.

(7) Within existing resources, the agency must host, administer, and support the state employee directory in an online format to provide public employee contact information.

(8) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.

(9) \$4,525,000 of the consolidated technology services revolving account—state appropriation is provided solely for the creation and ongoing delivery of information technology services

tailored to the needs of small agencies. The scope of services must include, at a minimum, full-service desktop support, service assistance, security, and consultation.

(10) \$75,935,000 of the consolidated technology services revolving account—state appropriation is provided solely for the procurement and distribution of Microsoft 365 licenses which must include advanced security features and cloud-based private branch exchange capabilities for state agencies. The office must report annually to fiscal committees of the legislature each December 31, on the count and type of licenses distributed by consolidated technology services to each state agency. The report must also separately report on the count and type of Microsoft 365 licenses that state agencies have in addition to those that are distributed by consolidated technology services so that the total count, type of license, and cost is known for statewide Microsoft 365 licenses.

(11)(a) The statewide information technology dashboard elements must include, at a minimum, the:

(i) Start date of the project;

(ii) End date of the project, when the project will close out and implementation will commence;

(iii) Term of the project in state fiscal years across all biennia to reflect the start of the project through the end of the project;

(iv) Total project cost from start date through the end date of the project in total dollars, and a subtotal of near general fund outlook;

(v) Near general fund outlook budget and actual spending in total dollars and by fiscal month for central service agencies that bill out project costs;

(vi) Start date of maintenance and operations;

(vii) Estimated annual state fiscal year cost of maintenance and operations after implementation and close out;

(viii) Actual spending by state fiscal year and in total for state fiscal years that have closed;

(ix) Date a feasibility study was completed; and

(x) A list of funding received by fiscal year by enacted session law, and how much was received citing chapter law as a list of funding provided by fiscal year.

(b) The office of the chief information officer may recommend additional elements to include but must have agreement with legislative fiscal committees and the office of financial management prior to including additional elements.

(c) The agency must ensure timely posting of project data on the statewide information technology dashboard for at least each project funded in the budget and under oversight to include, at a minimum, posting on the dashboard:

(i) The budget funded level by project for each project under oversight within 30 calendar days of the budget being signed into law;

(ii) The project historical expenditures through completed fiscal years by December 31; and

(iii) Whether each project has completed a feasibility study.

(12) Within existing resources, consolidated technology services must collaborate with the department of enterprise services on the annual contract report that provides information technology contract information. Consolidated technology services will:

(a) Provide data to the department of enterprise services annually by September 1 of each year; and

(b) Provide analysis on contract information for all agencies comparing spending across state fiscal years by, at least, the contract spending towers.

(13) \$8,666,000 of the consolidated technology services revolving account—state appropriation is provided solely for implementation of the enterprise cloud computing program as

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outlined in the December 2020 Washington state cloud readiness report. Funding provided includes, but is not limited to, cloud service broker resources, cloud center of excellence, cloud management tools, a network assessment, cybersecurity governance, and a cloud security roadmap.

(14) \$3,498,000 of the consolidated technology services revolving account—state appropriation is provided solely for the implementation of the recommendations of the cloud transition task force report to include:

(a) A cloud readiness program to help agencies plan and prepare for transitioning to cloud computing;

(b) A cloud retraining program to provide a coordinated approach to skills development and retraining; and

(c) Staffing to define career pathways and core competencies for the state's information technology workforce.

(15) \$1,500,000 of the general fund—state appropriation for fiscal year 2024 and \$1,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for innovative technology solutions and modernization of legacy systems within state government. This funding is to be used for projects at other state agencies to improve the health of the state's overall information technology portfolio. Submitted projects are subject to review and approval by the technology services board as established in RCW 43.105.285. The agency must report to the office of financial management and the fiscal committees of the legislature within 90 days of the close of fiscal year 2024 with the following information to measure the quantity of projects considered for this purpose and use of this funding:

(a) The agency name, project name, estimated time duration, estimated cost, and technology service board recommendation result of each project submitted for funding;

(b) The actual length of time and cost of the projects approved by the technology services board, from start to completion; and

(c) Any other information or metric the agency determines is appropriate to measure the quantity and use of the funding in this subsection.

(16) \$20,000,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the electronic health records project. Of these amounts:

(a) \$5,000,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the office to develop a statewide electronic health records plan, in coordination with the department of social and health services, department of corrections, and health care authority. Each agency must provide staff support for developing the statewide electronic health records plan and staff support may be paid for with these funds. The purpose of the plan is to implement a common technology solution to leverage shared business processes and data across the state in support of client services.

(b) The statewide electronic health records plan must include, but is not limited to, the following elements:

(i) A proposed governance model for the electronic health records solution;

(ii) An implementation plan for the technology solution;

(iii) Estimated budget and resources needed to implement the electronic health records solution across the state, including fund sources;

(iv) A licensing plan and procurement approach, in consultation with the department of enterprise services;

(v) A recommended program structure for implementing a statewide electronic health records solution;

(vi) A list of individual state agency projects that will need to be executed within the electronic health records program in order to implement a statewide electronic health records solution;

(vii) The process for agencies to request funding from the

consolidated technology services for their electronic health records projects; and

(viii) The approval criteria for agencies to receive funds for their electronic health records project.

(c) The plan must be approved by the office of financial management and the technology services board established in RCW 43.105.285. The plan must be submitted to the office of financial management and the technology services board by December 31, 2023.

(d) \$15,000,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for agency electronic health record projects in accordance with the approved statewide electronic health record plan. Agencies must submit their proposed electronic health records projects to consolidated technology services for approval. When an agency project is approved, consolidated technology services will transfer the funds to the agency to execute their electronic health records project. Projects funded under this subsection (16)(d) are subject to the conditions, limitations, and review requirements of section 701 of this act.

**NEW SECTION. Sec. 156. FOR THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

Professional Engineers' Account—State Appropriation ..... \$4,460,000  
TOTAL APPROPRIATION ..... \$4,460,000

**NEW SECTION. Sec. 157. FOR THE WASHINGTON STATE LEADERSHIP BOARD**

Washington State Leadership Board Account—State Appropriation ..... \$1,933,000  
TOTAL APPROPRIATION ..... \$1,933,000

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

(1) \$187,000 of the Washington state leadership board account—state appropriation is provided solely for implementation of chapter 96, Laws of 2022 (WA state leadership board).

(2) \$1,500,000 of the Washington state leadership board account—state appropriation is provided solely for implementing programming in RCW 43.15.030, and specifically the Washington world fellows program, sports mentoring program/boundless Washington, compassion scholars, and the Washington state leadership awards.

**PART II  
HUMAN SERVICES**

**NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal

moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(4) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in the health care authority. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(5) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department of social and health services are subject to technical oversight by the office of the chief information officer.

(6)(a) The department shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the department and its contractors. Prior to open enrollment, the department shall coordinate with the health care authority to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(b) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The department shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for public assistance benefits.

(7) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources,

support the adoption of a cohesive technology and data architecture, and maximize federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

**NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM**

General Fund—State Appropriation (FY 2024) ..	\$552,337,000
General Fund—State Appropriation (FY 2025) ..	\$625,662,000
General Fund—Federal Appropriation .....	\$143,400,000
General Fund—Private/Local Appropriation .....	\$10,732,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$1,332,131,000</b>

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

(1) 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.

(2) \$311,000 of the general fund—state appropriation for fiscal year 2024 and \$311,000 of the general fund—state appropriation for fiscal year 2025 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 are for the salaries, benefits, supplies, and equipment for the city of Lakewood to produce incident and police response reports, investigate potential criminal conduct, assist with charging consultations, liaison between staff and prosecutors, provide staff training on criminal justice procedures, assist with parking enforcement, and attend meetings with hospital staff.

(3) \$45,000 of the general fund—state appropriation for fiscal year 2024 and \$45,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(4) \$19,000 of the general fund—state appropriation for fiscal year 2024 and \$19,000 of the general fund—state appropriation for fiscal year 2025 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.

(5) \$135,000 of the general fund—state appropriation for fiscal year 2024 and \$135,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to maintain an on-site safety compliance officer, stationed at western state hospital, to provide oversight and accountability of the hospital's response to safety concerns regarding the hospital's work environment.

(6) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to track compliance with the requirements of RCW 71.05.365 for transition of state hospital patients into community settings within 14 days of the determination that they no longer require active psychiatric treatment at an inpatient level of care. The department must use these amounts to track the following elements related to this requirement: (a) The date on which an individual is determined to no longer require active psychiatric treatment at an inpatient level of care; (b) 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 (c) the date on which either the individual is transitioned to the community or has been reevaluated and determined to again require active psychiatric treatment at an inpatient level of care. The department must provide this

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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 14 day standard by December 1, 2023, and December 1, 2024.

(7) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 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.

(a) By the first day of each December during the fiscal biennium, the department, in coordination with the health care authority, must submit a report to the office of financial management and the appropriate committees of the legislature that summarizes how the predictive modeling tool has been implemented and includes the following: (i) The number of individuals identified by the tool as having a high risk of future criminal justice involvement; (ii) the method and frequency for which the department is providing lists of high-risk clients to contracted managed care organizations and behavioral health administrative services organizations; (iii) a summary of how the managed care organizations and behavioral health administrative services organizations are utilizing the data to improve the coordination of care for the identified individuals; and (iv) a summary of the administrative data to identify whether implementation of the tool is resulting in increased access and service levels and lower recidivism rates for high-risk clients at the state and regional level.

(b) The department must provide staff support for the forensic and long-term civil commitment bed forecast which must be conducted under the direction of the office of financial management. The forecast methodology, updates, and methodology changes must be conducted in coordination with staff from the department, the health care authority, the office of financial management, and the appropriate fiscal committees of the state legislature. The model shall incorporate factors for capacity in state hospitals as well as contracted facilities, which provide similar levels of care, referral patterns, wait lists, lengths of stay, and other factors identified as appropriate for estimating the number of beds needed to meet the demand for civil and forensic state hospital services. Factors should include identification of need for the services and analysis of the effect of community investments in behavioral health services and other types of beds that may reduce the need for long-term civil commitment needs. The forecast must be updated each February, June, and November during the fiscal biennium and the department must submit a report to the legislature and the appropriate committees of the legislature summarizing the updated forecast based on the caseload forecast council's schedule for entitlement program forecasts.

(8) \$9,119,000 of the general fund—state appropriation for fiscal year 2024 and \$9,145,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The department, in collaboration with the health care authority and the criminal justice training commission, must implement the provisions of the settlement

agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, forensic navigators, crisis diversion and supports, education and training, and workforce development.

(9) \$7,147,000 of the general fund—state appropriation for fiscal year 2024 and \$7,147,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to maintain implementation of efforts to improve the timeliness of competency evaluation services for individuals who are in local jails pursuant to chapter 5, Laws of 2015 (timeliness of competency treatment and evaluation services). This funding must be used solely to maintain increases in the number of competency evaluators that began in fiscal year 2016 pursuant to the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP.

(10) \$71,690,000 of the general fund—state appropriation for fiscal year 2024 and \$77,825,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of efforts to improve the timeliness of competency restoration services pursuant to chapter 5, Laws of 2015 (timeliness of competency treatment and evaluation services) and the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. These amounts must be used to maintain increases that were implemented between fiscal year 2016 and fiscal year 2021, and further increase the number of forensic beds at western state hospital during the 2023-2025 fiscal biennium. Pursuant to chapter 7, Laws of 2015 1st sp. sess. (timeliness of competency treatment and evaluation services), the department may contract some of these amounts for services at alternative locations if the secretary determines that there is a need.

(11) \$84,483,000 of the general fund—state appropriation for fiscal year 2024, \$77,343,000 of the general fund—state appropriation for fiscal year 2025, and \$1,042,000 of the general fund—federal appropriation are provided solely for the department to continue to implement an acuity based staffing tool at western state hospital and eastern state hospital in collaboration with the hospital staffing committees. The staffing tool must be used to identify, on a daily basis, the clinical acuity on each patient ward and determine the minimum level of direct care staff by profession to be deployed to meet the needs of the patients on each ward. The department must evaluate interrater reliability of the tool within each hospital and between the two hospitals. The department must also continue to update, in collaboration with the office of financial management's labor relations office, the staffing committees, and state labor unions, an overall state hospital staffing plan that looks at all positions and functions of the facilities.

(a) Within the amounts provided in this section, the department must establish, monitor, track, and report monthly staffing and expenditures at the state hospitals, including overtime and use of locums, to the functional categories identified in the recommended staffing plan. The allotments and tracking of staffing and expenditures must include all areas of the state hospitals, must be done at the ward level, and must include contracted facilities providing forensic restoration services as well as the office of forensic mental health services.

(b) By December 1, 2023, and December 1, 2024, the department must submit reports to the office of financial management and the appropriate committees of the legislature that provide a comparison of monthly spending, staffing levels,



overtime, and use of locums for the prior year compared to allotments and to the recommended state hospital staffing model. The format for these reports must be developed in consultation with staff from the office of financial management and the appropriate committees of the legislature. The reports must include a summary of the results of the evaluation of the interrater reliability in use of the staffing acuity tool and an update from the hospital staffing committees.

(c) Monthly staffing levels and related expenditures at the state hospitals must not exceed official allotments without prior written approval from the director of the office of financial management. In the event the director of the office of financial management approves an increase in monthly staffing levels and expenditures beyond what is budgeted, notice must be provided to the appropriate committees of the legislature within 30 days of such approval. The notice must identify the reason for the authorization to exceed budgeted staffing levels and the time frame for the authorization. Extensions of authorizations under this subsection must also be submitted to the director of the office of financial management for written approval in advance of the expiration of an authorization. The office of financial management must notify the appropriate committees of the legislature of any extensions of authorizations granted under this subsection within 30 days of granting such authorizations and identify the reason and time frame for the extension.

(12) \$4,994,000 of the general fund—state appropriation for fiscal year 2024, \$7,535,000 of the general fund—state appropriation for fiscal year 2025, and \$672,000 of the general fund—federal appropriation are provided solely for the department to implement strategies to improve patient and staff safety at eastern and western state hospitals. A report must be submitted by December 1, 2023, and December 1, 2024, which includes a description of the violence reduction or safety strategy, a profile of the types of patients being served, the staffing model being used, and outcomes associated with each strategy. The outcomes section should include tracking data on facility-wide metrics related to patient and staff safety as well as individual outcomes related to the patients served.

(13) \$2,593,000 of the general fund—state appropriation for fiscal year 2024 and \$2,593,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to increase services to patients found not guilty by reason of insanity under the *Ross v. Lashway* settlement agreement.

(14) 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 year and quality of care measure broken out by hospital and including but not limited to: (a) Monthly FTE expenditures compared to allotments; (b) monthly dollar expenditures compared to allotments; (c) monthly FTE expenditures per thousand patient bed days; (d) monthly dollar expenditures per thousand patient bed days; (e) percentage of FTE expenditures for overtime; (f) average length of stay by category of patient; (g) average monthly civil wait list; (h) average monthly forensic wait list; (i) rate of staff assaults per thousand patient bed days; (j) rate of patient assaults per thousand patient bed days; (k) average number of days to release after a patient has been determined to be clinically ready for discharge; and (l) average monthly vacancy rates for key clinical positions. The department must submit the state hospital performance report to the office of financial management and the

appropriate committees of the legislature by the first day of each December of the biennium.

(15) \$546,000 of the general fund—state appropriation for fiscal year 2024 and \$566,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for design and planning activities for the new forensic hospital being constructed on the grounds of western state hospital.

(16) \$1,412,000 of the general fund—state appropriation for fiscal year 2024 and \$1,412,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for relocation, storage, and other costs associated with building demolition on the western state hospital campus.

(17) Within the amounts provided in this section, the department is provided funding to operate civil long-term inpatient beds at the state hospitals as follows:

(a) Funding is sufficient for the department to operate 192 civil beds at eastern state hospital in both fiscal year 2024 and fiscal year 2025.

(b) Funding is sufficient for the department to operate 287 civil beds at western state hospital in both fiscal year 2024 and fiscal year 2025.

(c) The department shall fully operate funded civil capacity at eastern state hospital, including reopening and operating civil beds that are not needed for eastern Washington residents to provide services for western Washington residents.

(d) The department shall coordinate with the health care authority toward increasing community capacity for long-term inpatient services required under section 215(50) of this act.

(18) \$455,000 of the general fund—state appropriation for fiscal year 2024 and \$455,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for western state hospital's vocational rehabilitation program and eastern state hospital's work readiness program to pay patients working in the programs an hourly wage that is equivalent to the state's minimum hourly wage under RCW 49.46.020.

(19) \$8,048,000 of the general fund—state appropriation for fiscal year 2024 and \$7,677,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to reopen and operate a 30 bed ward for civil patients at western state hospital. The department must prioritize placements on this ward for individuals currently occupying beds on forensic wards at western state hospital who have been committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088, in order to maximize forensic bed capacity for individuals in jails awaiting admission that are class members of *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.

(20) \$2,619,000 of the general fund—state appropriation for fiscal year 2024 and \$5,027,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide additional competency evaluation services for in-jail competency evaluations and community-based evaluations.

(21) Within the amounts appropriated in this section, the department must study the feasibility of using the former Naselle youth camp for inpatient services in order to create additional forensic bed capacity for individuals in jails awaiting admission to the state hospitals that are class members of *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. By November 15, 2023, the department must submit a report to the appropriate committees of the legislature and to the office of financial management that provides an

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evaluation of the potential uses of the former Naselle youth camp that would provide the greatest reduction to the forensic waitlist for admission to the state hospitals. The report must provide cost estimates and address workforce needs and considerations, including the potential for on-campus housing.

(22) \$10,547,000 of the general fund—state appropriation for fiscal year 2024 and \$37,445,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to open and operate a 48 bed facility located in Clark county to provide long-term inpatient care beds as defined in RCW 71.24.025. The department must use this facility to provide treatment services for individuals who have been committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. In considering placements at the facility, the department must maximize forensic bed capacity at the state hospitals for individuals in jails awaiting admission that are class members of *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 must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2023, and December 1, 2024, providing a status update on progress toward opening the new facility.

(23)(a) \$13,324,000 of the general fund—state appropriation for fiscal year 2024 and \$44,813,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to operate the maple lane campus.

(b) Of the amounts provided in (a) of this subsection, \$4,764,000 of the general fund—state appropriation for fiscal year 2024 and \$5,239,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to operate the Oak, Columbia, and Cascade cottages.

(c) Of the amounts provided in (a) of this subsection, \$8,560,000 of the general fund—state appropriation for fiscal year 2024 and \$39,574,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to open and operate the Baker and Chelan cottages to expand inpatient bed capacity by at least 64 additional beds.

(d) In considering placements at the Oak, Columbia, Baker and Chelan cottages, and at the Cascade cottage after fiscal year 2024, the department must maximize forensic bed capacity at the state hospitals for individuals in jails awaiting admission that are class members of *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.

(24) \$10,364,000 of the general fund—state appropriation for fiscal year 2024 and \$10,364,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide behavioral health and stabilization services at the King county south correctional entity for individuals charged with misdemeanor or lower-level felony offenses that are awaiting admission to the state hospitals.

(25) \$3,107,000 of the general fund—state appropriation for fiscal year 2025 and \$3,107,000 of the general fund—federal appropriation are provided solely for the department to develop and implement long-term inpatient habilitative mental health (HMH) services for up to 20 children and youth at the child study treatment center.

(26)(a) \$7,500,000 of the general fund—state appropriation for fiscal year 2024 and \$7,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to pursue immediate strategies to maximize existing forensic bed capacity for individuals in jails awaiting admission to the state hospitals that are class members of *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 immediate strategies must include, but are not limited to:

(i) Additional approaches to resolving barriers to discharge for civil patients, including:

(A) In coordination with the behavioral health teaching facility at the University of Washington, identification of civil patients in the state hospitals that could receive appropriate treatment at the facility and work to resolve any barriers in such placement;

(B) Identification of civil patients in the state hospitals that could receive appropriate treatment at an enhanced services facility or any other community facility and work to resolve any barriers in such placement; and

(C) Coordination with the aging and long-term care administration and the office of public guardianship on the provision of qualified guardians for civil patients in need of guardianship that are otherwise eligible for discharge; and

(ii) Additional approaches to resolving any barriers to maximizing the use of existing civil wards at eastern state hospital for individuals currently occupying beds on forensic wards at western state hospital who have been committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088.

(b) By December 1, 2023, the department must submit a preliminary report to the appropriate committees of the legislature and to the office of financial management that provides:

(i) The number of individuals currently occupying beds on forensic wards at western state hospital who have been committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088; and

(ii) The department's plan for utilizing the funds provided in this subsection and estimated outcomes.

(c) By September 1, 2024, the department must submit a final report to the appropriate committees of the legislature and to the office of financial management that provides:

(i) The number of individuals currently occupying beds on forensic wards at western state hospital who have been committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088; and

(ii) Detailed reporting on how the funds provided in this subsection were used and the associated outcomes.

(27) \$53,000 of the general fund—state appropriation for fiscal year 2024, \$53,000 of the general fund—state appropriation for fiscal year 2025, and \$94,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1580 (children in crisis). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM**

**(1) COMMUNITY SERVICES**

General Fund—State Appropriation (FY 2024)	\$1,131,146,000
General Fund—State Appropriation (FY 2025)	\$1,177,163,000
General Fund—Federal Appropriation	\$2,411,797,000
General Fund—Private/Local Appropriation	\$4,058,000
Developmental Disabilities Community Services Account—State Appropriation	\$32,120,000
<b>TOTAL APPROPRIATION</b>	<b>\$4,756,284,000</b>

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 2024 and \$225 per bed beginning in fiscal year 2025. 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 2024 and \$116 per bed beginning in fiscal year 2025.

(iii) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2024 and \$359 per bed beginning in fiscal year 2025.

(c) \$30,970,000 of the general fund—state appropriation for fiscal year 2024, \$50,745,000 of the general fund—state appropriation for fiscal year 2025, and \$102,677,000 of the general fund—federal appropriation are provided solely for the rate increase for the new consumer directed employer contracted individual providers as set by the consumer directed employer rate-setting board in accordance with RCW 74.39A.530.

(d) \$5,095,000 of the general fund—state appropriation for fiscal year 2024, \$7,299,000 of the general fund—state appropriation for fiscal year 2025, and \$16,042,000 of the general fund—federal appropriation are provided solely for home care agency parity consistent with the rate set by the consumer directed employer rate-setting board in accordance with RCW 74.39A.530.

(e) \$9,371,000 of the general fund—state appropriation for fiscal year 2024, \$10,798,000 of the general fund—state appropriation for fiscal year 2025, and \$25,267,000 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 2023-2025 fiscal biennium, as provided in section 909 of this act.

(f) \$1,099,000 of the general fund—state appropriation for fiscal year 2024, \$2,171,000 of the general fund—state appropriation for fiscal year 2025, and \$5,515,000 of the general fund—federal appropriation are provided solely for administrative costs as set by the consumer directed employer rate-setting board in accordance with RCW 74.39A.530.

(g) 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.

(h) 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.

(i) Sufficient appropriations are provided to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(i) Community alternative placement beds include enhanced services facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, and assisted living facility beds.

(ii) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (h)(i) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(iii) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within 30 days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (h)(i) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(iv) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(j) Sufficient appropriations are provided for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(k) \$17,380,000 of the general fund—state appropriation for fiscal year 2024, \$17,734,000 of the general fund—state appropriation for fiscal year 2025, and \$35,823,000 of the general fund—federal appropriation are provided solely to increase rates by four percent effective July 1, 2023, for community residential service providers offering supported living, group home, group training home, licensed staff residential services, community protection, and children's out-of-home services to individuals with developmental disabilities.

(l) The annual certification renewal fee for community residential service businesses is \$859 per client in fiscal year 2024 and \$859 per client in fiscal year 2025. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs.

(m) The appropriations in this section include sufficient funding to implement chapter 220, Laws of 2020 (adult family homes/8 beds). A nonrefundable fee of \$485 shall be charged for each application to increase bed capacity at an adult family home to seven or eight beds.

(n) \$1,705,000 of the general fund—state appropriation for fiscal year 2024, \$1,688,000 of the general fund—state

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appropriation for fiscal year 2025, and \$1,465,000 of the general fund—federal appropriation are provided solely for 13 enhanced respite beds across the state for children. These services are intended to provide families and caregivers with a break in caregiving, the opportunity for behavioral stabilization of the child, and the ability to partner with the state in the development of an individualized service plan that allows the child to remain in his or her family home. The department must provide the legislature with a respite utilization report in January of each year that provides information about the number of children who have used enhanced respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(o) \$2,025,000 of the general fund—state appropriation for fiscal year 2024 and \$2,006,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for 13 community respite beds across the state for adults. These services are intended to provide families and caregivers with a break in caregiving and the opportunity for stabilization of the individual in a community-based setting as an alternative to using a residential habilitation center to provide planned or emergent respite. The department must provide the legislature with a respite utilization report by January of each year that provides information about the number of individuals who have used community respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(p) Funding in this section is sufficient to implement chapter 352, laws of 2020 (developmental disabilities budgeting), including a review of the no-paid services caseload and to update the information to accurately reflect a current headcount of eligible persons and the number of persons contacted who are currently interested in receiving a paid service. It is the intent of the legislature that the department will, as required in chapter 252, laws of 2020 (developmental disabilities budgeting), submit a report of this information to the governor and the appropriate committees of the legislature by December 1, 2021. It is also the intent of the legislature that the necessary paid services identified with completion of this report will be adequately funded by the conclusion of fiscal year 2024.

(q) \$2,605,000 of the general fund—state appropriation for fiscal year 2024, \$2,402,000 of the general fund—state appropriation for fiscal year 2025, and \$3,840,000 of the general fund—federal appropriation are provided solely to establish transition coordination teams to coordinate transitions of care for clients who move from one care setting to another. The department of social and health services must submit a report to the legislature by December 1st of each year of the fiscal biennium, identifying how the funds were utilized and the associated outcomes.

(r) \$1,477,000 of the general fund—state appropriation for fiscal year 2024, \$1,497,000 of the general fund—state appropriation for fiscal year 2025, and \$2,329,000 of the general fund—federal appropriation are provided solely to hire additional staff to reduce the timeline for completion of financial eligibility determinations.

(s) \$351,000 of the general fund—state appropriation for fiscal year 2024, \$375,000 of the general fund—state appropriation for fiscal year 2025, and \$905,000 of the general fund—federal appropriation are provided solely to increase funding of the assisted living medicaid methodology established in RCW 74.39A.032 to 79 percent of the labor component and 68 percent of the operations component, effective July 1, 2023.

(t) \$120,000 of the general fund—state appropriation for fiscal year 2024, \$599,000 of the general fund—state appropriation for fiscal year 2025, and \$667,000 of the general fund—federal

appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1188 (child welfare services/DD). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(u) \$81,000 of the general fund—state appropriation for fiscal year 2024, \$219,000 of the general fund—state appropriation for fiscal year 2025, and \$371,000 of the general fund—federal appropriation are provided solely to implement House Bill No. 1407 (dev. disability/eligibility). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(v) \$62,000 of the general fund—state appropriation for fiscal year 2024, \$72,000 of the general fund—state appropriation for fiscal year 2025, and \$116,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1580 (children in crisis). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(w) \$476,000 of the general fund—state appropriation for fiscal year 2024 and \$481,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to implement House Bill No. 1128 (personal needs allowance). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(x) \$10,878,000 of the general fund—state appropriation for fiscal year 2024, \$13,222,000 of the general fund—state appropriation for fiscal year 2025, and \$19,402,000 of the general fund—federal appropriation are provided solely to increase rates for supported employment and community inclusion services.

(y) \$2,494,000 of the general fund—state appropriation for fiscal year 2024 and \$3,345,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide personal care services for up to 33 clients who are not United States citizens and who are ineligible for medicaid upon their discharge from an acute care hospital. The department must prioritize the funding provided in this subsection for those clients in acute care hospitals who are also on the department's wait list for services.

(z) \$1,665,000 of the general fund—state appropriation for fiscal year 2024, \$4,361,000 of the general fund—state appropriation for fiscal year 2025, and \$7,233,000 of the general fund—federal appropriation are provided solely for a pilot project aimed at providing enhanced supports and services for 400 individuals with developmental disabilities. The project includes an \$80 daily add-on rate per client, in addition to the assessed base rates, for the provision of these services.

(aa) \$2,453,000 of the general fund—state appropriation for fiscal year 2024, \$2,705,000 of the general fund—state appropriation for fiscal year 2025, and \$5,259,000 of the general fund—federal appropriation are provided solely for a pilot program aimed at supporting community residential providers serving clients with complex physical and behavioral health needs. The pilot must primarily target developmental disabilities administration clients listed in the hospital tracking database, utilizing this group as a referral source to evaluate the program's effectiveness and "proof of concept." Additionally, the pilot shall incorporate relevant data from the 2022 rate study for community residential services to inform its design and assess the potential for broader implementation.

(bb) \$2,500,000 of the general fund—state appropriation for fiscal year 2024, \$4,284,000 of the general fund—state appropriation for fiscal year 2025, and \$4,178,000 of the general fund—federal appropriation are provided solely for the department to add 10 adult stabilization beds by June 2025, increase rates for existing adult stabilization beds by 27 percent, and expand mobile crisis diversion services to cover all three

regions of the state.

(cc) \$144,000 of the general fund—state appropriation for fiscal year 2025 and \$181,000 of the general fund—federal appropriation are provided solely for funding the unfair labor practice settlement in the case of *Adult Family Home Council v. Office of Financial Management*, PERC case no. 135737-U-22. If the settlement agreement is not reached by June 30, 2024, the amounts provided in this subsection shall lapse.

(dd) \$485,000 of the general fund—state appropriation for fiscal year 2024 and \$484,000 of the general fund—federal appropriation are provided solely for a feasibility study of the developmental disabilities assessment tool and is subject to the conditions, limitations, and review requirements of section 701 of this act. The resulting study must determine whether the assessment and its technology can be improved to meet regulatory obligations, be quicker and person-centered, reduce manual notations, and maintain viability across age groups and settings.

(ee) \$328,000 of the general fund—state appropriation for fiscal year 2024, \$444,000 of the general fund—state appropriation for fiscal year 2025, and \$998,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by 56 cents per hour effective July 1, 2023.

(ff) The appropriations in this section include sufficient funding to provide services to the individual and family services waiver and the basic plus waiver to those individuals on the service request list. For subsequent policy level budgets, the department shall submit a request for funding associated with individuals requesting to receive the individual and family services waiver and the basic plus waiver in accordance with the courtesy forecasts provided by the caseload forecast council.

(gg) \$2,856,000 of the general fund—state appropriation for fiscal year 2024, \$3,104,000 of the general fund—state appropriation for fiscal year 2025, and \$5,948,000 of the general fund—federal appropriation are provided solely for a pilot program that includes a specialty rate for community residential providers who receive additional training to support individuals with complex and physical behavioral health needs.

(hh) \$63,000 of the general fund—state appropriation for fiscal year 2024, \$73,000 of the general fund—state appropriation for fiscal year 2025, and \$136,000 of the general fund—federal appropriation are provided solely for the department to conduct a study to explore opportunities to restructure services offered under the medicaid waivers for individuals with developmental disabilities served by the department. The plan should propose strategies to enhance service accessibility across the state and align services with the needs of clients, taking into account current and future demand. It must incorporate valuable input from knowledgeable stakeholders and a national organization experienced in home and community-based waivers in other states. This plan must be submitted to the governor and relevant legislative committees by December 1, 2024.

(ii)(i) \$250,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to study opportunities to enhance data collection on clients in family units with at least one parent having a developmental or intellectual disability. The study must identify:

(A) Opportunities to improve the existing assessment form and information technology systems by adding questions about clients' children, such as their ages, number of children, K-12 enrollment status of each child;

(B) Ways to strengthen data sharing agreements with other departments, including the department of children, youth, and families, and local school districts;

(C) Strategies for surveying clients to collect information on

their parenting and living arrangements, including support from other family members;

(D) Methods for analyzing new and existing data to determine and identify the total number of children with parents that have a developmental or intellectual disability, their needs, and access to specialized services;

(E) An inventory of existing support programs designed for families with a parent having a developmental or intellectual disability and their children, including educational support, financial assistance, and access to specialized services.

(i) The department shall report its findings to the governor and appropriate committees of the legislature by June 30, 2024.

(jj) \$127,000 of the general fund—state appropriation for fiscal year 2024, \$28,000 of the general fund—state appropriation for fiscal year 2025, and \$55,000 of the general fund—federal appropriation are provided solely for adult day respite. Of the amounts provided in this subsection:

(i) \$27,000 of the general fund—state appropriation for fiscal year 2024, \$28,000 of the general fund—state appropriation for fiscal year 2025, and \$55,000 of the general fund—federal appropriation are provided solely to increase adult day respite rates from \$3.40 to \$5.45 per 15-minute unit to expand and ensure the sustainability of respite services for clients with intellectual or developmental disabilities and their family caregivers.

(ii) \$100,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to hire a project position to conduct a study and submit a report by December 1, 2023, to the governor and the appropriate committees of the legislature that examines the feasibility and operational resources needed to add adult day services to a state plan 1915(i) option or to the existing basic plus and core 1915(c) waivers.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2024) ..	\$123,377,000
General Fund—State Appropriation (FY 2025) ..	\$124,619,000
General Fund—Federal Appropriation .....	\$231,957,000
General Fund—Private/Local Appropriation .....	\$19,489,000
TOTAL APPROPRIATION .....	\$499,442,000

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

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) \$495,000 of the general fund—state appropriation for fiscal year 2024 and \$495,000 of the general fund—state appropriation for fiscal year 2025 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) \$61,000 of the general fund—state appropriation for fiscal year 2024, \$61,000 of the general fund—state appropriation for fiscal year 2025, and \$117,000 of the general fund—federal appropriation are provided solely for implementation of House Bill No. 1128 (personal needs allowance). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(3) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2024) .....	\$3,757,000
General Fund—State Appropriation (FY 2025) .....	\$3,756,000
General Fund—Federal Appropriation .....	\$4,533,000

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TOTAL APPROPRIATION.....	\$12,046,000
(4) SPECIAL PROJECTS	
General Fund—State Appropriation (FY 2024).....	\$66,000
General Fund—State Appropriation (FY 2025).....	\$66,000
General Fund—Federal Appropriation .....	\$1,094,000
TOTAL APPROPRIATION.....	\$1,226,000

**NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—AGING AND ADULT SERVICES PROGRAM**

General Fund—State Appropriation (FY 2024).....	\$2,186,180,000
General Fund—State Appropriation (FY 2025).....	\$2,367,787,000
General Fund—Federal Appropriation.....	\$5,576,494,000
General Fund—Private/Local Appropriation.....	\$53,719,000
Traumatic Brain Injury Account—State Appropriation.....	\$5,586,000
Skilled Nursing Facility Safety Net Trust Account—	
State Appropriation.....	\$133,360,000
Long-Term Services and Supports Trust Account—State	
Appropriation.....	\$44,301,000
TOTAL APPROPRIATION.....	\$10,367,427,000

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 \$341.42 for fiscal year 2024 and may not exceed \$365.58 for fiscal year 2025. For the 2023-2025 fiscal biennium, the department shall not change the safety net assessment fee established under RCW 74.48.030. Funding for the weighted average nursing facility payment rates in this subsection (1)(a) includes the following:

(i) \$17,361,000 of the general fund—state appropriation for fiscal year 2024, \$17,361,000 of the general fund—state appropriation for fiscal year 2025, and \$34,722,000 of the general fund—federal appropriation are provided solely to maintain rate add-ons funded in fiscal year 2023 to increase rates for low-wage direct care workers. The facility specific wage rate add-on shall be equal to the wage payment received on June 30, 2023.

(ii) \$2,227,000 of the general fund—state appropriation for fiscal year 2024, \$2,227,000 of the general fund—state appropriation for fiscal year 2025, and \$4,456,000 of the general fund—federal appropriation are provided solely for the fixed rate paid for indirect care to maintain increases provided to low-wage indirect care workers in fiscal year 2023. The facility specific wage rate add-on shall be equal to the payment received on June 30, 2023. Facilities that utilize contracted staff for indirect care may instead use these funds to maintain or increase direct care worker wages.

(iii) Working with stakeholders, the department shall use an annual verification process for each skilled nursing facility provider to demonstrate how the provider has used its wage equity funding to maintain wage increases provided to low-wage workers in fiscal year 2023. The verification and recovery process in this subsection is a distinct and separate process from the settlement process described in RCW 74.46.022, and may utilize the process established pursuant to chapter 297, Laws of 2022 (ESSB 5693), section 204(53)(c). To the extent unused low-wage equity funds are available at the facility level, facilities may use this funding to further improve wages from the levels paid on June 30, 2023.

(b) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of

the annual statewide weighted average nursing facility payment rate. For the 2023-2025 fiscal biennium, the department shall not change the safety net assessment fee established under RCW 74.48.030.

(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 2024 and \$225 per bed beginning in fiscal year 2025. 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 2024 and \$116 per bed beginning in fiscal year 2025.

(c) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2024 and \$359 per bed beginning in fiscal year 2025.

(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) \$65,702,000 of the general fund—state appropriation for fiscal year 2024, \$109,746,000 of the general fund—state appropriation for fiscal year 2025, and \$216,254,000 of the general fund—federal appropriation are provided solely for the rate increase for the new consumer directed employer contracted individual providers as set by the consumer directed rate-setting board in accordance with RCW 74.39A.530.

(5) \$19,044,000 of the general fund—state appropriation for fiscal year 2024, \$30,439,000 of the general fund—state appropriation for fiscal year 2025, and \$63,986,000 of the general fund—federal appropriation are provided solely for the home care agency parity impacts consistent with the rates set by the consumer directed rate-setting board in accordance with RCW 74.39A.530.

(6) \$2,385,000 of the general fund—state appropriation for fiscal year 2024, \$4,892,000 of the general fund—state appropriation for fiscal year 2025, and \$12,502,000 of the general fund—federal appropriation are provided solely for administrative costs as set by the consumer directed employer rate-setting board in accordance with RCW 74.39A.530.

(7) 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.

(8) In accordance with RCW 18.390.030, the biennial registration fee for continuing care retirement communities shall be \$900 for each facility.

(9) Within amounts appropriated in this subsection, the

department shall assist the legislature to continue the work of the joint legislative executive committee on planning for aging and disability issues.

(a) A joint legislative executive committee on aging and disability is continued, with members as provided in this subsection.

(i) Four members of the senate, with the leaders of the two largest caucuses each appointing two members, and four members of the house of representatives, with the leaders of the two largest caucuses each appointing two members;

(ii) A member from the office of the governor, appointed by the governor;

(iii) The secretary of the department of social and health services or his or her designee;

(iv) The director of the health care authority or his or her designee;

(v) A member from disability rights Washington and a member from the office of long-term care ombuds;

(vi) The insurance commissioner or his or her designee, who shall serve as an ex officio member; and

(vii) Other agency directors or designees as necessary.

(b) The committee must make recommendations and continue to identify key strategic actions to prepare for the aging of the population in Washington and to serve people with disabilities, including state budget and policy options, and may conduct, but are not limited to, the following tasks:

(i) Identify strategies to better serve the health care needs of an aging population and people with disabilities to promote healthy living and palliative care planning;

(ii) Identify strategies and policy options to create financing mechanisms for long-term service and supports that allow individuals and families to meet their needs for service;

(iii) Identify policies to promote financial security in retirement, support people who wish to stay in the workplace longer, and expand the availability of workplace retirement savings plans;

(iv) Identify ways to promote advance planning and advance care directives and implementation strategies for the Bree collaborative palliative care and related guidelines;

(v) Identify ways to meet the needs of the aging demographic impacted by reduced federal support;

(vi) Identify ways to protect the rights of vulnerable adults through assisted decision-making and guardianship and other relevant vulnerable adult protections;

(vii) Identify options for promoting client safety through residential care services and consider methods of protecting older people and people with disabilities from physical abuse and financial exploitation; and

(viii) Identify other policy options and recommendations to help communities adapt to the aging demographic in planning for housing, land use, and transportation.

(c) Staff support for the committee shall be provided by the office of program research, senate committee services, the office of financial management, and the department of social and health services.

(d) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives, and the office of financial management. Joint committee expenditures and meetings are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. Meetings of the task force must be scheduled and conducted in accordance with the rules of both the senate and the house of representatives. The joint committee members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter

44.04 RCW as appropriate. Advisory committee members may not receive compensation or reimbursement for travel and expenses.

(10) Appropriations in this section are sufficient to fund discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(11) Appropriations in this section are sufficient to fund financial service specialists stationed at the state psychiatric hospitals. Financial service specialists will help to transition clients ready for hospital discharge into alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state hospitals.

(12) The department shall continue to administer tailored support for older adults and medicaid alternative care as described in initiative 2 of the 1115 demonstration waiver. This initiative will be funded by the health care authority through the medicaid quality improvement program. The secretary in collaboration with the director of the health care authority shall report to the office of financial management all expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested. The department shall not increase general fund—state expenditures on this initiative.

(13) \$61,209,000 of the general fund—state appropriation for fiscal year 2024, \$70,352,000 of the general fund—state appropriation for fiscal year 2025, and \$161,960,000 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 2023-2025 fiscal biennium, as provided in section 909 of this act.

(14) \$1,761,000 of the general fund—state appropriation for fiscal year 2024, \$1,761,000 of the general fund—state appropriation for fiscal year 2025, and \$4,162,000 of the general fund—federal appropriation are provided solely for case managers at the area agencies on aging to coordinate care for medicaid clients with mental illness who are living in their own homes. Work shall be accomplished within existing standards for case management and no requirements will be added or modified unless by mutual agreement between the department of social and health services and area agencies on aging.

(15) Appropriations provided in this section are sufficient for the department to contract with an organization to provide educational materials, legal services, and attorney training to support persons with dementia. The funding provided in this subsection must be used for:

(a) An advance care and legal planning toolkit for persons and families living with dementia, designed and made available online and in print. The toolkit should include educational topics including, but not limited to:

(i) The importance of early advance care, legal, and financial planning;

(ii) The purpose and application of various advance care, legal, and financial documents;

(iii) Dementia and capacity;

(iv) Long-term care financing considerations;

(v) Elder and vulnerable adult abuse and exploitation;

(vi) Checklists such as "legal tips for caregivers," "meeting with an attorney," and "life and death planning;"

(vii) Standardized forms such as general durable power of attorney forms and advance health care directives; and

(viii) A selected list of additional resources.

(b) Webinars about the dementia legal and advance care

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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.

(16) Appropriations provided in this section are sufficient to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(a) Community alternative placement beds include enhanced services facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, assisted living facility beds, adult residential care beds, and specialized dementia beds.

(b) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (a) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(c) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within 30 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.

(17) The annual certification renewal fee for community residential service businesses is \$859 per client in fiscal year 2024 and \$859 per client in fiscal year 2025. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs.

(18) The appropriations in this section include sufficient funding to implement chapter 220, Laws of 2020 (adult family homes/8 beds). A nonrefundable fee of \$485 shall be charged for each application to increase bed capacity at an adult family home to seven or eight beds.

(19) \$1,458,000 of the general fund—state appropriation for fiscal year 2024 and \$1,646,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide personal care services for up to 30 clients who are not United States citizens and who are ineligible for medicaid upon their discharge from an acute care hospital. The department must prioritize the funding provided in this subsection for such clients in acute care hospitals who are also on the department's wait list for services.

(20) \$1,617,000 of the general fund—state appropriation for

fiscal year 2024 and \$1,617,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for community-based dementia education and support activities in four areas of the state, including dementia resource catalyst staff and direct services for people with dementia and their caregivers.

(21) \$237,000 of the general fund—state appropriation for fiscal year 2024, \$226,000 of the general fund—state appropriation for fiscal year 2025, and \$572,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1218 (long-term care residents).

(22) \$4,329,000 of the general fund—state appropriation for fiscal year 2024 and \$4,329,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for services and support to individuals who are deaf, hard of hearing, or deaf-blind.

(23) Within the amounts provided in this section, the department of social and health services must develop a statewide agency emergency preparedness plan with which to respond to future public health emergencies.

(24) The traumatic brain injury council shall collaborate with other state agencies in their efforts to address traumatic brain injuries to ensure that efforts are complimentary and continue to support the state's broader efforts to address this issue.

(25) \$1,858,000 of the general fund—state appropriation for fiscal year 2024 and \$1,857,000 of the general fund—state appropriation for fiscal year 2025 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.

(26) \$479,000 of the general fund—state appropriation for fiscal year 2024 and \$479,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the kinship navigator program in the Colville Indian reservation, Yakama Nation, and other tribal areas.

(27) 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.

(28) \$1,344,000 of the general fund—state appropriation for fiscal year 2024 and \$1,344,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the kinship care support program.

(29) \$16,952,000 of the general fund—state appropriation for fiscal year 2024, \$23,761,000 of the general fund—state appropriation for fiscal year 2025, and \$41,407,000 of the general fund—federal appropriation are provided solely for nursing home services and emergent building costs at the transitional care center of Seattle. No later than December 1, 2024, the department must submit to the appropriate fiscal committees of the legislature a report that includes, but is not limited to:

(a) An itemization of the costs associated with providing direct care services to residents and managing and caring for the facility; and

(b) An examination of the impacts of this facility on clients and providers of the long-term care and medical care sectors of the state that includes, but is not limited to:

(i) An analysis of areas that have realized cost containment or savings as a result of this facility;

(ii) A comparison of individuals transitioned from hospitals to this facility compared to other skilled nursing facilities over the same period of time; and

(iii) Impacts of this facility on lengths of stay in acute care hospitals, other skilled nursing facility, and transitions to home and community-based settings.



(30) \$635,000 of the general fund—state appropriation for fiscal year 2024 and \$635,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue the current pilot projects to provide personal care services to homeless seniors and people with disabilities from the time the person presents at a shelter to the time they become eligible for medicaid.

(31) \$19,143,000 of the general fund—state appropriation for fiscal year 2024, \$20,551,000 of the general fund—state appropriation for fiscal year 2025, and \$44,311,000 of the general fund—federal appropriation are provided solely to increase funding of the assisted living medicaid methodology established in RCW 74.39A.032 to 79 percent of the labor component and 68 percent of the operations component, effective July 1, 2023. The department of social and health services shall report, by December 1st of each year of the fiscal biennium, on medicaid utilization of and access to assisted living facilities.

(32) \$425,000 of the general fund—state appropriation for fiscal year 2025 and \$542,000 of the general fund—federal appropriation are provided solely for funding the unfair labor practice settlement in the case of *Adult Family Home Council v. Office of Financial Management*, PERC case no. 135737-U-22. If the settlement agreement is not reached by June 30, 2024, the amounts provided in this subsection shall lapse.

(33)(a) \$6,223,000 of the general fund—state appropriation for fiscal year 2024, \$6,354,000 of the general fund—state appropriation for fiscal year 2025, and \$12,830,000 of the general fund—federal appropriation are provided solely to support providers that are ready to accept patients who are in acute care beds and no longer require inpatient care, but are unable to be transitioned to appropriate postacute care settings. These patients are generally referred to as difficult to discharge hospital patients because of their behaviors.

(i) The department shall broaden the current discharge and referral case management practices for difficult to discharge hospital patients waiting in acute care hospitals to include referrals to all long-term care behavioral health settings, including enhanced services facilities, enhanced adult residential care, and enhanced adult residential care with community stability supports contracts or community behavioral health support services, including supportive supervision and oversight and skills development and restoration. These home and community-based providers are contracted to provide various levels of personal care, nursing, and behavior supports for difficult to discharge hospital patients with significant behavior support needs.

(ii) Patients ready to discharge from acute care hospitals with diagnosed behaviors or behavior history, and a likelihood of unsuccessful placement in other licensed long-term care facilities, a history of rejected applications for admissions, or a history of unsuccessful placements shall be fully eligible for referral to available beds in enhanced services facilities or enhanced adult residential care with contracts that adequately meet the patient's long-term care needs.

(iii) Previous or current detainment under the involuntary treatment act shall not be a requirement for individuals in acute care hospitals to be eligible for these specialized settings. The department shall develop a standard process for acute care hospitals to refer patients to the department for placement in enhanced services facilities and enhanced adult residential care with contracts to provide behavior support.

(b) The department must adopt a payment model that incorporates the following adjustments:

(i) The enhanced behavior services plus and enhanced behavior services respite rates for skilled nursing facilities shall be converted to \$175 per patient per day add-on in addition to daily

base rates to recognize additional staffing and care needs for patients with behaviors.

(ii) Enhanced behavior services plus with specialized services rates for skilled nursing facilities shall be converted to \$235 per patient per day add-on on top of daily base rates.

(iii) The ventilator rate add-on for all skilled nursing facilities shall be \$192 per patient per day.

(iv) The tracheotomy rate add-on for all skilled nursing facilities shall be \$123 per patient per day.

(c) Of the amounts provided in (a) of this subsection, \$1,460,000 of the general fund—state appropriation for fiscal year 2024, \$1,460,000 of the general fund—state appropriation for fiscal year 2025, and \$2,920,000 of the general fund—federal appropriation are provided solely for an increase in the traumatic brain injury rate add-on to \$200 per patient per day.

(d) Of the amounts provided in (a) of this subsection, \$3,838,000 of the general fund—state appropriation for fiscal year 2024, \$3,917,000 of the general fund—state appropriation for fiscal year 2025, and \$7,911,000 of the general fund—federal appropriation are provided solely for:

(i) An increase in the daily rate for enhanced services facilities to \$591.50 per patient per day; and

(ii) For the department to convene a stakeholder work group with an enhanced services facility advocacy organization and two enhanced services facility providers to design and propose a medicaid payment methodology to further adjust enhanced services facility rates beginning July 1, 2024. The study must be based on staffing and service costs for operating and licensing costs of an enhanced services facility. By December 1, 2023, the department must report the recommendations of the work group to the appropriate committees of the legislature.

(34) \$443,000 of the general fund—state appropriation for fiscal year 2024, \$422,000 of the general fund—state appropriation for fiscal year 2025, and \$865,000 of the general fund—federal appropriation are provided solely for the department to provide staff support to the difficult to discharge task force described in section 135(11) of this act, including any associated ad hoc subgroups, and to develop home and community services assessment timeliness requirements for pilot participants in cooperation with the health care authority as described in section 211(57) of this act.

(35) \$200,000 of the general fund—state appropriation for fiscal year 2024, \$200,000 of the general fund—state appropriation for fiscal year 2025, and \$400,000 of the general fund—federal appropriation are provided solely for a pilot project focused on providing translation services for interpreting mandatory training courses offered through the adult family home training network. The department of social and health services must collaborate with the adult family home council and the adult family home training network to assess the pilot project's outcomes. The department of social and health services shall submit a comprehensive report detailing the results to the governor and the appropriate committees of the legislature no later than September 30, 2025.

(36) \$63,000 of the general fund—state appropriation for fiscal year 2024, \$73,000 of the general fund—state appropriation for fiscal year 2025, and \$136,000 of the general fund—federal appropriation are provided solely to employ and train staff for outreach efforts aimed at connecting adult family home owners and their employees with health care coverage through the adult family home training network as outlined in RCW 70.128.305. These outreach activities must consist of:

(a) Informing adult family home owners and their employees about various health insurance options;

(b) Creating and distributing culturally and linguistically

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relevant materials to assist these individuals in accessing affordable or free health insurance plans;

(c) Offering continuous technical support to adult family home owners and their employees regarding health insurance options and the application process; and

(d) Providing technical assistance as a certified assister for the health benefit exchange, enabling adult family home owners and their employees to comprehend, compare, apply for, and enroll in health insurance via Washington healthplanfinder. Participation in the certified assister program is dependent on meeting contractual, security, and other program requirements set by the health benefit exchange.

(37) \$300,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department, in collaboration with the office of the insurance commissioner and the office of the attorney general, to create a regulatory oversight plan for continuing care retirement communities, focusing primarily on establishing and implementing resident consumer protections, as recommended in the 2022 report of the office of the insurance commissioner. As part of the process, the agencies must engage with relevant stakeholder groups for consultation. The final plan must be submitted to the health care committees of the legislature by December 1, 2024.

(38) \$75,000 of the general fund—state appropriation for fiscal year 2024, \$72,000 of the general fund—state appropriation for fiscal year 2025, and \$147,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1188 (child welfare services/DD). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(39) \$911,000 of the general fund—state appropriation for fiscal year 2024, \$935,000 of the general fund—state appropriation for fiscal year 2025, and \$365,000 of the general fund—federal appropriation are provided solely for implementation of House Bill No. 1128 (personal needs allowance). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(40) \$584,000 of the general fund—state appropriation for fiscal year 2024, \$584,000 of the general fund—state appropriation for fiscal year 2025, and \$66,000 of the general fund—federal appropriation are provided solely to increase rates for the kinship navigator program, expand the number of navigator positions, and continue the case management kinship navigator pilot.

(41) \$10,113,000 of the general fund—state appropriation for fiscal year 2024, \$10,325,000 of the general fund—state appropriation for fiscal year 2025, and \$21,964,000 of the general fund—federal appropriation are provided solely for a specialty dementia care rate add-on for all assisted living facilities of \$75 per patient per day.

(42) \$806,000 of the general fund—state appropriation for fiscal year 2024, \$1,610,000 of the general fund—state appropriation for fiscal year 2025, and \$2,455,000 of the general fund—federal appropriation are provided solely to increase rates for long-term care case management services offered by area agencies on aging. The department must include this adjustment in the monthly per client rates paid to these agencies for case management services in the governor's projected maintenance level budget process, in accordance with RCW 43.88.030.

(43) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to assist home care agencies and the consumer directed employer in addressing service gaps in transportation and areas of service for home care workers caring for multiple medicaid clients.

(44) \$125,000 of the general fund—state appropriation for fiscal year 2024, \$125,000 of the general fund—state appropriation for fiscal year 2025, and \$250,000 of the general fund—federal appropriation are provided solely for the department, in collaboration with the consumer directed employer and home care agencies, to establish guidelines, collect and analyze data, and research the reasons and timing behind home care workers leaving the workforce.

(45) \$500,000 of the general fund—state appropriation for fiscal year 2024, \$500,000 of the general fund—state appropriation for fiscal year 2025, and \$1,000,000 of the general fund—federal appropriation are provided solely to contract with an organization to design and deliver culturally and linguistically competent training programs for home care workers, including individual providers.

(46) \$3,856,000 of the general fund—state appropriation for fiscal year 2024, \$3,856,000 of the general fund—state appropriation for fiscal year 2025, and \$7,712,000 of the general fund—federal are provided solely for a one-time bridge rate for assisted living facilities, enhanced adult residential centers, and adult residential centers, with high medicaid occupancy. The bridge rate does not replace or substitute the capital add-on rate found in RCW 74.39A.320 and the same methodology from RCW 74.39A.320 shall be used to determine each facility's medicaid occupancy percentage for the purposes of this one-time bridge rate add-on. The bridge rate add-on is as follows:

(a) Facilities with a medicaid occupancy level of 90 percent or more shall receive an \$18.00 add-on per resident day.

(b) Facilities with a medicaid occupancy level ranging from 80 percent to 89 percent shall receive a \$9.00 rate add-on per resident day.

(47) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a study of functional assessments conducted by the department prior to acute care hospital discharge and placement in a post-acute facility. No later than June 30, 2025, a report must be submitted to the governor and the appropriate committees of the legislature that evaluates:

(a) The timeliness of the completion of these assessments;

(b) How requiring these assessments impacts:

(i) The length of a patient's hospital stay;

(ii) The patient's medical, emotional, and mental well-being;

(iii) The hospital staff who care for these patients; and

(iv) Access to inpatient and emergency beds for other patients;

(c) Best practices from other states for placing hospitalized patients in post-acute care settings in a timely and effective manner that includes:

(i) Identification of the states that require these assessments prior to post-acute placement; and

(ii) An analysis of a patient's hospital length of stay and a patient's medical, emotional, and mental well-being in states that require these assessments compared to the states that do not; and

(d) The potential benefits of, and barriers to, outsourcing some or all of the functional assessment process to hospitals. Barriers evaluated must include department policies regarding staff workloads, outsourcing work, and computer system access.

**NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ECONOMIC SERVICES PROGRAM**

General Fund—State Appropriation (FY 2024) ..	\$617,679,000
General Fund—State Appropriation (FY 2025) ..	\$645,922,000
General Fund—Federal Appropriation .....	\$1,639,800,000
General Fund—Private/Local Appropriation .....	\$5,274,000
Domestic Violence Prevention Account—State	

Appropriation.....	\$2,404,000
TOTAL APPROPRIATION.....	\$2,911,079,000

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

(1)(a) \$175,446,000 of the general fund—state appropriation for fiscal year 2024, \$192,414,000 of the general fund—state appropriation for fiscal year 2025, and \$861,696,000 of the general fund—federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. The department must create a WorkFirst budget structure that allows for transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure must include budget units for the following: Cash assistance, child care, WorkFirst activities, and administration of the program. Within these budget units, the department must develop program index codes for specific activities and develop allotments and track expenditures using these codes. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature prior to adopting a structure change.

(b) \$485,257,000 of the amounts in (a) of this subsection is for assistance to clients, including grants, diversion cash assistance, and additional diversion emergency assistance including but not limited to assistance authorized under RCW 74.08A.210. The department may use state funds to provide support to working families that are eligible for temporary assistance for needy families but otherwise not receiving cash assistance. Of the amounts provided in this subsection (1)(b):

(i) \$22,755,000 of the general fund—federal appropriation is provided solely for the department to provide cash assistance to households with at least one eligible adult who have exceeded the 60 month time limit in the temporary assistance for needy families program, pursuant to RCW 74.08A.010(5), through June 30, 2025.

(ii) \$13,963,000 of the general fund—federal appropriation is provided solely to increase the temporary assistance for needy families and state family assistance cash grants by \$80 per month for households with a child under the age of three, effective November 1, 2023. The funding is intended to assist families with the cost of diapers as described in chapter 100, Laws of 2022.

(iii) \$9,060,000 of the general fund—state appropriation for fiscal year 2024 and \$17,665,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to increase temporary assistance for needy families grants by eight percent, effective January 1, 2024.

(iv) \$423,000 of the general fund—state appropriation for fiscal year 2024, \$18,452,000 of the general fund—state appropriation for fiscal year 2025, and \$1,089,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1447 (assistance programs). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(v) \$1,795,000 of the general fund—federal appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1652 (child support pass through). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(c) \$174,820,000 of the amounts in (a) of this subsection is for WorkFirst job search, education and training activities, barrier removal services, limited English proficiency services, and tribal assistance under RCW 74.08A.040. The department must allocate this funding based on client outcomes and cost effectiveness

measures. Within amounts provided in this subsection (1)(c), the department shall implement the working family support program.

(i) \$4,004,000 of the general fund—federal appropriation of the amounts in (a) of this subsection are provided solely for the WorkFirst services costs associated with the extension of the 60 month time limit in the temporary assistance for needy families program for households with at least one eligible adult described in RCW 74.08A.010(5), through June 30, 2025.

(ii) \$2,474,000 of the amounts provided in this subsection (1)(c) is for enhanced transportation assistance. The department must prioritize the use of these funds for the recipients most in need of financial assistance to facilitate their return to work. The department must not utilize these funds to supplant repayment arrangements that are currently in place to facilitate the reinstatement of drivers' licenses.

(iii) \$482,000 of the general fund—state appropriation for fiscal year 2024 and \$1,417,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the costs associated with increasing the temporary assistance for needy families grants by eight percent, effective January 1, 2024.

(iv) \$257,000 of the general fund—state appropriation for fiscal year 2024 and \$3,683,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1447 (assistance programs). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(v) \$1,171,000 of the general fund—federal appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1652 (child support pass through). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(d) Of the amounts in (a) of this subsection, \$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.

(i) The department of social and health services shall work in collaboration with the department of children, youth, and families to determine the appropriate amount of state expenditures for the working connections child care program to claim towards the state's maintenance of effort for the temporary assistance for needy families program. The departments will also collaborate to track the average monthly child care subsidy caseload and expenditures by fund type, including child care development fund, general fund—state appropriation, and temporary assistance for needy families for the purpose of estimating the annual temporary assistance for needy families reimbursement from the department of social and health services to the department of children, youth, and families.

(ii) Effective December 1, 2023, and annually thereafter, the department of children, youth, and families must report to the governor and the appropriate fiscal and policy committees of the legislature the total state contribution for the working connections child care program claimed the previous fiscal year towards the state's maintenance of effort for the temporary assistance for needy families program and the total temporary assistance for needy families reimbursement from the department of social and health services for the previous fiscal year.

(e) Of the amounts in (a) of this subsection, \$68,496,000 of the general fund—federal appropriation is for child welfare services within the department of children, youth, and families.

(f) Of the amounts in (a) of this subsection, \$147,581,000 is for

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WorkFirst administration and overhead. Of the amounts provided in this subsection (1)(f):

(i) \$486,000 of the general fund—federal appropriation of the amounts in (a) of this subsection are provided solely for administrative and overhead costs associated with the expansion of the 60 month time limit through June 30, 2025, in the temporary assistance for needy families program for households with at least one eligible adult described in RCW 74.08A.010(5).

(ii) \$147,000 of the general fund—state appropriation for fiscal year 2024 and \$69,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for costs associated with increasing the temporary assistance for needy families grants by eight percent, effective January 1, 2024.

(iii) \$24,000 of the general fund—state appropriation for fiscal year 2024, \$318,000 of the general fund—state appropriation for fiscal year 2025, and \$575,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1447 (assistance programs). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(iv) \$60,000 of the general fund—federal appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1652 (child support pass through). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(g)(i) The department shall submit quarterly expenditure reports to the governor, the fiscal committees of the legislature, and the legislative WorkFirst poverty reduction oversight task force under RCW 74.08A.341. In addition to these requirements, the department must detail any fund transfers across budget units identified in (a) through (e) of this subsection. The department shall not initiate any services that require expenditure of state general fund moneys that are not consistent with policies established by the legislature.

(ii) The department may transfer up to 10 percent of funding between budget units identified in (b) through (f) of this subsection. The department shall provide notification prior to any transfer to the office of financial management and to the appropriate legislative committees and the legislative-executive WorkFirst poverty reduction oversight task force. The approval of the director of financial management is required prior to any transfer under this subsection.

(h) Each calendar quarter, the department shall provide a maintenance of effort and participation rate tracking report for temporary assistance for needy families to the office of financial management, the appropriate policy and fiscal committees of the legislature, and the legislative-executive WorkFirst poverty reduction oversight task force. The report must detail the following information for temporary assistance for needy families:

(i) An overview of federal rules related to maintenance of effort, excess maintenance of effort, participation rates for temporary assistance for needy families, and the child care development fund as it pertains to maintenance of effort and participation rates;

(ii) Countable maintenance of effort and excess maintenance of effort, by source, provided for the previous federal fiscal year;

(iii) Countable maintenance of effort and excess maintenance of effort, by source, for the current fiscal year, including changes in countable maintenance of effort from the previous year;

(iv) The status of reportable federal participation rate requirements, including any impact of excess maintenance of effort on participation targets;

(v) Potential new sources of maintenance of effort and progress to obtain additional maintenance of effort;

(vi) A two-year projection for meeting federal block grant and contingency fund maintenance of effort, participation targets, and future reportable federal participation rate requirements; and

(vii) Proposed and enacted federal law changes affecting maintenance of effort or the participation rate, what impact these changes have on Washington's temporary assistance for needy families program, and the department's plan to comply with these changes.

(i) In the 2023-2025 fiscal biennium, it is the intent of the legislature to provide appropriations from the state general fund for the purposes of (a) of this subsection if the department does not receive additional federal temporary assistance for needy families contingency funds in each fiscal year as assumed in the budget outlook.

(2) \$3,545,000 of the general fund—state appropriation for fiscal year 2024 and \$3,545,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for naturalization services.

(3) \$2,366,000 of the general fund—state appropriation for fiscal year 2024 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 2025 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, 2024, and January 1, 2025, 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 100 percent of the federal supplemental nutrition assistance program benefit amount.

(6) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(7) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(8) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for operational support of the Washington information network 211 organization.

(9) \$5,244,000 of the general fund—state appropriation for fiscal year 2024, \$3,805,000 of the general fund—state appropriation for fiscal year 2025, and \$21,115,000 of the general fund—federal appropriation are provided solely for the integrated eligibility and enrollment modernization project to create a

comprehensive application and benefit status tracker for multiple programs and to establish a foundational platform. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(10) \$3,307,000 of the general fund—state appropriation for fiscal year 2024, \$257,000 of the general fund—state appropriation for fiscal year 2025, and \$8,318,000 of the general fund—federal appropriation are provided solely for the integrated eligibility and enrollment modernization project for the discovery, innovation, and customer experience phase. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(11) \$1,067,000 of the general fund—state appropriation for fiscal year 2024, \$1,067,000 of the general fund—state appropriation for fiscal year 2025, and \$4,981,000 of the general fund—federal appropriation are provided solely for the integrated eligibility and enrollment modernization project office.

(12) \$235,000 of the general fund—state appropriation for fiscal year 2024 and \$1,536,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the expansion of the ongoing additional requirements program, effective April 1, 2024.

(13)(a) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for sponsorship stabilization funds for eligible unaccompanied children and their sponsors and a study to assess needs and develop recommendations for ongoing supports for this population.

(b) Of the amounts provided in (a) of this subsection (13), \$350,000 of the general fund—state appropriation for fiscal year 2024 and \$350,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for sponsorship stabilization funds for eligible unaccompanied children and their sponsors in order to address financial hardship and support household well-being. Stabilization funds can be used to support the sponsorship household with costs of housing, childcare, transportation, internet and data services, household goods, and other unmet needs. The funds may be provided on behalf of an unaccompanied child when the following eligibility criteria are met:

(i) The unaccompanied child is between the ages of 0-17, has been placed in Washington under the care of a nonparental sponsor following release from the United States office of refugee resettlement custody, and has not been reunified with a parent; and

(ii) The sponsorship household demonstrates financial need and has an income below 250 percent of the federal poverty level. A sponsorship household receiving stabilization funds on behalf of a child who turns 18 may continue to receive funds for an additional 60 days after the child reaches 18 years of age.

(c) The department may work with community-based organizations to administer sponsorship stabilization supports. Up to 10 percent of the amounts provided in (b) of this subsection (13) may be used by the community-based organizations to cover administrative expenses associated with the distribution of these supports.

(d) Of the amounts provided in (a) of this subsection (13), \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to cover the administrative resources necessary for the department to administer the sponsorship stabilization program and to convene a work group with the department of children, youth, and families, department of commerce's office of homeless youth prevention and programs, stakeholders, and community-based organization who have

pertinent information regarding sponsorship households. The work group shall identify and analyze the resource and service needs for unaccompanied children and their sponsors, including the types and levels of financial supports and related services that will promote stability of sponsorship placements for this population.

(i) The department must produce a report that includes an overview of the number of impacted children and sponsors, existing services and supports that are available, any gaps in services, and potential changes to federal programs and policies that could impact unaccompanied children. The report shall include recommendations for how state agencies and community organizations can partner with the federal government to support sponsorship households, proposed services and supports that the state could provide to promote the ongoing stability of sponsorship households, and a recommended service delivery model.

(ii) The department shall submit the report required by (d)(i) of this subsection (13) to the governor and appropriate legislative committees no later than June 30, 2025.

(14) \$17,522,000 of the general fund—state appropriation for fiscal year 2024 and \$21,997,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1260 (work-limiting disability). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(15) \$694,000 of the general fund—state appropriation for fiscal year 2024, \$1,148,000 of the general fund—state appropriation for fiscal year 2025, and \$749,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1447 (assistance programs) for the aged, blind, or disabled, refugee cash assistance, pregnant women assistance, and consolidated emergency assistance programs. If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(16) \$418,000 of the general fund—state appropriation for fiscal year 2024, \$6,500,000 of the general fund—state appropriation for fiscal year 2025, and \$1,329,000 of the general fund—federal appropriation are provided solely for the costs to pass through child support collected on behalf of temporary assistance for needy families grant recipients in accordance with Engrossed Substitute House Bill No. 1652 (child support pass through). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(17) \$500,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to contract with an organization located in Seattle with expertise in culturally and linguistically appropriate communications and outreach to conduct an outreach, education, and media campaign related to communities significantly impacted by or at risk for benefits trafficking, skimming, or other fraudulent activities, with particular focus on immigrant, refugee, migrant, and senior populations. This campaign must provide community-focused, culturally and linguistically appropriate education and assistance targeted to meet the needs of each community and related to safeguarding public assistance benefits provided through an electronic benefit card and how to avoid the trafficking or skimming of benefits. To the extent practical, the department must make available information and data to refine this campaign for those communities most impacted to ensure inclusion of any relevant groups not already identified in this provision. The contracted organization, in collaboration with the department, must focus its outreach in highly impacted geographic areas including, but not limited to, Burien, Federal Way, Kent, Lynnwood, White Center, West Seattle, Seattle's International

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District, Chinatown, and the Central District, Yakima and other identified locations.

(18) \$3,000,000 of the general fund—state appropriation for fiscal year 2024 and \$3,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for additional funding for the emergency domestic violence shelter and supportive services program.

(19) \$1,100,000 of the general fund—state appropriation for fiscal year 2024 and \$900,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to meet the terms of its settlement agreement with the United States department of agriculture (USDA).

(a) Of the amounts provided in this subsection, \$500,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to repay USDA as part of the settlement agreement.

(b) Of the amounts provided in this subsection, \$600,000 of the general fund—state appropriation for fiscal year 2024 and \$900,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to fund employment and training activities for able-bodied adults without dependents receiving food benefits from the USDA supplemental nutrition assistance program.

(20) \$3,844,000 of the general fund—state appropriation for fiscal year 2024, \$7,921,000 of the general fund—state appropriation for fiscal year 2025, and \$1,374,000 of the general fund—federal appropriation are provided solely for the department to increase the aged, blind, or disabled, refugee cash assistance, pregnant women assistance, and consolidated emergency assistance grants by eight percent, effective January 1, 2024.

(21) \$950,000 of the general fund—state appropriation for fiscal year 2024 and \$950,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a nonprofit organization in Pierce county to continue the operation of the guaranteed basic income program in Tacoma.

**NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM**

General Fund—State Appropriation (FY 2024)....	\$24,847,000
General Fund—State Appropriation (FY 2025)....	\$24,939,000
General Fund—Federal Appropriation .....	\$110,047,000
TOTAL APPROPRIATION.....	\$159,833,000

**NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—SPECIAL COMMITMENT PROGRAM**

General Fund—State Appropriation (FY 2024)....	\$76,886,000
General Fund—State Appropriation (FY 2025)....	\$76,255,000
TOTAL APPROPRIATION.....	\$153,141,000

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) The department may not expend any amounts appropriated in this section on contracts with providers of less restrictive alternative housing for sexually violent predators where the housing facility would be within a one mile radius, as measured in any direction, of the reservation of any federally recognized Indian tribe, unless the department obtains the consent of the tribe.

(3) The department may not expend any amounts appropriated in this section on contracts with providers of less restrictive alternative housing for sexually violent predators where the department has reason to believe that the provider is out of

compliance with any material term of the contract, including any clause requiring the contractor to comply with all applicable federal, state, and local laws and regulations. The department must review each existing contract to determine whether the provider is in full compliance with the material terms of the contract. In any instance where the department determines that the provider is in breach of a contract, the department must give immediate notice of termination of the contract and cease payments to the provider in accordance with the applicable termination clause or clauses in the contract.

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund—State Appropriation (FY 2024) ....	\$46,557,000
General Fund—State Appropriation (FY 2025) ....	\$46,725,000
General Fund—Federal Appropriation.....	\$55,588,000
TOTAL APPROPRIATION .....	\$148,870,000

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, 2024, and February 1, 2025. 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) \$5,000 of the general fund—state appropriation for fiscal year 2024, \$22,000 of the general fund—state appropriation for fiscal year 2025, and \$14,000 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 2023-2025 fiscal biennium as provided in section 909 of this act.

(3) \$85,000 of the general fund—state appropriation for fiscal year 2024 and \$85,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to support the joint legislative and executive committee on behavioral health established in section 135 of this act.

**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund—State Appropriation (FY 2024) ....	\$48,869,000
General Fund—State Appropriation (FY 2025) ....	\$50,680,000
General Fund—Federal Appropriation.....	\$51,038,000
TOTAL APPROPRIATION .....	\$150,587,000

The appropriations in this section are subject to the following conditions and limitations: Within the amounts appropriated in this section, the department must extend master property insurance to all buildings owned by the department valued over \$250,000 and to all locations leased by the department with contents valued over \$250,000.

**NEW SECTION. Sec. 210. FOR THE STATE HEALTH CARE AUTHORITY**

(1)(a) During the 2023-2025 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

CARE AUTHORITY—MEDICAL ASSISTANCE

General Fund—State	Appropriation (FY 2024)	\$2,665,448,000
General Fund—State	Appropriation (FY 2025)	\$2,690,341,000
General Fund—Federal	Appropriation	\$13,856,859,000
General Fund—Private/Local	Appropriation	\$1,071,208,000
Dedicated Cannabis Account—State	Appropriation (FY 2024)	\$25,549,000
Dedicated Cannabis Account—State	Appropriation (FY 2025)	\$28,944,000
Emergency Medical Services and Trauma Care Systems Trust Account—State	Appropriation	\$15,086,000
Hospital Safety Net Assessment Account—State	Appropriation	\$859,255,000
Medical Aid Account—State	Appropriation	\$540,000
Statewide 988 Behavioral Health Crisis Response Line Account—State	Appropriation	\$21,606,000
Telebehavioral Health Access Account—State	Appropriation	\$8,572,000
Ambulance Transport Fund—State	Appropriation	\$13,785,000
<b>TOTAL APPROPRIATION</b>		<b>\$21,257,193,000</b>

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

(1) The authority shall submit an application to the centers for medicare and medicaid services to renew the 1115 demonstration waiver for an additional five years as described in subsections (2), (3), and (4) of this section. The authority may not accept or expend any federal funds received under an 1115 demonstration waiver except as described in this section unless the legislature has appropriated the federal funding. To ensure compliance with legislative requirements and terms and conditions of the waiver, the authority shall implement the renewal of the 1115 demonstration waiver and reporting requirements with oversight from the office of financial management. The legislature finds that appropriate management of the renewal of the 1115 demonstration waiver as set forth in subsections (2), (3), and (4) of this section requires sound, consistent, timely, and transparent oversight and analytic review in addition to lack of redundancy with other established measures. The patient must be considered first and foremost in the implementation and execution of the demonstration waiver. To accomplish these goals, the authority shall develop consistent performance measures that focus on population health and health outcomes. The authority shall limit the number of projects that accountable communities of health may participate in under initiative 1 to a maximum of six and shall seek to develop common performance measures when possible. The joint select committee on health care oversight will evaluate the measures chosen: (a) For effectiveness and appropriateness; and (b) to provide patients and health care providers with significant input into the implementation of the demonstration waiver to promote improved population health and patient health outcomes. In cooperation with the department of social and health services, the authority shall consult with and provide notification of work on applications for federal waivers, including details on waiver duration, financial implications, and potential future impacts on the state budget to the joint select committee on health care oversight prior to submitting these waivers for federal approval. Prior to final approval or acceptance of funds by the authority, the authority shall submit the special terms and conditions as submitted to the centers for medicare and medicaid services and the anticipated budget for the duration of the renewed waiver to the governor, the joint select committee on health care, and the fiscal committees of the legislature. By federal standard any programs created or funded by this waiver

actuarial analysis, including providing any information in the possession of the health care authority or available to the health care authority through contracts with providers, plans, insurers, consultants, or any other entities contracting with the health care authority.

(b) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the health care authority are subject to technical oversight by the office of the chief information officer.

(2) The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources, supports the adoption of a cohesive technology and data architecture, and maximizes federal financial participation. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.

(b) The health care authority must submit a report on November 1, 2023, and annually thereafter, to the fiscal committees of the legislature. The report must include, at a minimum:

(i) A list of active coalition projects as of July 1st of the fiscal year. This must include all current and ongoing coalition projects, which coalition agencies are involved in these projects, and the funding being expended on each project, including in-kind funding. For each project, the report must include which federal requirements each coalition project is working to satisfy, and when each project is anticipated to satisfy those requirements; and

(ii) A list of coalition projects that are planned in the current and following fiscal year. This must include which coalition agencies are involved in these projects, including the anticipated in-kind funding by agency, and if a budget request will be submitted for funding. This must reflect all funding required by fiscal year and by fund source and include the budget outlook period.

**NEW SECTION. Sec. 211. FOR THE STATE HEALTH**

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do not create an entitlement. The demonstration period for the waiver as described in subsections (2), (3), and (4) of this section begins July 1, 2023.

(2)(a) \$150,219,000 of the general fund—federal appropriation and \$150,219,000 of the general fund—local appropriation are provided solely for accountable communities of health described in initiative 1 of the 1115 demonstration waiver and this is the maximum amount that may be expended for this purpose. In renewing this initiative, the authority shall consider local input regarding community needs and shall limit total local projects to no more than six. To provide transparency to the appropriate fiscal committees of the legislature, the authority shall provide fiscal staff of the legislature query ability into any database of the fiscal intermediary that authority staff would be authorized to access. The authority shall not supplement the amounts provided in this subsection with any general fund—state moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section. The director shall report to the fiscal committees of the legislature all expenditures under this subsection and provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) \$438,515,000 of the general fund—federal appropriation and \$179,111,000 of the general fund—private/local appropriation are provided solely for the medicaid quality improvement program and this is the maximum amount that may be expended for this purpose. Medicaid quality improvement program payments do not count against the 1115 demonstration waiver spending limits and are excluded from the waiver's budget neutrality calculation. The authority may provide medicaid quality improvement program payments to apple health managed care organizations and their partnering providers as they meet designated milestones. Partnering providers and apple health managed care organizations must work together to achieve medicaid quality improvement program goals according to the performance period timelines and reporting deadlines as set forth by the authority. The authority may only use the medicaid quality improvement program to support initiatives 1, 2, and 3 as described in the 1115 demonstration waiver and may not pursue its use for other purposes. Any programs created or funded by the medicaid quality improvement program do not constitute an entitlement for clients or providers. The authority shall not supplement the amounts provided in this subsection with any general fund—state, general fund—federal, or general fund—local moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section. The director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The director shall report to the fiscal committees of the legislature all expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(c) In collaboration with the accountable communities of health, the authority will submit a report to the governor and the joint select committee on health care oversight describing how each of the accountable community of health's work aligns with the community needs assessment no later than December 1, 2023.

(d) Performance measures and payments for accountable communities of health shall reflect accountability measures that demonstrate progress toward transparent, measurable, and meaningful goals that have an impact on improved population health and improved health outcomes, including a path to financial sustainability. While these goals may have variation to account for unique community demographics, measures should be standardized when possible.

(e) Sufficient amounts are appropriated in this subsection for

the authority to obtain a technology solution that enables cross-sector care coordination in support of the authority's statewide community information exchange initiative. By December 1, 2024, the authority must provide the office of financial management and appropriate committees of the legislature with a proposal to leverage medicaid enterprise system financing or other available federal funds as appropriate.

(3) \$115,713,000 of the general fund—federal appropriation and \$115,725,000 of the general fund—local appropriation are provided solely for long-term support services as described in initiative 2 of the 1115 demonstration waiver as well as administrative expenses for initiative 3 and this is the maximum amount that may be expended for this purpose. The authority shall contract with and provide funding to the department of social and health services to administer initiative 2. The director in cooperation with the secretary of the department of social and health services shall report to the office of financial management all of the expenditures of this section and shall provide such fiscal data in the time, manner, and form requested. The authority shall not supplement the amounts provided in this subsection with any general fund—state moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section.

(4)(a) \$54,912,000 of the general fund—federal appropriation and \$30,162,000 of the general fund—local appropriation are provided solely for supported housing and employment services described in initiative 3a and 3b of the 1115 demonstration waiver and this is the maximum amount that may be expended for this purpose. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its third-party administrator. The authority and the department, in consultation with the medical assistance expenditure forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not supplement the amounts provided in this subsection with any general fund—state moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section. The director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) The authority and the department shall seek additional flexibilities for housing supports through the centers for medicare and medicaid services and shall coordinate with the office of financial management and the department of commerce to ensure that services are not duplicated.

(c) The director shall report to the joint select committee on health care oversight no less than quarterly on utilization and caseload statistics for both supportive housing and employment services and its progress toward increasing uptake and availability for these services.

(5) \$1,432,000 of the general fund—state appropriation for fiscal year 2024 and \$3,008,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for supported employment services and \$1,478,000 of the general fund—state appropriation for fiscal year 2024 and \$3,162,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for supported housing services, similar to the services described in initiatives 3a and 3b of the 1115 demonstration waiver to individuals who are ineligible for medicaid. Under these initiatives, the authority and the



department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the authority or its third-party administrator. Before authorizing services, eligibility for initiative 3a or 3b of the 1115 demonstration waiver must first be determined.

(6) 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).

(7) 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.

(8) 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.

(9) 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.

(10) 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.

(11) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(12) \$4,176,000 of the general fund—state appropriation for fiscal year 2024, \$4,261,000 of the general fund—state appropriation for fiscal year 2025, and \$8,607,000 of the general fund—federal appropriation are provided solely for low-income disproportionate share hospital payments.

(13) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

(14) \$7,000,000 of the general fund—federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The

timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

(15) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2023-2025 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, 2023, and by November 1, 2024, 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 2024 and fiscal year 2025, hospitals in the program shall be paid and shall retain 100 percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and 100 percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. For the purpose of determining the amount of any state grant under this subsection, payments will include the federal portion of medicaid program supplemental payments received by the hospitals. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2023-2025 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 11 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. \$237,000 of the general fund—state appropriation for fiscal year 2024 and \$218,000 of the general fund—state appropriation for fiscal year

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2025 are provided solely for state grants for the participating hospitals.

(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, 2023, and no later than September 15, 2024, 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 2024, \$90,000 of the general fund—state appropriation for fiscal year 2025, 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 cannabis account 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 July 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 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.

(29) During the 2023-2025 fiscal biennium, sufficient amounts are provided in this section for the authority to provide services identical to those services covered by the Washington state family planning waiver program as of August 2018 to individuals who:

(a) Are over 19 years of age;

(b) Are at or below 260 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.

(30) Sufficient amounts are appropriated within this section for the authority to incorporate the expected outcomes and criteria to measure the performance of managed care organizations that provide services to clients under chapter 74.09 RCW. The authority must:

(a) Contract with an external quality improvement organization to annually analyze the performance of managed care organizations providing services to clients under chapter 74.09 RCW 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 that must be weighted towards having the potential to impact managed care costs; and

(B) At least one common measure that must be weighted towards population health management, as defined by the measure; and

(ii) Measure managed care performance in an additional three quality focus performance measures specific to a managed care organization. Quality focus performance measures chosen by the authority must:

(A) Be chosen from the statewide common measure set;

(B) Reflect specific measures where a managed care organization has poor performance; and

(C) Be substantive and clinically meaningful in promoting health status.

(b) The authority shall set the four common measures to be analyzed across all managed care organizations.

(c) The authority shall set three quality focus performance measures specific to each managed care organization. The authority must determine performance measures for each managed care organization based on the criteria established in (a)(ii) of this subsection.

(d) By September 15, 2023, and annually thereafter, the

authority shall notify each managed care organization of the performance measures for the organization for the subsequent plan year.

(e) Two percent of the total plan year funding provided to each managed care organization that provides services to clients under chapter 70.320 RCW shall be withheld. At least 75 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.

(i) By September 15, 2023, the authority, in collaboration with the medical assistance expenditure forecast work group, shall develop new performance measures for the 2025 plan year. Quality focus performance measures chosen by the authority must, at a minimum:

- (i) Be chosen from the statewide common measure set;
- (ii) Reflect specific measures where a managed care organization has poor performance;
- (iii) Be substantive and clinically meaningful in promoting health status;
- (iv) Include ways to improve behavioral health reporting;
- (v) Be selected with consideration to health equity;
- (vi) Ensure that measures that have an impact on funding have a direct relationship to the funding plans receive; and
- (vii) Include participation from the authority's actuary to ensure that the measures and methods chosen meet required tests for actuarial soundness.

(j) By October 15, 2023, the authority shall provide a report to the governor and fiscal committees of the legislature outlining the measures it has chosen for the 2025 plan year, including the information outlined in (i) of this subsection.

(31) The authority shall ensure that appropriate resources are dedicated to implementing the recommendations of the centers for medicare and medicaid services center for program integrity as provided to the authority in the January 2019 Washington focused program integrity review final report. Additionally, the authority shall:

(a) Work to ensure the efficient operations of the managed care plans, including but not limited to, a deconflicting process for audits with and among the managed care plans and the medicaid fraud division at the attorney general's office, to ensure the authority staff perform central audits of cases that appear across multiple managed care plans, versus the audits performed by the individual managed care plans or the fraud division; and

(b) Remain accountable for operating in an effective and efficient manner, including performing program integrity activities that ensure high value in the medical assistance program in general and in medicaid managed care specifically;

(i) Work with its contracted actuary and the medical assistance expenditure forecast work group to develop methods and metrics related to managed care program integrity activity that shall be incorporated into annual rate setting; and

(ii) Work with the medical assistance expenditure forecast work group to ensure the results of program integrity activity are incorporated into the rate setting process in a transparent, timely, measurable, quantifiable manner.

(32)(a) 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.

(b) The authority shall not modify the reconciliation process with federally qualified health centers or rural health clinics without notification to and the opportunity to comment from the office of financial management.

(c) The authority shall require all managed care organizations to provide information to the authority to account for all payments to federally qualified health centers to include how payments are made, including any additional payments and whether there is a sub-capitation arrangement or value-based purchasing arrangement.

(d) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall reconcile on an annual basis with rural health clinics and federally qualified health centers.

(e) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall properly accrue for any anticipated reconciliations with rural health clinics and federally qualified health centers during the fiscal year close process following generally accepted accounting practices.

(33) Within the amounts appropriated in this section, the authority is to include allergen control bed and pillow covers as part of the durable medical equipment benefit for children with an asthma diagnosis enrolled in medical assistance programs.

(34) Within the amounts appropriated in this section, the authority shall reimburse for maternity services provided by doulas.

(35) Sufficient funds are provided to continue reimbursing dental health aid therapists for services performed in tribal facilities for medicaid clients. The authority must leverage any federal funding that may become available as a result of appeal decisions from the centers for medicare and medicaid services or the United States court of appeals for the ninth circuit.

(36) Within the amount appropriated within this section, the authority shall implement the requirements of RCW 74.09.830 (postpartum health care) and the American rescue plan act of 2021, P.L. 117-2, in extending health care coverage during the postpartum period. The authority shall make every effort to expedite and complete eligibility determinations for individuals who are likely eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act to ensure the state is receiving maximum federal match. This includes, but is not limited to, working with managed care organizations to provide continuous outreach in various modalities until the individual's eligibility determination is completed. Beginning June 1, 2022, the authority must submit quarterly reports to the caseload forecast work group on the number of individuals who are likely eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act but are waiting for the authority to complete eligibility determination, the number of individuals who were likely eligible but are now receiving health care coverage with the maximum federal match under Title XIX or Title XXI of the federal social security act, and outreach activities including the work with managed care organizations.

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(37) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the perinatal support warm line to provide peer support, resources, and referrals to new and expectant parents and people in the emotional transition to parenthood experiencing, or at risk of, postpartum depression or other mental health issues.

(38) Sufficient funding is provided to remove the asset test from the medicare savings program review process.

(39) Sufficient funding is provided to eliminate the mid-certification review process for the aged, blind, or disabled and housing and essential needs referral programs.

(40) \$403,000 of the general fund—state appropriation for fiscal year 2025 and \$1,185,000 of the general fund—federal appropriation are provided solely for an adult acupuncture benefit beginning January 1, 2025.

(41) \$581,000 of the general fund—state appropriation for fiscal year 2025 and \$1,706,000 of the general fund—federal appropriation are provided solely for an adult chiropractic benefit beginning January 1, 2025.

(42)(a) \$4,109,000 of the general fund—state appropriation for fiscal year 2024 and \$2,055,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to establish a two-year grant program for reimbursement for services to patients up to age 18 provided by community health workers in primary care clinics whose patients are significantly comprised of pediatric patients enrolled in medical assistance under chapter 74.09 RCW beginning January 1, 2023. Community health workers funded under this subsection may provide outreach, informal counseling, and social supports for health-related social needs. The authority shall seek a state plan amendment or federal demonstration waiver should they determine these services are eligible for federal matching funds. Within the amounts provided within this subsection, the authority will provide an initial report to the governor and appropriate committees of the legislature by January 1, 2024, and a final report by January 1, 2025. The report shall include, but not be limited to, the quantitative impacts of the grant program, how many community health workers are participating in the grant program, how many clinics these community health workers represent, how many clients are being served, and evaluation of any measurable health outcomes identified in the planning period prior to January 2023.

(b) In collaboration with key stakeholders including pediatric primary care clinics and medicaid managed care organizations, the authority shall explore longer term, sustainable reimbursement options for the integration of community health workers in primary care to address the health-related social needs of families, including approaches to incorporate federal funding.

(43) \$2,017,000 of the general fund—state appropriation for fiscal year 2024, \$1,458,000 of the general fund—state appropriation for fiscal year 2025, and \$2,550,000 of the general fund—federal appropriation are provided solely for a technology solution for an authoritative client identifier, or master person index, for state programs within the health and human services coalition to uniformly identify clients across multiple service delivery systems. The coalition will clearly identify all state programs impacted by and all fund sources used in development and implementation of this project. This subsection is subject to the conditions, limitations, and review requirements of section 701 of this act.

(44)(a) Sufficient amounts are appropriated in this section for the authority to provide coverage for all federal food and drug administration approved HIV antiviral drugs without prior authorization beginning January 1, 2023. This coverage must be provided to apple health clients enrolled in both fee-for-service

and managed care programs.

(b) Beginning January 1, 2023, upon initiation or renewal of a contract with the authority to administer a medicaid managed care plan, a managed health care system shall provide coverage without prior authorization for all federal food and drug administration approved HIV antiviral drugs.

(c) By December 1, 2023, and annually thereafter, the authority must submit to the fiscal committees of the legislature the projected and actual expenditures and percentage of medicaid clients who switch to a new drug class without prior authorization as described in (a) and (b) of this subsection.

(45) The authority shall consider evidence-based recommendations from the Oregon health evidence review commission when making coverage decisions for the treatment of pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute-onset neuropsychiatric syndrome.

(46)(a) \$24,806,000 of the general fund—state appropriation for fiscal year 2024 and \$62,814,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority, beginning January 1, 2024, to implement a program with coverage comparable to the scope of care provided in the categorically needy medicaid program for adult individuals who:

(i) Have an immigration status making them ineligible for federal medicaid, except for individuals who are lawfully present and have not yet met the five-year bar;

(ii) Are age 19 and older, including over age 65, and have countable income of up to 138 percent of the federal poverty level; and

(iii) Are not eligible for another federally funded medical assistance program.

(b) The authority in collaboration with the health benefit exchange, the department of social and health services, and community organizations must develop and implement an outreach and education campaign.

(c) The legislature intends to adjust funding levels annually to align with projected expenditures based on information from the caseload forecast council, forecasted service costs, and administrative costs. The authority shall annually update the governor's office and appropriate committees of the legislature on any changes through the submission of a maintenance level agency budget request.

(47) \$21,606,000 of the statewide 988 behavioral health crisis response line account—state appropriation and \$2,946,000 of the general fund—federal appropriation are provided solely for the 988 technology platform implementation project. These amounts are subject to the conditions, limitations, and review provided in section 701 of this act.

(48) Sufficient funds are provided in this section for the authority to extend continuous eligibility for apple health to children ages zero to six with income at or below 215 percent of the federal poverty level. The centers for medicare and medicaid services must approve the 1115 medicaid waiver prior to the implementation of this policy.

(49) \$2,047,000 of the general fund—state appropriation for fiscal year 2024, \$3,390,000 of the general fund—state appropriation for fiscal year 2025, and \$5,135,000 of the general fund—federal appropriation are provided solely to increase reimbursement rates by 20 percent for applied behavior analysis codes 0362T and 0373T for individuals with complex behavioral health care needs; and by 15 percent for all other applied behavior analysis codes with the exception of Q3014, beginning January 1, 2024.

(50) \$15,000 of the general fund—state appropriation for fiscal year 2024, \$44,000 of the general fund—state appropriation for

fiscal year 2025, and \$70,000 of the general fund—federal appropriation are provided solely for apple health coverage of cochlear implants for medicaid-enrolled adults.

(51) \$1,197,000 of the general fund—state appropriation for fiscal year 2024, \$1,197,000 of the general fund—state appropriation for fiscal year 2025, and \$5,088,000 of the general fund—federal appropriation are provided solely for the authority to increase air ambulance fixed wing code A0430 by 95 percent, air ambulance rotary wing code A0431 by 133 percent, air mileage code A0435 by 29 percent, and air mileage code A0436 by 34 percent, beginning July 1, 2023.

(52) \$2,120,000 of the general fund—state appropriation for fiscal year 2024, \$2,120,000 of the general fund—state appropriation for fiscal year 2025, and \$9,012,000 of the general fund—federal appropriation are provided solely to increase advanced life support code A0426 by 64 percent, basic life support base rates for nonemergency ambulance transports code A0428 by 80 percent, and mileage for both nonemergency and emergency ambulance transportation code A0425 by 35 percent, beginning July 1, 2023.

(53) \$969,000 of the general fund—state appropriation for fiscal year 2024, \$1,938,000 of the general fund—state appropriation for fiscal year 2025, and \$3,024,000 of the general fund—federal appropriation are provided solely for the authority, beginning January 1, 2024, to increase the children's dental rate for procedure code D1120 by at least 40 percent above the medical assistance fee-for-service rate in effect on January 1, 2023.

(54) \$300,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to the nonprofit foundation managing the Washington patient safety coalition to support the communication and resolution programs certification program to improve outcomes for patients by providing in-depth feedback to health care organizations.

(55) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to continue a public-private partnership with a state-based oral health foundation to connect medicaid patients to dental services and reduce barriers to accessing care. The authority shall submit a progress report to the appropriate committees of the legislature by June 30, 2024.

(56) \$102,000 of the general fund—state appropriation for fiscal year 2024, \$204,000 of the general fund—state appropriation for fiscal year 2025, and \$463,000 of the general fund—federal appropriation are provided solely to increase rates for developmental screenings and assessments for medicaid-enrolled children under 21 years old.

(57)(a) \$5,755,000 of the general fund—state appropriation for fiscal year 2024, \$7,653,000 of the general fund—state appropriation for fiscal year 2025, and \$259,000 of the general fund—federal appropriation are provided solely for the authority to implement a three-site pilot program for difficult to discharge individuals as described in section 135(11) of this act.

(b) The authority shall work in collaboration with the contractor and task force identified in section 135(11) of this act to carry out the goals and objectives of the pilot program, including but not limited to:

(i) Providing enhanced care management and wraparound services that shall be provided by or delegated by managed care pilot participants, based on services currently provided by the Harborview medical center program;

(ii) Providing incentive payments to participating postacute care providers;

(iii) Developing home and community services assessment

timeliness requirements for pilot participants in cooperation with the department of social and health services; and

(iv) Providing reimbursement for administrative support through Harborview medical center for the duration of the pilot project, including training and education to support pilot participants.

(c) Of the amounts provided in this subsection, \$44,000 of the general fund—state appropriation for fiscal year 2024 and \$42,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to provide staff support to the difficult to discharge task force described in section 135(11) of this act, including any associated ad hoc subgroups.

(58) \$60,000 of the general fund—state appropriation for fiscal year 2024, \$62,000 of the general fund—state appropriation for fiscal year 2025, \$122,000 of the general fund—federal appropriation, and \$481,000 of the telebehavioral access account—state appropriation are provided solely for the first approach skills training program through the partnership access line.

(59) \$38,000 of the general fund—state appropriation for fiscal year 2024, \$38,000 of the general fund—state appropriation for fiscal year 2025, \$76,000 of the general fund—federal appropriation, and \$303,000 of the telebehavioral access account—state appropriation are provided solely for additional staff support for the mental health referral service for children and teens.

(60) \$435,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the authority, in collaboration with the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital, to expand access to child psychiatry services through grants to 10 primary care clinics with newly integrated behavioral health.

(61) \$1,902,000 of the general fund—state appropriation for fiscal year 2024 and \$1,103,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1508 (health care cost board). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(62) \$1,608,000 of the general fund—state appropriation for fiscal year 2024, \$2,015,000 of the general fund—state appropriation for fiscal year 2025, and \$3,681,000 of the general fund—federal appropriation are provided solely for a rate increase effective July 1, 2023, for the health homes program for fee-for-service enrollees.

(63) \$320,000 of the general fund—state appropriation for fiscal year 2024, \$642,000 of the general fund—state appropriation for fiscal year 2025, and \$1,364,000 of the general fund—federal appropriation are provided solely to increase birth center facility fee reimbursement to \$4,500 and home birth kit reimbursement to \$1,000 for providers approved by the authority within the planned home births and births in birth centers program.

(64) \$181,000 of the general fund—state appropriation for fiscal year 2024 and \$181,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1435 (home care safety net assess.). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(65)(a) \$8,000,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for one-time bridge grants to hospitals in financial distress.

(b) To qualify for these grants, a hospital must:

(i) Be located in Washington;

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

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(iii) Continue to maintain a medicaid population at similar utilization levels as in calendar year 2022;

(iv) Be necessary for an adequate provider network for the medicaid program;

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

(vi) Meet one of the following criteria:

(A) Lack adequate cash-on-hand to remain financially solvent;

(B) Have experienced financial losses during hospital fiscal year 2022; or

(C) Be at risk of bankruptcy.

(c) Of the amounts appropriated in this subsection, \$4,000,000 must be distributed to a hospital that meets the qualifications in subsection (b) and is located on tribal land.

(66)(a) Sufficient funds are provided in this section for an outpatient directed payment program.

(b) The authority shall:

(i) Maintain the program to support the state's access and other quality of care goals and to not increase general fund—state expenditures;

(ii) Seek approval from the centers for medicare and medicaid services to expand the medicaid outpatient directed payment program for hospital outpatient services provided to medicaid program managed care recipients by UW Medicine hospitals and, at their option, UW Medicine affiliated hospitals;

(iii) Direct managed care organizations to make payments to eligible providers at levels required to ensure enrollees have timely access to critical high-quality care as allowed under 42 C.F.R. 438.6(c); and

(iv) Increase medicaid payments for hospital outpatient services provided by UW Medicine hospitals and, at their option, UW Medicine affiliated hospitals to the average payment received from commercial payers.

(c) Any incremental costs incurred by the authority in the development, implementation, and maintenance of this program shall be the responsibility of the participating hospitals.

(d) Participating hospitals shall retain the full amount of payments provided under this program.

(67)(a) No more than \$200,661,000 of the general fund—federal appropriation and no more than \$91,430,000 of the general fund—local appropriation may be expended for an inpatient directed payment program.

(b) The authority shall:

(i) Design the program to support the state's access and other quality of care goals and to not increase general fund—state expenditures;

(ii) Seek approval from the centers for medicare and medicaid services to create a medicaid inpatient directed payment program for hospital inpatient services provided to medicaid program managed care recipients by UW Medicine hospitals and, at their option, UW Medicine affiliated hospitals;

(iii) Upon approval, direct managed care organizations to make payments to eligible providers at levels required to ensure enrollees have timely access to critical high-quality care as allowed under 42 C.F.R. 438.6(c); and

(iv) Increase medicaid payments for hospital inpatient services provided by UW Medicine and, at their option, UW Medicine affiliated hospitals to the average payment received from commercial payers.

(c) Any incremental costs incurred by the authority in the development, implementation, and maintenance of this program shall be the responsibility of the participating hospitals.

(d) Participating hospitals shall retain the full amount of payments provided under this program.

(e) Participating hospitals will provide the local funds to fund

the required nonfederal contribution.

(f) This program shall be effective as soon as administratively possible.

(68) \$194,000 of the general fund—state appropriation for fiscal year 2024, \$1,724,000 of the general fund—state appropriation for fiscal year 2025 and \$1,918,000 of the general fund—federal appropriation are provided solely for the authority in coordination with the department of social and health services to develop and implement a Katie Beckett 1115 demonstration waiver. The authority shall limit enrollment to 1,000 clients during the waiver period. Based upon the experience developed during the waiver period, the authority shall make recommendations to the legislature for a future tax equity and fiscal responsibility act state plan option.

(69) \$1,089,000 of the general fund—state appropriation for fiscal year 2024, \$2,231,000 of the general fund—state appropriation for fiscal year 2025, and \$2,657,000 of the general fund—federal appropriation are provided solely for kidney dialysis services for medicaid-enrolled patients through increased reimbursement rates beginning January 1, 2024. Within the amounts provided in this subsection, the authority must increase the medical assistance rates for revenue code 0821 billed with procedure code 90999 and revenue codes 0831, 0841, and 0851, when reimbursed on a fee-for-service basis or through managed care plans, by at least 30 percent above the fee-for-service composite rates in effect on January 1, 2023.

(70)(a) \$1,083,000 of the general fund—state appropriation for fiscal year 2024, \$4,333,000 of the general fund—state appropriation for fiscal year 2025, and \$5,416,000 of the general fund—federal appropriation are provided solely for the authority to increase the eligibility threshold for the qualified medicare beneficiary program to less than or equal to 120 percent of the federal poverty level.

(b) The authority shall seek to maximize the availability of the qualified individual program through the centers for medicare and medicaid services.

(c) The authority may adopt any rules necessary to administer this subsection. Nothing in this subsection may be interpreted to limit the authority's existing rule-making authority related to medicare savings programs.

(71) \$760,000 of the general fund—state appropriation for fiscal year 2024, \$777,000 of the general fund—state appropriation for fiscal year 2025, and \$2,312,000 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.

(72) \$56,000 of the general fund—state appropriation for fiscal year 2024, \$111,000 of the general fund—state appropriation for fiscal year 2025, and \$166,000 of the general fund—federal appropriation are provided solely for the authority to increase pediatric palliative care rates to the equivalent medicare rates paid for hospice care in effect October 1, 2022, beginning January 1, 2024.

(73) Sufficient amounts are appropriated in this section to increase the apple health periodontal maintenance benefit, code D4910, for clients with diabetes to four units per year.

(74) \$280,000 of the general fund—state appropriation for fiscal year 2024 and \$1,992,000 of the general fund—federal appropriation are provided solely for modular replacement costs of the ProviderOne pharmacy point of sale system and are subject to the conditions, limitations, and review provided in section 701 of this act.

(75) \$358,000 of the general fund—state appropriation for fiscal year 2024, \$358,000 of the general fund—state

appropriation for fiscal year 2025, and \$568,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1357 (prior authorization). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(76) \$19,748,000 of the general fund—state appropriation for fiscal year 2025 and \$48,147,000 of the general fund—federal appropriation are provided solely for an increase in medicaid reimbursement rates for professional services, beginning July 1, 2024, as follows:

(a) Service categories including intense outpatient, emergency room, inpatient and outpatient surgery, inpatient visits, maternity, office administered drugs, and other physician services are increased to 50 percent of medicare rates in effect January 1, 2021.

(b) Service categories including diagnostics, opioid treatment programs, low-level behavioral health, and office or home consults are increased to 70 percent of medicare rates in effect January 1, 2021.

(77) \$1,360,000 of the general fund—state appropriation for fiscal year 2024 and \$3,252,000 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 150 percent of the hospital's fee-for-service rates. The authority must discontinue this rate increase after June 30, 2024, 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, 2014;

(b) Have had less than 150 acute care licensed beds in fiscal year 2011;

(c) Have a level III adult trauma service designation from the department of health as of January 1, 2014; and

(d) Be owned and operated by the state or a political subdivision.

(78) Sufficient amounts are appropriated in this section for the authority to contract with a medicaid managed care organization for continuous coverage beginning January 1, 2024, for individuals under age 26 that were enrolled in the unaccompanied refugee minor program as authorized by the office of refugee and immigrant assistance. There are no residency, social security number, or citizenship requirements to receive the continuous coverage as described in this subsection.

(79)(a) \$598,000 of the general fund—state appropriation for fiscal year 2024 and \$591,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for work required of the authority as specified in chapter 309, Laws of 2021 (universal health care commission). Of the amounts provided in this subsection:

(b) \$216,000 of the general fund—state appropriation for fiscal year 2024 and \$216,000 of the general fund—state appropriation for fiscal year 2025 are for staff dedicated to contract procurement, meeting coordination, legislative reporting, federal application requirements, and administrative support.

(c) \$132,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are for additional staff dedicated to the work of the finance technical advisory committee.

(d) \$250,000 of the general fund—state appropriation for fiscal

year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are for consultant services, dedicated actuarial support, and economic modeling.

(80) \$361,000 of the general fund—state appropriation for fiscal year 2024, \$766,000 of the general fund—state appropriation for fiscal year 2025, and \$2,093,000 of the general fund—federal appropriation are provided solely for the costs of, and pursuant to the conditions prescribed for, implementing the rate increase directed in section 215(44) for children for whom base funding for community behavioral health services is provided within this section.

**NEW SECTION. Sec. 212. FOR THE STATE HEALTH CARE AUTHORITY—PUBLIC EMPLOYEES' BENEFITS BOARD AND EMPLOYEE BENEFITS PROGRAM**

State Health Care Authority Administrative Account—

State Appropriation .....	\$41,703,000
TOTAL APPROPRIATION .....	\$41,703,000

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

(1) Any savings from reduced claims costs must be reserved for funding employee benefits during the 2023-2025 fiscal biennium and may not be used for administrative expenses. The health care authority shall deposit any moneys received on behalf of the uniform medical plan resulting from rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys received as a result of prior uniform medical plan claims payments, in the public employees' and retirees' insurance account to be used for insurance benefits.

(2) Any changes to benefits must be approved by the public employees' benefits board. The board shall not make any changes to benefits without considering a comprehensive analysis of the cost of those changes, and shall not increase benefits unless offsetting cost reductions from other benefit revisions are sufficient to fund the changes. The board shall not make any change in retiree eligibility criteria that reestablishes eligibility for enrollment in PEBB benefits. However, the funding provided anticipates that the public employees' benefits board may increase the virtual access to behavioral health resources and interventions and case management.

(3) Except as may be provided in a health care bargaining agreement, to provide benefits within the level of funding provided in part IX of this bill, the public employees' benefits board shall require or make any or all of the following: Employee premium copayments, increases increase in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(4) The board shall collect a surcharge payment of not less than \$25 dollars per month from members who use tobacco products, and a surcharge payment of not less than \$50 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 95 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) \$78,000 of the health care authority administrative account—state appropriation is provided solely for administrative costs associated with extending retiree coverage under Substitute House Bill No. 1804 (PEBB/subdivision retirees). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 213. FOR THE STATE HEALTH CARE AUTHORITY—SCHOOL EMPLOYEES' BENEFITS BOARD**

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School Employees' Insurance Administrative Account—  
 State Appropriation..... \$31,825,000  
 TOTAL APPROPRIATION..... \$31,825,000

**NEW SECTION. Sec. 214. FOR THE STATE HEALTH CARE AUTHORITY—HEALTH BENEFIT EXCHANGE**

General Fund—State Appropriation (FY 2024)..... \$8,242,000  
 General Fund—State Appropriation (FY 2025)..... \$6,039,000  
 General Fund—Federal Appropriation ..... \$61,983,000  
 Education Legacy Trust Account—State Appropriation ..... \$350,000  
 Health Benefit Exchange Account—State Appropriation ..... \$76,214,000  
 State Health Care Affordability Account—State Appropriation..... \$110,000,000  
 TOTAL APPROPRIATION..... \$262,828,000

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

(1) The receipt and use of medicaid funds provided to the health benefit exchange from the health care authority are subject to compliance with state and federal regulations and policies governing the Washington apple health programs, including timely and proper application, eligibility, and enrollment procedures.

(2)(a) By July 15th and January 15th of each year, the authority shall make a payment of one-half the general fund—state appropriation, one-half the health benefit exchange account—state appropriation, and one-half the health care affordability account—state appropriation to the exchange.

(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) \$1,939,000 of the health benefit exchange account—state appropriation and \$6,189,000 of the general fund—federal appropriation are provided solely for the modernizing healthplanfinder project. These amounts are subject to the conditions, limitations, and review provided in section 701 of this act.

(4)(a) \$100,000,000 of the state health care affordability account—state appropriation is provided solely for the exchange to administer a premium assistance program, beginning for plan year 2023, as established in RCW 43.71.110. An individual is eligible for the premium assistance provided if the individual: (i) Has income up to 250 percent of the federal poverty level; and (ii) meets other eligibility criteria as established in RCW 43.71.110(4)(a).

(b) \$260,000 of general fund—state appropriation for fiscal year 2024 is provided solely for a study, in consultation with the health care authority and office of the insurance commissioner, of how the exchange's current section 1332 waiver could be amended to capture federal pass-through funding to support the affordability programs established in RCW 43.71.110. The study should focus on methods being used in other states that could be most readily leveraged in Washington. Study findings must be reported to the appropriate committees of the legislature by December 1, 2023.

(5) \$10,000,000 of the state health care affordability account—state appropriation is provided solely to provide premium assistance for customers ineligible for federal premium tax credits who meet the eligibility criteria established in subsection (4)(a) of this section.

(6) \$102,000 of the general fund—state appropriation for fiscal year 2024, \$865,000 of the general fund—federal appropriation, and \$123,000 of the health benefit exchange account—state appropriation are provided solely for a technology solution for an authoritative client identifier, or master person index, in Healthplanfinder to support the health and human services coalition in uniformly identifying clients across multiple state service delivery systems. These amounts are subject to the conditions, limitations, and review requirements of section 701 of this act.

(7) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the exchange, in collaboration with the department of social and health services and the home training network as described in RCW 70.128.305, to provide educational resources and trainings to help connect owners and employees of adult family homes to health care coverage.

(8) \$299,000 of the general fund—state appropriation for fiscal year 2024, \$299,000 of the general fund—state appropriation for fiscal year 2025, and \$202,000 of the general fund—federal appropriation are provided solely for pass-through funding in the annual amount of \$100,000 for each lead navigator organization in the four regions with the highest concentration of citizens of the compact of free association (COFA) to:

(a) Support a staff position within the COFA community to provide enrollment assistance to the COFA community beyond the scope of the current COFA program; and

(b) Support COFA community-led outreach and enrollment activities.

**NEW SECTION. Sec. 215. FOR THE STATE HEALTH CARE AUTHORITY—COMMUNITY BEHAVIORAL HEALTH PROGRAM**

General Fund—State Appropriation (FY 2024)	.....	\$1,027,989,000
General Fund—State Appropriation (FY 2025)	.....	\$1,131,936,000
General Fund—Federal Appropriation.....		\$2,942,674,000
General Fund—Private/Local Appropriation .....		\$39,031,000
Criminal Justice Treatment Account—State Appropriation .....		\$21,988,000
Problem Gambling Account—State Appropriation		\$2,231,000
Dedicated Cannabis Account—State Appropriation (FY 2024).....		\$28,493,000
Dedicated Cannabis Account—State Appropriation (FY 2025).....		\$28,493,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation .....		\$40,000,000
Opioid Abatement Settlement Account—State Appropriation .....		\$69,587,000
Statewide 988 Behavioral Health Crisis Response Line Account—State Appropriation .....		\$33,135,000
TOTAL APPROPRIATION .....		\$5,365,557,000

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

(1) For the purposes of this section, "behavioral health entities" means managed care organizations and behavioral health administrative services organizations that reimburse providers for behavioral health services.

(2) Within the amounts appropriated in this section, funding is



provided for implementation of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. In addition to amounts provided solely for implementation of the settlement agreement, class members must have access to supports and services funded throughout this section for which they meet eligibility and medical necessity requirements. The authority must include language in contracts that requires regional behavioral health entities to develop and implement plans for improving access to timely and appropriate treatment for individuals with behavioral health needs and current or prior criminal justice involvement who are eligible for services under these contracts.

(3) \$42,653,000 of the general fund—state appropriation for fiscal year 2024, \$46,625,000 of the general fund—state appropriation for fiscal year 2025, and \$17,368,000 of the general fund—federal appropriation are provided solely to continue the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The authority, in collaboration with the department of social and health services and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, crisis diversion and supports, education and training, and workforce development.

(4) \$8,000,000 of the general fund—state appropriation for fiscal year 2024 is provided solely to continue diversion grant programs funded through contempt fines pursuant to *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The authority must consult with the plaintiffs and court monitor to determine, within the amounts provided, which of the programs will continue to receive funding through this appropriation. The programs shall use this funding to provide assessments, mental health treatment, substance use disorder treatment, case management, employment, and other social services. By December 1, 2023, the authority, in consultation with the plaintiffs and the court monitor, must submit a report to the office of financial management and the appropriate fiscal committees of the legislature which includes: Identification of the programs that receive funding through this subsection; a narrative description of each program model; the number of individuals being served by each program on a monthly basis; metrics or outcomes reported as part of the contracts; and recommendations related to further support of these programs in the 2023-2025 fiscal biennium.

(5) \$12,359,000 of the general fund—state appropriation for fiscal year 2024, \$12,359,000 of the general fund—state appropriation for fiscal year 2025, and \$23,444,000 of the general fund—federal appropriation are provided solely for the authority and behavioral health entities to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to behavioral health entities with PACT teams, the authority shall consider the differences between behavioral health entities in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The authority may allow behavioral health entities which have nonmedicaid reimbursable costs that are higher than the nonmedicaid

allocation they receive under this section to supplement these funds with local dollars or funds received under subsection (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.

(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) \$131,642,000 of the general fund—state appropriation for fiscal year 2024 and \$150,211,000 of the general fund—state appropriation for fiscal year 2025 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) \$116,397,000 of the general fund—state appropriation for fiscal year 2024 and \$133,903,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract with behavioral health administrative service organizations for behavioral health treatment services not covered under the medicaid program. Within these amounts, behavioral health administrative service organizations must provide a 15 percent rate increase to providers receiving state funds for nonmedicaid services under this section effective January 1, 2024.

(b) \$15,245,000 of the general fund—state appropriation for fiscal year 2024 and \$16,308,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract with medicaid managed care organizations for wraparound services to medicaid enrolled individuals that are not covered under the medicaid program. Within the amounts provided in this subsection, medicaid managed care organizations must provide a 15 percent rate increase to providers receiving state funding for nonmedicaid services under this section effective January 1, 2024.

(8)(a) \$29,058,000 of the general fund—state appropriation for fiscal year 2024, \$30,515,000 of the general fund—state appropriation for fiscal year 2025, and \$78,746,197 of the general fund—federal appropriation are provided solely for the authority to contract with managed care organizations to provide reimbursement for exceptional behavioral health personal care services pursuant to a 1915(i) state plan that is assumed to be effective on July 1, 2023. This reflects a change in the purchasing structure for exceptional behavioral health personal care services. The authority must contract for these services utilizing an actuarially sound rate structure as established by the authority and approved by the centers for medicare and medicaid services. Expenditure of the amounts provided in this subsection for organizations within an exclusive bargaining unit is contingent upon execution of an appropriate memorandum of understanding between the office of financial management and the exclusive bargaining representative.

(b) In the event that the 1915(i) state plan cannot be implemented or an appropriate memorandum of understanding cannot be reached, then from the amounts provided in (a) of this subsection, up to \$17,946,000 of the general fund—state appropriation for fiscal year 2024 and \$17,946,000 of the general fund—state appropriation for fiscal year 2025 may be used for the authority to continue the reimbursement structure for behavioral

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health personal care services in place during the 2021-2023 fiscal biennium. Within these amounts, the authority shall assure that managed care organizations reimburse the department of social and health services aging and long term support administration for the general fund—state cost of exceptional behavioral health personal care services for medicaid enrolled individuals who require these because of a psychiatric disability. Funding for the federal share of these services is separately appropriated to the department of social and health services.

(9) 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.

(10) \$1,204,000 of the general fund—state appropriation for fiscal year 2024 and \$1,204,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting 180-day commitment hearings at the state psychiatric hospitals.

(11) 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.

(12) \$2,291,000 of the general fund—state appropriation for fiscal year 2024 and \$2,291,000 of the general fund—state appropriation for fiscal year 2025 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.

(13) 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*.

(14) The authority must establish minimum and maximum funding levels for all reserves allowed under behavioral health administrative service organization contracts and include contract language that clearly states the requirements and limitations. The reserve levels must be informed by the types of risk carried by behavioral health administrative service organizations for mandatory services and also consider reasonable levels of operating reserves. The authority must monitor and ensure that behavioral health administrative service organization reserves do not exceed maximum levels. The authority must monitor revenue and expenditure reports and must require a behavioral health administrative service organization to submit a corrective action plan on how it will spend its excess reserves within a reasonable period of time, when its reported reserves exceed maximum levels established under the contract. The authority must review and approve such plans and monitor to ensure compliance. If the authority determines that a behavioral health administrative service organization has failed to provide an adequate excess reserve corrective action plan or is not complying with an approved plan, the authority must reduce payments to the entity in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the authority determines that the entity has come into substantial

compliance with an approved excess reserve corrective action plan. The authority must submit to the office of financial management and the appropriate committees of the legislature, each December of the biennium, the minimum and maximum reserve levels established in contract for each of the behavioral health administrative service organizations for the prior fiscal year and the actual reserve levels reported at the end of the fiscal year.

(15) During the 2023-2025 fiscal biennium, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted directly between the authority and pregnant and parenting women case management providers.

(16) 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 10 percent of the total contract amount.

(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). Funding from the criminal justice treatment account may be used to provide treatment and support services through the conclusion of an individual's treatment plan to individuals participating in a drug court program as of February 24, 2021, if that individual wishes to continue treatment following dismissal of charges they were facing under RCW 69.50.4013(1). Such participation is voluntary and contingent upon substantial compliance with drug court program requirements.

(19) \$6,858,000 of the general fund—state appropriation for fiscal year 2024, \$6,858,000 of the general fund—state appropriation for fiscal year 2025, and \$8,046,000 of the general fund—federal appropriation are provided solely to maintain crisis triage or stabilization centers that were originally funded in the 2017-2019 fiscal biennium. Services in these facilities may include crisis stabilization and intervention, individual

counseling, peer support, medication management, education, and referral assistance. The authority shall monitor each center's effectiveness at lowering the rate of state psychiatric hospital admissions.

(20) \$4,568,000 of the general fund—state appropriation for fiscal year 2024, \$8,643,000 of the general fund—state appropriation for fiscal year 2025, and \$13,508,000 of the general fund—federal appropriation are provided solely for the implementation of services at new crisis triage and stabilization facilities that are expected to open during the 2023-2025 fiscal biennium. Within these amounts, the health care authority shall convene representatives from medicaid managed care organizations, behavioral health administrative organizations, private insurance carriers, self-insured organizations, crisis providers, and the office of the insurance commissioner to assess gaps in the current funding model for crisis services and recommend options for addressing these gaps including, but not limited to, an alternative funding model for crisis services. The assessment must consider available data to determine to what extent the costs of crisis services for clients of private insurance carriers, medicaid managed care organizations, and individuals enrolled in medicaid fee-for-service are being subsidized through state funded behavioral health administrative services organization contracts. The analysis shall examine crisis services provided by mobile crisis teams as well as facility-based services such as crisis triage and crisis stabilization units. In the development of an alternative funding model, the authority and office of the insurance commissioner must explore mechanisms that: (a) Determine the annual cost of operating crisis services and collect a proportional share of the program cost from each health insurance carrier; and (b) differentiate between crisis services eligible for medicaid funding from other nonmedicaid eligible activities. The authority must submit a preliminary report to the office of financial management and the appropriate committees of the legislature by December 1, 2023, and a final report by December 1, 2024. Up to \$300,000 of the general fund—state appropriation for fiscal year 2024, and \$300,000 of the general fund—state appropriation for fiscal year 2025 may be used for the assessment and reporting activities required under this subsection.

(21) \$9,795,000 of the general fund—state appropriation for fiscal year 2024, \$10,015,000 of the general fund—state appropriation for fiscal year 2025, and \$15,025,000 of the general fund—federal appropriation are provided solely for the operation of secure withdrawal management and stabilization facilities. The authority may not use any of these amounts for services in facilities that are subject to federal funding restrictions that apply to institutions for mental diseases, unless they have received a waiver that allows for full federal participation in these facilities. Within these amounts, funding is provided to increase the fee for service rate for these facilities up to \$650 per day. The authority must require in contracts with behavioral health entities that 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.

(22) \$1,401,000 of the general fund—state appropriation for fiscal year 2024, \$1,401,000 of the general fund—state appropriation for fiscal year 2025, and \$3,210,000 of the general fund—federal appropriation are provided solely for the implementation of intensive behavioral health treatment facilities within the community behavioral health service system pursuant to chapter 324, Laws of 2019 (2SHB 1394).

(23)(a) \$12,878,000 of the dedicated cannabis account—state appropriation for fiscal year 2024 and \$12,878,000 of the dedicated cannabis account—state appropriation for fiscal year 2025 are provided solely for:

(i) A memorandum of understanding with the department of children, youth, and families to provide substance abuse treatment programs;

(ii) A contract with the Washington state institute for public policy to conduct a cost-benefit evaluation of the implementations of chapter 3, Laws of 2013 (Initiative Measure No. 502);

(iii) Designing and administering the Washington state healthy youth survey and the Washington state young adult behavioral health survey;

(iv) Maintaining increased services to pregnant and parenting women provided through the parent child assistance program;

(v) Grants to the office of the superintendent of public instruction for life skills training to children and youth;

(vi) Maintaining increased prevention and treatment service provided by tribes and federally recognized American Indian organization to children and youth;

(vii) Maintaining increased residential treatment services for children and youth;

(viii) Training and technical assistance for the implementation of evidence-based, research based, and promising programs which prevent or reduce substance use disorder;

(ix) Expenditures into the home visiting services account; and

(x) Grants to community-based programs that provide prevention services or activities to youth.

(b) The authority must allocate the amounts provided in (a) of this subsection amongst the specific activities proportionate to the fiscal year 2021 allocation.

(24)(a) \$1,125,000 of the general fund—state appropriation for fiscal year 2024 and \$1,125,000 of the general fund—state appropriation for fiscal year 2025 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 16-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.

(25) \$1,850,000 of the general fund—state appropriation for fiscal year 2024, \$1,850,000 of the general fund—state appropriation for fiscal year 2025, and \$13,312,000 of the general fund—federal appropriation are provided solely for substance use disorder peer support services included in behavioral health capitation rates in accordance with section 213(5)(ss), chapter 299, Laws of 2018. The authority shall require managed care organizations to provide access to peer support services for individuals with substance use disorders transitioning from emergency departments, inpatient facilities, or receiving treatment as part of hub and spoke networks.

(26) \$1,423,000 of the general fund—state appropriation for fiscal year 2024, \$1,423,000 of the general fund—state

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appropriation for fiscal year 2025, and \$5,908,000 of the general fund—federal appropriation are provided solely for the authority to continue to implement discharge wraparound services for individuals with complex behavioral health conditions transitioning or being diverted from admission to psychiatric inpatient programs. The authority must coordinate with the department of social and health services in establishing the standards for these programs.

(27) \$350,000 of the general fund—federal appropriation is provided solely to contract with a nationally recognized recovery residence organization and to provide technical assistance to operators of recovery residences seeking certification in accordance with chapter 264, Laws of 2019 (2SHB 1528).

(28) \$3,396,000 of the general fund—state appropriation for fiscal year 2024, \$3,396,000 of the general fund—state appropriation for fiscal year 2025, and \$16,200,000 of the general fund—federal appropriation are provided solely for support of and to continue to increase clubhouse programs across the state. The authority shall work with the centers for medicare and medicaid services to review opportunities to include clubhouse services as an optional "in lieu of" service in managed care organization contracts in order to maximize federal participation.

(29) \$708,000 of the general fund—state appropriation for fiscal year 2024, \$708,000 of the general fund—state appropriation for fiscal year 2025, and \$1,598,000 of the general fund—federal appropriation are provided solely for implementing mental health peer respite centers and a pilot project to implement a mental health drop-in center in accordance with chapter 324, Laws of 2019 (2SHB 1394).

(30) \$800,000 of the general fund—state appropriation for fiscal year 2024, \$800,000 of the general fund—state appropriation for fiscal year 2025, and \$1,452,000 of the general fund—federal appropriation are provided solely for the authority to implement strategies related to suicide prevention and treatment.

(31) \$446,000 of the general fund—state appropriation for fiscal year 2024, \$446,000 of the general fund—state appropriation for fiscal year 2025, 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.

(32) 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.

(33) \$9,000,000 of the criminal justice treatment account—state appropriation is provided solely for the authority to maintain funding for new therapeutic courts created or expanded during fiscal year 2021, or to maintain the fiscal year 2021 expansion of services being provided to an already existing therapeutic court that engages in evidence-based practices, to include medication

assisted treatment in jail settings pursuant to RCW 71.24.580. Funding provided under this subsection shall not supplant existing funds utilized for this purpose.

(34) In establishing, re-basing, enhancing, or otherwise updating medicaid rates for behavioral health services, the authority and contracted actuaries shall use a transparent process that provides an opportunity for medicaid managed care organizations, behavioral health administrative service organizations, and behavioral health provider agencies, and their representatives, to review and provide data and feedback on proposed rate changes within their region or regions of service operation. The authority and contracted actuaries shall transparently incorporate the information gained from this process and make adjustments allowable under federal law when appropriate.

(35) 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 specific metrics related to behavioral health outcomes under integrated managed care. These metrics must include, but are not limited to: (a) Revenues and expenditures for community behavioral health programs, including medicaid and nonmedicaid funding; (b) access to services, service denials, and utilization by state plan modality; (c) claims denials and record of timely payment to providers; (d) client demographics; and (e) social and recovery measures and managed care organization performance measures. The authority must work with managed care organizations and behavioral health administrative service organizations to integrate these metrics into an annual reporting structure designed to evaluate the performance of the behavioral health system in the state over time. The authority must submit a report to the office of financial management and the appropriate committees of the legislature, before December 30th of each year during the fiscal biennium, that details the implemented metrics and relevant performance outcomes for the prior calendar year.

(36) \$4,616,000 of the general fund—state appropriation for fiscal year 2024, \$3,999,000 of the general fund—state appropriation for fiscal year 2025, and \$6,765,000 of the general fund—federal appropriation are provided solely for the authority to maintain pilot programs for intensive outpatient services and partial hospitalization services for certain children and adolescents and, pursuant to chapter 94, Laws of 2022 (2SSB 5736), add coverage for these services into the state medicaid program beginning January 1, 2024.

(a) The authority must establish minimum standards, eligibility criteria, authorization and utilization review processes, and payment methodologies for the programs in contract.

(b) 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.

(c) Eligibility for services through the state medicaid program shall be consistent with criteria approved by the centers for medicare and medicaid services pursuant to implementation of chapter 94, Laws of 2022 (2SSB 5736).

(d) The authority must collect data on the program sites and

work with the actuaries responsible for establishing managed care rates for medicaid enrollees to develop and submit an annual report to the office of financial management and the appropriate committees of the legislature each December of the biennium that includes the following information:

(i) A narrative description of the services provided at each program 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 program sites;

(iii) Recommendations for whether modifications should be made to the models to better address gaps in the continuum identified through the sites, and whether the models could be expanded to community behavioral health providers; and

(iv) Annual costs and any quantifiable cost offsets associated with the program sites.

(37) \$25,587,000 of the general fund—federal appropriation (ARPA) and \$9,828,000 of the general fund—federal appropriation are provided solely to promote the recovery of individuals with substance use disorders through expansion of substance use disorder services. The authority shall implement this funding to promote integrated, whole-person care to individuals with opioid use disorders, stimulant use disorders, and other substance use disorders. The authority shall use this funding to support evidence-based and promising practices as follows:

(a) \$8,500,000 of the amounts provided in this subsection is provided solely for treatment services to low-income individuals with substance use disorders who are not eligible for services under the medicaid program and for treatment services that are not covered under the medicaid program. A minimum of \$7,500,000 of this amount must be contracted through behavioral health administrative services organizations. The amounts in this subsection may be used for services including, but not limited to, outpatient treatment, residential treatment, mobile opioid use disorder treatment programs, law enforcement assisted diversion programs, contingency management interventions, modified assertive community treatment, trauma informed care, crisis respite, and for reimbursement of one-time start-up operating costs for opening new beds in withdrawal management treatment programs.

(b) \$2,015,000 of the amounts provided in this subsection is provided solely for outreach programs that link individuals with substance use disorders to treatment options to include medication for opioid use disorder. The authority must contract for these services with programs that use interdisciplinary teams, which include peer specialists, to engage and facilitate linkage to treatment for individuals in community settings such as homeless encampments, shelters, emergency rooms, harm reduction programs, churches, community service offices, food banks, libraries, legal offices, and other settings where individuals with substance use disorders may be engaged. The services must be coordinated with emergency housing assistance and other services administered by the authority to promote access to a full continuum of treatment and recovery support options.

(c) \$7,500,000 of the amounts provided in this subsection is provided solely for substance use disorder recovery support services not covered by the medicaid program including, but not limited to, emergency housing, recovery housing vouchers, supported employment, skills training, peer support, peer drop-in centers, and other community supports.

(d) \$3,550,000 of the amounts provided in this subsection is provided solely for efforts to support the recovery of American Indians and Alaska natives with substance use disorders. This funding may be used for grants to urban Indian organizations, tribal opioid prevention media campaigns, and support for

government to government communication, planning, and implementation of opioid use disorder related projects.

(e) \$5,000,000 of the amounts provided in this subsection is provided solely for the authority, in coordination with the department of health, to expand the distribution of naloxone through the department's overdose education and naloxone distribution program. Funding must be prioritized to fill naloxone access gaps in community behavioral health and other community settings, including providing naloxone for agency staff in organizations such as syringe service programs, housing providers, and street outreach programs, and for law enforcement and emergency responders.

(f) \$7,100,000 of the amounts provided in this subsection is provided solely for community services grants that support the implementation and evaluation of substance use disorder prevention services.

(g) Up to \$1,750,000 of the amounts provided in this subsection may be used for the authority's administrative costs associated with services funded in this subsection (37).

(38) \$3,109,000 of the general fund—state appropriation for fiscal year 2024 and \$3,109,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for short-term rental subsidies for individuals with mental health or substance use disorders. This funding may be used for individuals enrolled in the foundational community support program while waiting for a longer term resource for rental support or for individuals transitioning from behavioral health treatment facilities or local jails. Individuals who would otherwise be eligible for the foundational community support program but are not eligible because of their citizenship status may also be served. Each December of the fiscal biennium, the authority must submit a report identifying the expenditures and number of individuals receiving short-term rental supports through the agency budget during the prior fiscal year broken out by region, treatment need, and the demographics of those served, including but not limited to age, country of origin within racial/ethnic categories, gender, and immigration status.

(39) \$25,332,000 of the general fund—federal appropriation (ARPA) is provided solely to promote the recovery of individuals with mental health disorders through expansion of mental health services. The authority shall implement this funding to promote integrated, whole-person care through evidence based and promising practices as follows:

(a) \$8,153,000 of the amounts provided in this subsection is provided solely for treatment services to low-income individuals with mental health disorders who are not eligible for services under the medicaid program and for treatment services that are not covered under the medicaid program. A minimum of \$7,000,000 of this amount must be contracted through behavioral health administrative services organizations. The amounts in this subsection may be used for services including, but not limited to, outpatient treatment, residential treatment, law enforcement assisted diversion programs, modified assertive community treatment, and trauma informed care.

(b) \$8,200,000 of the amounts provided in this subsection is provided solely for mental health recovery support services not covered by the medicaid program including, but not limited to, supportive housing, emergency housing vouchers, supported employment, skills training, peer support, peer drop-in centers, and other community supports.

(c) \$2,553,000 of the amounts provided in this subsection is provided solely for efforts to support the recovery of American Indians and Alaska natives with mental health disorders.

(d) \$1,300,000 of the amounts provided in this subsection is provided solely to enhance crisis services and may be used for

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crisis respite care.

(e) \$2,600,000 of the amounts provided in this subsection is provided solely for the expansion of first episode psychosis programs.

(f) Up to \$1,279,000 of the amounts provided in this subsection may be used for the authority's administrative costs associated with services funded in this subsection.

(40) The authority must pursue opportunities for shifting state costs to the state's unused allocation of federal institutions for mental disease disproportionate share hospital funding.

(41) \$500,000 of the general fund—federal appropriation is provided solely to establish an emotional support network program for individuals employed as peer specialists. The authority must contract for these services which shall include, but not be limited to, facilitating support groups for peer specialists, support for the recovery journeys of the peer specialists themselves, and targeted support for the secondary trauma inherent in peer work.

(42) \$1,500,000 of the general fund—federal appropriation is provided solely for the authority to contract on a one-time basis with the University of Washington behavioral health institute to continue and enhance its efforts related to training and workforce development. This funding may be used for the following activities:

(a) Making substance use disorder training content accessible to all community behavioral health providers;

(b) Refining and implementing a substance use disorder provider needs assessment to advance best practice implementation for treatment in inpatient and outpatient settings;

(c) Disseminating innovative best practices through training and technical assistance;

(d) Developing and launching a telebehavioral health training series, providing webinars and packaging the training content so that it is accessible to all community behavioral health providers;

(e) Planning for advanced telebehavioral health training and support to providers;

(f) Convening a race, equity, and social justice in behavioral health conference annually;

(g) Developing training and technical assistance opportunities for an annual series that translates lessons learned in behavioral health equity into actionable and sustainable change at the provider, organizational, and system levels;

(h) Developing recommendations for reducing health disparities and training the workforce in culturally and linguistically relevant practices to achieve improved outcomes;

(i) Increasing the number of community substance use providers that are trained in best practice assessment and treatment models;

(j) Convening a telebehavioral health summit of leading experts regarding long-term provider telebehavioral health training and workforce needs;

(k) Creating a behavioral health workforce strategy plan that identifies gaps that are not being addressed and suggests system improvements to address those gaps;

(l) Working with community partners and key stakeholders to identify best practice strategies to evaluate and measure equity and health disparities within the behavioral health system and make recommendations regarding potential metrics to help advance system change; and

(m) Developing metrics and evaluating telebehavioral health training needs and the impact of telebehavioral health training on provider knowledge and treatment protocols.

(43) \$1,250,000 of the general fund—state appropriation for fiscal year 2024 and \$1,250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the

authority to contract with the King county behavioral health administrative services organization to maintain children's crisis outreach response system services that were previously funded through the department of children, youth, and families. The authority, in consultation with the behavioral health administrative services organization, medicaid managed care organizations, and the actuaries responsible for developing medicaid managed care rates, must work to maximize federal funding provided for the children's crisis outreach response system program.

(44) \$31,891,000 of the general fund—state appropriation for fiscal year 2024, \$63,395,000 of the general fund—state appropriation for fiscal year 2025, and \$172,425,000 of the general fund—federal appropriation are provided solely to implement a 15 percent increase to medicaid reimbursement for community behavioral health providers contracted through managed care organizations to be effective January 1, 2024. The authority must employ mechanisms such as directed payment or other options allowable under federal medicaid law to assure the funding is used by the managed care organizations for a 15 percent provider rate increase as intended and verify this pursuant to the process established in chapter 285, Laws of 2020 (EHB 2584). The rate increase shall be implemented to all behavioral health nonhospital inpatient, residential, and outpatient providers contracted through the medicaid managed care organizations. Psychiatric hospitals and other providers receiving rate increases under other subsections of this section must be excluded from the rate increase directed in this subsection.

(45) \$532,000 of the general fund—state appropriation for fiscal year 2024, \$2,935,000 of the general fund—state appropriation for fiscal year 2025, and \$3,467,000 of the general fund—federal appropriation are provided solely to increase the number of beds and rates for community children's long-term inpatient program providers. The number of beds is increased on a phased in basis to 72 beds by the end of fiscal year 2024. The bed day rates are increased from \$1,030 per day to \$1,121 per day effective July 1, 2023.

(46) \$505,000 of the general fund—state appropriation for fiscal year 2024, \$1,011,000 of the general fund—state appropriation for fiscal year 2025, and \$1,095,000 of the general fund—federal appropriation are provided solely to increase rates for parent child assistance program providers by 15 percent effective January 1, 2024.

(47) \$150,000 of the general fund—federal appropriation is provided solely for training of behavioral health consumer advocates. The authority must enter into a memorandum of understanding with the department of commerce to provide support for training of behavioral health consumer advocates pursuant to chapter 202, Laws of 2021 (E2SHB 1086).

(48) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract with a statewide mental health nonprofit organization that provides free community and school-based mental health education and support programs for consumers and families. The contractor must use this funding to provide access to programs tailored to peers living with mental illness as well as family members of people with mental illness and the community at large. Services provided by the contracted program shall include education, support, and assistance to reduce isolation and help consumers and families understand the services available in their communities.

(49) \$15,474,000 of the general fund—state appropriation for fiscal year 2024, \$15,474,000 of the general fund—state appropriation for fiscal year 2025, and \$14,312,000 of the general

fund—federal appropriation are provided solely for maintaining the expansion of local behavioral health mobile crisis response team capacity and ensuring each region has at least one adult and one children and youth mobile crisis team that is able to respond to calls coming into the 988 crisis hotline.

(a) In prioritizing this funding, the health care authority shall assure that there are a minimum of six new children and youth mobile crisis teams in comparison to the number of teams at the end of fiscal year 2021 and that there is one children and youth mobile crisis team in each region.

(b) In implementing funding for adult and youth mobile crisis response teams, the authority must establish standards in contracts with managed care organizations and behavioral health administrative services organizations for the services provided by these teams.

(c) Of these amounts, \$3,000,000 of the general fund—state appropriation for fiscal year 2024, \$3,000,000 of the general fund—state appropriation for fiscal year 2025, and \$2,024,000 of the general fund—federal appropriation are provided solely to maintain increased capacity for mobile crisis services in King county that was funded in fiscal year 2023. These amounts must supplement and not supplant funding to the county previously allocated by the authority under this subsection.

(50) \$57,580,000 of the general fund—state appropriation for fiscal year 2024, \$61,807,000 of the general fund—state appropriation for fiscal year 2025, and \$109,146,000 of the general fund—federal appropriation are provided solely for the authority to contract with community hospitals or freestanding evaluation and treatment centers to provide long-term inpatient care beds as defined in RCW 71.24.025. Within these amounts, the authority must meet the requirements for reimbursing counties for the judicial services for patients being served in these settings in accordance with RCW 71.05.730. The authority must coordinate with the department of social and health services in developing the contract requirements, selecting contractors, and establishing processes for identifying patients that will be admitted to these facilities. Of the amounts in this subsection, sufficient amounts are provided in fiscal year 2024 and fiscal year 2025 for the authority to reimburse community hospitals and nonhospital residential treatment centers serving clients in long-term inpatient care beds as defined in RCW 71.24.025 as follows:

(a) For a hospital licensed under chapter 70.41 RCW that requires a hospital specific medicaid inpatient psychiatric per diem payment rate for long-term civil commitment patients because the hospital has completed a medicare cost report, the authority shall analyze the most recent medicare cost report of the hospital after a minimum of 200 medicaid inpatient psychiatric days. The authority shall establish the inpatient psychiatric per diem payment rate for long-term civil commitment patients for the hospital at 100 percent of the allowable cost of care, based on the most recent medicare cost report of the hospital.

(b) For a hospital licensed under chapter 70.41 RCW that has not completed a medicare cost report with more than 200 medicaid inpatient psychiatric days, the authority shall establish the medicaid inpatient psychiatric per diem payment rate for long-term civil commitment patients for the hospital at the higher of the hospital's current medicaid inpatient psychiatric rate; or the annually updated statewide average of the medicaid inpatient psychiatric per diem payment rate of all acute care hospitals licensed under chapter 70.41 RCW providing long-term civil commitment services.

(c) For a hospital licensed under chapter 71.12 RCW and currently providing long-term civil commitment services, the authority shall establish the medicaid inpatient psychiatric per diem payment rate at \$940 plus adjustments that may be needed

to capture costs associated with long-term psychiatric patients that are not allowable on the medicare cost report or reimbursed separately. The hospital may provide the authority with supplemental data to be considered and used to make appropriate adjustments to the medicaid inpatient psychiatric per diem payment rate of the hospital. Adjustment of costs may include:

(i) Costs associated with professional services and fees not accounted for in the hospital's medicare cost report or reimbursed separately;

(ii) Costs associated with the hospital providing the long-term psychiatric patient access to involuntary treatment court services that are not reimbursed separately; and

(iii) Other costs associated with caring for long-term psychiatric patients that are not reimbursed separately.

(d) For a hospital licensed under chapter 71.12 RCW that requires an initial medicaid inpatient psychiatric per diem payment rate for long-term civil commitment services because it has not yet completed a medicare cost report, the authority shall establish the medicaid inpatient psychiatric per diem payment rate at the higher of:

(i) The hospital's current medicaid inpatient psychiatric rate; or

(ii) The annually updated statewide average of the medicaid long-term inpatient psychiatric per diem payment rate of all freestanding psychiatric hospitals licensed under chapter 71.12 RCW providing long-term civil commitment services.

(e) For nonhospital residential treatment centers certified to provide long-term inpatient care beds as defined in RCW 71.24.025, the authority shall establish the medicaid psychiatric per diem payment rate at the fiscal year 2023 level.

(f) Beginning in fiscal year 2024, the authority shall pay a rate enhancement for patients committed pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The enhancement shall be available to all hospital and nonhospital facilities providing services under this subsection except those whose rates are set at 100 percent of their most recent medicare cost report. The rate enhancement shall not exceed the tiered rate enhancements established under the 1915(i) state plan.

(g) Provider payments for vacant bed days shall not exceed six percent of their annual contracted bed days.

(h) The authority, in coordination with the department of social and health services, the office of the governor, the office of financial management, and representatives from medicaid managed care organizations, behavioral health administrative service organizations, and community providers, must update its plan to continue the expansion of civil community long-term inpatient capacity. The plan shall identify gaps and barriers in the current array of community long-term inpatient beds in serving higher need individuals including those committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The plan shall identify strategies to overcome these barriers including, but not limited to, potential rate enhancements for high needs clients. The authority must submit its updated implementation plan to the office of financial management and the appropriate fiscal committees of the legislature by December 1, 2023, and submit a status update on the implementation plan by October 15, 2024.

(51)(a) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a one-time grant to Island county to maintain support for a pilot program to improve behavioral health outcomes for young people in rural communities. In administering the pilot program, Island county shall coordinate with school districts, community groups, and health care providers to increase access to behavioral health

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programs for children and youth aged birth to 24 years of age. The grant funds shall be used to coordinate and expand behavioral health services. The grant funding must not be used to supplant funding from existing programs. No more than 10 percent of the funds may be used for administrative costs incurred by Island county in administering the program. Services that may be provided with the grant funding include, but are not limited to:

(i) Support for children and youth with significant behavioral health needs to address learning loss caused by COVID-19 and remote learning;

(ii) School based behavioral health education, assessment, and brief treatment;

(iii) Screening and referral of children and youth to long-term treatment services;

(iv) Behavioral health supports provided by community agencies serving youth year-round;

(v) Expansion of mental health first aid, a program designed to prepare adults who regularly interact with youth for how to help people in both crisis and noncrisis mental health situations;

(vi) Peer support services; and

(vii) Compensation for the incurred costs of clinical supervisors and internships.

(b) The authority, in coordination with Island county, must submit to the office of financial management and the appropriate committees of the legislature, a report summarizing how the funding was used and providing the number of children and youth served by the pilot during fiscal year 2024 by December 1, 2024.

(52) \$265,000 of the general fund—state appropriation for fiscal year 2024, \$281,000 of the general fund—state appropriation for fiscal year 2025, and \$546,000 of the general fund—federal appropriation are provided solely for the authority to provide specialized training and consultation for physicians and professionals to support children with developmental disabilities and behavioral health needs.

(53) \$3,719,000 of the general fund—federal appropriation and \$2,994,000 of the general fund—local appropriation are provided solely for supported housing and employment services described in initiative 3a and 3b of the 1115 demonstration waiver and this is the maximum amount that may be expended for this purpose. Within these amounts, funding is provided for the authority to support community discharge efforts for patients at the state hospitals. 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 above appropriated levels for this specific purpose. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(54) \$130,000 of the general fund—federal appropriation is provided solely for the authority to participate in efforts to ensure behavioral health agencies are compensated for their role as teaching clinics for students seeking professional education in behavioral health disciplines and for new graduates working toward licensure.

(55) \$250,000 of the general fund—state appropriation for

fiscal year 2024, \$934,000 of the general fund—state appropriation for fiscal year 2025, and \$1,447,000 of the general fund—federal appropriation are provided solely for increasing case management services to pregnant and parenting women provided through the parent child assistance program and for increasing the number of residential treatment beds available for pregnant and parenting women.

(56) Within the amounts provided in this section, sufficient funding is provided for the authority to maintain and increase the capabilities of a tool to track medication assisted treatment provider capacity.

(57) \$2,000,000 of the general fund—federal appropriation is provided solely for grants to law enforcement and other first responders to include a mental health professional on the team of personnel responding to emergencies.

(58) \$1,653,000 of the general fund—state appropriation for fiscal year 2025 and \$2,042,000 of the general fund—federal appropriation are provided solely for the authority to contract for long-term involuntary treatment services in a 16-bed residential treatment facility being developed by the Tulalip tribe in Stanwood.

(59) \$956,000 of the general fund—state appropriation for fiscal year 2024 and \$956,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for wraparound with intensive services for youth ineligible for medicaid as outlined in the settlement agreement under *AGC v. Washington State Health Care Authority*, Thurston county superior court no. 21-2-00479-34.

(60) \$18,188,000 of the general fund—state appropriation for fiscal year 2024 and \$18,188,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for claims for services rendered to medicaid eligible clients admitted to institutions of mental disease that were determined to be unallowable for federal reimbursement due to medicaid's institutions for mental disease exclusion rules.

(61) \$6,016,000 of the general fund—state appropriation for fiscal year 2024, \$6,010,000 of the general fund—state appropriation for fiscal year 2025, and \$1,980,000 of the general fund—federal appropriation are provided solely for the authority, in coordination with the department of health, to deploy an opioid awareness campaign and to contract with syringe service programs and other service settings assisting people with substance use disorders to: Prevent and respond to overdoses; provide other harm reduction services and supplies, including but not limited to distributing naloxone; fentanyl testing and other drug testing supplies; and for expanding contingency management services. The authority is encouraged to use these funds to leverage federal funding for this purpose to expand buying power when possible. The authority should prioritize funds for naloxone in coordination with the department of health, to expand the distribution of naloxone through the department's overdose education and naloxone distribution program. Funding must be prioritized to fill naloxone access gaps in community behavioral health and other community settings, including providing naloxone for agency staff in organizations such as syringe service programs, housing providers, and street outreach programs. Of the amounts provided in this subsection, \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to deploy an opioid awareness campaign targeted at youth to increase the awareness of the dangers of fentanyl.

(62) \$4,763,000 of the general fund—state appropriation for fiscal year 2024, \$4,763,000 of the general fund—state appropriation for fiscal year 2025, and \$25,754,000 of the general



fund—federal appropriation are provided solely to maintain a rate increase authorized for opioid treatment providers on January 1, 2023.

(63) \$2,387,000 of the general fund—state appropriation for fiscal year 2024 and \$2,387,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to support individuals enrolled in the foundational community supports initiative who are transitioning from benefits under RCW 74.04.805 due to increased income or other changes in eligibility. The authority, department of social and health services, and department of commerce shall collaborate on this effort.

(64) \$2,249,000 of the general fund—state appropriation for fiscal year 2024 and \$2,249,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract with programs to provide medical respite care for individuals with behavioral health needs. The programs must serve individuals with significant behavioral health needs and medical issues who do not require hospitalization but are unable to provide adequate self-care for their medical conditions. The programs must prioritize services to individuals with complex medical and behavioral health issues who are homeless or who were recently discharged from a hospital setting. The services must meet quality standards and best practices developed by the national health care for the homeless council and may include, but are not limited to, medical oversight and health education; care transitions; and discharge planning to and from primary care, inpatient hospital, emergency rooms, and supportive housing. In selecting the contractors, the authority must prioritize projects that demonstrate the active involvement of an established medical provider that is able to leverage federal medicaid funding in the provision of these services. The authority must work with the medicaid managed care organizations to encourage their participation and assist the plans and the contractor in identifying mechanisms for appropriate use of medicaid reimbursement in this setting.

(65) \$988,000 of the general fund—state appropriation for fiscal year 2024, \$988,000 of the general fund—state appropriation for fiscal year 2025, and \$618,000 of the general fund—federal appropriation are provided solely for the authority to contract for three regional behavioral health mobile crisis response teams focused on supported housing to prevent individuals with behavioral health conditions at high risk of losing housing from becoming homeless, identify and prioritize serving the most vulnerable people experiencing homelessness, and increase alternative housing options to include short-term alternatives which may temporarily deescalate situations where there is high risk of a household from becoming homeless.

(66) \$5,623,000 of the general fund—state appropriation for fiscal year 2024, \$5,623,000 of the general fund—state appropriation for fiscal year 2025, and \$3,748,000 of the general fund—federal appropriation are provided solely to maintain and expand access to no barrier, and low-barrier programs using a housing first model designed to assist and stabilize housing supports for adults with behavioral health conditions. Housing supports and services shall be made available with no requirement for treatment for their behavioral health condition and must be individualized to the needs of the individual. The authority and department of commerce shall collaborate on this effort and must submit a status report to the office of financial management and the appropriate committees of the legislature by December 31, 2023.

(67) \$675,000 of the general fund—state appropriation for fiscal year 2024 and \$675,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a rental voucher and bridge program and to implement strategies to

reduce instances where an individual leaves a state operated behavioral or private behavioral health facility directly into homelessness. The authority must prioritize this funding for individuals being discharged from state operated behavioral health facilities.

(68) \$361,000 of the general fund—state appropriation for fiscal year 2024, \$361,000 of the general fund—state appropriation for fiscal year 2025, and \$482,000 of the general fund—federal appropriation are provided solely for the authority, in collaboration with the department of social and health services research and data analysis division, to implement community behavioral health service data into the existing executive management information system. Of these amounts, \$288,000 of the general fund—state appropriation for fiscal year 2024, \$288,000 of the general fund—state appropriation for fiscal year 2025, and \$384,000 of the general fund—federal appropriation are provided solely for the authority to reimburse the research and data analysis division for staff costs associated with this project. The data elements shall be incorporated into the monthly executive management information system reports on a phased-in basis, allowing for elements which are readily available to be incorporated in the initial phase, and elements which require further definition and data collection changes to be incorporated in a later phase. The authority must collaborate with the research and data analysis division to ensure data elements are clearly defined and must include requirements in medicaid managed care organization and behavioral health administrative services organization contracts to provide the data in a consistent and timely manner for inclusion into the system. The community behavioral health executive management system information data elements must include, but are not limited to: Psychiatric inpatient bed days; evaluation and treatment center bed days; long-term involuntary community psychiatric inpatient bed days; children's long-term inpatient bed days; substance use disorder inpatient, residential, withdrawal evaluation and management, and secure withdrawal evaluation and management bed days; crisis triage and stabilization services bed days; mental health residential bed days; mental health and substance use disorder outpatient treatment services; opioid substitution and medication assisted treatment services; program of assertive treatment team services; wraparound with intensive services; mobile outreach crisis services; recovery navigator team services; foundational community supports housing and employment services; projects for assistance in transition from homelessness services; housing and recovery through peer services; other housing services administered by the authority; mental health and substance use disorder peer services; designated crisis responder investigations and outcomes; involuntary commitment hearings and outcomes; pregnant and parenting women case management services; and single bed certifications and no available bed reports. Wherever possible and practical, the data must include historical monthly counts and shall be broken out to distinguish services to medicaid and nonmedicaid individuals and children and adults. The authority and the research and data analysis division must consult with the office of financial management and staff from the fiscal committees of the legislature on the development and implementation of the community behavioral health data elements.

(69) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to maintain support for recovery navigator services established in chapter 311, Laws of 2021 (ESB 5476). These amounts must be allocated for recovery navigator services in King, Pierce, and Snohomish counties. These amounts must

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supplement and not supplant funding allocated, pursuant to section 22(1), chapter 311, Laws of 2021, to the regional behavioral health administrative services organizations serving those counties.

(70) \$2,650,000 of the general fund—state appropriation for fiscal year 2024 and \$2,650,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to support efforts by counties and cities to implement local response teams. Of these amounts:

(a) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to provide a grant to the association of Washington cities to assist cities with the costs of implementing alternative response teams. This funding must be used to reimburse cities for documented costs associated with creating co-responder teams within different alternative diversion models including law enforcement assisted diversion programs, community assistance referral and education programs, and as part of mobile crisis teams. Cities are encouraged to partner with each other to create a regional response model. In awarding these funds, the association must prioritize applicants with demonstrated capacity for facility-based crisis triage and stabilization services. The association and authority must collect and report information regarding the number of facility-based crisis stabilization and triage beds available in the locations receiving funding through this subsection and submit a report to the office of financial management and the appropriate committees of the legislature with this information by December 1, 2023.

(b) \$650,000 of the general fund—state appropriation for fiscal year 2024 and \$650,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to support the Whatcom county alternative response team.

(71) \$40,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for, on a one-time basis, the authority to address behavioral health treatment access issues resulting from workforce shortages. This funding must be used to provide one-time assistance payments to nonhospital-based community behavioral health treatment providers receiving payment for medicaid services contracted through the medicaid managed care organizations or behavioral health administrative service organizations. The authority shall begin distributing funding under this subsection as soon as possible, and shall complete the distribution of funds by October 1, 2023. The authority must distribute funding in accordance with the following requirements:

(a) The authority must enter into appropriate agreements with recipients to ensure that this stabilization funding is used for purposes of this subsection. Prior to the receipt of funds, providers must agree to expend these assistance payments by June 30, 2024.

(b) Allocation methodologies must be administratively efficient and based on previous medicaid utilization, modeled after prior nongrant-based allocations, so that funding can be distributed more timely than through grant or application-based allocations. The authority must consider individuals served through medicaid and behavioral health administrative service organizations contracts in its allocation methodology.

(c) Providers must use the funding for immediate workforce retention and recruitment needs. Funds may also be used to support other needed investments to help stabilize the community behavioral health workforce including, but not limited to, child care stipends, student loan repayment, tuition assistance, reimbursement for licenses or other work-related certifications, relocation expenses, or other worker recruitment and retention efforts.

(d) By December 1, 2023, the authority must submit an accounting to the office of financial management and the appropriate committees of the legislature that includes a list of all recipients of funding under this subsection and the amount of funding received.

(e) Within the amounts appropriated in this subsection, the authority may utilize up to \$200,000 to conduct a qualitative analysis of how recipients utilized funds for workforce retention and recruitment, including creating and implementing workplace equity strategies and feedback from workers on those strategies. In conducting the analysis, the authority may hire a consultant and survey selected recipients. The authority must report on the findings of the qualitative analysis to the office of financial management and the appropriate committees of the legislature by December 1, 2024.

(72) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract with the University of Washington addictions, drug, and alcohol institute. This funding must be used for advanced, evidence-based training for law enforcement to improve interactions with individuals who use drugs. The training must be developed so it can be adapted and used statewide to decrease stigmatizing beliefs among law enforcement through positive contact with people who use drugs and improve officer well-being and effectiveness by providing skills and techniques to address the drug overdose epidemic. The institute must develop and refine this training, leveraging prior work, and in partnership with a steering committee that includes people with lived or living experience of substance use disorder and criminal legal involvement, researchers, clinicians, law enforcement officers, and others. The training must complement, but not duplicate, existing curricula already provided by the criminal justice training commission. The institute must pilot the advanced training in a subset of regional law enforcement agencies and evaluate its acceptability and feasibility through participant interviews and pretraining and posttraining ratings of stigmatizing beliefs. The institute must incorporate feedback from the pilot training sessions into a final training program that it must make available to law enforcement agencies across the state.

(73) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the authority to continue development and implementation of the certified community behavioral health clinic model for comprehensive behavioral health services. Funding must be used to secure actuarial expertise, conduct research into national data and other state models, including obtaining resources and expertise from the national council for mental well-being certified community behavioral health clinic success center; and engage stakeholders, including representatives of licensed community behavioral health agencies and medicaid managed care organizations, in the process. The authority must provide a report to the office of financial management and the appropriate committees of the legislature with findings, recommendations, and cost estimates by December 31, 2024. The study must build on the preliminary report submitted to the legislature in December 2022 and include:

(a) Overviews of options and considerations for implementing the certified community behavioral health clinic model within Washington state, including participation as a certified community behavioral health clinic demonstration state or for independent statewide implementation;

(b) An analysis of the impact of expanding the certified community behavioral health clinic model on the state's behavioral health systems;

(c) Relevant federal regulations and options to implement the

certified community behavioral health clinic model under those regulations;

(d) Options for implementing a prospective payment system methodology;

(e) An analysis of the benefits and potential challenges for integrating the certified community behavioral health clinic reimbursement model within an integrated care environment;

(f) Actuarial analysis on the costs for implementing the certified community behavioral health clinic model, including opportunities for leveraging federal funding; and

(g) Recommendations to the legislature on a pathway for statewide implementation.

(74) \$1,135,000 of the general fund—state appropriation for fiscal year 2025 and \$568,000 of the general fund—federal appropriation are provided solely to develop and operate a 16-bed substance use disorder inpatient facility in Grays Harbor county that specializes in treating pregnant and parenting women using a family preservation model. The authority must contract for these services through behavioral health entities in a manner that allows leveraging of federal medicaid funds to pay for a portion of the costs. The authority must consult with the department of children, youth, and families in the implementation of this funding. The facility must allow families to reside together while a parent is receiving treatment. Of these amounts, \$568,000 may be used for documented startup costs including the recruitment, hiring, and training of staff. If the authority is able to identify a provider that can begin developing these services before July 2024, it must notify the office of financial management and the appropriate committees of the legislature and submit a request for funding in the fiscal year 2024 supplemental operating budget.

(75) \$160,000 of the general fund—state appropriation for fiscal year 2024 is provided on a one-time basis solely for the authority to continue a grant to the city of Snoqualmie to pilot behavioral health emergency response and coordination services through a regional behavioral health coordinator. The regional behavioral health coordinator shall be a licensed mental health or substance use disorder professional who works directly with and accompanies law enforcement officers and fire and rescue first responders to help respond to crises involving persons with behavioral health needs. The coordinator shall plan, implement, and coordinate services related to crisis response and social service needs with the city of Snoqualmie, the city of North Bend, the Snoqualmie police and fire departments, and the eastside fire and rescue agency serving North Bend, and local community services, school districts, hospitals, and crisis response systems provided by King county for the region. The coordinator shall support the social services needs identified through police and fire response in the lower Snoqualmie valley and serve as a liaison between law enforcement, first responders, and persons accessing or requesting emergency services with social service needs. The authority shall collect information on the pilot project and, in coordination with the city of Snoqualmie, must submit a report to the office of financial management and the appropriate committees of the legislature by December 31, 2023, summarizing the services provided through the grant funds and identifying recommendations on how to implement effective, integrated, coordinated behavioral health emergency response and community care services. The authority must also provide the report to the criminal justice training commission, the Washington association of sheriffs and police chiefs, and the Washington fire commissioners association.

(76) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract for services with a statewide recovery

community organization. The authority must award this funding to an organization that: (a) Has experience building the capacity of the recovery community to advance substance use recovery and mental health wellness by catalyzing public understanding and shaping public policy; (b) is led and governed by representatives of local communities of recovery; (c) centers the voices of people with lived experience who are touched by addiction and mental health challenges, and harnesses the power of story to drive change in the mental health and addiction treatment systems; and (d) provides free community education, skills trainings, events, and a conference in order to increase the understanding of issues around behavioral health and recovery. Services provided by the contracted program must include education, support, and assistance to increase connection of the recovery community, recovery capital, and knowledge about recovery and mental health resources. In conducting this work, the contractor must engage diverse individuals in recovery, impacted families, and providers from all regions of the state and leverage the assistance of affiliated groups and organizations. The organization must also prioritize diversity, equity, and justice in their work to eradicate health disparities of marginalized communities.

(77) \$400,000 of the general fund—state appropriation for fiscal year 2024 and \$400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to continue and expand a contract with a Seattle based nonprofit organization with experience matching voluntary specialty care providers with patients in need of care to provide pro bono counseling and behavioral health services to uninsured and underinsured individuals with incomes below 300 percent of the federal poverty level. The authority may require the contractor to seek, document, and report to the authority on efforts to leverage local, federal, or philanthropic funding to provide sustained operational support for the program.

(78) \$3,437,000 of the general fund—state appropriation for fiscal year 2024, \$4,772,000 of the general fund—state appropriation for fiscal year 2025, and \$1,705,000 of the general fund—federal appropriation are provided solely for the authority to contract for youth inpatient navigator services in seven regions of the state. The services must be provided through clinical response teams that receive referrals for children and youth inpatient services and manage a process to coordinate placements and alternative community treatment plans. Of these amounts for each fiscal year, \$445,000 of the general fund—state appropriation and \$79,000 of the general fund—federal appropriation are provided solely to contract for services through an existing program located in Pierce county.

(79) \$7,601,000 of the general fund—state appropriation for fiscal year 2024, \$7,601,000 of the general fund—state appropriation for fiscal year 2025, and \$2,605,000 of the general fund—federal appropriation are provided solely for assisted outpatient treatment and other costs associated with implementation of chapter 210, Laws of 2022 (SHB 1773).

(80) \$804,000 of the general fund—state appropriation for fiscal year 2024 and \$804,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue to support the children and youth behavioral health work group to consider and develop longer term strategies and recommendations regarding the delivery of behavioral health services for children, transitioning youth, and their caregivers pursuant to chapter 76, Laws of 2022 (2SHB 1890).

(81) Sufficient funding is provided for the authority to extend continuous eligibility for apple health to children ages zero to six with income at or below 215 percent of the federal poverty level. The centers for medicare and medicaid services must approve the

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1115 medicaid waiver prior to the implementation of this policy.

(82) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for contingency management resources in accordance with chapter 311, Laws of 2021 (ESB 5476).

(83) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide information and support related to safe housing and support services for youth exiting inpatient mental health and/or substance use disorder facilities to stakeholders, inpatient treatment facilities, young people, and other community providers that serve unaccompanied youth and young adults.

(84) \$2,336,000 of the general fund—state appropriation for fiscal year 2024, 2,336,000 of the general fund—state appropriation for fiscal year 2025, and \$3,036,000 of the general fund—federal appropriation are provided solely for the authority to contract with opioid treatment providers to operate mobile methadone units to address treatment gaps statewide.

(85) \$216,000 of the general fund—state appropriation for fiscal year 2024, \$427,000 of the general fund—state appropriation for fiscal year 2025, and \$1,454,000 of the general fund—federal appropriation are provided solely for the authority to increase fee for service rates for mental health and substance use disorder treatment paid on behalf of tribal members not electing enrollment in managed care plans by 22 percent. This rate increase shall be effective January 1, 2024. The authority must include the proportional costs of increasing fee-for-service rates for mental health and substance use disorder treatment paid on behalf of tribal members not electing enrollment in managed care plans in any agency request decision package it submits during the fiscal biennium for increasing provider rates in the managed care behavioral health program.

(86) \$69,587,000 of the opioid remediation account—state appropriation is provided solely for prevention, treatment, and recovery support services to address and remediate the opioid epidemic. Of these amounts:

(a) \$15,447,000 is provided solely for the authority to pass through to tribes and urban Indian health programs for opioid and overdose response activities. The funding must be used for prevention, outreach, treatment, recovery support services, and other strategies to address and mitigate the effects of the misuse and abuse of opioid related products. The authority must provide the tribes and urban Indian health programs the latitude to use the funding as they see fit to benefit their communities, provided the activities are allowable under the terms of the opioid settlement agreements.

(b) \$5,500,000 is provided on a one-time basis solely for the authority to implement a pilot program to reimburse a licensed pediatric transitional care facility in Spokane county to provide neonatal abstinence syndrome services to infants who have prenatal substance exposure. The pilot program must study and evaluate the efficacy, outcomes, and impact of providing these services to avoid more costly medical interventions. Within these amounts, \$190,000 is provided solely for the authority to contract with Washington State University to conduct research analyzing the prevalence of neonatal abstinence syndrome and infant and maternal health outcomes associated with neonatal transitional nurseries in Washington. The university must submit a report articulating findings to the appropriate committees of the legislature by December 1, 2024. The report must identify to what extent the federal medicaid program allows for reimbursement of these services and identify the barriers in leveraging federal medicaid funding for these services in Washington's state

medicaid plan.

(c) \$4,000,000 is provided solely for the authority, in coordination with the department of health, to develop and implement a health promotion and education campaign, with a focus on synthetic drug supplies, including fentanyl, and accurate harm reduction messaging for communities, law enforcement, emergency responders, and others.

(d) \$3,000,000 is provided solely for the authority to provide or contract for opioid prevention, outreach, treatment, or recovery support services that are not reimbursable under the state medicaid plan.

(e) \$41,640,000 is provided solely for the authority to implement and expand pretrial diversion opportunities; improve data collection, integration, and reporting across law enforcement, courts, prosecutors, and behavioral health agencies related to diversion services; expand access to medication for opioid use disorder in municipal and county jails; expand recovery residences and education and employment pathways for people living with opioid use disorders; establish a health engagement hub pilot program to include both urban and rural locations; train and support foster and kinship parents of children and youth who use substances; address capacity and technical assistance needs related to the implementation of assisted outpatient treatment; establish a safe-supply work group for the purpose of reducing overdoses; and other programs and services specified in Engrossed Second Substitute Bill No. 5536 (controlled substances). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse. Of the amounts provided in this subsection:

(i) \$15,000,000 is provided solely for medication for opioid use disorder in jails;

(ii) \$5,000,000 is provided solely to expand recovery residences and education and employment pathways for people living with opioid use disorders;

(iii) \$3,000,000 is provided solely to establish a health engagement hub pilot program to include both urban and rural locations;

(iv) \$2,000,000 is provided solely to address capacity and technical assistance needs related to the implementation of assisted outpatient treatment; and

(v) \$16,640,000 is provided solely for other activities identified in this subsection.

(f) Of the amounts provided in (c) through (e) of this subsection, the authority may use up to 10 percent for staffing and administrative expenses.

(g) In contracting for programs and services under this subsection, the authority must consider data and implement strategies that prioritize culturally relevant services to community members with the least access to behavioral health services.

(87) Sufficient amounts are provided in this section for the authority to rebase community hospital psychiatric inpatient rates effective January 1, 2024. Rebasement adjustments shall be based on adjusted calendar year 2020 medicare cost reports.

(88)(a) \$1,988,000 of the general fund—state appropriation for fiscal year 2024 and \$5,293,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority, beginning January 1, 2024, to implement a program with coverage comparable to the scope of care provided in the categorically needy medicaid program for adult individuals who:

(i) Have an immigration status making them ineligible for federal medicaid, except for individuals who are lawfully present and have not yet met the five-year bar;

(ii) Are age 19 and older, including over age 65, and have countable income of up to 138 percent of the federal poverty level; and

(iii) Are not eligible for another federally funded medical assistance program.

(b) The authority in collaboration with the health benefit exchange, the department of social and health services, and community organizations must develop and implement an outreach and education campaign.

(c) The legislature intends to adjust funding levels annually to align with projected expenditures based on information from the caseload forecast council, forecasted service costs, and administrative costs. The authority shall annually update the governor's office and appropriate committees of the legislature on any changes through the submission of a maintenance level agency budget request.

(89)(a) \$2,789,000 of the general fund—state appropriation for fiscal year 2024 and \$5,576,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a targeted grant program to three behavioral health administrative services organizations to transition persons who are either being diverted from criminal prosecution to behavioral health treatment services or are in need of housing upon discharge from crisis stabilization services. The authority must provide an opportunity for all of the behavioral health administrative service organizations to submit plans for consideration.

(b) Grant criteria must include, but are not limited to:

(i) A commitment to matching individuals with temporary lodging or permanent housing, including supportive housing services and supports, that is reasonably likely to fit their actual needs and situation, is noncongregate whenever possible, and takes into consideration individuals' immediate and long-term needs and abilities to achieve and maintain housing stability; and

(ii) A commitment to transition individuals who are initially matched to temporary lodging into a permanent housing placement, including appropriate supportive housing supports and services, within six months except under unusual circumstances.

(c) When awarding grants, the authority must prioritize applicants that:

(i) Provide matching resources;

(ii) Focus on ensuring an expeditious path to sustainable permanent housing solutions; and

(iii) Demonstrate an understanding of working with individuals who experience homelessness or have interactions with the criminal legal system to understand their optimal housing type and level of ongoing services.

(90)(a) \$2,266,000 of the general fund—state appropriation for fiscal year 2024, \$14,151,000 of the general fund—state appropriation for fiscal year 2025, and \$19,269,000 of the general fund—federal appropriation are provided solely for services to medicaid and state funded clients in behavioral health residential treatment facilities that are scheduled to open during the 2023-2025 fiscal biennium.

(b) Within the amounts provided in this subsection, \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to reimburse the department of social and health services for staffing costs related to tracking behavioral health community capacity through the community behavioral health executive management information system and providing annual reports on the implementation of new behavioral health community capacity.

(c) The department of commerce, the department of health, and the authority must cooperate with the department of social and health services in collecting and providing the data necessary to incorporate tracking of behavioral health beds into the behavioral health executive management information system and to prepare

the required reports. The agencies must work to ensure they are using consistent definitions in classifying behavioral health bed types for the purpose of reporting capacity and utilization.

(d) The department must begin tracking behavioral health bed utilization for medicaid and state funded clients by type of bed in the executive management information system by October 1, 2023. The department of commerce shall identify to the department of social and health services all providers that have received funding through their capital grant program since the 2013-2015 fiscal biennium. The department of social and health services must incorporate tracking of services by provider including an element to identify providers that have received funding through the capital budget so that reports can be provided related to the average daily client counts for medicaid and state funded clients being served by provider and by facility type.

(e) By November 1, 2023, the department, in coordination with the department of commerce, the department of health, and the authority, must submit an annual report to the office of financial management and the appropriate committees of the legislature. The first annual report must provide information on the facilities that received funding through the department of commerce's behavioral health community capacity grant funding since the 2013-2015 fiscal biennium and the utilization across all behavioral health facilities for medicaid and state funded clients. The report must provide the following information for each facility that has received funding through the capital budget: (i) The amount received by the state and the total project cost; (ii) the facility address; (iii) the number of new beds or additional bed capacity by the service type being provided; and (iv) the utilization of the additional beds by medicaid or state funded clients by service type.

(f) By November 1, 2024, the department must submit the second annual report to the office of financial management and the appropriate committees of the legislature. The second annual report must update the bed capacity and utilization information required in the first report and compare that capacity to demand by service type by geographical region of the state.

(91) \$85,000 of the general fund—state appropriation for fiscal year 2024 and \$85,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to support the efforts of the joint legislative and executive committee on behavioral health established in section 135 of this act.

(92) \$500,000 of the general fund—state appropriation for fiscal year 2024, \$500,000 of the general fund—state appropriation for fiscal year 2025, and \$1,000,000 of the general fund—federal appropriation are provided solely to support the provision of behavioral health co-responder services on nonlaw enforcement emergency medical response teams.

(93) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract on a one-time basis with the King county behavioral health administrative services organization to expand medication for opioid use disorder treatment services in King county.

(94) \$250,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the authority to contract on a one-time basis with the behavioral health administrative services organization serving Kitsap county for crisis triage services in the county that are not being reimbursed through the medicaid program.

(95) \$1,100,000 of the general fund—state appropriation for fiscal year 2024 and \$1,100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract on a one-time basis with the behavioral

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health administrative services organization serving King county for start-up costs in a new 32-bed community recovery center in Lynnwood that will provide crisis services to medicaid and other low income residents.

(96) \$3,142,000 of the general fund—state appropriation for fiscal year 2024, \$3,869,000 of the general fund—state appropriation for fiscal year 2025, and \$10,574,000 of the general fund—federal appropriation are provided solely to reimburse the department of social and health services for the costs of medicaid services at a 16-bed residential treatment facility serving long-term involuntary inpatient patients. The authority and the department of social and health services must utilize case rate and cost based reimbursement models to maximize federal matching funds at the facility. Up to \$200,000 of the general fund—state appropriation for fiscal year 2024 may be used to facilitate these efforts.

(97) \$313,000 of the general fund—federal appropriation is provided solely to support a media campaign for Native Americans related to the prevention of substance abuse and suicide.

(98) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract with up to two behavioral health agencies that are interested in offering or expanding wraparound with intensive services for children and youth. The funds may be used to support costs associated with recruitment, training, technical assistance, or other appropriate costs required to develop the capacity to offer these specialized services.

(99) \$20,000,000 of the general fund—state appropriation for fiscal year 2024 and \$20,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract with behavioral health administrative service organizations to implement the statewide recovery navigator program established in chapter 311, Laws of 2021 (ESB 5476) and for related technical assistance to support this implementation. This includes funding for recovery navigator teams to provide community-based outreach and case management services based on the law enforcement assisted diversion model and for technical assistance support from the law enforcement assisted diversion national support bureau.

(100) \$3,114,000 of the general fund—state appropriation for fiscal year 2024, \$3,114,000 of the general fund—state appropriation for fiscal year 2025, and \$5,402,000 of the general fund—federal appropriation are provided solely for the authority to implement clubhouse services in every region of the state.

(101) \$7,500,000 of the general fund—state appropriation for fiscal year 2024 and \$7,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to implement homeless outreach stabilization teams pursuant to chapter 311, Laws of 2021 (ESB 5476).

(102) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to expand efforts to provide opioid use disorder medication in city, county, regional, and tribal jails.

(103) \$1,400,000 of the general fund—state appropriation for fiscal year 2024 and \$1,400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for behavioral health administrative service organizations to develop regional recovery navigator program plans pursuant to chapter 311, Laws of 2021 (ESB 5476), and to establish positions focusing on regional planning to improve access to and quality of regional behavioral health services with a focus on integrated care.

(104) \$75,000 of the general fund—state appropriation for fiscal year 2024 and \$75,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract with an organization with expertise in supporting efforts to increase access to and improve quality in recovery housing and recovery residences. This funding shall be used to increase recovery housing availability through partnership with private landlords, increase accreditation of recovery residences statewide, operate a grievance process for resolving challenges with recovery residences, and conduct a recovery capital outcomes assessment for individuals living in recovery residences.

(105) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to provide short-term housing vouchers for individuals with substance use disorders.

(106) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to convene and provide staff and contracted services support to the recovery oversight committee established in chapter 311, Laws of 2021 (ESB 5476).

(107) \$2,565,000 of the general fund—state appropriation for fiscal year 2024 and \$2,565,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to develop and implement the recovery services plan and to carry out other requirements of chapter 311, Laws of 2021 (ESB 5476). Within these amounts, funding is provided for the authority to:

(a) Establish an occupational nurse consultant position within the authority to provide contract oversight, accountability, and performance improvement activities, and to ensure medicaid managed care organization plan compliance with provisions in law and contract related to care transitions work with local jails; and

(b) Establish a position within the authority to create and oversee a program to initiate and support emergency department programs for inducing medications for patients with opioid use disorder paired with a referral to community-based outreach and case management programs.

(108) \$400,000 of the general fund—federal appropriation is provided solely to support the development and implementation of the parent portal directed in chapter 134, Laws of 2022 (SHB 1800).

(109) \$21,271,000 of the general fund—state appropriation for fiscal year 2025 and \$30,168,000 of the general fund—federal appropriation are provided solely for the authority to contract with the University of Washington behavioral health teaching facility to provide long-term inpatient care beds as defined in RCW 71.24.025. The authority must coordinate with the department of social and health services and the University of Washington to evaluate and determine criteria for the current population of state hospital patients, committed pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088, who can be effectively treated at the University of Washington behavioral health teaching facility. The authority, in coordination with the department of social and health services and the University of Washington, must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2023, summarizing the numbers and types of patients that are committed to the state hospitals pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088, the numbers and types that would be appropriate to be served at the

University of Washington behavioral health teaching facility, and the criteria that was used to make the determination.

(110) \$444,000 of the general fund—state appropriation for fiscal year 2024, \$444,000 of the general fund—state appropriation for fiscal year 2025, and \$716,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1515 (behavioral health contracts). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(111) \$56,000 of the general fund—state appropriation for fiscal year 2024 and \$306,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1168 (prenatal substance exposure). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(112) \$91,000 of the general fund—state appropriation for fiscal year 2024, \$91,000 of the general fund—state appropriation for fiscal year 2025, and \$126,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1580 (children in crisis). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(113) \$618,000 of the problem gambling account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1681 (problem gambling). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(114) \$5,474,000 of the statewide 988 behavioral health crisis response line account—state appropriation and \$210,000 of the general fund—federal appropriation are provided solely for the authority to implement Engrossed Second Substitute House Bill No. 1134 (988 system).

(a) Within these amounts, \$4,000,000 of the statewide 988 behavioral health crisis response line account—state appropriation is provided solely for the authority to provide grants to new or existing mobile rapid response teams and to community-based crisis teams to support efforts for meeting the standards and criteria for receiving an endorsement pursuant to provisions of the bill. In awarding grants under this subsection, the authority must prioritize funding for proposals that demonstrate experience and strategies that prioritize culturally relevant services to community members with the least access to behavioral health services.

(b) Within the remaining amounts, sufficient funding is provided for the authority to conduct the actuarial analysis and development of options for payment mechanisms for rate enhancements as directed in section 8 of Engrossed Second Substitute House Bill No. 1134 (988 system) and to implement other activities required by the bill.

(c) If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(115) \$26,854,000 of the statewide 988 behavioral health crisis response line account—state appropriation and \$17,636,000 of the general fund—federal appropriation are provided solely for the authority to expand and enhance regional crisis services. These amounts must be used to expand services provided by mobile crisis teams and community-based crisis teams either endorsed or seeking endorsement pursuant to standards adopted by the authority. Beginning in fiscal year 2025, the legislature intends to direct amounts within this subsection to be used for performance payments to mobile rapid response teams and community-based crisis teams that receive endorsements pursuant to Engrossed Second Substitute House Bill No. 1134 (988 system).

(116) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the authority to increase resources for behavioral health administrative service organizations and managed care organizations for the increased costs of room and board for behavioral health inpatient and residential services provided in nonhospital facilities.

(117) \$3,000,000 of the general fund—state appropriation for fiscal year 2024 and \$3,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a contract with a youth behavioral inpatient and outpatient program with facilities in Clark and Spokane counties that serve over 65 percent medicaid eligible clients for co-occurring substance use and mental health disorders and sexual exploitation behavioral health treatment. This funding is provided on a one-time basis and must be used to supplement medicaid reimbursement, and for costs associated with addressing workforce shortages, health care inflation, and the maintenance and expansion of programs.

**NEW SECTION. Sec. 216. FOR THE HUMAN RIGHTS COMMISSION**

General Fund—State Appropriation (FY 2024) .....	\$4,278,000
General Fund—State Appropriation (FY 2025) .....	\$4,246,000
General Fund—Federal Appropriation .....	\$2,740,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$11,264,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$576,000 of the general fund—state appropriation for fiscal year 2024 and \$539,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for investigative staff to address the commission's caseload backlog.

**NEW SECTION. Sec. 217. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

Worker and Community Right to Know Fund—State Appropriation .....	\$10,000
Accident Account—State Appropriation .....	\$26,242,000
Medical Aid Account—State Appropriation .....	\$26,237,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$52,489,000</b>

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

(1) \$650,000 of the accident account—state appropriation and \$650,000 of the medical aid account—state appropriation are provided solely for the board of appeals information system modernization project, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(2) \$47,000 of the accident account—state appropriation and \$47,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 1521 (industrial insurance/duties). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 218. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

General Fund—State Appropriation (FY 2024) ....	\$59,124,000
General Fund—State Appropriation (FY 2025) ....	\$54,715,000
General Fund—Private/Local Appropriation .....	\$11,957,000
Death Investigations Account—State Appropriation .....	\$1,708,000
Municipal Criminal Justice Assistance Account— State Appropriation .....	\$460,000
Washington Auto Theft Prevention Authority Account— State Appropriation .....	\$7,167,000
Washington Internet Crimes Against Children Account— State Appropriation .....	\$2,270,000
24/7 Sobriety Account—State Appropriation .....	\$20,000

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TOTAL APPROPRIATION..... \$137,421,000

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 2024 and \$5,000,000 of the general fund—state appropriation for fiscal year 2025 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) Funding in this section is sufficient for 75 percent of the costs of providing 23 statewide basic law enforcement trainings in each fiscal year 2024 and fiscal year 2025. The criminal justice training commission must schedule its funded classes to minimize wait times throughout each fiscal year and meet statutory wait time requirements. The criminal justice training commission must track and report the average wait time for students at the beginning of each class and provide the findings in an annual report to the legislature due in December of each year. At least three classes must be held in Spokane each year.

(3) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(4) \$2,270,000 of the Washington internet crimes against children account—state appropriation is provided solely for the implementation of chapter 84, Laws of 2015.

(5) \$4,000,000 of the general fund—state appropriation for fiscal year 2024 and \$4,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the mental health field response team program administered by the Washington association of sheriffs and police chiefs. The association must distribute \$7,000,000 in grants to the phase one and phase two regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services, et. al.*, U.S. District Court-Western District, Cause No. 14-cv-01178-MJP. The association must submit an annual report to the Governor and appropriate committees of the legislature by September 1st of each year of the biennium. The report shall include best practice recommendations on law enforcement and behavioral health field response and include outcome measures on all grants awarded.

(6) \$899,000 of the general fund—state appropriation for fiscal year 2024 and \$899,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for crisis intervention training for the phase one regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services, et. al.*, U.S. District Court-Western District, Cause No. 14-cv-01178-MJP.

(7) \$1,598,000 of the death investigations account—state appropriation is provided solely for the commission to provide 240 hours of medicolegal forensic investigation training to coroners and medical examiners to meet the recommendations of the national commission on forensic science for certification and accreditation.

(8) \$296,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of chapter 321, Laws of 2021 (officer duty to intervene).

(9) \$30,000 of the general fund—state appropriation for fiscal year 2024 and \$30,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for additional grants to local jurisdictions to investigate instances where a purchase or transfer of a firearm was attempted by an individual who is prohibited from owning or possessing a firearm.

(10) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the criminal justice training commission to provide grant funding to

local law enforcement agencies to support law enforcement wellness programs. Of the amount provided in this subsection:

(a) \$1,500,000 of the general fund—state appropriation for fiscal year 2024 and \$1,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the commission to provide grants to local law enforcement agencies for the purpose of establishing officer wellness programs, including mobile training programs. Grants provided under this subsection may be used for, but not limited to building resilience, injury prevention, peer support programs, physical fitness, proper nutrition, de-escalation training, stress management, suicide prevention, and physical or behavioral health services. The commission should consult with a representative from the Washington association of sheriffs and police chiefs and a representative of the Washington state fraternal order of police and the Washington council of police and sheriffs in the development of the grant program.

(b) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington association of sheriffs and police chiefs to establish and coordinate an online or mobile-based application for any Washington law enforcement officer; 911 operator or dispatcher; and any other current or retired employee of a Washington law enforcement agency, and their families, to anonymously access on-demand wellness techniques, suicide prevention, resilience, physical fitness, nutrition, and other behavioral health and wellness supports.

(11) \$290,000 of the general fund—state appropriation for fiscal year 2024 and \$290,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for academy training for limited authority Washington peace officers employed by the Washington state gambling commission, Washington state liquor and cannabis board, Washington state parks and recreation commission, department of natural resources, and the office of the insurance commissioner.

(a) Up to 30 officers must be admitted to attend the basic law enforcement academy and up to 30 officers must be admitted to attend basic law enforcement equivalency academy.

(b) Allocation of the training slots amongst the agencies must be based on the earliest application date to the commission. Training does not need to commence within six months of employment.

(c) The state agencies must reimburse the commission for the actual cost of training.

(12) \$6,687,000 of the general fund—state appropriation for fiscal year 2024 and \$4,668,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to establish and provide basic law enforcement academy classes at three new regional training academies, one in Pasco, one in Skagit county, and one in Clark county. Funding in this subsection is sufficient for 75 percent of the costs of providing six classes per year beginning in fiscal year 2024.

(13) \$150,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the criminal justice training commission to develop plans for increasing training capacity. The planning process should include engagement with limited law enforcement agencies, tribal law enforcement representatives, and local law enforcement agencies and representatives. The criminal justice training commission will provide recommendations to the governor and the appropriate committees of the legislature in a preliminary report due November 15, 2023, and in a final report due September 30, 2024. The reports should include the following:

(a) Identifying the demand for additional basic law



enforcement academy courses to support law enforcement agencies and develop a proposal to meet any identified training needs, including basic law enforcement academy and advanced training needs;

(b) A plan for how to provide basic law enforcement academy training to limited law enforcement officers and tribal law enforcement officers, including providing additional capacity for training classes. The plan should also consider alternatives for distribution of the costs of the training course; and

(c) A plan for providing at least two basic law enforcement training academy classes per year to candidates who are not yet employed with a law enforcement agency. The plan should, at a minimum, include the following:

(i) A recruitment strategy that emphasizes recruitment of diverse candidates from different geographic areas of the state; diverse race, ethnicity, gender, and sexual orientation; and candidates with diverse backgrounds and experiences including nontraditional educational programs or work experience;

(ii) Pathways from training to employment with a law enforcement agency; and

(iii) Plans to address capacity for and delivery of training.

(14) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the criminal justice training commission to provide accreditation incentive awards.

(a) The commission may provide an accreditation incentive award totaling up to \$50,000 to each law enforcement agency that receives an accreditation during the fiscal biennium from a national or state accrediting entity recognized by the commission. The commission must divide award amounts provided pursuant to this section equally among qualifying law enforcement agencies. A law enforcement agency may not receive more than one accreditation incentive award per fiscal biennium. Funds received by a law enforcement agency pursuant to this subsection must be made available to the law enforcement agency to which they are awarded and may not supplant or replace existing funding received by the law enforcement agency.

(b) The commission must submit a report to the legislature by June 30th of each fiscal year during the biennium that lists each law enforcement agency that received an accreditation incentive award during the fiscal year.

(15)(a) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington association of sheriffs and police chiefs to develop, implement, and operate an ongoing electronic statewide catalytic converter tracking database program to aid law enforcement in identifying unmarked detached catalytic converters. The association may contract with a third party to assist in the development and implementation of the database program.

(b) The catalytic converter tracking database program must allow law enforcement agencies to search for images and descriptions of unmarked detached catalytic converters based on the vehicle makes and models that employ those specific catalytic converters.

(c) The catalytic converter tracking database program must be operational by July 1, 2024.

(16) \$1,085,000 of the general fund—state appropriation for fiscal year 2024 and \$1,040,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1028 (crime victims & witnesses). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(17) \$3,220,000 of the general fund—state appropriation for

fiscal year 2024 and \$2,860,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1715 (domestic violence). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(18) \$236,000 of the general fund—state appropriation for fiscal year 2024 and \$226,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1132 (limited authority officers). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(19) \$222,000 of the general fund—state appropriation for fiscal year 2024 and \$111,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1387 (law enforcement applicant pool). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(20) \$1,200,000 of the general fund—state appropriation for fiscal year 2024 and \$400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for body camera grant funding to local law enforcement agencies.

(a) The Washington association of sheriffs and police chiefs shall develop and implement a body-worn camera grant program. The purpose of the program is to assist law enforcement agencies to establish and expand body-worn camera programs.

(b) Law enforcement agencies may use the grants for: (i) The initial purchase, maintenance, and replacement of body-worn cameras; (ii) ongoing costs related to the maintenance and storage of data recorded by body worn cameras; (iii) costs associated with public records requests for body worn-camera footage; and (iv) hiring of personnel necessary to operate a body-worn camera program.

(c) The Washington association of sheriffs and police chiefs shall develop and implement a grant application process and review applications from agencies based on locally developed proposals to establish or expand body-worn camera programs.

(d) Law enforcement agencies that are awarded grants must:

(i) Comply with the provisions of chapter 10.109 RCW;

(ii) Demonstrate the ability to redact body-worn camera footage consistent with RCW 42.56.240 and other applicable provisions;

(iii) Provide training to officers who will wear body-worn cameras and other personnel associated with implementation of the body-worn camera program; and

(iv) Agree to comply with any data collection and reporting requirements that are established by the Washington association of sheriffs and police chiefs.

(e) The Washington association of sheriffs and police chiefs must submit an annual report regarding the grant program to the governor and appropriate committees of the legislature by December 1st of each year the program is funded. The report must be submitted in compliance with RCW 43.01.036.

**NEW SECTION. Sec. 219. FOR THE OFFICE OF INDEPENDENT INVESTIGATIONS**

General Fund—State Appropriation (FY 2024) ...\$19,093,000

General Fund—State Appropriation (FY 2025) ...\$22,252,000

TOTAL APPROPRIATION .....\$41,345,000

The appropriations in this section are subject to the following conditions and limitations: \$145,000 of the general fund—state appropriation for fiscal year 2024 and \$145,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1579 (independent prosecutions). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT**

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**OF LABOR AND INDUSTRIES**

General Fund—State Appropriation (FY 2024).....	\$15,652,000
General Fund—State Appropriation (FY 2025).....	\$19,541,000
General Fund—Federal Appropriation .....	\$11,470,000
Asbestos Account—State Appropriation .....	\$604,000
Electrical License Account—State Appropriation	\$66,120,000
Farm Labor Contractor Account—State Appropriation	\$28,000
.....	
Opioid Abatement Settlement Account—State	
Appropriation.....	\$250,000
Worker and Community Right to Know Fund—State	
Appropriation.....	\$1,080,000
Construction Registration Inspection Account—State	
Appropriation.....	\$28,956,000
Public Works Administration Account—State	
Appropriation.....	\$15,781,000
Manufactured Home Installation Training Account—	
State Appropriation.....	\$434,000
Accident Account—State Appropriation .....	\$392,489,000
Accident Account—Federal Appropriation .....	\$15,823,000
Medical Aid Account—State Appropriation .....	\$389,000,000
Medical Aid Account—Federal Appropriation.....	\$3,571,000
Plumbing Certificate Account—State Appropriation	
.....	\$3,482,000
.....	
Pressure Systems Safety Account—State Appropriation	
.....	\$4,829,000
.....	
Workforce Education Investment Account—State	
Appropriation.....	\$17,600,000
TOTAL APPROPRIATION.....	\$986,710,000

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

(1) \$4,714,000 of the accident account—state appropriation and \$4,711,000 of the medical aid account—state appropriation are provided solely for the labor and industries workers' compensation information system replacement project. The department must:

(a) Submit quarterly data within 30 calendar days of the end of each quarter, effective July 1, 2023, on:

(i) The quantifiable deliverables accomplished and the amount spent by each deliverable in each of the following subprojects:

- (A) Business readiness;
- (B) Change readiness;
- (C) Commercial off the shelf procurement;
- (D) Customer access;
- (E) Program foundations;
- (F) Independent assessment; and
- (G) In total by fiscal year;

(ii) All of the quantifiable deliverables accomplished by subprojects identified in (a)(i)(A) through (F) of this subsection and in total and the associated expenditures by each deliverable by fiscal month;

(iii) The contract full time equivalent charged by subprojects identified in (a)(i)(A) through (F) of this subsection, and in total, compared to the budget spending plan by month for each contracted vendor and what the ensuing contract equivalent budget spending plan by subprojects identified in (a)(i)(A) through (F) of this subsection, and in total, assumes by fiscal month;

(iv) The performance metrics by subprojects identified in (a)(i)(A) through (F) of this subsection, and in total, that are currently used, including monthly performance data; and

(v) The risks identified independently by at least the quality assurance vendor and the office of the chief information officer, and how the project:

- (A) Has mitigated each risk; and

(B) Is working to mitigate each risk, and when it will be mitigated;

(b) Submit the report in (a) of this subsection to fiscal and policy committees of the legislature; and

(c) Receive an additional gated project sign off by the office of financial management, effective September 1, 2023. Prior to spending any project funding in this subsection each quarter, there is an additional gate of approval required for this project. The director of financial management must agree that the project shows accountability, effective and appropriate use of the funding, and that risks are being mitigated to the spending and sign off on the spending for the ensuing quarter.

(2) \$250,000 of the medical aid account—state appropriation and \$250,000 of the accident account—state appropriation are provided solely for the department of labor and industries safety and health assessment and research for prevention program to conduct research to address the high injury rates of the janitorial workforce. The research must quantify the physical demands of common janitorial work tasks and assess the safety and health needs of janitorial workers. The research must also identify potential risk factors associated with increased risk of injury in the janitorial workforce and measure workload based on the strain janitorial work tasks place on janitors' bodies. The department must conduct interviews with janitors and their employers to collect information on risk factors, identify the tools, technologies, and methodologies used to complete work, and understand the safety culture and climate of the industry. The department must produce annual progress reports through the year 2025 or until the tools are fully developed and deployed. The annual progress report must be submitted to the governor and legislature by December 1st of each year such report is due.

(3) \$258,000 of the accident account—state appropriation and \$258,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries safety and health assessment research for prevention program to conduct research to prevent the types of work-related injuries that require immediate hospitalization. The department will develop and maintain a tracking system to identify and respond to all immediate in-patient hospitalizations and will examine incidents in defined high-priority areas, as determined from historical data and public priorities. The research must identify and characterize hazardous situations and contributing factors using epidemiological, safety-engineering, and human factors/ergonomics methods. The research must also identify common factors in certain types of workplace injuries that lead to hospitalization. The department must submit a report to the governor and appropriate legislative committees by August 30, 2023, and annually thereafter, summarizing work-related immediate hospitalizations and prevention opportunities, actions that employers and workers can take to make workplaces safer, and ways to avoid severe injuries.

(4)(a) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to promote workforce development in aerospace and aerospace related supply chain industries by: Expanding the number of registered apprenticeships, preapprenticeships, and aerospace-related programs; and providing support for registered apprenticeships or programs in aerospace and aerospace-related supply chain industries.

(b) Grants awarded under this section may be used for:

(i) Equipment upgrades or new equipment purchases for training purposes;

(ii) New training space and lab locations to support capacity needs and expansion of training to veterans and veteran spouses,

and underserved populations;

(iii) Curriculum development and instructor training for industry experts;

(iv) Tuition assistance for degrees in engineering and high-demand degrees that support the aerospace industry; and

(v) Funding to increase capacity and availability of child care options for shift work schedules.

(c) An entity is eligible to receive a grant under this subsection if it is a nonprofit, nongovernmental, or institution of higher education that provides training opportunities, including apprenticeships, preapprenticeships, preemployment training, aerospace-related degree programs, or incumbent worker training to prepare workers for the aerospace and aerospace-related supply chain industries.

(d) The department may use up to 5 percent of these funds for administration of these grants.

(5) \$1,065,000 of the construction registration inspection account—state appropriation, \$57,000 of the accident account—state appropriation, and \$12,000 of the medical aid account—state appropriation are provided solely for the conveyance management system replacement project and are subject to the conditions, limitations, and review provided in section 701 of this act.

(6) \$250,000 of the opioid abatement settlement account—state appropriation is provided solely for the department to analyze patients who are maintained on chronic opioids. The department must submit an annual report of its findings to the governor and the appropriate committees of the legislature no later than October 1st of each year of the fiscal biennium. The report shall include analysis of patient data, describing the characteristics of patients who are maintained on chronic opioids and their clinical needs, and a preliminary evaluation of potential interventions to improve care and reduce harms in this population.

(7) \$1,363,000 of the medical aid account—state appropriation is provided solely to improve access to medical and vocational providers of the workers' compensation program by expanding the use of navigators to recruit and assist providers in underserved communities and by ensuring access to high quality and reliable interpreter services.

(8) \$1,360,000 of the accident account—state appropriation and \$240,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries, in coordination with the Washington state apprenticeship training council, to establish behavioral health apprenticeship programs. The behavioral health apprenticeship programs shall be administered by the Washington state apprenticeship training council. The amounts provided in this subsection must be used to compensate behavioral health providers for the incurred operating costs associated with the apprenticeship program, including apprentice compensation, staff support and supervision of apprentices, development of on-the-job training catalogs for apprentices, and provider incentives for implementing a behavioral health apprenticeship program. In awarding this funding, special preference must be given to small or rural behavioral health providers and those that serve higher percentages of individuals from black, indigenous, and people of color communities. The department may use up to five percent of the amount provided in this subsection for administration of these grants.

(9) \$6,000,000 of the workforce education investment account—state appropriation is provided solely for the department, in coordination with the Washington state apprenticeship council, to administer grants to continue the growth of behavioral health apprenticeship programs. Grants may be awarded for provider implementation costs, apprentice tuition

and stipend costs, curriculum development, and program administration. Grant awardees must use a minimum of one-half of amounts provided to compensate behavioral health providers for employer implementation costs including mentor wage differentials, related instruction wages, and administrative costs. In awarding this funding, special preference must be given to entities with experience in implementation of behavioral health sector apprenticeships and labor-management partnerships. By June 30, 2024, and June 30, 2025, grantees must report to the department on the number of individuals that were recruited and upskilled in the preceding fiscal year. The department may use up to five percent of the amount provided in this subsection for administration of these grants.

(10) \$1,400,000 of the workforce education investment account—state appropriation is provided solely for the department, in coordination with the Washington state apprenticeship training council, to administer grants to address the behavioral health workforce shortage through behavioral health preapprenticeship and behavioral health entry level training, including nursing assistant certified programs. Grants may cover program costs including, but not limited to, provider implementation costs, apprentice tuition and stipend costs, curriculum development, and program administration. In awarding this funding, special preference must be given to entities with experience in implementation of behavioral health sector apprenticeships and labor-management partnerships. By June 30, 2024, and June 30, 2025, grantees must report to the department on the number of individuals that were recruited and upskilled in the preceding fiscal year. The department may use up to five percent of the amount provided in this subsection for administration of these grants.

(11) \$300,000 of the workforce education investment account—state appropriation is provided solely for certified construction trade preapprenticeship programs that use a nationally approved multicraft curriculum and emphasize construction math, tool use, job safety, equipment, life skills, and financial literacy. The preapprenticeship programs should focus on disadvantaged, nontraditional, and underrepresented populations, and on populations reentering the community from incarceration and homelessness. The department may use up to five percent of the amount provided in this subsection for administration of these grants.

(12)(a) \$400,000 of the workforce education investment account—state appropriation is provided solely for grants to nonprofit organizations to:

(i) Expand meatcutter registered apprenticeship and preapprenticeship programs to new locations; or

(ii) Develop a new fishmonger registered apprenticeship program.

(b) Grants awarded under this subsection may be used for:

(i) Equipment upgrades or new equipment purchases for training purposes;

(ii) New training space and lab locations to support the expansion and establishment of apprenticeship and preapprenticeship training in new locations;

(iii) Curriculum development, including the creation of elearning content, and instructor training for apprenticeship and preapprenticeship instructors;

(iv) Tuition assistance for apprentices in registered apprenticeship programs accredited by a community or technical college;

(v) Stipends for preapprentices; and

(vi) Apprenticeship and preapprenticeship coordination and administration services.

(c) An entity is eligible to receive a grant under this subsection

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if it is a nonprofit organization that administers or directly provides apprenticeship and preapprenticeship training opportunities, overseen by a committee with at least one labor union and one employer representative or with an active program with participation of both labor union and employer partners, for retail meatcutters and/or fishmongers.

(d) The department may use up to five percent of the amount provided in this subsection for administration of these grants.

(13) \$6,000,000 of the workforce education investment account—state appropriation is provided solely for the department to distribute funding to nonprofit programs providing apprenticeship education and job training for general journey level (01) electricians to increase funding for related supplemental instruction costs. Funding shall be allocated to programs by formula based on delivered related supplemental instruction hours for active apprentices under chapter 49.04 RCW and operating in compliance for administrative procedures. The department may use up to five percent of the amount provided in this subsection for administration of these grants.

(14) \$1,249,000 of the accident account—state appropriation and \$507,000 of the medical aid account—state appropriation are provided solely for the creation of the center for work equity research. The center will study and systematically address employer and employment factors that place historically marginalized workers at increased risk for work-related injuries and illnesses and social and economic hardship.

(15) \$2,908,000 of the public works administration account—state appropriation is provided solely for system improvements to the prevailing wage program information technology system. This project is subject to the conditions, limitations, and review provided in section 701 of this act.

(16) \$205,000 of the general fund—state appropriation for fiscal year 2024 and \$205,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue conducting a four-year retention study of state registered apprentices as provided in chapter 156, Laws of 2022 (apprenticeship programs). The study shall include the collection of data from all apprentices three months into their apprenticeship to understand challenges and barriers they face towards program participation. The aggregate data by trade must be displayed on a publicly available dashboard. Study data must be provided with apprenticeship coordinators to implement an early response to connect apprentices with needed supports. The department shall submit an annual report to the governor and appropriate legislative committees on June 30, 2024 and June 30, 2025.

(17) \$3,500,000 of the workforce education investment account—state appropriation is provided solely to administer a grant program intended to provide wraparound support services to mitigate barriers to beginning or participating in apprenticeship programs as described in chapter 156, Laws of 2022. Up to five percent of the total funding provided in this subsection may be used to cover administrative expenses.

(18) \$1,963,000 of the accident account—state appropriation and \$797,000 of the medical aid account—state appropriation are provided solely to expand access to worker rights and safety information for workers with limited English proficiency (LEP) through outreach and translation of safety-related information, training, and other materials. \$1,000,000 of the amount provided in this subsection is provided solely for grants to community-based organizations to provide workplace rights and safety outreach to underserved workers.

(19) \$857,000 of the accident account—state appropriation and \$855,000 of the medical aid account—state appropriation are provided solely for enhancements to the workers' compensation training modules to include strategies on reducing long-term

disability among claimants.

(20) \$6,702,000 from the electrical license account—state appropriation is provided solely for an additional wage increase for all positions within the electrical construction inspector, electrical construction inspector lead, electrical inspection field supervisor/technical specialist, and electrical plans examiner job class series consistent with the July 1, 2023, range differentials, subject to an agreement between the state and the exclusive collective bargaining representative of the electrical construction inspectors.

(21) \$165,000 of the general fund—state appropriation for fiscal year 2024 and \$165,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to an organization in Pierce county experienced in providing peer-to-peer training to continue implementation of a program aimed at reducing workplace sexual harassment in the agricultural sector. The department may use up to five percent of the amount provided in this subsection for administration of this grant. The organization receiving the grant must:

(a) Continue peer-to-peer trainings for farmworkers in Yakima county and expand to provide peer-to-peer trainings for farmworkers in Grant and Benton counties;

(b) Support an established network of peer trainings as farmworker leaders, whose primary purpose is to prevent workplace sexual harassment and assault through leadership, education, and other tools; and

(c) Share best practices from the peer-to-peer model at a statewide conference for farmworkers, industry representatives, and advocates.

(22) \$250,000 of the accident account—state appropriation and \$278,000 of the medical aid account—state appropriation is provided solely for implementation of House Bill No. 1197 (workers' comp. providers). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(23) \$575,000 of the public works administration account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1050 (apprenticeship utilization). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(24) \$510,000 of the accident account—state appropriation and \$57,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 1217 (wage complaints). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(25) \$282,000 of the accident account—state appropriation and \$50,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1320 (personnel records). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(26) \$105,000 of the accident account—state appropriation and \$19,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 1323 (fire-resistant materials). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(27) \$329,000 of the general fund—state appropriation for fiscal year 2024 and \$276,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1491 (employee personal vehicles). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(28) \$239,000 of the accident account—state appropriation and \$239,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 1521 (industrial insurance/duties). If the bill is not enacted by

June 30, 2023, the amounts provided in this subsection shall lapse.

(29) \$256,000 of the construction registration inspection account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1534 (construction consumers). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(30) \$1,311,000 of the accident account—state appropriation and \$243,000 of the medical aid account—state appropriation are provided solely for implementation of Second Substitute House Bill No. 1762 (warehouse employees). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(31) \$431,000 of the accident account—state appropriation and \$76,000 of the medical aid account—state appropriation are provided solely for implementation of Second Substitute House Bill No. 1013 (regional apprenticeship prgs). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

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

(a) The department of veterans affairs shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys that are unrelated to the coronavirus response and not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys that are unrelated to the coronavirus response, those moneys must be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(b) Each year, there is fluctuation in the revenue collected to support the operation of the state veteran homes. When the department has foreknowledge that revenue will decrease, such as from a loss of census or from the elimination of a program, the legislature expects the department to make reasonable efforts to reduce expenditures in a commensurate manner and to demonstrate that it has made such efforts. In response to any request by the department for general fund—state appropriation to backfill a loss of revenue, the legislature shall consider the department's efforts in reducing its expenditures in light of known or anticipated decreases to revenues.

**(2) HEADQUARTERS**

General Fund—State Appropriation (FY 2024).....	\$4,193,000
General Fund—State Appropriation (FY 2025).....	\$4,222,000
Charitable, Educational, Penal, and Reformatory Institutions Account—State Appropriation.....	\$10,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$8,425,000</b>

**(3) FIELD SERVICES**

General Fund—State Appropriation (FY 2024)....	\$10,108,000
General Fund—State Appropriation (FY 2025)....	\$10,087,000
General Fund—Federal Appropriation .....	\$10,323,000
General Fund—Private/Local Appropriation.....	\$6,538,000
Veteran Estate Management Account—Private/Local	

Appropriation .....	\$717,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$37,773,000</b>

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

(a) \$600,000 of the general fund—state appropriation for fiscal year 2024 and \$600,000 of the general fund—state appropriation for fiscal year 2025 are provided for one veterans service officer each in Island county, Walla Walla county, Clallam county, and Stevens county.

(b) \$50,000 of the general fund—state appropriation for fiscal year 2024 and \$50,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to contract with an organization located in Thurston county that has experience in the delivery of no-cost equine therapy for military veterans and active members of the military.

(c) \$600,000 of the general fund—state appropriation for fiscal year 2024 and \$600,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide grants to four counties of the state in order to expand veteran service officer programs in rural areas.

**(4) STATE VETERANS HOMES PROGRAM**

General Fund—State Appropriation (FY 2024)....	\$17,105,000
General Fund—State Appropriation (FY 2025)....	\$11,176,000
General Fund—Federal Appropriation.....	\$126,776,000
General Fund—Private/Local Appropriation .....	\$17,184,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$172,241,000</b>

The appropriations in this subsection are subject to the following conditions and limitations: If the department receives additional unanticipated federal resources that are unrelated to the coronavirus response at any point during the remainder of the 2023-2025 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 2024) .....	\$124,000
General Fund—State Appropriation (FY 2025) .....	\$124,000
General Fund—Federal Appropriation.....	\$1,410,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$1,658,000</b>

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF HEALTH**

General Fund—State Appropriation (FY 2024) ..	\$173,072,000
General Fund—State Appropriation (FY 2025) ..	\$155,415,000
General Fund—Federal Appropriation.....	\$578,450,000
General Fund—Private/Local Appropriation .....	\$231,463,000
Dedicated Cannabis Account—State Appropriation (FY 2024).....	\$11,839,000
Dedicated Cannabis Account—State Appropriation (FY 2025).....	\$12,199,000
Climate Commitment Account—State Appropriation .....	\$49,559,000
Climate Investment Account—State Appropriation ..	\$902,000
Hospital Data Collection Account—State Appropriation .....	\$580,000
Health Professions Account—State Appropriation .....	\$180,894,000
Aquatic Lands Enhancement Account—State Appropriation .....	\$637,000
Emergency Medical Services and Trauma Care Systems Trust Account—State Appropriation.....	\$10,128,000
Medicaid Fraud Penalty Account—State Appropriation .....	\$27,000

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Natural Climate Solutions Account—State	
Appropriation.....	\$72,000
Public Health Supplemental Account—State	
Appropriation.....	\$293,000
Safe Drinking Water Account—State Appropriation	
.....	\$8,660,000
Drinking Water Assistance Account—Federal	
Appropriation.....	\$24,929,000
Waterworks Operator Certification Account—State	
Appropriation.....	\$2,014,000
Drinking Water Assistance Administrative Account—	
State Appropriation.....	\$2,455,000
Site Closure Account—State Appropriation.....	\$186,000
Biotoxin Account—State Appropriation.....	\$1,747,000
Model Toxics Control Operating Account—State	
Appropriation.....	\$8,425,000
Medical Test Site Licensure Account—State	
Appropriation.....	\$5,169,000
Secure Drug Take-Back Program Account—State	
Appropriation.....	\$1,422,000
Youth Tobacco and Vapor Products Prevention Account—	
State Appropriation.....	\$3,251,000
Public Health Supplemental Account—Private/Local	
Appropriation.....	\$3,733,000
Accident Account—State Appropriation.....	\$373,000
Medical Aid Account—State Appropriation.....	\$57,000
Statewide 988 Behavioral Health Crisis Response Line	
Account—State Appropriation.....	\$42,866,000
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation.....	\$27,022,000
Opioid Abatement Settlement Account—State	
Appropriation.....	\$7,400,000
TOTAL APPROPRIATION.....	\$1,545,239,000

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 start of the fiscal year following the next legislative session after the rules are adopted. 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 2023-2025 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to \$25 annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(3) In accordance with RCW 43.70.110 and 71.24.037, the department is authorized to adopt license and certification fees in fiscal years 2024 and 2025 to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations

that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(4) Within the amounts appropriated in this section, and in accordance with RCW 70.41.100, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 70.41.080.

(5) In accordance with RCW 43.70.110 and 71.24.037, the department is authorized to adopt fees for the review and approval of mental health and substance use disorder treatment programs in fiscal years 2024 and 2025 as necessary to support the costs of the regulatory program. The department's fee schedule must have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(6) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources, supports the adoption of a cohesive technology and data architecture, and maximizes federal financial participation. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.

(7) 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.

(8) \$492,000 of the general fund—state appropriation for fiscal year 2024 and \$492,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to coordinate with local health jurisdictions to establish and maintain comprehensive group B programs to ensure safe drinking water. These funds shall be used to support the costs of the development and adoption of rules, policies, and procedures, and for technical assistance, training, and other program-related costs.

(9) \$96,000 of the general fund—state appropriation for fiscal year 2024 and \$92,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for community outreach to prepare culturally and linguistically appropriate hepatitis B information in a digital format to be distributed to ethnic and cultural leaders and organizations to share with foreign-born and

limited or non-English speaking community networks.

(10) Within amounts appropriated in this section, the Washington nursing commission must hire sufficient staff to process applications for nursing licenses so that the time required for processing does not exceed seven days.

(11) \$725,000 of the general fund—state appropriation for fiscal year 2024 and \$725,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the Washington poison center. This funding is provided in addition to funding pursuant to RCW 69.50.540.

(12) \$2,122,000 of the general fund—state appropriation for fiscal year 2024 and \$2,122,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the ongoing operations and maintenance of the prescription monitoring program maintained by the department.

(13) \$2,265,000 of the general fund—state appropriation for fiscal year 2024 and \$2,265,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for:

(a) Staffing by the department, the department of veterans affairs, and the department of corrections to expand statewide suicide prevention efforts, which efforts include suicide prevention efforts for military service members and veterans and incarcerated persons;

(b) A suicide prevention public awareness campaign to provide education regarding the signs of suicide, interventions, and resources for support;

(c) Staffing for call centers to support the increased volume of calls to suicide hotlines;

(d) Training for first responders to identify and respond to individuals experiencing suicidal ideation;

(e) Support for tribal suicide prevention efforts;

(f) Strengthening behavioral health and suicide prevention efforts in the agricultural sector;

(g) Support for the three priority areas of the governor's challenge regarding identifying suicide risk among service members and their families, increasing the awareness of resources available to service members and their families, and lethal means safety planning;

(h) Training for community health workers to include culturally informed training for suicide prevention;

(i) Coordination with the office of the superintendent of public instruction; and

(j) Support for the suicide prevention initiative housed in the University of Washington.

(14) \$4,500,000 of the general fund—state appropriation for fiscal year 2024 and \$4,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the fruit and vegetable incentives program.

(15) \$627,000 of the general fund—state appropriation for fiscal year 2024 and \$627,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to implement the recommendations from the community health workers task force to provide statewide leadership, training, and integration of community health workers with insurers, health care providers, and public health systems.

(16) \$3,000,000 of the general fund—state appropriation for fiscal year 2024 and \$3,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington nursing commission to manage a grant process to incentivize nurses to supervise nursing students in health care settings. The goal of the grant program is to create more clinical placements for nursing students to complete required clinical hours to earn their nursing degree and related licensure.

(17) \$1,522,000 of the health professional services account—state appropriation is provided solely for the Washington nursing

commission to continue to implement virtual nursing assistant training and testing modalities, create an apprenticeship pathway into nursing for nursing assistants, implement rule changes to support a career path for nursing assistants, and collaborate with the workforce training and educational coordinating board on a pilot project to transform the culture and practice in long term care settings. The goal of these activities is to expand the nursing workforce for long term care settings.

(18) \$186,000 of the general fund—state appropriation for fiscal year 2024 and \$186,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to test for lead in child care facilities to prevent child lead exposure and to research, identify, and connect facilities to financial resources available for remediation costs.

(19) \$814,000 of the general fund—state appropriation for fiscal year 2024 and \$814,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide grants to establish new school-based health centers and to add behavioral health capacity to existing school-based health centers.

(20) \$1,300,000 of the general fund—state appropriation for fiscal year 2024 and \$1,300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to coordinate and lead a multi-agency approach to youth suicide prevention and intervention.

(21)(a) \$486,000 of the general fund—state appropriation for fiscal year 2024 and \$85,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department, in collaboration with an organization that represents pediatric care needs in Washington state, to establish a curriculum and provide training for community health workers in primary care clinics whose patients are significantly comprised of pediatric patients enrolled in medical assistance under chapter 74.09 RCW, in support of the health care authority's two-year grant program.

(b) Of the amounts provided in this subsection for fiscal year 2024, \$250,000 is provided solely for a grant to a pediatric organization to convene a learning collaborative to support community health workers to ensure their success while on the job with their multidisciplinary clinic teams and for the development of this new integrated health care worker field.

(c) The department shall coordinate ongoing curriculum development meetings with the relational health training work group.

(22) \$1,390,000 of the general fund—state appropriation for fiscal year 2024 and \$1,378,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the child profile health promotion notification system.

(23) \$5,000,000 of the opioid abatement settlement account—state appropriation is provided solely for the department to expand the distribution of naloxone through the department's overdose education and naloxone distribution program. Funding must be prioritized to fill naloxone access gaps in community behavioral health and other community settings, including providing naloxone to first responders and agency staff in organizations such as syringe service programs, house providers, and street outreach programs.

(24) \$2,000,000 of the opioid abatement settlement account—state appropriation is provided solely for prevention, treatment, and recovery support services to remediate the impacts of the opioid epidemic. This funding must be used consistent with conditions of the opioid settlement agreements that direct how funds deposited into the opioid abatement settlement account created in Engrossed Substitute House Bill No. 1203 must be used.

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(25) \$400,000 of the opioid abatement settlement account—state appropriation is provided solely for the completion of work identified in the state opioid response plan related to maternal and infant health.

(26)(a) \$10,000,000 of the climate commitment account—state appropriation is provided solely to support and administer a workplace health and safety program for workers who are affected by climate impacts, including but not limited to, extreme heat and cold, wildfire smoke, drought and flooding. This program will focus on workplace health and safety, including but not limited to, farmworkers, construction workers, and other workers who face the most risk from climate-related impacts. This amount shall be spent solely to support vulnerable populations in overburdened communities under the climate commitment act as defined in RCW 70A.65.010. Funding shall be provided for:

(i) Pass through grants to community-based organizations, tribal governments, and tribal organizations to support workplace health and safety for workers who are burdened by the intersection of their work and climate impacts; and

(ii) Procurement and distribution of equipment and resources for workers who are burdened by the intersection of their work and climate impacts directly by the department of health, or through pass-through grants to community-based organizations, tribal governments, and tribal organizations. Equipment and resources may include but are not limited to: Personal protective equipment, other protective or safety clothing for cold and heat, air purifiers for the workplace or worker housing, protection from ticks and mosquitoes, and heating and cooling devices.

(b) The department of health, in consultation with the environmental justice council, community groups, and labor and industries, shall evaluate mechanisms to provide workers with financial assistance to cover lost wages or other financial hardships caused by extreme weather events and climate threats;

(c) A portion of this funding may be used to administer this grant program.

(27) \$5,996,000 of the climate commitment account—state appropriation is provided solely for the department to implement the healthy environment for all act under chapter 70A.02 RCW, including to provide additional staff and support for the environmental justice council.

(28)(a) \$26,355,000 of the climate commitment account—state appropriation is provided solely for the department to administer capacity grants to tribes and tribal organizations and to overburdened communities and vulnerable populations to provide guidance and input:

(i) To agencies and to the environmental justice council on implementation of the healthy environment for all act; and

(ii) To the department on updates to the environmental health disparities map.

(b) At least 50 percent of the total amount distributed for capacity grants in this subsection must be reserved for grants to tribes and tribal organizations.

(c) Funding provided in this subsection may be used for tribes and tribal organizations to hire staff or to contract with consultants to engage in updating the health disparities map or on implementing the healthy environment for all act.

(d) The department may use a reasonable amount of funding provided in this subsection to administer the grants.

(29) \$17,752,000 of the general fund—state appropriation for fiscal year 2024 is provided solely to sustain information technology infrastructure, tools, and solutions developed to respond to the COVID-19 pandemic. The department shall submit a plan to the office of financial management by September 15, 2023, that identifies a new funding strategy to maintain these

information technology investments within the department's existing state, local, and federal funding. Of this amount, sufficient funding is provided for the department to create an implementation plan for real-time bed capacity and tracking for hospitals and skilled nursing facilities, excluding behavioral health hospitals and facilities. The department will provide the implementation plan and estimated cost for an information technology system and implementation costs to the office of financial management by September 15, 2023, for the bed capacity and tracking tool.

(30) \$20,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely to support COVID-19 public health and response activities. The department must continue to distribute COVID-19 testing supplies to agricultural workers and tribal governments. The department must submit a spending plan to the office of financial management for approval. These funds may only be allocated and expended after approval of the spending plan.

(31) \$7,907,000 of the general fund—state appropriation for fiscal year 2024 and \$8,103,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for programs and grants to maintain access to abortion care. Of the amounts provided in this subsection:

(a) \$3,365,000 of the general fund—state appropriation for fiscal year 2024 and \$3,561,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for reimbursement of abortion services to providers of abortion care;

(b) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for outreach, patient navigation, and staffing at the department; and

(c) \$4,042,000 of the general fund—state appropriation for fiscal year 2024 and \$4,042,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to safety net abortion providers who participate in the department's sexual and reproductive health program for workforce retention and recruitment initiatives to ensure continuity of services.

(32) \$260,000 of the general fund—state appropriation for fiscal year 2024 and \$259,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to providers of abortion care that participate in the department's sexual and reproductive health program for security investments.

(33) \$285,000 of the general fund—state appropriation for fiscal year 2024, \$295,000 of the general fund—state appropriation for fiscal year 2025, and \$214,000 of the general fund—private/local appropriation are provided solely for the behavioral health agency program for licensure and regulatory activities.

(34) \$104,000 of the general fund—state appropriation for fiscal year 2024, \$104,000 of the general fund—state appropriation for fiscal year 2025, and \$42,000 of the health professions account—state appropriation are provided solely for the department to conduct credentialing and inspections under chapter 324, Laws of 2019 (behavioral health facilities).

(35) \$3,298,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the breast, cervical and colon screening program, comprehensive cancer community partnerships, and Washington state cancer registry.

(36) \$85,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for continued implementation of chapter 58, Laws of 2022 (cardiac & stroke response).

(37) \$671,000 of the general fund—state appropriation for fiscal year 2024 and \$329,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the care-



a-van mobile health program.

(38) \$6,801,000 of the climate commitment account—state appropriation and \$702,000 of the climate investment account—state appropriation are provided solely for implementation of chapter 316, Laws of 2021 (climate commitment act).

(39) \$200,000 of the climate investment account—state appropriation is provided solely for the environmental justice council to coordinate with the department of ecology on a process to track state agency expenditures from climate commitment act accounts, as described in section 302(13) of this act. Funding is provided for the following as they relate to development of the department of ecology process:

(a) Public engagement with tribes and vulnerable populations within the boundaries of overburdened communities; and

(b) Cost recovery or stipends for participants in the public process to reduce barriers to participation, as described in RCW 43.03.220.

(40) \$31,000 of the general fund—state appropriation for fiscal year 2024 and \$31,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 204, Laws of 2022 (truck drivers/restrooms).

(41) \$808,000 of the drinking water assistance administrative account—state appropriation is provided solely for the water system consolidation grant program.

(42) \$1,044,000 of the safe drinking water account—state appropriation is provided solely for the drinking water technical services program.

(43) \$288,000 of the secure drug take-back program account—state appropriation is provided solely for implementation of chapter 155, Laws of 2021 (drug take-back programs).

(44) \$7,146,000 of the drinking water assistance account—federal appropriation is provided solely for the office of drinking water to provide technical assistance, direct engineering support, and construction management to small water systems.

(45) \$381,000 of the general fund—state appropriation for fiscal year 2024 and \$607,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the early hearing detection, diagnosis, and intervention program.

(46) \$149,000 of the general fund—state appropriation for fiscal year 2024 and \$88,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to make improvements to the data system for the early hearing detection, diagnosis, and intervention program, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(47) \$12,466,000 of the health professions account—state appropriation is provided solely for the regulation of health professions.

(48) \$599,000 of the health professions account—state appropriation is provided solely for ongoing maintenance of the HEALWA web portal to provide access to health information for providers.

(49) \$1,359,000 of the general fund—state appropriation for fiscal year 2024, \$680,000 of the general fund—state appropriation for fiscal year 2025, and \$680,000 of the general fund—private/local appropriation are provided solely for the department to perform investigations to address the backlog of hospital complaints.

(50) \$12,000 of the health professions account—state appropriation is provided solely for implementation of chapter 204, Laws of 2021 (international medical grads).

(51) \$1,652,000 of the general fund—state appropriation for fiscal year 2024 and \$1,339,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to onboard systems to, and maintain, the master

person index as part of the health and human services coalition master person index initiative, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(52) \$2,062,000 of the general fund—state appropriation for fiscal year 2024 and \$1,454,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to complete upgrades to the medical cannabis authorization database to improve reporting functions and accessibility, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(53) \$1,865,000 of the medical test site licensure account—state appropriation is provided solely for the medical test site regulatory program for inspections and other regulatory activities.

(54) \$2,276,000 of the health professions account—state appropriation is provided solely for the nursing care quality assurance commission for nursing licensure and other regulatory activities.

(55) \$813,000 of the general fund—state appropriation for fiscal year 2024 and \$811,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to assist with access to safe drinking water for homes and businesses with individual wells or small water systems that are contaminated.

(56) \$146,000 of the model toxics control operating account—state appropriation is provided solely for implementation of chapter 264, Laws of 2022 (chemicals/consumer products).

(57) \$1,150,000 of the general fund—state appropriation for fiscal year 2024 and \$1,150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to expand the birth equity project with the goal of reducing prenatal and perinatal health disparities.

(58) \$1,738,000 of the general fund—private/local appropriation is provided solely for implementation of chapter 115, Laws of 2020 (psychiatric patient safety).

(59) \$11,533,000 of the general fund—state appropriation for fiscal year 2024 and \$11,533,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to maintain public health information systems that are used to collect, track, and report public health information.

(60) \$7,022,000 of the coronavirus state fiscal recovery fund—federal appropriation and \$7,355,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to maintain the statewide logistics center.

(61) \$315,000 of the general fund—state appropriation for fiscal year 2024 and \$315,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to operate the universal development screening system.

(62) \$2,000,000 of the health professions account—state appropriation and \$293,000 of the public health supplemental account—state appropriation are provided solely for the Washington medical commission for regulatory activities, administration, and addressing equity issues in processes and policies.

(63) \$200,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department, in collaboration with the Washington medical coordination center, to create an implementation plan for real-time bed capacity and tracking for hospitals. The department must provide the implementation plan and estimated costs for the bed capacity and tracing tool to the office of financial management by September 15, 2023.

(64) \$48,000 of the model toxics control operating account—state appropriation is provided solely for the Puget Sound clean air agency to coordinate meetings with local health jurisdictions

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in King, Pierce, Snohomish, and Kitsap counties to better understand air quality issues, align messaging, and facilitate delivery of ready-to-go air quality and health interventions. The amount provided in this subsection may be used for agency staff time, meetings and events, outreach materials, and tangible air quality and health interventions.

(65) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the midwifery licensure and regulatory program to supplement revenue from fees. The department shall charge no more than \$525 annually for new or renewed licenses for the midwifery program.

(66)(a) The legislature finds that fusion is a rapidly advancing clean energy technology and that Washington is poised to become a world leader in fusion energy development. The legislature intends for Washington to support the deployment of fusion energy projects and larger research facilities by taking a leading role in the licensing of future fusion power plants and ensuring that the department and other relevant state-level regulatory agencies are equipped with the necessary staffing and technical resources to fulfill the state's registration, inspection, and licensure obligations.

(b) Within the amounts provided in this section, the department shall conduct a review of its readiness for licensing fusion energy projects and report its findings and recommendations to the governor and the appropriate committees of the legislature by December 1, 2023.

(67) \$3,600,000 of the general fund—state appropriation for fiscal year 2024 and \$3,600,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to maintain support, including staffing and data management, for the care connect Washington program.

(68) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for blood supply relief. The department must distribute this amount equally between the four largest nonprofit blood donation organizations operating in the state. The amounts distributed may be used only for activities to rebuild the state's blood supply, including increased staffing support for donation centers and mobile blood drives.

(69) \$5,000,000 of the general fund—state appropriation for fiscal year 2024 and \$5,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for tobacco, vapor product, and nicotine control, cessation, treatment, and prevention, and other substance use prevention and education, with an emphasis on community-based strategies. These strategies must include programs that consider the disparate impacts of nicotine addiction on specific populations, including youth and racial or other disparities.

(70) \$500,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for an existing program that works with community members and partners to bridge health equity gaps to establish a pilot health care program in Pierce county to serve the unique needs of the African American community, including addressing diabetes, high blood pressure, low birth weight, and health care for preventable medical, dental, and behavioral health diagnoses.

(71) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to Island county to contract for a study of cost-effective waste treatment solutions, as an alternative to septic and sewer, for unincorporated parts of Island county. The study must:

(a) Identify any regulatory barriers to the use of alternative technology-based solutions;

(b) Include an opportunity for review and consultation by the department; and

(c) Include any recommendations from the department in the final report.

(72) \$2,656,000 of the general fund—private/local appropriation is provided solely for the department to raise the newborn screening fee to provide cystic fibrosis DNA testing and to engage with a courier service to transport specimens to the public health laboratory.

(73) \$75,000 of the general fund—state appropriation for fiscal year 2024 and \$75,000 of the general fund—state appropriation for fiscal year 2025 are provided solely in support of the department's activities pursuant to chapter 226, Laws of 2016 (commonly known as the caregiver advise, record, enable act). This funding must be used to:

(a) Create a communication campaign to notify hospitals across the state of available resources to support family caregivers;

(b) Curate or create a set of online training videos on common caregiving tasks including, but not limited to, medication management, injections, nebulizers, wound care, and transfers; and

(c) Provide information to patients and family caregivers upon admission.

(74) \$29,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1275 (athletic trainers). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(75) \$126,000 of the health professions account—state appropriation is provided solely for implementation of House Bill No. 1001 (audiology & speech compact). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(76) \$9,158,000 of the statewide 988 behavioral health crisis response line account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1134 (988 system). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(77) \$527,000 of the general fund—state appropriation for fiscal year 2024, \$453,000 of the general fund—state appropriation for fiscal year 2025, and \$204,000 of the health professions account—state appropriation are provided solely for implementation of Second Substitute House Bill No. 1724 (behavioral health workforce). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(78) \$72,000 of the natural climate solutions account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1170 (climate response strategy). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(79) \$418,000 of the model toxics control operating account—state appropriation is provided solely for implementation of Substitute House Bill No. 1047 (cosmetic product chemicals). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(80) \$46,000 of the health professions account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1466 (dental auxiliaries). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(81) \$12,000 of the health professions account—state appropriation is provided solely for implementation of House Bill No. 1287 (dental hygienists). If the bill is not enacted by June 30,

2023, the amount provided in this subsection shall lapse.

(82) \$136,000 of the general fund—state appropriation for fiscal year 2025 and \$193,000 of the health professions account—state appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1678 (dental therapists). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(83) \$158,000 of the health professions account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1576 (dentist compact). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(84) \$1,441,000 of the health professions account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1503 (health care licenses/info.). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(85) \$29,000 of the general fund—state appropriation for fiscal year 2024 and \$124,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1255 (health care prof. SUD prg.). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(86) \$214,000 of the general fund—state appropriation for fiscal year 2024 and \$787,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1694 (home care workforce shortage). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(87) \$282,000 of the health professions account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1039 (intramuscular needling). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(88) \$67,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Engrossed Substitute House Bill No. 1554 (lead impacts). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(89) \$407,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (climate change/planning). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(90) \$53,000 of the general fund—state appropriation for fiscal year 2024 and \$65,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1568 (long-term care professionals). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(91) \$65,000 of the health professions account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1073 (medical assistants). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(92) \$447,000 of the general fund—state appropriation for fiscal year 2024 and \$448,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1452 (medical reserve corps). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(93) \$195,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1069 (mental health counselor comp). If the bill

is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(94) \$158,000 of the health professions account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1009 (military spouse employment). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(95) \$400,000 of the general fund—state appropriation for fiscal year 2024 and \$165,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1457 (motor carriers/restrooms). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(96) \$126,000 of the general fund—state appropriation for fiscal year 2024, \$102,000 of the general fund—state appropriation for fiscal year 2025, and \$81,000 of the health professions account—state appropriation are provided solely for implementation of Substitute House Bill No. 1247 (music therapists). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(97) \$39,000 of the general fund—state appropriation for fiscal year 2024, \$110,000 of the general fund—state appropriation for fiscal year 2025, and \$9,000 of the general fund—private/local appropriation are provided solely for implementation of Substitute House Bill No. 1271 (organ transport vehicles). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(98) \$862,000 of the general fund—state appropriation for fiscal year 2024 and \$526,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1470 (private detention facilities). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(99) \$97,000 of the general fund—state appropriation for fiscal year 2024 and \$27,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of House Bill No. 1230 (school websites/drug info.). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(100) \$727,000 of the general fund—state appropriation for fiscal year 2024 and \$379,000 of the general fund—private/local appropriation are provided solely for implementation of Second Substitute House Bill No. 1010 (shellfish sanitary control). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(101) \$77,000 of the general fund—state appropriation for fiscal year 2024 and \$76,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1578 (wildland fire safety). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(102) \$2,773,000 of the general fund—state appropriation for fiscal year 2024 and \$2,773,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide grant funding through the school-based health center program established in chapter 68, Laws of 2021 (school-based health centers).

(103) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with a community-based nonprofit organization located in the Yakima Valley to continue a Spanish-language public radio media campaign aimed at providing education on the COVID-19 pandemic through an outreach program. The goal of the radio media campaign is to reach

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residents considered "essential workers," including but not limited to farmworkers, and provide information on health and safety guidelines, promote vaccination events, and increase vaccine confidence. The nonprofit organization must coordinate with medical professionals and other stakeholders on the content of the radio media campaign. The department, in coordination with the nonprofit, must provide a preliminary report to the legislature no later than December 31, 2024. A final report to the legislature must be submitted no later than June 30, 2025. Both reports must include: (a) A description of the outreach program and its implementation; (b) the number of individuals reached through the outreach program; and (c) any relevant demographic data regarding those individuals.

(104) \$75,000 of the general fund—state appropriation for fiscal year 2024 and \$25,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with an equity consultant to evaluate the effect of changes made by, and vulnerabilities in, Engrossed Substitute Senate Bill No. 5179 (death with dignity act). The consultant shall partner with interested parties, vulnerable populations, and communities of color to solicit feedback on barriers to accessing the provisions of the act, any unintended consequences, and any challenges and vulnerabilities in the provision of services under the act, recommendations on ways to improve data collection, and recommendations on additional measures to be reported to the department. The department must report the findings and recommendations to the legislature by November 30, 2024.

(105) \$350,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a rural nursing workforce initiative to create a hub for students to remain in rural environments while working toward nursing credentials, including for program personnel, support, and a rural nursing needs assessment. Funding is provided to develop a program based on the rural nursing needs assessment.

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF CORRECTIONS**

**(1) ADMINISTRATION AND SUPPORT SERVICES**

General Fund—State Appropriation (FY 2024).....	\$92,926,000
General Fund—State Appropriation (FY 2025).....	\$90,729,000
General Fund—Federal Appropriation .....	\$400,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$184,055,000</b>

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

(a) \$1,020,000 of the general fund—state appropriation for fiscal year 2024 is provided solely to acquire and implement a sentencing calculation module for the offender management network information system and is subject to the conditions, limitations, and review requirements of section 701 of this act. This project must use one discrete organizational index across all department of corrections programs. Implementation of this sentencing calculation module must result in a reduction of tolling staff within six months of the project implementation date and the department must report this result. In addition, the report must include the budgeted and actual tolling staffing levels by fiscal month beginning with fiscal year 2023 and the count of tolling staff reduced by fiscal month from date of implementation through six months post implementation. The report must be submitted to the senate ways and means and house appropriations committees within 30 calendar days after six months post implementation.

(b) \$8,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Substitute House Bill No. 1268 (sentencing enhancements). If the bill is not enacted by June 30, 2023, the amount provided in this subsection

shall lapse.

**(2) CORRECTIONAL OPERATIONS**

General Fund—State Appropriation (FY 2024) ..	\$680,686,000
General Fund—State Appropriation (FY 2025) ..	\$681,324,000
General Fund—Federal Appropriation.....	\$4,326,000
General Fund—Private/Local Appropriation .....	\$334,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$1,366,670,000</b>

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

(a) The department may contract for local jail beds statewide to the extent that it is at no net cost to the department. The department shall calculate and report the average cost per offender per day, inclusive of all services, on an annual basis for a facility that is representative of average medium or lower offender costs. The department shall not pay a rate greater than \$85 per day per offender excluding the costs of department of corrections provided services, including evidence-based substance abuse programming, dedicated department of corrections classification staff on-site for individualized case management, transportation of offenders to and from department of corrections facilities, and gender responsive training for jail staff. The capacity provided at local correctional facilities must be for offenders whom the department of corrections defines as close medium or lower security offenders. Programming provided for offenders held in local jurisdictions is included in the rate, and details regarding the type and amount of programming, and any conditions regarding transferring offenders must be negotiated with the department as part of any contract. Local jurisdictions must provide health care to offenders that meets standards set by the department. The local jail must provide all medical care including unexpected emergent care. The department must utilize a screening process to ensure that offenders with existing extraordinary medical/mental health needs are not transferred to local jail facilities. If extraordinary medical conditions develop for an inmate while at a jail facility, the jail may transfer the offender back to the department, subject to terms of the negotiated agreement. Health care costs incurred prior to transfer are the responsibility of the jail.

(b) \$574,000 of the general fund—state appropriation for fiscal year 2024 and \$671,000 of the general fund—state appropriation for fiscal year 2025 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) \$1,963,000 of the general fund—state appropriation for fiscal year 2024 is provided solely to acquire and implement a sentencing calculation module for the offender management network information system and is subject to the conditions, limitations, and review requirements of section 701 of this act. This project must use one discrete organizational index across all department of corrections programs. Implementation of this sentencing calculation module must result in a reduction of tolling staff within six months of the project implementation date and the department must report this result. In addition, the report must include the budgeted and actual tolling staffing levels by fiscal month beginning with fiscal year 2023 and the count of tolling staff reduced by fiscal month from date of implementation through six months post implementation. The report must be submitted to the senate ways and means and house appropriations committees within 30 calendar days after six months post implementation.

(d) Within the appropriated amounts in this subsection, the department of corrections must provide a minimum of one dedicated prison rape elimination act compliance specialist at each institution.

(e) \$300,000 of the general fund—state appropriation for fiscal

year 2024 and \$320,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for continuing two contracted parent navigator positions. One parent navigator must be located at the Washington correction center for women and one parent navigator position must be located at the Airway Heights corrections center or another state correctional facility that houses incarcerated male individuals and is selected by the department of corrections as a more suitable fit for a parent navigator. The parent navigators must have lived experience in navigating the child welfare system. The parent navigators must provide guidance and support to incarcerated individuals towards family reunification including, but not limited to, how to access services, navigating the court system, assisting with guardianship arrangements, and facilitating visitation with their children. The goal of the parent navigator program is to assist incarcerated parents involved in dependency or child welfare cases to maintain connections with their children and to assist these individuals in successfully transitioning and reuniting with their families upon release from incarceration. As part of the parent navigation program, the department of corrections must also review and provide a report to the legislature on the effectiveness of the program that includes the number of incarcerated individuals that received assistance from the parent navigators and the type of assistance the incarcerated individuals received, and that tracked the outcome of the parenting navigator program. A final report must be submitted to the legislature by September 1, 2024. Of the amounts provided in this subsection, \$20,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department's review and report on the effectiveness of the parent navigator program.

(f) \$2,418,000 of the general fund—state appropriation for fiscal year 2024 and \$2,419,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1682 (auto theft authority account). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(3) COMMUNITY SUPERVISION

General Fund—State Appropriation (FY 2024).....	\$230,399,000
General Fund—State Appropriation (FY 2025).....	\$236,883,000
General Fund—Federal Appropriation .....	\$4,142,000
TOTAL APPROPRIATION .....	\$471,424,000

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

(a) The department of corrections shall contract with local and tribal governments for jail capacity to house offenders who violate the terms of their community supervision. A contract rate increase may not exceed five percent each year. The department may negotiate to include medical care of offenders in the contract rate if medical payments conform to the department's offender health plan and pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff. If medical care of offender is included in the contract rate, the contract rate may exceed five percent to include the cost of that service.

(b) The department shall engage in ongoing mitigation strategies to reduce the costs associated with community supervision violators, including improvements in data collection and reporting and alternatives to short-term confinement for low-level violators.

(c) \$542,000 of the general fund—state appropriation for fiscal year 2024 and \$1,388,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for increased costs associated with the relocation of leased facilities. The department shall engage in ongoing strategies to reduce the need for relocating facilities and when necessary contract only

with lessors with rates that align with comparable market rates in the area.

(d) \$1,477,000 of the general fund—state appropriation for fiscal year 2024 is provided solely to acquire and implement a sentencing calculation module for the offender management network information system and is subject to the conditions, limitations, and review requirements of section 701 of this act. This project must use one discrete organizational index across all department of corrections programs. Implementation of this sentencing calculation module must result in a reduction of tolling staff within six months of the project implementation date and the department must report this result. In addition, the report must include the budgeted and actual tolling staffing levels by fiscal month beginning with fiscal year 2023 and the count of tolling staff reduced by fiscal month from date of implementation through six months post implementation. The report must be submitted to the senate ways and means and house appropriations committees within 30 calendar days after six months post implementation.

(4) CORRECTIONAL INDUSTRIES

General Fund—State Appropriation (FY 2024) ....	\$12,470,000
General Fund—State Appropriation (FY 2025) ....	\$12,374,000
TOTAL APPROPRIATION .....	\$24,844,000

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

(a) \$3,500,000 of the general fund—state appropriation for fiscal year 2024 and \$3,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department of corrections to provide wages and gratuities of no less than \$1.00 per hour to incarcerated persons working in class III correctional industries.

(b)(i) \$197,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of House Bill No. 1543 (horse program/Coyote Ridge). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(ii) The department of corrections, through correctional industries, shall conduct a feasibility study and develop a plan for implementing a wild horse training, holding, and farrier program at a corrections center. The program must be designed in partnership with the federal bureau of land management wild horse and burro program, for the purpose of assisting incarcerated persons with developing occupational, vocational, and life skills.

(5) INTERAGENCY PAYMENTS

General Fund—State Appropriation (FY 2024) ....	\$59,994,000
General Fund—State Appropriation (FY 2025) ....	\$58,487,000
TOTAL APPROPRIATION .....	\$118,481,000

(6) OFFENDER CHANGE

General Fund—State Appropriation (FY 2024) ....	\$78,231,000
General Fund—State Appropriation (FY 2025) ....	\$78,386,000
General Fund—Federal Appropriation.....	\$1,436,000
TOTAL APPROPRIATION .....	\$158,053,000

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

(a) The department of corrections shall use funds appropriated in this subsection (6) for programming for incarcerated individuals. The department shall develop and implement a written comprehensive plan for programming for incarcerated individuals that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(b) The department of corrections shall collaborate with the state health care authority to explore ways to utilize federal

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medicaid funds as a match to fund residential substance use disorder treatment-based alternative beds under RCW 9.94A.664 under the drug offender sentencing alternative program and residential substance use disorder treatment beds that serve individuals on community custody.

(c) Within existing resources, the department of corrections may provide reentry support items such as disposable cell phones, prepaid phone cards, hygiene kits, housing vouchers, and release medications associated with individuals resentenced or ordered released from confinement as a result of policies or court decisions including, but not limited to, the *State v. Blake* decision.

**(7) HEALTH CARE SERVICES**

General Fund—State Appropriation (FY 2024).....	\$229,770,000
General Fund—State Appropriation (FY 2025).....	\$231,741,000
General Fund—Federal Appropriation .....	\$3,084,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$464,595,000</b>

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) \$175,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department of corrections to conduct a medical mental and physical health evaluation of incarcerated persons who have been in solitary confinement or any other form of restrictive housing more than 120 days in total during their period of incarceration or more than 45 consecutive days in the prior fiscal year. The department shall provide a report to the governor and appropriate committees of the legislature by June 30, 2024.

(c) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for support of the availability of ambulance services 24 hours a day, 7 days a week at the coyote ridge corrections center. This funding may not be used to supplement or supplant payments to the provider for services that are eligible for billing to federal medicaid programs or to the department of corrections.

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**

General Fund—State Appropriation (FY 2024).....	\$6,381,000
General Fund—State Appropriation (FY 2025).....	\$6,632,000
General Fund—Federal Appropriation .....	\$25,672,000
General Fund—Private/Local Appropriation.....	\$60,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$38,745,000</b>

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

(1) \$201,000 of the general fund—state appropriation for fiscal year 2024 and \$201,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the continuation of statewide services for blind or low vision youth under the age of 14.

(2) \$184,000 of the general fund—state appropriation for fiscal year 2024 and \$367,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the independent living program.

**NEW SECTION. Sec. 225. FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund—State Appropriation (FY 2024)....	\$35,565,000
General Fund—State Appropriation (FY 2025)....	\$24,776,000
General Fund—Federal Appropriation .....	\$212,896,000
General Fund—Private/Local Appropriation.....	\$37,581,000
Climate Commitment Account—State Appropriation	\$404,000
Unemployment Compensation Administration Account—	

Federal Appropriation .....	\$243,589,000
Administrative Contingency Account—State	
Appropriation .....	\$28,514,000
Employment Service Administrative Account—State	
Appropriation .....	\$77,501,000
Family and Medical Leave Insurance Account—State	
Appropriation .....	\$149,837,000
Workforce Education Investment Account—State	
Appropriation .....	\$13,465,000
Long-Term Services and Supports Trust Account—State	
Appropriation .....	\$40,401,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$864,529,000</b>

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) \$15,399,000 of the long-term services and supports trust account—state appropriation is provided solely for implementation of the long-term services and support trust program information technology project and is subject to the conditions, limitations, and review provided in section 701 of this act.

(3) Within existing resources, the department must reassess its ongoing staffing and funding needs for the paid family medical leave program and submit documentation of the updated need to the governor and appropriate committees of the legislature by September 1, 2023, and annually thereafter.

(4) 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.

(5) Within existing resources, the department shall report the following to the legislature and the governor by October 15, 2023, and each year thereafter:

(a) An inventory of the department's programs, services, and activities, identifying federal, state, and other funding sources for each;

(b) Federal grants received by the department, segregated by line of business or activity, for the most recent five fiscal years, and the applicable rules;

(c) State funding available to the department, segregated by line of business or activity, for the most recent five fiscal years;

(d) A history of staffing levels by line of business or activity, identifying sources of state or federal funding, for the most recent five fiscal years;

(e) A projected spending plan for the employment services administrative account and the administrative contingency account. The spending plan must include forecasted revenues and estimated expenditures under various economic scenarios.

(6) \$13,435,000 of the workforce education investment account—state appropriation is provided solely for career connected learning grants as provided in RCW 28C.30.050, including sector intermediary grants and administrative expenses associated with grant administration.

(7) \$2,000,000 of the unemployment compensation administration account—federal appropriation is provided solely for the department to continue implementing the federal United States department of labor equity grant. This grant includes

improving the translation of notices sent to claimants as part of their unemployment insurance claims into any of the 10 languages most frequently spoken in the state and other language, demographic, and geographic equity initiatives approved by the grantor. The department must also ensure that letters, alerts, and notices produced manually or by the department's unemployment insurance technology system are written in plainly understood language and evaluated for ease of claimant comprehension before they are approved for use.

(8) \$6,272,000 of the unemployment compensation administration account—federal appropriation is provided solely for a continuous improvement team to make customer, employer, and equity enhancements to the unemployment insurance program. If the department does not receive adequate funding from the United States department of labor to cover these costs, the department may use funding made available to the state through section 903 (d), (f), and (g) of the social security act (Reed act) in an amount not to exceed the amount provided in this subsection.

(9) \$404,000 of the climate commitment account—state appropriation is provided solely for participation on the clean energy technology work force advisory committee and collaboration on the associated report established in Second Substitute House Bill No. 1176 (climate-ready communities). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(10) The department must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(11)(a) \$9,323,000 of the employment service administrative account—state appropriation is provided solely for the replacement of the WorkSource integrated technology platform. The replacement system must support the workforce administration statewide to ensure adoption of the United States department of labor's integrated service delivery model and program performance requirements for the state's workforce innovation and opportunity act and other federal grants. This subsection is subject to the conditions, limitations, and review provided in section 701 of this act.

(b) \$2,290,000 of the employment services administrative account—state appropriation is provided solely for the maintenance and operation of the WorkSource integrated technology platform.

(12) \$6,208,000 of the general fund—state appropriation for fiscal year 2024 and \$6,208,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the continuation of the economic security for all program. The department must collect quarterly data on the number of participants that participate in the program, the costs associated with career, training, and other support services provided by category, including but not limited to, child care, housing, transportation, and car repair, and progress made towards self-sufficiency. The department must provide a report to the governor and the legislature on December 1 and June 1 of each year that includes an analysis of the program, a detailed summary of the quarterly data collected, and associated recommendations for program delivery.

(13)(a) \$2,646,000 of the general fund—state appropriation for fiscal year 2024 and \$2,646,000 of the general fund—state appropriation for fiscal year 2025 are provided to expand the economic security for all program to residents of Washington state that are over 200 percent of the federal poverty level but who demonstrate financial need for support services or assistance with training costs to either maintain or secure employment. Supports

to each participant must not exceed \$5,000 per year.

(b) The department must collect quarterly data on the number of participants that participate in the program, the costs associated with career, training, and other support services provided by category, including but not limited to, child care, housing, transportation, and car repair, and progress made towards self-sufficiency. The department must provide a report to the governor and the legislature on December 1 and June 1 of each year that includes an analysis of the program, a detailed summary of the quarterly data collected, and associated recommendations for program delivery.

(c) Of the amounts in (a) of this subsection, the department may use \$146,000 each year to cover program administrative expenses.

(14) \$1,655,000 of the administrative contingency account—state appropriation is provided to increase the department's information security team to proactively address critical security vulnerabilities, audit findings, and process gaps.

(15) \$300,000 of the general fund—state appropriation for fiscal year 2024 and \$300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for two project managers to assist with the coordination of state audits.

(16) \$2,780,000 of the general fund—state appropriation for fiscal year 2024 and \$2,780,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for business navigators at the local workforce development boards to increase employer engagement in an effort to support industry recovery and growth. Of the amounts in this subsection, the department may use \$148,000 per year to cover associated administrative expenses.

(17) \$11,895,000 of the general fund—federal appropriation is provided solely for the implementation of the quality jobs, equity strategy, and training (QUEST) grant to enhance the workforce system's ongoing efforts to support employment equity and employment recovery from the COVID-19 pandemic. The funds are for partnership development, community outreach, business engagement, and comprehensive career and training services.

(18) \$3,264,000 of the employment services administration account—state appropriation is provided solely for the continuation of the office of agricultural and seasonal workforce services.

(19) \$3,539,000 of the long-term services and supports trust account—state appropriation is provided solely for the programs in the department's leave and care division to increase outreach to underserved communities, perform program evaluation and data management, perform necessary fiscal functions, and make customer experience enhancements.

(20) Within the amounts appropriated in this section, the department shall hire or assign a full time communications staff dedicated to outreach to employers and the public about the long-term services and supports trust program, the Washington cares program, in collaboration with the department of social and health services and the Washington cares program. The department shall collaborate with the department of social and health services and the Washington cares program on all communications to employers about the long-term services and supports trust program implementation including receiving final sign off by the Washington cares program.

(21) \$140,000 of the general fund—state appropriation for fiscal year 2024 and \$140,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for one full-time employee to provide casework on behalf of constituents who contact their legislators to escalate unresolved claims.

(22)(a) \$250,000 of the family and medical leave insurance account—state appropriation is provided solely to conduct a study

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on the impacts of the state family and medical leave program's job protection standards on equitable utilization of paid leave benefits under the program.

(b) The study shall consider the following:

(i) The rates at which paid leave benefits under chapter 50A.15 RCW are used by persons who qualify for job protection under RCW 50A.35.010 or the federal family and medical leave act;

(ii) Worker perspectives on the effects of job protection under RCW 50A.35.010 and the federal family and medical leave act on the use of paid leave benefits under chapter 50A.15 RCW; and

(iii) Employment outcomes and other impacts for persons using paid leave benefits under chapter 50A.15 RCW.

(c)(i) In conducting the study, the department must collect original data directly from workers about paid leave and job protection, including demographic information such as race, gender, income, geography, primary language, and industry or job sector.

(ii) In developing the study, the department must consult with the advisory committee under RCW 50A.05.030, including three briefings: An overview on the initial research design with an opportunity to provide feedback; a midpoint update; and final results. The department must consult with the committee regarding appropriate methods for collecting and assessing relevant data in order to protect the reliability of the study.

(d) The department must submit a preliminary report, including the initial research design and available preliminary results, by December 1, 2023, and a final report by December 1, 2024, to the governor and the appropriate policy and fiscal committees of the legislature, in compliance with RCW 43.01.036.

(23) \$20,000 of the employment service administrative account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1320 (personnel records). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(24) \$4,433,000 of the family and medical leave insurance account—state appropriation and \$351,000 of the unemployment compensation administration account—federal appropriation are provided solely for implementation of Substitute House Bill No. 1570 (TNC insurance programs). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(25) \$50,000 of the unemployment compensation administration account—federal appropriation is provided solely for implementation of Substitute House Bill No. 1458 (apprenticeship programs/UI). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(26)(a) \$10,000,000 of the general fund—state appropriation for fiscal year 2024 and \$11,227,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to address a projected shortfall of federal revenue that supports the administration of the unemployment insurance program.

(b) The department must submit an initial report no later than November 1, 2023, and a subsequent report no later than November 1, 2024, to the governor and the appropriate committees of the legislature outlining how the funding in (a) of this subsection is being utilized and recommendations for long-term solutions to address future decreases in federal funding.

(27) \$11,976,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to create a dedicated team of staff to process the unemployment insurance overpayment caseload backlog.

(28) \$1,480,000 of the general fund—state appropriation for fiscal year 2024 and \$1,440,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to create a navigation services team to assist customers experiencing barriers in accessing unemployment

insurance services.

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—GENERAL**

(1) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources, supports the adoption of a cohesive technology and data architecture, and maximizes federal financial participation.

(2) 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.

**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—CHILDREN AND FAMILIES SERVICES PROGRAM**

General Fund—State Appropriation (FY 2024) ..	\$471,266,000
General Fund—State Appropriation (FY 2025) ..	\$478,749,000
General Fund—Federal Appropriation.....	\$492,741,000
General Fund—Private/Local Appropriation .....	\$2,824,000
TOTAL APPROPRIATION .....	\$1,445,580,000

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

(1) \$748,000 of the general fund—state appropriation for fiscal year 2024 and \$748,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to 13 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.

(2) \$453,000 of the general fund—state appropriation for fiscal year 2024 and \$453,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the costs of hub home foster and kinship families that provide a foster care delivery model that includes a hub home. Use of the hub home model is intended to support foster parent retention, provide support to biological families, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(3) \$579,000 of the general fund—state appropriation for fiscal year 2024, \$579,000 of the general fund—state appropriation for fiscal year 2025, and \$110,000 of the general fund—federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(4) \$1,620,000 of the general fund—state appropriation for fiscal year 2024 and \$1,620,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for services



provided through children's advocacy centers.

(5) \$94,000 of the general fund—state appropriation for fiscal year 2024 and \$94,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(6)(a) \$999,000 of the general fund—state appropriation for fiscal year 2024, \$1,000,000 of the general fund—state appropriation for fiscal year 2025, \$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, regions where backlogs of youth that have formerly requested educational outreach services exist, or youth with high educational needs. The department is encouraged to use private matching funds to maintain educational advocacy services.

(b) The department shall contract with the office of the superintendent of public instruction, which in turn shall contract with a nongovernmental entity or entities to provide educational advocacy services pursuant to RCW 28A.300.590.

(7) 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.

(8) \$375,000 of the general fund—state appropriation for fiscal year 2024, \$375,000 of the general fund—state appropriation for fiscal year 2025, and \$112,000 of the general fund—federal appropriation are provided solely for the department to develop, implement, and expand strategies to improve the capacity, reliability, and effectiveness of contracted visitation services for children in temporary out-of-home care and their parents and siblings. Strategies may include, but are not limited to, increasing mileage reimbursement for providers, offering transportation-only contract options, and mechanisms to reduce the level of parent-child supervision when doing so is in the best interest of the child. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature regarding these strategies by September 1, 2023. The report shall include the number and percentage of parents requiring supervised visitation and the number and percentage of parents with unsupervised visitation, prior to reunification.

(9) \$197,000 of the general fund—state appropriation for fiscal year 2024 and \$197,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to conduct biennial inspections and certifications of facilities, both overnight and day shelters, that serve those who are under 18 years old and are homeless.

(10) \$250,000 of the general fund—state appropriation for

fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 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.

(11) \$600,000 of the general fund—state appropriation for fiscal year 2024 and \$600,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for enhanced adoption placement services for legally free children in state custody, through a partnership with a national nonprofit organization with private matching funds. These funds must supplement, but not supplant, the work of the department to secure permanent adoptive homes for children with high needs.

(12) 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.

(13) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with one or more nonprofit, nongovernmental organizations to purchase and deliver concrete goods to low-income families.

(14) \$2,400,000 of the general fund—state appropriation for fiscal year 2024 and \$2,400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of performance-based contracts for family support and related services pursuant to RCW 74.13B.020.

(15) \$499,000 of the general fund—state appropriation for fiscal year 2024, \$499,000 of the general fund—state appropriation for fiscal year 2025, and \$310,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1204 (family connections program), which will support the family connections program in areas of the state in which the program is already established. To operate the program, the department must contract with a community-based organization that has experience working with the foster care population and administering the family connections program. If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(16) The department will only refer child welfare cases to the department of social and health services division of child support enforcement when the court has found a child to have been abandoned by their parent or guardian as defined in RCW 13.34.030.

(17) \$100,000 of the general fund—state appropriation for fiscal year 2024 and 100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the provision of SafeCare, an evidence-based parenting program, for families in Grays Harbor county.

(18) Beginning January 1, 2024, and continuing through the 2023-2025 fiscal biennium, the department must provide semiannual reports to the governor and appropriate legislative committees that include the number of in-state behavioral rehabilitation services providers and licensed beds, the number of out-of-state behavioral rehabilitation services placements, and a comparison of these numbers to the same metrics expressed as an average over the prior six months. The report shall identify separately beds with the enhanced behavioral rehabilitation services rate. Effective January 1, 2024, and to the extent the information is available, the report will include the same

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information for emergency placement services beds and enhanced emergency placement services beds.

(19) In fiscal year 2024 and in fiscal year 2025, the department shall provide a tracking report for social service specialists and corresponding social services support staff to the office of financial management, and the appropriate policy and fiscal committees of the legislature. The report shall detail progress toward meeting the targeted 1:18 caseload ratio standard for child and family welfare services caseload-carrying staff and targeted 1:8 caseload ratio standard for child protection services caseload-carrying staff. To the extent the information is available, the report shall include the following information identified separately for social service specialists doing case management work, supervisory work, and administrative support staff, and identified separately by job duty or program, including but not limited to intake, child protective services investigations, child protective services family assessment response, and child and family welfare services:

(a) Total full-time equivalent employee authority, allotments and expenditures by region, office, classification and band, and job duty or program;

(b) Vacancy rates by region, office, and classification and band; and

(c) Average length of employment with the department, and when applicable, the date of exit for staff exiting employment with the department by region, office, classification and band, and job duty or program.

(20) \$7,685,000 of the general fund—state appropriation for fiscal year 2024, \$8,354,000 of the general fund—state appropriation for fiscal year 2025, and \$2,683,000 of the general fund—federal appropriation are provided solely for the phase-in of the settlement agreement under *D.S. et al. v. Department of Children, Youth and Families et al.*, United States district court for the western district of Washington, cause no. 2:21-cv-00113-BJR. The department 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 the emerging adulthood housing program, professional therapeutic foster care, statewide hub home model, revised licensing standards, family group planning, referrals and transition, qualified residential treatment program, and monitoring and implementation.

(21) \$2,020,000 of the general fund—state appropriation for fiscal year 2024, \$1,894,000 of the general fund—state appropriation for fiscal year 2025, and \$1,247,000 of the general fund—federal appropriation are provided solely to increase the basic foster care maintenance rate for all age groups and the supervised independent living subsidy for youth in extended foster care each by \$50 per youth per month effective July 1, 2023.

(22) \$375,000 of the general fund—state appropriation for fiscal year 2024 and \$375,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a contract with a Washington state mentoring organization to provide oversight and training for a pilot program that mentors foster youth. The goal of the program is to improve outcomes for youth in foster care by surrounding them with ongoing support from a caring adult mentor. Under the program, mentors provide a positive role model and develop a trusted relationship that helps the young person build self-confidence, explore career opportunities, access their own resourcefulness, and work to realize their fullest potential. The organization shall serve as the program administrator to provide grants to nonprofit organizations based in Washington state that meet department

approved criteria specific to mentoring foster youth. Eligible grantees must have programs that currently provide mentoring services within the state and can provide mentors who provide one-to-one services to foster youth, or a maximum ratio of one mentor to three youth.

(23) \$1,100,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to a nonprofit organization in Spokane that has experience administering a family-centered drug treatment and housing program for families experiencing substance use disorder. The amount provided in this subsection is intended to support the existing program while the department works to develop a sustainable model of the program and expand to new regions of the state.

(24) \$150,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to lead the development of a sustainable operating funding model for programs using the rising strong model that provides comprehensive, family-centered drug treatment and housing services to keep families together while receiving treatment and support. The department shall work in coordination with the health care authority, the department of commerce, other local agencies, and stakeholders on development of the model. The department shall submit the sustainable operating model to the appropriate committees of the legislature by July 1, 2024.

(25) \$107,000 of the general fund—state appropriation for fiscal year 2024, \$102,000 of the general fund—state appropriation for fiscal year 2025, and \$50,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1580 (children in crisis). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(26) \$485,000 of the general fund—state appropriation for fiscal year 2024, \$866,000 of the general fund—state appropriation for fiscal year 2025, and \$228,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1205 (service by pub./dependency). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(27) \$433,000 of the general fund—state appropriation for fiscal year 2024 and \$726,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1168 (prenatal substance exposure). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—JUVENILE REHABILITATION PROGRAM**

General Fund—State Appropriation (FY 2024) ..	\$136,334,000
General Fund—State Appropriation (FY 2025) ..	\$140,143,000
General Fund—Federal Appropriation .....	\$694,000
General Fund—Private/Local Appropriation .....	\$205,000
TOTAL APPROPRIATION .....	\$277,376,000

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

(1) \$2,841,000 of the general fund—state appropriation for fiscal year 2024 and \$2,841,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to county juvenile courts for effective, community-based programs that are culturally relevant, research-informed, and focused on supporting positive youth development, not just reducing recidivism. 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. The block grant oversight committee, in consultation with the Washington state institute for public policy, shall identify effective, community-based programs that are culturally relevant, research-informed, and focused on supporting positive youth development to receive funding.

(2) \$1,537,000 of the general fund—state appropriation for fiscal year 2024 and \$1,537,000 of the general fund—state appropriation for fiscal year 2025 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.

(3)(a) \$6,198,000 of the general fund—state appropriation for fiscal year 2024 and \$6,198,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to implement evidence- and research-based programs through community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants. In addition to funding provided in this subsection, funding to implement alcohol and substance abuse treatment programs for locally committed offenders is provided through an interagency agreement with the health care authority.

(b) The department of children, youth, and families shall administer a block grant to county juvenile courts for the purpose of serving youth as defined in RCW 13.40.510(4)(a) in the county juvenile justice system. Funds dedicated to the block grant include: Consolidated juvenile service funds, community juvenile accountability act grants, chemical dependency/mental health disposition alternative, and suspended disposition alternative. The department of children, youth, and families shall follow the following formula and must prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (i) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (ii) fifteen percent for the assessment of low, moderate, and high-risk youth; (iii) twenty-five percent for evidence-based program participation; (iv) seventeen and one-half percent for minority populations; (v) three percent for the chemical dependency and mental health disposition alternative; and (vi) two percent for the suspended dispositional alternatives. Funding for the special sex offender disposition alternative shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the department of children, youth, and families and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(c) The department of children, youth, and families and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the department of children, youth, and families and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be co-chaired by the department

of children, youth, and families and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. The committee may make changes to the formula categories in (d)(ii) of this subsection if it determines the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost/benefit savings to the state, including long-term cost/benefit savings. The committee must also consider these outcomes in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(d) The juvenile courts and administrative office of the courts must collect and distribute information and provide access to the data systems to the department of children, youth, and families and the Washington state institute for public policy related to program and outcome data. The department of children, youth, and families and the juvenile courts must work collaboratively to develop program outcomes that reinforce the greatest cost/benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(4) \$645,000 of the general fund—state appropriation for fiscal year 2024 and \$645,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for funding of the teamchild project.

(5) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 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.

(6) The juvenile rehabilitation institutions may use funding appropriated in this subsection to purchase goods, supplies, and services through hospital group purchasing organizations when it is cost-effective to do so.

(7) \$50,000 of the general fund—state appropriation for fiscal year 2024 and \$50,000 of the general fund—state appropriation for fiscal year 2025 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.

(8) \$432,000 of the general fund—state appropriation for fiscal year 2024 and \$432,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide housing services to clients releasing from incarceration into the community.

(9)(a) \$878,000 of the general fund—state appropriation for fiscal year 2024 and \$879,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 206, Laws of 2021 (concerning

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juvenile rehabilitation community transition services).

(b) Of the amounts provided in (a) of this subsection, \$105,000 of the general fund—state appropriation for fiscal year 2024 and \$105,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for housing vouchers.

(10) \$123,000 of the general fund—state appropriation for fiscal year 2024 and \$123,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 265, Laws of 2021 (supporting successful reentry).

(11) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a credible messenger mentorship organization located in Kitsap county to provide peer counseling, peer support services, and mentorship for at-risk youth and families.

(12) The juvenile rehabilitation must enter into an interagency agreement with the department of social and health services for the management and warm closure maintenance of the Naselle youth camp facility and grounds during the 2023-2025 fiscal biennium.

(13) \$98,000 of the general fund—state appropriation for fiscal year 2024 and \$98,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1682 (auto theft authority account). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(14)(a) \$140,000 of the general fund—state appropriation for fiscal year 2024 and \$140,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1394 (sexual offenses by youth). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(b) The department of children, youth, and families—juvenile rehabilitation shall develop and implement a grant program that allows defense attorneys and counties to apply for funding for sex offender evaluation and treatment programs. The department shall provide funding to counties for: (a) Process mapping, site assessment, and training for additional sex offender treatment modalities such as multisystemic therapy-problem sexual behavior or problematic sexual behavior-cognitive behavioral therapy; and (b) for any evaluation and pre-adjudication treatment costs which are not covered by the court.

**NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—EARLY LEARNING PROGRAM**

General Fund—State Appropriation (FY 2024)..	\$575,158,000
General Fund—State Appropriation (FY 2025)..	\$693,516,000
General Fund—Federal Appropriation .....	\$523,796,000
General Fund—Private/Local Appropriation.....	\$104,000
Education Legacy Trust Account—State Appropriation .....	\$385,965,000
Home Visiting Services Account—State Appropriation .....	\$35,671,000
Home Visiting Services Account—Federal Appropriation .....	\$36,417,000
Washington Opportunity Pathways Account—State Appropriation.....	\$80,000,000
Workforce Education Investment Account—State Appropriation.....	\$22,764,000
TOTAL APPROPRIATION.....	\$2,353,391,000

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

(1)(a) \$119,809,000 of the general fund—state appropriation for fiscal year 2024, \$145,086,000 of the general fund—state

appropriation for fiscal year 2025, \$91,810,000 of the education legacy trust account—state appropriation, and \$80,000,000 of the opportunity pathways account—state appropriation are provided solely for the early childhood education and assistance program. These amounts shall support at least 16,778 slots in fiscal year 2024 and 17,278 slots in fiscal year 2025. Of the total slots in each fiscal year, 100 slots must be reserved for foster children to receive school-year-round enrollment.

(b) Of the amounts provided in this subsection, \$18,497,000 of the general fund—state appropriation for fiscal year 2024 and \$21,440,000 of the general fund—state appropriation for fiscal year 2025 are for a school day slot rate increase of 17 percent and a working day and part-day slots rate increase of three percent, beginning July 1, 2023. Funding is sufficient for a statewide average school day slot rate of \$14,767 beginning July 1, 2023.

(c) Of the amounts provided in this subsection, \$3,845,000 of the general fund—state appropriation for fiscal year 2024 and \$5,022,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to increase complex needs grant funds for the early childhood education and assistance program.

(d) The department of children, youth, and families must develop a methodology to identify, at the school district level, the geographic locations of where early childhood education and assistance program slots are needed to meet the entitlement specified in RCW 43.216.556. This methodology must be linked to the caseload forecast produced by the caseload forecast council and must include estimates of the number of slots needed at each school district and the corresponding facility needs required to meet the entitlement in accordance with RCW 43.216.556. This methodology must be included as part of the budget submittal documentation required by RCW 43.88.030.

(2) 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.

(3) The department of children, youth, and families shall work in collaboration with the department of social and health services to determine the appropriate amount of state expenditures for the working connections child care program to claim towards the state's maintenance of effort for the temporary assistance for needy families program. The departments will also collaborate to track the average monthly child care subsidy caseload and expenditures by fund type, including child care development fund, general fund—state appropriation, and temporary assistance for needy families for the purpose of estimating the annual temporary assistance for needy families reimbursement from the department of social and health services to the department of children, youth, and families. Effective December 1, 2023, and annually thereafter, the department of children, youth, and families must report to the governor and the appropriate fiscal and policy committees of the legislature the total state contribution for the working connections child care program claimed the previous fiscal year towards the state's maintenance of effort for the temporary assistance for needy families program and the total temporary assistance for needy families reimbursement from the department of social and health services for the previous fiscal year.

(4) \$353,402,000 of the general fund—federal appropriation is reimbursed by the department of social and health services to the department of children, youth, and families for qualifying expenditures of the working connections child care program under RCW 43.216.135.

(5) \$22,764,000 of the workforce education investment account—state appropriation is provided solely for the working

connections child care program under RCW 43.216.135.

(6) \$47,196,000 of the general fund—state appropriation for fiscal year 2024, \$87,556,000 of the general fund—state appropriation for fiscal year 2025, \$36,249,000 of the general fund—federal appropriation, and \$33,526,000 of the general fund—federal appropriation (ARPA) are provided solely to increase subsidy base rates to the 85th percentile of market based on the 2021 market rate survey for child care centers.

(7) \$96,750,000 of the general fund—state appropriation for fiscal year 2024, \$120,625,000 of the general fund—state appropriation for fiscal year 2025, \$20,151,000 of the general fund—federal appropriation, and \$18,660,000 of the general fund—federal appropriation (ARPA) are provided solely to implement the 2023-2025 collective bargaining agreement covering family child care providers as provided in section 909 of this act. Of the amounts provided in this subsection:

(a) \$8,263,000 of the general fund—state appropriation for fiscal year 2024 and \$9,793,000 of the general fund—state appropriation for fiscal year 2025 are for an 85 cent per hour per child rate increase for family, friends, and neighbor providers (FFNs) beginning July 1, 2023, and a 15 cent per hour per child rate increase beginning July 1, 2024.

(b) \$26,270,000 of the general fund—state appropriation for fiscal year 2024, \$48,615,000 of the general fund—state appropriation for fiscal year 2025, \$20,151,000 of the general fund—federal appropriation, and \$18,660,000 of the general fund—federal appropriation (ARPA) are provided to increase subsidy base rates to the 85th percentile of market based on the 2021 market rate survey.

(c) \$370,000 of the general fund—state appropriation for fiscal year 2024 and \$370,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to pay the background check application and fingerprint processing fees.

(d) \$61,847,000 of the general fund—state appropriation for fiscal year 2024 and \$61,847,000 of the general fund—state appropriation for fiscal year 2025 are for a cost of care rate enhancement.

(8) \$4,707,000 of the general fund—state appropriation for fiscal year 2024 and \$4,707,000 of the general fund—state appropriation for fiscal year 2025 are provided to increase the nonstandard hours bonus to \$180 per child per month.

(9) On July 1, 2023, and July 1, 2024, the department, in collaboration with the department of social and health services, must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of overpayments in the working connections child care program. The report must include the following information for the previous fiscal year:

- (i) A summary of the number of overpayments that occurred;
- (ii) The reason for each overpayment;
- (iii) The total cost of overpayments;
- (iv) A comparison to overpayments that occurred in the past two preceding fiscal years; and

(v) Any planned modifications to internal processes that will take place in the coming fiscal year to further reduce the occurrence of overpayments.

(10) 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.

(11) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 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 project to prevent child abuse and neglect using nationally recognized models.

(a) The nonprofit organization must continue to implement a countywide resource and referral linkage system for families of children who are prenatal through age five.

(b) The nonprofit organization must offer a voluntary brief newborn home visiting program. The program must meet the diverse needs of Pierce county residents and, therefore, it must be flexible, culturally appropriate, and culturally responsive. The department, in collaboration with the nonprofit organization, must examine the feasibility of leveraging federal and other fund sources, including federal Title IV-E and medicaid funds, for home visiting provided through the pilot. The department must report its findings to the governor and appropriate legislative committees by September 1, 2023.

(12) \$3,577,000 of the general fund—state appropriation for fiscal year 2024, \$3,587,000 of the general fund—state appropriation for fiscal year 2025, and \$9,588,000 of the education legacy trust account—state 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 pursue opportunities to leverage other funding to continue and expand ECLIPSE services. Priority for services shall be given to children referred from the department.

(13) The department shall place a 10 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.

(14) \$300,000 of the general fund—state appropriation for fiscal year 2024 and \$300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

(15) \$4,000,000 of the education legacy trust account—state appropriation is provided solely for early intervention assessment and services.

(16) 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.

(17) Within existing resources, the department shall implement chapter 409, Laws of 2019 (early learning access).

(18) \$515,000 of the general fund—state appropriation for fiscal year 2024 and \$515,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a statewide family resource and referral linkage system, with coordinated access point of resource navigators who will connect families with children prenatal through age five with services, programs, and community resources through a facilitated referral and linkage process.

(19)(a) \$114,000 of the general fund—state appropriation for

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fiscal year 2024, \$173,000 of the general fund—state appropriation for fiscal year 2025, \$6,000 of the general fund—federal appropriation, and \$31,000 of the general fund—federal appropriation (ARPA) are provided solely for the department to complete its pilot project to determine the feasibility of a child care license category for multi-site programs operating under one owner or one entity and to complete one year of transition activities. The department shall adopt rules to implement the pilot project and may waive or adapt licensing requirements when necessary to allow for the operation of a new license category. Pilot participants must include, at least:

- (i) One governmental agency;
- (ii) One nonprofit organization; and
- (iii) One for-profit private business.

(b) New or existing license child care providers may participate in the pilot. When selecting and approving pilot project locations, the department shall aim to select a mix of rural, urban, and suburban locations. By July 1, 2024, the department shall submit to the governor and relevant committees of the legislature a plan for permanent implementation of this license category, including any necessary changes to law.

(20) \$3,020,000 of the home visiting account—state appropriation and \$6,540,000 of the home visiting account—federal appropriation are provided solely for the home visiting program. Of the amounts in this subsection:

(a) \$2,020,000 of the home visiting account—state appropriation and \$6,540,000 of the home visiting account—federal appropriation are provided solely for a funding increase, including to increase funding for contracts to support wage and cost increases and create more equity in contracting among the home visiting workforce.

(b) \$1,000,000 of the home visiting account—state appropriation is provided solely for the expansion of visiting services.

(21) Within the amounts provided in this section, funding is provided for the department to make permanent the two language access coordinators with specialties in Spanish and Somali as funded in chapter 334, Laws of 2021.

(22) \$260,000 of the general fund—state appropriation for fiscal year 2024 and \$260,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to implement an infant and early childhood mental health consultation initiative to support tribal child care and early learning programs. Funding may be used to provide culturally congruent infant and early childhood mental health supports for tribal child care, tribal early childhood education and assistance program, and tribal head start providers. The department must consult with federally recognized tribes which may include round tables through the Indian policy early learning committee.

(23)(a) The department must provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license-exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(b) ECEAP early learning professionals must enter any new qualifications into the department's professional development registry starting in the 2015-16 school year, and every school year thereafter. By October 2017, and every October thereafter, the department must provide updated ECEAP early learning

professional data to the education research data center.

(c) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(d) The education research and data center must provide an updated report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data every March for the previous school year.

(e) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

(24) \$2,572,000 of the general fund—state appropriation for fiscal year 2024 and \$2,568,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for tribal early learning grants to be distributed to providers with tribal children enrolled in early childhood education and assistance program, early ECEAP, childcare, head start, early head start and home visiting programs. Grants will be administered by the department of children, youth and families office of tribal relations and may be awarded for purposes including but not limited to culturally appropriate mental health supports for addressing historical trauma, incorporating indigenous foods, culturally-responsive books and materials, staff professional development, curriculum adaptations and supplements, tribal language education, elders and storytelling in classrooms, traditional music and arts instruction, and transportation to facilitate tribal child participation in early childhood education.

(25) \$6,158,000 of the general fund—state appropriation for fiscal year 2024 and \$6,158,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to increase complex needs grant funds for child care.

(26) \$2,624,000 of the general fund—state appropriation for fiscal year 2024 and \$2,624,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to increase the equity grant funds established under chapter 199, Laws of 2021.

(27) \$1,500,000 of the general fund—state appropriation for fiscal year 2024 and \$1,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with Washington communities for children to maintain a community-based early childhood network.

(28) \$273,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to propose an updated rate model and process for the special needs rate to improve the effectiveness of critical services which meet the needs of children with special needs in child care. The department must develop the model in consultation with diverse stakeholders and submit the model to the governor and the appropriate committees of the legislature by July 1, 2024. The department may contract for support to gather feedback from impacted families and providers.

(29) \$882,000 of the general fund—state appropriation for fiscal year 2024 and \$147,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to submit an implementation plan to the legislature by September 1, 2025, for expanding access to Washington's mixed delivery child care system, with expenses for families capped at no more than seven percent of household income and providing living wages and benefits to the workforce. The plan must follow the intent of chapter 199, Laws of 2021, be aligned with the cost of quality care rate model, and include timelines, costs, and

statutory changes necessary for timely and effective implementation. The plan must be developed through partnership with the statewide child care resource and referral organization and the largest union representing child care providers, with consultation from families.

(30) \$1,700,000 of the general fund—state appropriation for fiscal year 2024 and \$1,700,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to implement the birth to three early childhood education and assistance program.

(31) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with a Washington state based nonprofit digital child care marketing and matching service to deliver child care marketing and matching services in order to increase the number of licensed providers offering nonstandard hours care and to provide effective outreach to workforces in order to help them find and match with available nonstandard hours care providers.

(32) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with an organization that provides relationship-based professional development support to family, friend, and neighbor, child care center, and licensed family care providers to work with child care workers to establish new affordable, high quality child care and early learning programs. To be eligible to receive funding, the organization must:

- (a) Provide professional development services for child care providers and early childhood educators, including training and mentorship programs;
- (b) Provide mentorship and other services to assist with child care provider and facility licensing;
- (c) Administer or host a system of shared services and consulting related to operating a child care business; and
- (d) Administer a state sponsored substitute pool child care provider program.

(33) \$440,000 of the general fund—state appropriation for fiscal year 2024 and \$440,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to help expand and support family, friend, or neighbor caregivers with a focus on the provision of play and learn groups. Funding provided in this subsection may be used for the department to:

- (a) Fund consistent staffing across the state's six geographic regions to support the needs of family, friend, or neighbor caregivers;
- (b) Contract with a statewide child care resource and referral program to sustain and expand the number of facilitated play groups to meet the needs of communities statewide;
- (c) Support existing infrastructure for organizations that have developed the three existing play and learn program models so they have capacity to provide training, technical assistance, evaluation, data collection, and other support needed for implementation; and
- (d) Provide direct implementation support to community-based organizations that offer play and learn groups.

(34) \$2,000,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Second Substitute House Bill No. 1447 (assistance programs). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(35) \$1,632,000 of the general fund—state appropriation for fiscal year 2024 and \$2,893,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for

implementation of Second Substitute House Bill No. 1525 (apprenticeships/child care). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(36) \$5,363,000 of the general fund—state appropriation for fiscal year 2024 and \$5,363,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1550 (transition to kindergarten). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(37)(a) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with a nonprofit organization to implement a technology-based kindergarten readiness program. The department must award the contract on a competitive basis to a service provider that is a 501(c)(3) organization that has demonstrated previous success in conducting technology-based school readiness programs through independent, valid, and reliable evaluations. The department must require the service provider to:

- (i) Provide for a computer or home internet services, or both, for low-income families, as needed for participation in the program; and
- (ii) Submit quarterly reports to the department regarding measures for student participation and academic growth over the course of the program.

(b) For the purposes of this subsection, "technology-based kindergarten readiness program" is defined as a program that meet all of the following criteria:

- (i) Is designed to improve a child's transition into elementary education and contains content in reading, math, and science;
- (ii) Meets the American academy of pediatrics screen time recommendations for young children;
- (iii) Is aligned to Washington state early learning and development guidelines and nationally-recognized early learning standards, such as the head start early learning outcomes framework;
- (iv) Is administered by a 501(c)(3) organization and provided in the student's home;
- (v) Provides a computer or home internet service, or both, for low-income families as needed;
- (vi) Includes a parental engagement and involvement component, with support models provided in English, Spanish, and other languages as needed; and
- (vii) Includes an evaluation component with measures for student academic growth over the course of the program.

(38) \$2,438,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to provide a one-time rate enhancement in fiscal year 2024 for early support for infants and toddlers program providers.

**NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—PROGRAM SUPPORT**

General Fund—State Appropriation (FY 2024) ..	\$243,869,000
General Fund—State Appropriation (FY 2025) ..	\$240,779,000
General Fund—Federal Appropriation .....	\$143,784,000
General Fund—Private/Local Appropriation .....	\$2,120,000
Education Legacy Trust Account—State Appropriation .....	\$180,000
Home Visiting Services Account—State Appropriation .....	\$476,000
Home Visiting Services Account—Federal Appropriation .....	\$380,000
TOTAL APPROPRIATION .....	\$631,588,000

The appropriations in this section are subject to the following

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conditions and limitations:

(1) \$400,000 of the general fund—state appropriation for fiscal year 2024 and \$400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a Washington state mentoring organization to continue its public-private partnerships providing technical assistance and training to mentoring programs that serve at-risk youth.

(2) \$2,000 of the general fund—state appropriation for fiscal year 2024, \$6,000 of the general fund—state appropriation for fiscal year 2025, and \$2,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2023-2025 fiscal biennium, as provided in section 909 of this act.

(3) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a full-time employee to coordinate policies and programs to support pregnant and parenting individuals receiving chemical dependency or substance use disorder treatment.

(4) \$1,206,000 of the general fund—state appropriation for fiscal year 2024, \$1,554,000 of the general fund—state appropriation for fiscal year 2025, and \$1,416,000 of the general fund—private/local appropriation are provided solely for the department to contract with one or more community organizations with expertise in the LifeSet case management model to serve youth and adults currently being served in or exiting the foster care, juvenile justice, and mental health systems to successfully transition to adulthood.

(5)(a) \$2,719,000 of the general fund—state appropriation for fiscal year 2024, \$2,632,000 of the general fund—state appropriation for fiscal year 2025, and \$174,000 of the general fund—federal appropriation are provided solely for the phase-in of the settlement agreement under *D.S. et al. v. Department of Children, Youth and Families et al.*, United States district court for the western district of Washington, cause no. 2:21-cv-00113-BJR. The department 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 the emerging adulthood housing program, professional therapeutic foster care, statewide hub home model, revised licensing standards, family group planning, referrals and transition, qualified residential treatment program, and monitoring and implementation.

(b) Within the amounts provided in this section, funding is provided for the department to make the emerging adulthood housing program available statewide. The program will serve hard-to-place foster youth who are at least 16 years old with housing and intensive case management.

(6) \$1,470,000 of the general fund—state appropriation for fiscal year 2024, \$843,000 of the general fund—state appropriation for fiscal year 2025, and \$393,000 of the general fund—federal appropriation are provided solely for the department to implement a language access plan, which will include but is not limited to:

- (a) Translation of department materials;
- (b) Hiring staff to form a centralized language access team to provide language access supports and coordination across all department divisions;
- (c) Outreach to community organizations serving multilingual children and families regarding department programs;
- (d) Webinars and other technical assistance provided in multiple languages for department programs;

(e) Training for department staff on language access resources; and

(f) Other means of increasing language access and equity for providers and caregivers in health and safety, licensing and regulations, and public funding opportunities for programs offered by the department.

(7) \$897,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to pay the application and fingerprint processing fees on behalf of child care providers to reduce the time involved to complete background checks.

(8) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with a statewide nonprofit with demonstrated capability of partnering with agencies and community organizations to develop public-facing regionalized data dashboards and reports to measure change in equitable early learning access as a result of programs and grants administered by the department. The nonprofit must provide the data in a consumer-friendly format and include updates on program supply and demand for subsidized child care and preschool programs. The data must be disaggregated by program and facility type, geography, family demographics, copayments, and outcomes of grants and rate enhancements disaggregated by staff role, program and facility type, and geography.

(9) \$1,750,000 of the general fund—state appropriation for fiscal year 2024 and \$1,750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to increase rates for independent living service providers.

(10) \$700,000 of the general fund—state appropriation for fiscal year 2024 and \$700,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for funding of the teamchild project.

(11) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with an entity for three separate studies. The department must submit the studies to the governor and the legislature by June 30, 2025. The studies must analyze:

- (a) The feasibility of implementing a universal child allowance, universal child care, and universal baby boxes;
- (b) The feasibility of a social wealth fund for Washington state; and
- (c) The current cash and cash-equivalent benefits currently available for Washington state residents who are nonworkers.

(12) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with an all-male, African American organization to mentor youth ages 12 through 19 in south King county.

(13) \$105,000 of the general fund—state appropriation for fiscal year 2024, \$101,000 of the general fund—state appropriation for fiscal year 2025, and \$10,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1168 (prenatal substance exposure). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(14) \$37,000 of the general fund—state appropriation for fiscal year 2024, \$37,000 of the general fund—state appropriation for fiscal year 2025, and \$74,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1188 (child welfare



services/DD). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(15) \$7,000 of the general fund—state appropriation for fiscal year 2024, \$10,000 of the general fund—state appropriation for fiscal year 2025, and \$2,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1205 (service by pub./dependency). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(16) \$91,000 of the general fund—state appropriation for fiscal year 2024, \$87,000 of the general fund—state appropriation for fiscal year 2025, and \$143,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1405 (public benefit payments/DCYF). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(17) \$16,000 of the general fund—state appropriation for fiscal year 2024, \$16,000 of the general fund—state appropriation for fiscal year 2025, and \$4,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1525 (apprenticeships/child care). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(18) \$119,000 of the general fund—state appropriation for fiscal year 2024, \$119,000 of the general fund—state appropriation for fiscal year 2025, and \$36,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1550 (transition to kindergarten). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(19) \$18,000 of the general fund—state appropriation for fiscal year 2024, \$18,000 of the general fund—state appropriation for fiscal year 2025, and \$8,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1580 (children in crisis). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**PART III**

**NATURAL RESOURCES**

**NEW SECTION. Sec. 301. FOR THE COLUMBIA RIVER GORGE COMMISSION**

General Fund—State Appropriation (FY 2024).....	\$1,697,000
General Fund—State Appropriation (FY 2025).....	\$1,229,000
General Fund—Federal Appropriation .....	\$32,000
General Fund—Private/Local Appropriation.....	\$2,511,000
Climate Commitment Account—State Appropriation.....	\$138,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$5,607,000</b>

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

(1) \$105,000 of the general fund—state appropriation for fiscal year 2024 and \$108,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a land use planner to provide land use planning services dedicated to Klickitat county. Because the activities of the land use planner are solely for the benefit of Washington state, Oregon is not required to provide matching funds for this activity.

(2) \$553,000 of the general fund—state appropriation for fiscal year 2024, \$352,000 of the general fund—state appropriation for fiscal year 2025, and \$905,000 of the general fund—private/local appropriation are provided solely for the access database replacement project, and are subject to the conditions, limitations, and review requirements of section 701 of this act.

(3) \$138,000 of the climate commitment account—state appropriation is provided solely for staff to lead implementation of the agency's climate change action plan and to support

implementation of the vital sign indicators monitoring program.

(4) The commission must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

**NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY**

General Fund—State Appropriation (FY 2024) ....	\$39,716,000
General Fund—State Appropriation (FY 2025) ....	\$37,364,000
General Fund—Federal Appropriation.....	\$105,151,000
General Fund—Private/Local Appropriation .....	\$29,224,000
Climate Commitment Account—State Appropriation .....	\$14,792,000
Emergency Drought Response Account—State Appropriation .....	\$2,500,000
Natural Climate Solutions Account—State Appropriation .....	\$10,643,000
Reclamation Account—State Appropriation .....	\$4,531,000
Flood Control Assistance Account—State Appropriation .....	\$4,918,000
Aquatic Lands Enhancement Account—State Appropriation .....	\$150,000
Refrigerant Emission Management Account—State Appropriation .....	\$2,795,000
State Emergency Water Projects Revolving Account—State Appropriation .....	\$40,000
Waste Reduction, Recycling, and Litter Control Account—State Appropriation .....	\$32,478,000
State Drought Preparedness Account—State Appropriation .....	\$2,204,000
State and Local Improvements Revolving Account—Water Supply Facilities—State Appropriation.....	\$186,000
Water Rights Tracking System Account—State Appropriation .....	\$48,000
Site Closure Account—State Appropriation .....	\$582,000
Wood Stove Education and Enforcement Account—State Appropriation .....	\$585,000
Worker and Community Right to Know Fund—State Appropriation .....	\$2,097,000
Water Rights Processing Account—State Appropriation .....	\$39,000
Water Quality Permit Account—State Appropriation .....	\$62,039,000
Underground Storage Tank Account—State Appropriation .....	\$4,489,000
Biosolids Permit Account—State Appropriation ...	\$2,787,000
Hazardous Waste Assistance Account—State Appropriation .....	\$8,808,000
Radioactive Mixed Waste Account—State Appropriation .....	\$22,330,000
Air Pollution Control Account—State Appropriation .....	\$4,428,000
Oil Spill Prevention Account—State Appropriation .....	\$8,144,000
Air Operating Permit Account—State Appropriation .....	\$5,181,000
Wastewater Treatment Plant Operator Certification Account—State Appropriation .....	\$748,000
Oil Spill Response Account—State Appropriation .....	\$7,076,000
Model Toxics Control Operating Account—State Appropriation .....	\$316,579,000
Model Toxics Control Operating Account—Local Appropriation .....	\$499,000
Model Toxics Control Stormwater Account—State Appropriation .....	\$17,006,000

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Voluntary Cleanup Account—State Appropriation ...	\$344,000
Paint Product Stewardship Account—State	
Appropriation.....	\$140,000
Water Pollution Control Revolving Administration	
Account—State Appropriation .....	\$8,015,000
Clean Fuels Program Account—State Appropriation	
.....	\$3,434,000
Climate Investment Account—State Appropriation	
.....	\$49,234,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$811,324,000</b>

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

(1) \$455,000 of the general fund—state appropriation for fiscal year 2024 and \$455,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to grant to the northwest straits commission to provide funding, technical assistance, and/or coordination support equally to the seven Puget Sound marine resources committees.

(2) \$170,000 of the oil spill prevention account—state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(3) \$102,000 of the general fund—state appropriation for fiscal year 2024 and \$102,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Executive Order No. 12-07, Washington's response to ocean acidification.

(4) \$24,000,000 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.

(5) \$150,000 of the aquatic lands enhancement account—state appropriation is provided solely for implementation of the state marine management plan and ongoing costs of the Washington coastal marine advisory council to serve as a forum and provide recommendations on coastal management issues.

(6) \$2,000,000 of the model toxics control operating account—state appropriation is provided solely for the department to convene a stakeholder group, including representatives from overburdened communities, to assist with developing a water quality implementation plan for polychlorinated biphenyls and to address other emerging contaminants in the Spokane river. The department must also consult with the Spokane tribe of Indians and other interested tribes when developing and implementing actions to address water quality in the Spokane river.

(7) \$4,002,000 of the natural climate solutions account—state appropriation is provided solely to address flood prevention in the Nooksack basin and Sumas prairie. Of this amount:

(a) \$2,000,000 is provided solely to expand and sustain Whatcom county's floodplain integrated planning (FLIP) team planning process, including supporting communication, community participation, coordination, technical studies and analysis, and development of local solutions.

(b) \$900,000 is provided solely for the department to support transboundary coordination, including facilitation and technical support to develop and evaluate alternatives for managing transboundary flooding in Whatcom county and British Columbia.

(c) \$1,102,000 is provided solely to support dedicated local and department capacity for floodplain planning and technical support. Of this amount in subsection (c), \$738,000 is solely for a grant to Whatcom county. The remaining amount is for the department to provide ongoing staff technical assistance and support to flood prevention efforts in this area.

(8) \$16,472,000 of the climate investment account—state appropriation is provided solely for capacity grants to federally recognized tribes for: (a) Consultation on spending decisions on grants in accordance with RCW 70A.65.305; and (b) consultation on clean energy siting projects. In order to meet the requirements of RCW 70A.65.230(1)(b), tribal applicants are encouraged to include a tribal resolution supporting their request with their grant application.

(9) \$1,363,000 of the general fund—state appropriation for fiscal year 2024 and \$1,375,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for preparation and filing of adjudications of state water rights in water resource inventory area 1 (Nooksack).

(10) \$573,000 of the general fund—state appropriation for fiscal year 2024 and \$963,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for preparation and filing of adjudications of state water rights in lake Roosevelt and its immediate tributaries.

(11) \$2,479,000 of the climate investment account—state appropriation is provided solely for addressing air quality in overburdened communities highly impacted by air pollution under RCW 70A.65.020.

(12) \$177,000 of the general fund—state appropriation for fiscal year 2024 and \$177,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to validate a proposed standardized channel migration zone mapping methodology, develop a statewide channel migration zone mapping implementation plan, and provide technical assistance to local and tribal governments looking to use the new standard.

(13)(a) \$640,000 of the climate investment account—state appropriation is provided solely for the department, in consultation with the office of financial management and the environmental justice council, to develop and implement a process to track, summarize, and report on state agency expenditures from climate commitment act accounts that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities as described in RCW 70A.65.030 and 70A.65.230, and expenditures that are formally supported by a resolution of an Indian tribe as described in RCW 70A.65.230. The department must incorporate the process under this subsection into existing efforts to track climate commitment act expenditures under RCW 70A.65.300. The department must incorporate the Washington state proequity antiracism (PEAR) plan and playbook and executive order 22-04 into the work of this subsection as appropriate.

(b) The information that agencies provide to the department, and that the department tracks and reports on under this subsection, must include, at a minimum:

(i) The amount of each expenditure that provides direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities;

(ii) An explanation of how the expenditure provides such benefits;

(iii) The methods by which overburdened communities and vulnerable populations were identified by the agency and an explanation of the outcomes of those identification processes, including the geographic location impacted by the expenditure where relevant, and the geographic boundaries of overburdened communities identified by the agency;

(iv) The amount of each expenditure used for programs, activities, or projects formally supported by a resolution of an Indian tribe; and

(v) For expenditures that do not meet, or it is unclear whether they meet, (b)(i) or (iv) of this subsection, an explanation of why.

(c) The department, in consultation with the environmental

justice council and the office of financial management, and in coordination with reporting under RCW 70A.65.300, must report to the appropriate committees of the legislature by September 30, 2024, on the following:

(i) A summary of the information provided by agencies through the process in this subsection; and

(ii) Any recommendations for improvements to the process under this subsection or potential amendments to RCW 70A.65.030, 70A.65.230, or 70A.02.080, or other statutes relevant to this subsection. In making recommendations, the department must consider any statutory changes necessary to ensure consistent tracking of the uses of climate commitment account funds, including standardization or coordination of the process for identifying the overburdened communities used for purposes of tracking expenditures and the methods for determining whether an expenditure contributes a direct and meaningful benefit to a vulnerable population or overburdened community.

(d) "Climate commitment act accounts" means the carbon emissions reduction account created in RCW 70A.65.240, the climate commitment account created in RCW 70A.65.260, the natural climate solutions account created in RCW 70A.65.270, the climate investment account created in RCW 70A.65.250, the air quality and health disparities improvement account created in RCW 70A.65.280, the climate transit programs account created in RCW 46.68.500, and the climate active transportation account created in RCW 46.68.490.

(14) \$238,000 of the model toxics control operating account—state appropriation is provided solely for technical assistance and compliance assurance associated with the ban of certain hydrofluorocarbon-related products.

(15) \$2,500,000 of the model toxics control operating account—state appropriation is provided solely for the department to conduct a statewide compost emissions study, which will provide essential data needed to improve the quality of air permitting decisions, improve compost facility operations, and support state goals to reduce organic waste in landfills reducing climate change impacts.

(16) \$2,256,000 of the model toxics control operating account—state appropriation is provided solely for the department to provide technical assistance to landowners and local governments to promote voluntary compliance, implement best management practices, and support implementation of water quality clean-up plans in shellfish growing areas, agricultural areas, forestlands, and other types of land uses, including technical assistance focused on protection and restoration of critical riparian management areas important for salmon recovery.

(17) \$2,702,000 of the model toxics control operating account—state appropriation is provided solely for the department to develop a 6PPD action plan and complete a safer alternatives assessment of the 6PPD compound used in tires, including obtaining any data necessary to complete the alternatives assessment. The action plan should identify, characterize, and evaluate uses and releases of 6PPD and related chemicals, and recommend actions to protect human health and the environment. The department shall provide a progress report on the action plan and alternatives assessment to the governor's office, the office of financial management, and the appropriate committees of the legislature by December 31, 2024. The department may provide funding from this subsection to the University of Washington and Washington State University for the purposes of this subsection.

(18) \$5,195,000 of the model toxics control operating account—state appropriation is provided solely to establish a

program to monitor 6PPD compounds in water and sediment, identify effective best management practices to treat 6PPD in stormwater runoff, produce guidance on how and when to use best management practices for toxicity reduction to protect salmon and other aquatic life, and incorporate the guidance into stormwater management manuals. The department may provide funding from this subsection to the University of Washington and Washington State University for the purposes of this subsection.

(19) \$1,604,000 of the natural climate solutions account—state appropriation is provided to the department, in coordination with the department of natural resources, solely to develop a natural and working lands carbon sequestration strategy for Washington state. The strategy will include clear, measurable deliverables to ensure carbon sequestration efforts, investments, and programs are designed to help achieve the state's greenhouse gas emissions limits under RCW 70A.45.020. Specific recommendations are to be developed for state-owned lands. The department of ecology and the department of natural resources will coordinate with other state agencies including the department of fish and wildlife, the recreation and conservation office, the department of agriculture, and the state conservation commission. The report shall be submitted to the governor and the appropriate legislative committees by June 30, 2025.

(20)(a) \$400,000 of the model toxics control operating account—state appropriation is provided solely for the department to carry out the following activities to inform the design and implementation of a producer responsibility program for consumer packaging, including paper, plastic, metal, and glass, and paper products:

(i) Conduct a recycling, reuse, and source reduction study; and

(ii) Carry out a solid waste community input process.

(b) The department must contract with a third-party consultant with relevant technical expertise and capabilities in facilitation and gathering public input, including from overburdened communities, to carry out the activities specified in (a) of this subsection. The third party consultant must submit a report to the appropriate committees of the house of representatives and the senate by November 1, 2023.

(c) The recycling, reuse, and source reduction study must:

(i) Document recycling rates and reuse and plastic component elimination rate targets for consumer packaging and paper products that have been adopted in other jurisdictions, measure methods used, and the basis or justification for rates selected;

(ii) Recommend, under a producer responsibility program and associated enabling conditions under different scenarios, an overall recycling rate, a separate specific minimum reuse rate, a recycling rate for each material category, and a source reduction rate to be achieved solely by eliminating plastic components; and

(iii) Make recommendations that consider the commercial viability and technological feasibility of achieving rates based on current rates achieved in the state, rates achieved based on real world performance data, and other data, with performance rates designed to be achieved statewide by 2032.

(d) The solid waste community input process must include in-person and virtual workshops and listening sessions held at locations in urban and rural areas and in ways that are accessible to stakeholders across the state, including local governments and overburdened communities, and include public opinion surveys that are representative of Washington residents across the state, including overburdened communities and urban and rural areas. The process must focus on eliciting an improved understanding of public values and opinions related to waste generation, waste reduction, and recycling, the current public experience with respect to the state's recycling systems, and ways the public believes that their recycling experience and system outcomes

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could be improved.

(21)(a) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department, in consultation with other agencies as necessary, to conduct an analysis of water use for irrigation under the potential scenario of lower Snake river dam removal. Analysis must include continued water use during drawdown and thereafter from the river postremoval. The analysis must include the following:

(i) A plan identifying potential mitigation needs and interim approaches for delivery of water for irrigation pursuant to existing water rights for those using pumps, wells, or both, from Ice Harbor reservoir during a possible transition from the current reservoir-based irrigation to irrigation from the river;

(ii) Identification of cost-effective options for continued irrigation at current amounts and with existing water rights from the lower Snake river at the area of the current Ice Harbor pool; and

(iii) Cost estimates for any necessary irrigation system upgrades required to continue irrigation from the lower Snake river.

(b) The department may, as necessary and appropriate, consult for this analysis with irrigators and tribal governments.

(c) The department shall provide a status update to the environment and energy committees of the legislature and the office of the governor by December 31, 2024.

(22) \$3,914,000 of the natural climate solutions account—state appropriation is provided solely for activities related to coastal hazards, including expanding the coastal monitoring and analysis program, establishing a coastal hazard organizational resilience team, and establishing a coastal hazards grant program to help local communities design projects and apply for funding opportunities. At least 25 percent of the funding in this subsection must be used for the benefit of tribes.

(23) \$340,000 of the model toxics control operating account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1033 (compostable product usage). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(24) \$1,124,000 of the model toxics control operating account—state appropriation is provided solely for implementation of Substitute House Bill No. 1047 (cosmetic product chemicals). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(25) \$139,000 of the model toxics control operating account—state appropriation is provided solely for implementation of Substitute House Bill No. 1085 (plastic pollution). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(26) \$2,500,000 of the emergency drought response account—state appropriation and \$2,000,000 of the state drought preparedness account—state appropriation are provided solely for implementation of Substitute House Bill No. 1138 (drought preparedness). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(27) \$1,123,000 of the natural climate solutions account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1170 (climate response strategy). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(28) \$43,000 of the underground storage tank account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1175 (petroleum storage tanks). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(29) \$1,174,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (climate change/planning). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(30) \$13,248,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(31) \$140,000 of the model toxics control operating account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1578 (wildland fire safety). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(32) Expenditures on upgrading or developing the turboplan system, Washington fuel reporting system, and EAGL system are subject to the conditions, limitations, and review requirements of section 701 of this act.

(33) \$325,000 of the general fund—state appropriation for fiscal year 2024 and \$325,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for activities related to the adjudication of water rights in the Nooksack watershed, including:

(a) The department's engagement with the federal government, Indian tribes, water users, and local governments on a process that could result in a federal Indian water rights settlement through the Nooksack adjudication. The department shall produce a monthly report during the claims filing period to monitor the progress of claims filings by water users. The department shall provide a report to the appropriate standing committees of the legislature regarding the status of the adjudication and any potential settlement structure by June 30, 2024, and by June 30, 2025;

(b) A grant to Whatcom county to provide technical assistance that shall be made available to all water users in WRIA 1 in filing adjudication claims under RCW 90.03.140. The grant funding shall be administered by Whatcom county and no portion of this funding may be used to contest the claims of any other claimant in the adjudication; and

(c) A grant to Whatcom county to act as fiscal agent for the WRIA 1 watershed management board, in support of collaborative water supply planning in WRIA 1. This grant funding may be used solely to collect or analyze technical information, to develop and assess the feasibility of water supply solutions in WRIA 1, and for facilitation and mediation among parties including, but not limited to, the department, Whatcom county, the public utility district, the city of Bellingham, Lummi Nation, and the Nooksack Tribe. Specific funding allocations, including purpose and amount, will be determined by the WRIA 1 watershed management board. Funding under this subsection (33)(c) may be spent only after the filing of the Nooksack adjudication, and no funding otherwise provided for the Nooksack adjudication may be used to support the activities funded by this subsection (33)(c). It is anticipated that the activities under this subsection (33)(c) will run in parallel with the Nooksack adjudication.

(34) \$370,000 of the climate commitment account—state appropriation is provided solely as a grant to the Puget Sound clean air agency to identify emission reduction projects and to help community-based organizations, local governments, and ports in overburdened communities author grant applications and provide support for grant reporting for entities that receive grants. The department must prioritize projects located in overburdened communities so that those communities can reap the public health benefits from the climate commitment act, inflation reduction act,

and other new funding opportunities.

**NEW SECTION. Sec. 303. FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM**

General Fund—Federal Appropriation .....	\$822,000
Pollution Liability Insurance Agency Underground Storage Tank Revolving Account—State	
Appropriation.....	\$957,000
Pollution Liability Insurance Program Trust Account—State	
Appropriation.....	\$9,839,000
TOTAL APPROPRIATION.....	\$11,618,000

The appropriations in this section are subject to the following conditions and limitations: \$8,340,000 of the pollution liability insurance program trust account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1175 (petroleum storage tanks). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 304. FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund—State Appropriation (FY 2024)....	\$34,790,000
General Fund—State Appropriation (FY 2025)....	\$34,626,000
General Fund—Federal Appropriation .....	\$7,146,000
Climate Commitment Account—State Appropriation .....	\$1,083,000
Natural Climate Solutions Account—State	
Appropriation.....	\$350,000
Winter Recreation Program Account—State	
Appropriation.....	\$4,910,000
ORV and Nonhighway Vehicle Account—State	
Appropriation.....	\$391,000
Snowmobile Account—State Appropriation .....	\$5,688,000
Aquatic Lands Enhancement Account—State	
Appropriation.....	\$367,000
Parks Renewal and Stewardship Account—State	
Appropriation.....	\$140,869,000
Parks Renewal and Stewardship Account—Private/Local	
Appropriation.....	\$420,000
TOTAL APPROPRIATION.....	\$230,640,000

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

(1) \$5,000 of the general fund—state appropriation for fiscal year 2024, \$5,000 of the general fund—state appropriation for fiscal year 2025, and \$142,000 of the parks renewal and stewardship account—state appropriation are provided solely for operating budget impacts from capital budget projects funded in the 2021-2023 fiscal biennium.

(2) \$127,000 of the general fund—state appropriation for fiscal year 2024, \$128,000 of the general fund—state appropriation for fiscal year 2025, and \$750,000 of the parks renewal and stewardship account—state appropriation are provided solely to monitor known cultural resource sites, perform needed evaluations for historic properties, manage historic preservation capital projects, and support native American grave protection and repatriation act compliance.

(3) \$374,000 of the general fund—state appropriation for fiscal year 2024, \$599,000 of the general fund—state appropriation for fiscal year 2025, and \$2,107,000 of the parks renewal and stewardship account—state appropriation are provided solely for additional staff and technical support for scoping and scheduling to proactively address tribal and community concerns and increase the quality of capital project requests.

(4) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to complete a park master plan and an environmental impact statement for Miller peninsula park.

(5) \$938,000 of the general fund—state appropriation for fiscal year 2024 and \$937,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the maintenance of state parks, including maintaining grounds and facilities, trails, restrooms, water access areas, and similar activities.

(6) \$1,083,000 of the climate commitment account—state appropriation and \$350,000 of the natural climate solutions account—state appropriation are provided solely to identify and reduce the state park system's carbon emissions and assess areas of vulnerability for climate change.

(7) \$749,000 of the general fund—state appropriation for fiscal year 2024 and \$445,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to create a statewide data management system with the department of natural resources and the department of fish and wildlife to make informed management decisions that meet conservation goals for public lands. The agencies will also collaborate with tribal governments to ensure cultural resources and cultural practices are considered and incorporated into management plans.

(8) \$129,000 of the general fund—state appropriation for fiscal year 2024 and \$129,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant for the operation of the Northwest weather and avalanche center.

(9) The commission must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(10)(a) \$170,000 of the general fund—state appropriation for fiscal year 2024 and \$170,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a contract with a statewide trail maintenance and hiking nonprofit organization to provide the emerging leaders program: expanding equity in the outdoors. The goal of the program is expanding both the number and diversity of trained, qualified individuals available for employment in the outdoor recreation and natural resource management sectors.

(b) The program must demonstrate a commitment to diversity, equity, and inclusion by providing a safe and supportive environment for individuals of diverse backgrounds, including those who have been historically underrepresented in the outdoor recreation and natural resource sectors, such as indigenous people and people of color.

(c) The program must provide both technical outdoor skills training and professional development opportunities that include, but are not limited to, outdoor leadership, representation in the outdoors, and team building.

**NEW SECTION. Sec. 305. FOR THE RECREATION AND CONSERVATION OFFICE**

General Fund—State Appropriation (FY 2024) .....	\$7,605,000
General Fund—State Appropriation (FY 2025) .....	\$3,917,000
General Fund—Federal Appropriation.....	\$6,050,000
General Fund—Private/Local Appropriation .....	\$24,000
Aquatic Lands Enhancement Account—State	
Appropriation .....	\$442,000
Climate Investment Account—State Appropriation..	\$200,000
Firearms Range Account—State Appropriation.....	\$37,000
Natural Climate Solutions Account—State	
Appropriation .....	\$398,000
Recreation Resources Account—State Appropriation .....	\$4,504,000
NOVA Program Account—State Appropriation ....	\$1,510,000
TOTAL APPROPRIATION .....	\$24,687,000

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

(1) \$37,000 of the firearms range account—state appropriation

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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.

(2) \$4,504,000 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).

(3) \$1,510,000 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.

(4) \$135,000 of the general fund—state appropriation for fiscal year 2024 and \$139,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the governor's salmon recovery office to implement the governor's salmon recovery strategy update by convening the natural resources subcabinet on a regular basis and developing biennial statewide work priorities with a recommended budget for salmon recovery pursuant to RCW 77.85.030(4)(e) that align with tribal priorities and regional salmon recovery plans. The office shall submit the biennial implementation plan to the governor's office and the office of financial management no later than October 31, 2024.

(5) \$1,714,000 of the general fund—state appropriation for fiscal year 2024 and \$1,714,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for operational and administrative support of lead entities and salmon recovery regions.

(6) \$200,000 of the climate investment account—state appropriation is provided solely for the agency to complete the required community engagement plan as outlined in RCW 70A.65.030, the climate commitment act.

(7) \$1,464,000 of the general fund—federal appropriation and \$50,000 of the aquatic lands enhancement account—state appropriation are provided solely to support removal efforts for flowering rush in the Columbia river basin and Whatcom county.

(8) \$398,000 of the natural climate solutions account—state appropriation is provided solely to establish a riparian coordinator position within the governor's salmon recovery office to work with state agencies to improve project coordination, develop common metrics across programs, and consolidate data platforms.

(9) \$3,500,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit organization with a mission for salmon and steelhead restoration to install near-term solutions to prevent steelhead mortality at the Hood canal bridge.

(10) The office must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(11) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the connections and snow to sea programs, which provide youth outdoor learning experiences in the Blaine, Mount Baker, and Nooksack Valley school districts.

**NEW SECTION. Sec. 306. FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE**

General Fund—State Appropriation (FY 2024).....	\$3,335,000
General Fund—State Appropriation (FY 2025).....	\$3,621,000
Climate Investment Account—State Appropriation ..	\$898,000

TOTAL APPROPRIATION ..... \$7,854,000

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

(1) \$164,000 of the general fund—state appropriation for fiscal year 2024, \$379,000 of the general fund—state appropriation for fiscal year 2025, and \$898,000 of the climate investment account—state appropriation are provided solely for the agency to hire staff to respond to increased caseloads, including appeals as a result of the climate commitment act, chapter 316, Laws of 2021.

(2) \$52,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Substitute House Bill No. 1047 (cosmetic product chemicals). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(3) \$20,000 of the general fund—state appropriation for fiscal year 2024 and \$20,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1110 (middle housing). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(4) The office must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

**NEW SECTION. Sec. 307. FOR THE CONSERVATION COMMISSION**

General Fund—State Appropriation (FY 2024) ....	\$16,290,000
General Fund—State Appropriation (FY 2025) ....	\$16,261,000
General Fund—Federal Appropriation.....	\$2,482,000
Climate Commitment Account—State Appropriation .....	\$23,000,000
Climate Investment Account—State Appropriation ..	\$250,000
Natural Climate Solutions Account—State Appropriation .....	\$3,023,000
Public Works Assistance Account—State Appropriation .....	\$10,283,000
Model Toxics Control Operating Account—State Appropriation .....	\$1,110,000
Wildfire Response, Forest Restoration, and Community Resilience Account—State Appropriation .....	\$5,000,000
TOTAL APPROPRIATION .....	\$77,699,000

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

(1) \$250,000 of the climate investment account—state appropriation is provided solely for the agency to complete the required community engagement plan as outlined in RCW 70A.65.030, the climate commitment act.

(2) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to increase technical assistance and operational capacity of conservation districts.

(3) \$3,000,000 of the natural climate solutions account—state appropriation is provided solely to support the outreach, identification, and implementation of salmon riparian habitat restoration projects.

(4) \$5,000,000 of the wildfire response, forest restoration, and community resilience account—state appropriation is provided solely to the commission to work with conservation districts to address unhealthy forests and build greater community resiliency to wildfire.

(5) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to connect scientists, practitioners, and researchers and coordinate efforts to monitor

and quantify benefits of best management practices on agricultural lands, and better understand values and motivations of landowners to implement voluntary incentive programs.

(6) \$300,000 of the general fund—state appropriation for fiscal year 2024 and \$300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to support the continued development of the disaster assistance program established in RCW 89.08.645, to provide short-term financial support for farmers and ranchers during disasters. Funding must be prioritized for farmers and ranchers who are the most economically vulnerable.

(7) \$1,420,000 of the public works assistance account—state appropriation is provided solely to support monitoring and reporting efforts necessary to evaluate the implementation and effectiveness of voluntary stewardship program work plans.

(8) \$8,484,000 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.

(9) \$22,000,000 of the climate commitment account—state appropriation is provided solely for anaerobic digester development including, but not limited to, digester projects that include codigestion of manure with other sources of agricultural or preconsumer organic waste.

(10) \$23,000 of the natural climate solutions account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1170 (climate response strategy). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(11) \$379,000 of the public works assistance account—state appropriation is provided solely for implementation of House Bill No. 1421 (voluntary stewardship program). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(12) The commission must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(13) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to the King county conservation district to reduce the impacts of artificial lighting on or near the water on the behavior of salmon and other aquatic life in Lake Sammamish and Lake Washington. The grant funding may be used for:

(a) Research, including quantifying light intensities and conducting field studies of fish behavior;

(b) Community education, engagement, and technical assistance; and

(c) Development of model lighting ordinances.

**NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund—State Appropriation (FY 2024)..	\$153,778,000
General Fund—State Appropriation (FY 2025)..	\$155,541,000
General Fund—Federal Appropriation .....	\$138,686,000
General Fund—Private/Local Appropriation.....	\$65,995,000
Climate Commitment Account—State Appropriation .....	\$3,398,000
Natural Climate Solutions Account—State Appropriation.....	\$3,748,000
ORV and Nonhighway Vehicle Account—State Appropriation.....	\$685,000
Aquatic Lands Enhancement Account—State Appropriation.....	\$13,641,000
Recreational Fisheries Enhancement Account—State	

Appropriation .....	\$3,599,000
Warm Water Game Fish Account—State Appropriation .....	\$2,948,000
Eastern Washington Pheasant Enhancement Account—State Appropriation .....	\$673,000
Limited Fish and Wildlife Account—State Appropriation .....	\$35,122,000
Special Wildlife Account—State Appropriation ...	\$2,910,000
Special Wildlife Account—Federal Appropriation ...	\$524,000
Special Wildlife Account—Private/Local Appropriation .....	\$3,724,000
Wildlife Rehabilitation Account—State Appropriation .....	\$661,000
Ballast Water and Biofouling Management Account—State Appropriation .....	\$10,000
Regional Fisheries Enhancement Salmonid Recovery Account—Federal Appropriation.....	\$5,001,000
Oil Spill Prevention Account—State Appropriation .....	\$1,236,000
Aquatic Invasive Species Management Account—State Appropriation .....	\$1,032,000
Model Toxics Control Operating Account—State Appropriation .....	\$7,081,000
Fish, Wildlife, and Conservation Account—State Appropriation .....	\$78,093,000
Forest Resiliency Account—State Appropriation ..	\$4,000,000
Oyster Reserve Land Account—State Appropriation	\$524,000
TOTAL APPROPRIATION .....	\$682,610,000

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

(1) \$1,777,000 of the general fund—state appropriation for fiscal year 2024 and \$1,777,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to grant to the northwest Indian fisheries commission for hatchery operations that are prioritized to increase prey abundance for southern resident orcas, including \$200,000 per fiscal year for tagging and marking costs, and the remainder to grant to tribes in the following amounts per fiscal year: \$150,000 for the Quinault Indian Nation, \$199,000 for the Tulalip Tribes, \$268,000 for the Quileute Tribe, \$186,000 for the Puyallup Tribe, \$122,000 for the Port Gamble S'Klallam Tribe, \$25,000 for the Muckleshoot Indian Tribe, \$207,000 for the Squaxin Island Tribe, \$142,000 for the Skokomish Indian Tribe, and \$278,000 for the Lummi Nation.

(2) \$330,000 of the general fund—state appropriation for fiscal year 2024 and \$330,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide to the Yakama Nation for hatchery operations that are prioritized to increase prey abundance for southern resident orcas.

(3) \$175,000 of the general fund—state appropriation for fiscal year 2024 and \$175,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to grant to public utility districts for additional hatchery production that is prioritized to increase prey abundance for southern resident orcas.

(4) \$467,000 of the general fund—state appropriation for fiscal year 2024 and \$467,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to pay for emergency fire suppression costs. These amounts may not be used to fund agency indirect and administrative expenses.

(5) \$400,000 of the general fund—state appropriation for fiscal year 2024 and \$400,000 of the general fund—state appropriation for fiscal year 2025 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.

(6) \$6,082,000 of the general fund—state appropriation for fiscal year 2024 and \$6,082,000 of the general fund—state

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appropriation for fiscal year 2025 are provided solely for the department to implement eradication and control measures on European green crabs through coordination and grants with partner organizations. The department must provide quarterly progress reports on the success and challenges of the measures to the appropriate committees of the legislature.

(7) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to respond to livestock depredations, coordinate nonlethal deterrents with ranchers, such as contracting with range riders, and provide technical assistance and support.

(8) \$852,000 of the general fund—state appropriation for fiscal year 2024 and \$852,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide additional capacity to the attorney general's office to prosecute environmental crimes. The department must provide an annual report by December 1st of each year, to the appropriate committees of the legislature, on the progress made in prosecuting environmental crimes.

(9) \$753,000 of the general fund—state appropriation for fiscal year 2024 and \$753,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for expanded management of pinniped populations on the lower Columbia river and its tributaries with the goal of increasing chinook salmon abundance and prey availability for southern resident orcas.

(10) \$470,000 of the general fund—state appropriation for fiscal year 2024 and \$470,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to expand efforts to survey the diets of seals and sea lions in the Salish sea and identify nonlethal management actions to deter them from preying on salmon and steelhead.

(11) \$518,000 of the general fund—state appropriation for fiscal year 2024 and \$519,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to continue to provide policy and scientific support to the department of ecology regarding surface and groundwater management issues as part of implementing chapter 90.94 RCW streamflow restoration.

(12) \$4,096,000 of the model toxics control operating account—state appropriation is provided solely to analyze salmon contaminants of emerging concern (CEC), including substances such as 6PPD-quinone and polychlorinated biphenyls (PCB) in already collected tissue samples. This research will accelerate recovery and protection by identifying the location and sources of CEC exposure.

(13) \$130,000 of the general fund—state appropriation for fiscal year 2024 and \$130,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for an external facilitator to seek solutions through a collaborative process using the department's wolf advisory group.

(14) \$194,000 of the general fund—state appropriation for fiscal year 2024 and \$194,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to update and maintain rule making related to chapter 77.57 RCW, fishways, flow, and screening.

(15) \$822,000 of the general fund—state appropriation for fiscal year 2024 and \$822,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to monitor recreational steelhead spawning and harvest in freshwater streams and rivers in Puget Sound.

(16) \$2,714,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for additional law enforcement officers for marine and freshwater fisheries compliance and a patrol vessel dedicated to coastal operations.

(17) \$509,000 of the general fund—state appropriation for fiscal year 2024 and \$305,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to monitor recreational shellfish harvests, monitor intertidal and crustacean fisheries, address emerging environmental issues, maintain a new data management infrastructure, and develop a disease and pest management program to protect shellfish fisheries in the Puget Sound.

(18) \$360,000 of the general fund—state appropriation for fiscal year 2024 and \$224,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to complete and maintain a statewide prioritization of fish passage barriers in collaboration with regional salmon recovery organizations.

(19) \$997,000 of the general fund—state appropriation for fiscal year 2024 and \$997,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue the assessment of riparian ecosystems. The assessment must include identifying common statewide definitions of terms for riparian usage, recommendations to improve data sharing, and identifying any gaps in vegetated cover relative to a science-based standard for a fully functioning riparian ecosystem and comparing the status and gaps to water temperature impairments, known fish passage barriers, and status of salmonid stocks.

(20) \$900,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the Lummi Nation to make infrastructure updates at the Skookum hatchery.

(21) \$285,000 of the general fund—state appropriation for fiscal year 2024 and \$285,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to manage electronic tracked crab fishery gear to avoid whale entanglements during their migration as the agency develops a conservation plan to submit for an endangered species act incidental take permit.

(22) \$480,000 of the general fund—state appropriation for fiscal year 2024 and \$435,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to equip officers with body worn cameras to advance public safety.

(23) \$876,000 of the general fund—state appropriation for fiscal year 2024 and \$895,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to increase the baseline maintenance budget for critical state-owned infrastructure including hatchery water supply and equipment, general facility sustainment, asphalt and concrete sealant capacity, and electrical system upgrades.

(24) \$1,500,000 of the general fund—state appropriation for fiscal year 2024 and \$1,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for pass-through to tribes of the upper Columbia river to support reintroduction of Chinook salmon above Grand Coulee and Chief Joseph dams.

(25) \$741,000 of the general fund—state appropriation for fiscal year 2024 and \$741,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for operation and maintenance capacity and technical assistance for state fish passage facilities.

(26) \$948,000 of the general fund—state appropriation for fiscal year 2024 and \$948,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue operations of the Toutle and Skamania hatcheries.

(27) \$324,000 of the general fund—state appropriation for fiscal year 2024 and \$658,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to create a statewide data management system with the department of natural resources and the state parks and recreation commission to make informed management decisions that meet conservation goals for



public lands. The agencies will also collaborate with tribal governments to ensure cultural resources and cultural practices are considered and incorporated into management plans.

(28) \$770,000 of the general fund—state appropriation for fiscal year 2024 and \$770,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to increase wildlife conflict specialists to address crop damage, dangerous wildlife interactions, and conflict preventative education and outreach.

(29) \$430,000 of the general fund—state appropriation for fiscal year 2024, \$430,000 of the general fund—state appropriation for fiscal year 2025, and \$3,564,000 of the natural climate solutions account—state appropriation are provided solely to increase capacity in four aspects of the department's mission most vulnerable to climate change including species recovery planning, harvest and recreation management, providing technical assistance, permitting, and planning support, and managing agency lands and infrastructure.

(30) \$1,752,000 of the climate commitment account—state appropriation is provided solely for the first phase of the department's sustainability plan to start transitioning the vehicle fleet to electricity and alternative fuels, advancing energy efficiency and renewable energy projects, creating a commute trip reduction program, and supporting foundational research and capacity-building.

(31) \$4,000,000 of the forest resiliency account—state appropriation is provided solely to reduce severe wildfire risk and increase forest resiliency through fuels reduction, thinning, fuel break creation, and prescribed burning on agency lands.

(32) \$8,000,000 of the general fund—state appropriation for fiscal year 2024 and \$15,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the protection, recovery, and restoration of biodiversity and the recovery of threatened and endangered species. Examples include habitat protection and restoration, technical assistance for growth management act planning, fish passage improvements, conservation education, scientific research for species and ecosystem protection, and similar activities. Funding in this subsection may include pass-throughs to public, nonprofit, academic, or tribal entities for the purposes of this subsection.

(33) \$125,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a contract with a nonprofit organization that operates a zoological garden in King county and that has developed an educators' toolkit for nature play programming for youth in communities historically excluded from nature experiences to provide inclusive nature-based programming statewide to children from racially, ethnically, and culturally diverse backgrounds.

(34) \$310,000 of the general fund—state appropriation for fiscal year 2024 and \$160,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to perform the following tasks related to net ecological gain:

(a) Of the amount provided in this subsection, \$160,000 in fiscal year 2024 and \$160,000 in fiscal year 2025 are provided solely for the department to facilitate a work group focused on developing a net ecological gain implementation framework.

(i) Participation in the work group is as follows:

(A) The work group must include representatives from the department, the department of commerce, the department of ecology, and the department of transportation; and

(B) The work group may include representatives from, and consultation with, as appropriate, other state agencies, federally recognized Indian tribes, local governments, and other relevant stakeholders.

(ii) The work group is responsible for accomplishing the following tasks:

(A) Define net ecological gain criteria;

(B) Create monitoring and assessment criteria related to net ecological gain;

(C) Develop an assessment model to evaluate and quantify contributions to overall net ecological gain;

(D) Consider the geographic scale at which net ecological gain criteria may be effectively applied;

(E) Provide budget and policy recommendations for net ecological gain to the legislature and to the office of financial management;

(F) Identify existing state-administered or state-funded programs and projects that:

(I) Already contribute to net ecological gain;

(II) Can or should give funding priority to funding applicants that commit to incorporating net ecological gain principles; and

(III) Programs and projects that can or should have a net ecological gain requirement in the future; and

(G) Generate interim recommendations for a project to serve as a net ecological gain proof of concept within a county that chooses to adopt a net ecological gain standard.

(iii) The department may contract with an independent entity to facilitate the work group, including the tasks identified in (b) of this subsection.

(iv) The work group must submit an interim and final report of its work, including any budget and policy recommendations, to the office of financial management and the appropriate committees of the legislature no later than June 30, 2024, and June 30, 2025.

(b) Of the amount provided in this subsection, \$150,000 in fiscal year 2024 is provided solely for the department to contract with an independent entity to perform the following tasks:

(i) Review existing grant programs; and

(ii) Make recommendations on the potential addition of net ecological gain into grant prioritization criteria.

(35)(a) \$400,000 of the general fund—state appropriation for fiscal year 2024 and \$300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to initiate a demonstration project to contribute to rebuilding of salmon runs in the Lake Washington basin through suppression of predatory fish species. The project shall include:

(i) Removal of nonnative species and northern pike minnow using trap, nets, or other means;

(ii) Assessment of the benefits of reduced predator abundance on juvenile salmon survival; and

(iii) Assessment of the recreational fishing rules that were implemented in 2020 in the Lake Washington basin.

(b) An interim report on the demonstration project must be provided to the appropriate committees of the legislature by December 1, 2024.

(36) \$165,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Second Substitute House Bill No. 1010 (shellfish sanitary control). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(37) \$270,000 of the general fund—state appropriation for fiscal year 2024 and \$57,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1085 (plastic pollution). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(38) \$184,000 of the natural climate solutions account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1170 (climate response

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strategy). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(39) \$1,026,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (climate change/planning). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(40) \$620,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(41) The department must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(42)(a) Within existing resources, the department must develop a regional plan for gray wolf management in counties or portions of counties that meet the following criteria:

- (i) The gray wolf is not designated under the federal endangered species act as threatened or endangered;
- (ii) The state has met the recovery objective of 15 breeding pairs in the state for at least three years; and
- (iii) There are at least three documented breeding pairs in the county or portion of the county where the gray wolf is not designated under the federal endangered species act as threatened or endangered.

(b) In developing the regional plan, the department must consult with county cattlpersons organizations, county governments, a regional nonprofit organization that operates range riding and other year-round wolf and livestock conflict avoidance tactics in northeast Washington, a conservation nonprofit, and affected Indian tribes. The department must give affected Indian tribes the opportunity to review drafts of the plan before it is completed. The department is also encouraged to consult with the United States forest service.

(c) At a minimum, the plan must address the following objectives:

- (i) Increased cooperation with input from county governments, cattlpersons associations, and local organizations providing range riding and other conflict deterrence efforts with respect to the methods and approaches to minimizing impacts to livestock production;
- (ii) Minimization of livestock loss and economically costly stress on livestock and minimizing the need for lethal control of wolves;
- (iii) Improved responsiveness from the department on planning proactive deterrence for ranchers;
- (iv) Faster response time from the department when lethal control is required;
- (v) Habitat improvement for ungulate populations;
- (vi) An improved livestock loss and damage compensation program; and
- (vii) Maintaining recovery objectives and an overall stable wolf population in the region.

(d) The department must complete and implement the regional plan by December 1, 2023. The department must report to the appropriate committees of the legislature by December 1, 2024, on implementation of the regional plan and expected outcomes.

(43) \$1,358,000 of the general fund—state appropriation for fiscal year 2024 and \$225,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide to the Puyallup Tribe for equipment installation, operations, and improvements at salmon hatcheries.

(44) \$850,000 of the general fund—state appropriation for

fiscal year 2024 is provided solely for the department to provide to the Suquamish Tribe for hatchery improvements and water quality enhancements.

(45) \$1,050,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to provide to the Yakama Nation for hatchery equipment and operations.

(46) \$325,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a contract with a nonprofit organization that operates a zoological garden in King county for the purpose of an outreach campaign on pollinator health issues. The pollinator outreach campaign is intended to further the mission of the department's pollinator conservation efforts and the department of agriculture's pollinator health task force goals.

**NEW SECTION. Sec. 309. FOR THE PUGET SOUND PARTNERSHIP**

General Fund—State Appropriation (FY 2024) .....	\$8,618,000
General Fund—State Appropriation (FY 2025) .....	\$8,569,000
General Fund—Federal Appropriation.....	\$31,842,000
Aquatic Lands Enhancement Account—State Appropriation .....	\$1,464,000
Model Toxics Control Operating Account—State Appropriation .....	\$1,318,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$51,811,000</b>

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

(1) By October 15, 2024, the Puget Sound partnership shall provide the governor and appropriate legislative fiscal committees a single, prioritized list of state agency 2025-2027 capital and operating budget requests related to Puget Sound recovery and restoration.

(2) \$14,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1170 (climate response strategy). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund—State Appropriation (FY 2024) ..	\$151,373,000
General Fund—State Appropriation (FY 2025) ..	\$151,841,000
General Fund—Federal Appropriation.....	\$49,792,000
General Fund—Private/Local Appropriation .....	\$3,450,000
Access Road Revolving Nonappropriated Account—State Appropriation .....	\$108,000
Climate Commitment Account—State Appropriation .....	\$10,955,000
Contract Harvesting Revolving Nonappropriated Account—State Appropriation.....	\$78,000
Forest Development Account—State Appropriation .....	\$56,351,000
Forest Fire Protection Assessment Nonappropriated Account—State Appropriation .....	\$88,000
Forest Health Revolving Nonappropriated Account— State Appropriation .....	\$106,000
Natural Climate Solutions Account—State Appropriation .....	\$12,561,000
Natural Resources Federal Lands Revolving Nonappropriated Account—State Appropriation .....	\$6,000
ORV and Nonhighway Vehicle Account—State Appropriation .....	\$7,560,000
State Forest Nursery Revolving Nonappropriated Account—State Appropriation.....	\$34,000
Surveys and Maps Account—State Appropriation.	\$2,261,000
Aquatic Lands Enhancement Account—State Appropriation .....	\$19,228,000
Resource Management Cost Account—State Appropriation	

.....	\$116,642,000
Surface Mining Reclamation Account—State Appropriation.....	\$4,329,000
Disaster Response Account—State Appropriation	\$23,429,000
Forest and Fish Support Account—State Appropriation .....	\$12,549,000
Aquatic Land Dredged Material Disposal Site Account— State Appropriation.....	\$405,000
Natural Resources Conservation Areas Stewardship Account—State Appropriation .....	\$208,000
Forest Practices Application Account—State Appropriation.....	\$2,119,000
Air Pollution Control Account—State Appropriation	\$914,000
Model Toxics Control Operating Account—State Appropriation.....	\$604,000
Wildfire Response, Forest Restoration, and Community Resilience Account—State Appropriation.....	\$117,540,000
Derelict Vessel Removal Account—State Appropriation .....	\$10,611,000
Community Forest Trust Account—State Appropriation .....	\$52,000
Agricultural College Trust Management Account—State Appropriation.....	\$4,247,000
TOTAL APPROPRIATION.....	\$759,441,000

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

(1) \$2,691,000 of the general fund—state appropriation for fiscal year 2024 and \$2,296,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to carry out the forest practices adaptive management program pursuant to RCW 76.09.370 and the May 24, 2012, settlement agreement entered into by the department and the department of ecology. Scientific research must be carried out according to the master project schedule and work plan of cooperative monitoring, evaluation, and research priorities adopted by the forest practices board.

(2) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the small forest landowner office, in order to restore staffing capacity reduced during the great recession and to support small forest landowners, including assistance related to forest and fish act regulations.

(3) \$1,583,000 of the general fund—state appropriation for fiscal year 2024 and \$1,515,000 of the general fund—state appropriation for fiscal year 2025 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.

(4) \$60,883,000 of the general fund—state appropriation for fiscal year 2024, \$60,883,000 of the general fund—state appropriation for fiscal year 2025, and \$16,050,000 of the disaster response account—state appropriation are provided solely for emergency response, including fire suppression. The department shall provide a monthly report to the office of financial management and the appropriate fiscal and policy committees of the legislature with an update of fire suppression costs incurred and the number and type of wildfires suppressed.

(5) \$5,647,000 of the general fund—state appropriation for fiscal year 2024, \$8,470,000 of the general fund—state appropriation for fiscal year 2025, and \$330,000 of the disaster response account—state appropriation are provided solely for indirect and administrative expenses related to fire suppression.

(6) \$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 \$8,000,000 per biennium. If receipts under RCW 82.04.261 are more than \$8,000,000 but less than \$8,500,000 for the biennium, an amount equivalent to the difference between actual receipts and \$8,500,000 shall lapse.

(7) 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, 2023, and December 1, 2024, describing the previous fire season. At a minimum, the report shall provide information for each wildfire in the state, including its location, impact by type of land ownership, the extent it involved timber or range lands, cause, size, costs, and cost-share with federal agencies and nonstate partners. The report must also be posted on the agency's website.

(8) \$4,206,000 of the aquatic land enhancement account—state appropriation is provided solely for the removal of creosote pilings and debris from the marine environment and to continue monitoring zooplankton and eelgrass beds on state-owned aquatic lands managed by the department. Actions will address recommendations to recover the southern resident orca population and to monitor ocean acidification as well as help implement the Puget Sound action agenda.

(9) \$279,000 of the general fund—state appropriation for fiscal year 2024 and \$286,000 of the general fund—state appropriation for fiscal year 2025 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 \$100 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.

(10) \$270,000 of the general fund—state appropriation for fiscal year 2024, \$125,000 of the general fund—state appropriation for fiscal year 2025, \$154,000 of the forest development account—state appropriation, \$108,000 of the aquatic lands enhancement account—state appropriation, \$318,000 of the resource management cost account—state appropriation, \$12,000 of the surface mining reclamation account—state appropriation, \$62,000 of the forest fire protection assessment nonappropriated account—state appropriation, \$26,000 of the state forest nursery revolving nonappropriated account—state appropriation, \$80,000 of the access road revolving nonappropriated account—state appropriation, \$90,000 of the forest health revolving nonappropriated account—state appropriation, and \$6,000 of the natural resources federal lands revolving nonappropriated account—state appropriation are provided solely for the department to replace the NaturE revenue and leasing administration system and integrate with the new One Washington financial system. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(11) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to collect and refresh statewide lidar data.

(12) \$1,200,000 of the resource management cost account—state appropriation is provided solely for the agency to pursue opportunities to provide workforce housing on state trust lands.

(13) \$400,000 of the natural climate solutions account—state

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appropriation is provided to the department, in coordination with the department of ecology, solely to develop a natural and working lands carbon sequestration strategy for Washington state. The strategy will include clear, measurable deliverables to ensure carbon sequestration efforts, investments, and programs are designed to help achieve the state's greenhouse gas emissions limits under RCW 70A.45.020. Specific recommendations are to be developed for state-owned lands. The department of natural resources and department of ecology will coordinate with other state agencies including the department of fish and wildlife, the recreation and conservation office, the department of agriculture, and the state conservation commission. The report shall be submitted to the governor and appropriate legislative committees by June 30, 2025.

(14) \$3,166,000 of the natural climate solutions account—state appropriation is provided solely for silvicultural treatments on forested trust lands in western Washington to support maintenance of healthy, resilient forests as a critical component of climate adaptation and mitigation efforts.

(15) \$2,185,000 of the general fund—state appropriation for fiscal year 2024 and \$1,705,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for increased law enforcement capacity on agency managed lands, to develop a statewide recreation plan, and to jointly create a statewide data management system with the Washington department of fish and wildlife and the state parks and recreation commission to make informed management decisions that meet conservation goals for public lands. The agencies will also collaborate with tribal governments to ensure cultural resources and cultural practices are considered and incorporated into management plans.

(16) \$2,066,000 of the natural climate solutions account—state appropriation is provided solely for the agency to develop a comprehensive strategy to tackle barriers to reforestation, including through expanding seed collection, increasing the capacity of the state's public nursery, and addressing workforce needs.

(17) \$2,864,000 of the natural climate solutions account—state appropriation is provided solely for the agency to implement aspects of their watershed resilience action plan for the Snohomish watershed, including activities to support kelp and eelgrass stewardship, a large woody debris program, aquatic restoration grants, and culvert removal.

(18) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for investment in urban forestry to support reduction of negative environmental conditions such as heat, flooding, and pollution and helping communities become greener, cleaner, healthier, and more resilient.

(19) \$7,791,000 of the climate commitment account—state appropriation is provided solely for the agency to analyze current infrastructure and build a plan for the department to achieve its greenhouse gas emission reduction targets.

(20) \$2,365,000 of the wildfire response, forest restoration, and community resilience account—state appropriation is provided solely for the department to make investments in education and training to bolster a statewide natural resources workforce to support the health and resilience of Washington's forests. Of this amount, \$800,000 is provided solely to provide wildland fire management training to tribal communities and members.

(21) \$3,356,000 of the natural climate solutions account—state appropriation is provided solely to increase the agency's capacity to provide active management of department of natural resources natural areas and to create a statewide map of essential

conservation areas and areas of high forest conversion risk to determine and mitigate the impacts of climate change and support long-term conservation goals.

(22) \$1,500,000 of the general fund—state appropriation for fiscal year 2024 and \$1,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for full-time and seasonal crews from the Washington conservation corps and other corps programs to conduct work benefiting the management of state managed lands, including natural areas restoration and conservation, trail work, and forest resiliency activities as well as other recreation and habitat projects with agency partners.

(23)(a) \$475,000 of the general fund—state appropriation for fiscal year 2024, \$253,000 of the general fund—state appropriation for fiscal year 2025, and \$62,000 of the model toxics control operating account—state appropriation are provided solely for a geoduck task force. Of the amounts provided in this subsection, \$411,000 of the general fund—state appropriation for fiscal year 2024 and \$208,000 of the general fund—state appropriation for fiscal year 2025 are for the department's costs for the task force, and the remaining amounts are for the department to provide to the department of ecology, the department of fish and wildlife, and the Puget Sound partnership for their projected costs for the task force.

(b) The task force must investigate opportunities to reduce negative impacts to tribal treaty and state geoduck harvest and promote long-term opportunities to expand or sustain geoduck harvest. The task force must provide a report to the commissioner of public lands and the legislature, in compliance with RCW 43.01.036, by December 1, 2024, that includes analysis and recommendations related to the following elements:

(i) The feasibility of intervention to enhance the wildstock of geoduck, including reseeded projects;

(ii) Factors that are preventing areas from being classified for commercial harvest of wildstock geoduck or factors that are leading to existing wildstock geoduck commercial tract classification downgrade, and recommendations to sustainably and cost-effectively increase the number and area of harvestable tracts, including:

(A) Consideration of opportunities and recommendations presented in previous studies and reports;

(B) An inventory of wastewater treatment plant and surface water runoff point sources impacting state and tribal geoduck harvesting opportunities within the classified commercial shellfish growing areas in Puget Sound;

(C) A ranking of outfalls and point sources identified in (b)(ii)(B) of this subsection prioritized for future correction to mitigate downgraded classification of areas with commercial geoduck harvest opportunity;

(D) An inventory of wildstock geoduck tracts that are most impacted by poor water quality or other factors impacting classification;

(E) Consideration of the role of sediment load and urban runoff, and pathways to mitigate these impacts; and

(F) Recommendations for future actions to improve the harvest quantity of wildstock geoduck and to prioritize areas that can attain improved classification most readily, while considering the influence of outfalls ranked pursuant to (b)(ii)(C) of this subsection.

(c) The commissioner of public lands must invite the following representatives to participate in the task force:

(i) A representative of the department of natural resources, who shall serve as the chair of the task force;

(ii) Representatives of tribes with treaty or reserved rights to geoduck harvest in Washington state;

(iii) A representative of the department of ecology;

- (iv) A representative of the department of health;
- (v) A representative of the department of fish and wildlife;
- (vi) A representative of the Puget Sound partnership; and
- (vii) A representative of the academic community.

(d) The commissioner of public lands must appoint each representative. The commissioner may invite and appoint other individuals to the task force, not to exceed the number of seats of tribal entities.

(e) Members of the task force may be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060.

(24) \$636,000 of the general fund—state appropriation for fiscal year 2024 and \$353,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1032 (wildfires/electric utilities). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(25) \$65,000 of the general fund—state appropriation for fiscal year 2024 and \$55,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1085 (plastic pollution). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(26) \$709,000 of the natural climate solutions account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1170 (climate response strategy). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(27) \$500,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (climate change/planning). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(28) \$164,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(29) \$355,000 of the general fund—state appropriation for fiscal year 2024 and \$442,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1378 (derelict aquatic structures). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(30) \$431,000 of the general fund—state appropriation for fiscal year 2024 and \$331,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1498 (aviation assurance funding). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(31) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1578 (wildland fire safety). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(32) The department must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

**NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF AGRICULTURE**

General Fund—State Appropriation (FY 2024)....	\$34,687,000
General Fund—State Appropriation (FY 2025)....	\$74,399,000
General Fund—Federal Appropriation .....	\$37,803,000
General Fund—Private/Local Appropriation.....	\$193,000

Aquatic Lands Enhancement Account—State	
Appropriation .....	\$2,756,000
Climate Commitment Account—State	
Appropriation .....	\$3,738,000
Natural Climate Solutions Account—State	
Appropriation .....	\$842,000
Water Quality Permit Account—State	
Appropriation .....	\$73,000
Model Toxics Control Operating Account—State	
Appropriation .....	\$10,397,000
Northeast Washington Wolf-Livestock Management	
Nonappropriated Account—State	
Appropriation .....	\$912,000
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation .....	\$80,374,000
TOTAL APPROPRIATION .....	\$246,174,000

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

(1) \$22,000,000 of the general fund—state appropriation for fiscal year 2025 and \$44,499,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely to continue the we feed Washington program, a state alternative to the United States department of agriculture farmers to families food box program, and provide resources for hunger relief organizations.

(2) \$4,000,000 of the general fund—state appropriation for fiscal year 2024 and \$4,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for local food system infrastructure and market access grants.

(3) \$3,655,000 of the general fund—state appropriation for fiscal year 2024 and \$3,655,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementing a Japanese beetle monitoring and eradication program in central Washington.

(4) \$15,000,000 of the general fund—state appropriation for fiscal year 2025 and \$15,000,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely for implementing the emergency food assistance program as defined in RCW 43.23.290.

(5) \$246,000 of the general fund—state appropriation for fiscal year 2024, \$246,000 of the general fund—state appropriation for fiscal year 2025, and \$1,550,000 of the general fund—federal appropriation are provided solely for implementing a Vespa mandarinia eradication program.

(6) \$912,000 of the northeast Washington wolf-livestock management nonappropriated account—state appropriation is provided solely for the department to fund the northeast Washington wolf-livestock management grant program as provided in RCW 16.76.020, maintain the contract with the northeast Washington wolf-cattle collaborative, and provide \$80,000 per fiscal year to the sheriff's offices of Ferry and Stevens counties for providing a local wildlife specialist to aid the department of fish and wildlife in the management of wolves in northeast Washington.

(7) \$1,500,000 of the general fund—state appropriation for fiscal year 2024 and \$1,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants and technical assistance to producers for meat and poultry processing.

(8) \$842,000 of the general fund—state appropriation for fiscal year 2024 and \$822,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 135, Laws of 2022, which requires the department to establish cannabis testing lab quality standards by rule.

(9) \$3,038,000 of the climate commitment account—state appropriation is provided solely to implement organic materials legislation passed in the 2022 legislative session.

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(10) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to contract with Washington State University's IMPACT Center to conduct an analysis of the threats, barriers, and challenges facing the state's agricultural producers.

(11) \$581,000 of the natural climate solutions account—state appropriation is provided solely to implement a science-based, voluntary software program called saving tomorrow's agricultural resources (STAR) which provide producers tools to track soil health improvements and the ability to generate market-based incentives.

(12) \$1,492,000 of the model toxics control operating account—state appropriation is provided solely to increase capacity and support work to reduce nitrate pollution in groundwater from irrigated agriculture in the lower Yakima valley.

(13) \$88,000 of the general fund—state appropriation for fiscal year 2024, \$88,000 of the general fund—state appropriation for fiscal year 2025, and \$702,000 of the general fund—federal appropriation are provided solely to match federal funding for eradication treatments and follow-up monitoring of invasive moths.

(14) \$120,000 of the general fund—state appropriation for fiscal year 2024 and \$120,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue the early detection program and the associated invasive *Ailanthus altissima*, known colloquially as tree-of-heaven, survey and control programs.

(15) \$90,000 of the general fund—state appropriation for fiscal year 2024 and \$90,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to implement changes that advance equity for underrepresented farmers and ranchers in the department's programs and services. In carrying out this duty, the department may focus on implementation of:

(a) Proequity and inclusion strategies within the activities and services of the regional markets program;

(b) Recommendations from the department's 2022 report to the legislature on equity for underrepresented farmers and ranchers; and

(c) Community-generated suggestions resulting from stakeholder engagement activities. In carrying out this duty, the department may engage with underrepresented farmers and ranchers to advise and provide guidance as the department works to implement changes to improve equity and inclusion in the department's services and programs, and where possible in the agricultural industry more broadly.

(16) \$261,000 of the natural climate solutions account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1170 (climate response strategy). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(17) \$200,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(18) \$116,000 of the general fund—state appropriation for fiscal year 2024 and \$110,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1500 (cottage food sales cap). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(19) The department must report to and coordinate with the

department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(20) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a community-based organization in Whatcom county for the food and farm finder program, which connects local food producers with retail and wholesale consumers throughout the state.

(21) \$10,600,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for local food system infrastructure and market access grants, the emergency food assistance program, and a state farmers to families food box program. The total expenditures from the coronavirus state fiscal recovery fund—federal for these purposes in fiscal year 2023 and fiscal year 2024 may not exceed the total amounts provided in section 311(1), (3), and (7), chapter 334, Laws of 2021, from the coronavirus state fiscal recovery fund—federal for these purposes.

(22) \$500,000 of the climate commitment account—state appropriation is provided solely for the department to contract with a neutral, third-party facilitator to convene an advisory process, and a subject-matter expert consultant to support the advisory process. The purpose of the advisory process is to make recommendations to the legislature to identify a logistically practicable long-term process to ensure that consumers of fuel exempt from compliance obligations under chapter 70A.65 RCW are exempt, in practice, from paying for the costs embedded in exempt fuel prices that are reasonably attributable to or correlated with climate commitment act allowance prices. The facilitator must engage relevant stakeholders in the advisory process that have a direct interest in participating, including but not limited to representatives of fuel suppliers, fuel distributors, an association who represents fuel suppliers, an association who represents fuel distributors, exempt fuel users, organizations representing agricultural interests, associations of agricultural product distributors and retailers, and environmental organizations. Representatives of the department of ecology, department of licensing, department of revenue, and the department must also be invited to participate in the facilitated advisory process under this subsection. The facilitator must submit the recommendations of advisory process participants, including recommendations not supported by a majority of advisory process participants, by December 1, 2023.

(23) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide a grant to a food bank in Pierce county for the continued provision of food bank services to low-income individuals, including costs related to the potential relocation of the food bank.

**NEW SECTION. Sec. 312. FOR THE ENERGY FACILITY SITE EVALUATION COUNCIL**

General Fund—State Appropriation (FY 2024) .....	\$892,000
General Fund—State Appropriation (FY 2025) .....	\$894,000
Climate Commitment Account—State Appropriation .....	\$3,667,000
Energy Facility Site Evaluation Council Account—	
Private/Local Appropriation .....	\$26,670,000
TOTAL APPROPRIATION .....	\$32,123,000

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

(1) \$200,000 of the climate commitment account—state appropriation is provided solely for the council to engage a

consultant and staff to determine next steps to achieve principles outlined in the 2022 transmission corridor work group final report. The energy facility site evaluation council will consult with transmission corridor work group participants, as well as additional interested parties, to determine next steps and best practices for siting transmission projects to meet needs of the future and ensure a carbon neutral electrical grid and carbon free energy production is achieved by 2045.

(2) \$2,352,000 of the climate commitment account—state appropriation is provided solely to support agency operations and to hire additional environmental siting and compliance positions needed to support an anticipated workload increase from new clean energy projects.

(3) \$200,000 of the climate commitment account—state appropriation is provided solely for grants to tribes to review green energy project applications.

(4) \$358,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(5) The council must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

**PART IV  
TRANSPORTATION**

**NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING**

General Fund—State Appropriation (FY 2024).....	\$4,599,000
General Fund—State Appropriation (FY 2025).....	\$4,552,000
Architects' License Account—State Appropriation	\$1,679,000
Real Estate Commission Account—State Appropriation	\$14,588,000
Uniform Commercial Code Account—State Appropriation	\$3,299,000
Real Estate Education Program Account—State	
Appropriation.....	\$316,000
Real Estate Appraiser Commission Account—State	
Appropriation.....	\$1,948,000
Business and Professions Account—State Appropriation	\$29,457,000
Real Estate Research Account—State Appropriation	\$461,000
Firearms Range Account—State Appropriation .....	\$74,000
Funeral and Cemetery Account—State Appropriation	\$103,000
Landscape Architects' License Account—State	
Appropriation.....	\$90,000
Appraisal Management Company Account—State	
Appropriation.....	\$247,000
Concealed Pistol License Renewal Notification	
Account—State Appropriation .....	\$142,000
Geologists' Account—State Appropriation.....	\$52,000
Derelict Vessel Removal Account—State Appropriation	\$37,000
TOTAL APPROPRIATION.....	\$61,644,000

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

(1) \$142,000 of the concealed pistol license renewal notification account—state appropriation and \$74,000 of the firearms range account—state appropriation are provided solely to implement chapter 74, Laws of 2017 (concealed pistol license).

(2) \$6,000 of the general fund—state appropriation for fiscal year 2024, \$9,000 of the general fund—state appropriation for fiscal year 2025, \$8,000 of the architects' license account—state

appropriation, \$74,000 of the real estate commission account—state appropriation, \$14,000 of the uniform commercial code account—state appropriation, \$10,000 of the real estate appraiser commission account—state appropriation, and \$139,000 of the business and professions account—state appropriation are provided solely for the department to redesign and improve its online services and website, and are subject to the conditions, limitations, and review requirements of section 701 of this act.

(3) \$7,000 of the general fund—state appropriation for fiscal year 2024, \$9,000 of the general fund—state appropriation for fiscal year 2025, \$5,000 of the architects' license account—state appropriation, \$43,000 of the real estate commission account—state appropriation, \$8,000 of the uniform commercial code account—state appropriation, \$8,000 of the real estate education program account—state appropriation, \$166,000 of the business and professions account—state appropriation, \$9,000 of the funeral and cemetery account—state appropriation, \$3,000 of the landscape architects' license account—state appropriation, \$2,000 of the appraisal management company account—state appropriation, and \$5,000 of the geologists' account—state appropriation are provided solely for implementation of Second Substitute House Bill No. 1009 (military spouse employment). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(4) \$20,000 of the business and professions account—state appropriation is provided solely for implementation of House Bill No. 1017 (cosmetologists, licenses, etc.). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(5) \$989,000 of the general fund—state appropriation for fiscal year 2024 and \$1,030,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1143 (firearms purchase and transfer). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(6) \$9,000 of the architects' license account—state appropriation, \$59,000 of the real estate commission account—state appropriation, \$9,000 of the real estate appraiser commission account—state appropriation, \$120,000 of the business and professions account—state appropriation, \$9,000 of the funeral and cemetery account—state appropriation, \$9,000 of the landscape architects' license account—state appropriation, \$9,000 of the appraisal management company account—state appropriation, and \$9,000 of the geologists' account—state appropriation are provided solely for implementation of House Bill No. 1301 (license review and requirements). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 402. FOR THE WASHINGTON STATE PATROL**

General Fund—State Appropriation (FY 2024) ....	\$74,461,000
General Fund—State Appropriation (FY 2025) ....	\$74,543,000
General Fund—Federal Appropriation.....	\$16,882,000
General Fund—Private/Local Appropriation .....	\$3,091,000
Death Investigations Account—State Appropriation	\$8,796,000
County Criminal Justice Assistance Account—State	
Appropriation .....	\$4,798,000
Municipal Criminal Justice Assistance Account—State	
Appropriation .....	\$1,757,000
Fire Service Trust Account—State Appropriation ....	\$131,000
Vehicle License Fraud Account—State Appropriation	\$119,000
Disaster Response Account—State Appropriation.	\$8,000,000

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Fire Service Training Account—State	Appropriation
.....	\$12,790,000
Model Toxics Control Operating Account—State	
Appropriation.....	\$596,000
Fingerprint Identification Account—State	
Appropriation.....	\$13,417,000
TOTAL APPROPRIATION.....	\$219,381,000

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) \$136,000 of the general fund—state appropriation for fiscal year 2024 and \$182,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1638 (state trooper recruitment). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(3) \$129,000 of the general fund—state appropriation for fiscal year 2024 and \$118,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1169 (legal financial obligations). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(4) \$20,000 of the fingerprint identification account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1452 (medical reserve corps). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(5) \$16,000 of the general fund—state appropriation for fiscal year 2024 and \$15,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of House Bill No. 1179 (nonconviction data/auditor). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(6) \$26,000 of the fingerprint identification account—state appropriation is provided solely for implementation of Substitute House Bill No. 1069 (mental health counselor compensation). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(7) \$500,000 of the disaster response account—state appropriation, is provided solely to continue a pilot project for the early deployment or prepositioning of Washington state fire service resources in advance of an expected mobilization event. Any authorization for the deployment of resources under this section must be authorized in accordance with section 6 of the Washington state fire services resource mobilization plan.

**PART V  
EDUCATION**

**NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

General Fund—State Appropriation (FY 2024)....	\$39,539,000
General Fund—State Appropriation (FY 2025)....	\$60,795,000
General Fund—Federal Appropriation .....	\$107,169,000
General Fund—Private/Local Appropriation.....	\$8,070,000
Dedicated Cannabis Account—State Appropriation (FY 2024) .....	\$592,000
Dedicated Cannabis Account—State Appropriation (FY 2025) .....	\$610,000

Washington Opportunity Pathways Account—State	Appropriation .....	\$8,417,000
Performance Audits of Government Account—State	Appropriation .....	\$213,000
Workforce Education Investment Account—State	Appropriation .....	\$8,932,000
Elementary and Secondary School Emergency Relief III	Account—Federal Appropriation.....	\$6,505,000
TOTAL APPROPRIATION .....		\$240,842,000

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

**(1) BASE OPERATIONS AND EXPENSES OF THE OFFICE**

(a) \$19,445,000 of the general fund—state appropriation for fiscal year 2024 and \$19,428,000 of the general fund—state appropriation for fiscal year 2025 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) By October 31st of each year, the office of the superintendent of public instruction shall produce an annual status report on implementation of the budget provisos in section 501, chapter 415, Laws of 2019 and sections 515 and 522, chapter 334, Laws of 2021. 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.

(iii) 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.

(iv) The office of the superintendent of public instruction shall integrate climate change content into the Washington state learning standards across subject areas and grade levels. The office shall develop materials and resources that accompany the updated learning standards that encourage school districts to develop interdisciplinary units focused on climate change that include authentic learning experiences, that integrate a range of perspectives, and that are action oriented.

(v) Within the amounts provided in this subsection (1)(a), sufficient funding is provided for the office to conduct an analysis of child nutrition staffing. The department may contract with a third party to complete the work required in this subsection but must consult with appropriate labor groups. The agency must submit a report summarizing key findings and recommendations to the governor and the legislature by December 1, 2023. The report must consider:

(A) Best practices for staffing models, including a description of how staffing needs in school nutrition programs have changed as schools move to universal free meals;

(B) Cost of labor, salary schedules, hours, and benefits; and

(C) An analysis of workforce needs, including identification of hard to recruit or retain positions and strategies to address those



workforce needs, including additional compensation to attract and retain school nutrition staff in school districts with fewer resources from combined state and local dollars per student.

(b) \$494,000 of the general fund—state appropriation for fiscal year 2024 and \$494,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(c) \$61,000 of the general fund—state appropriation for fiscal year 2024 and \$61,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(d) \$96,000 of the general fund—state appropriation for fiscal year 2024 and \$96,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(e) \$273,000 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.

(f) \$123,000 of the general fund—state appropriation for fiscal year 2024 and \$123,000 of the general fund—state appropriation for fiscal year 2025 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.

(g) The office of the superintendent of public instruction shall 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.

(h) \$1,060,000 of the general fund—state appropriation for fiscal year 2024 and \$1,060,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of native education to increase services to tribes, including but not limited to, providing assistance to tribes and school districts to implement Since Time Immemorial, applying to become tribal compact schools, convening the Washington state native American education advisory committee, and extending professional learning opportunities to provide instruction in tribal history, culture, and government. The professional development must be done in collaboration with school district administrators and school directors. Funding in this subsection is sufficient for the office, the Washington state school directors' association government-to-government task force, and the association of educational service districts to collaborate with the tribal leaders congress on education to develop a tribal consultation training and schedule. Of the amounts provided in this subsection: \$525,000 of the general fund—state appropriation for fiscal year 2024 and \$525,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of native education to convene a work group to develop the supports necessary to serve American Indian and Alaska Native students identified as needing additional literacy supports. The work group must include representation from Washington's federally recognized tribes and federally recognized tribes with reserved

treaty rights in Washington. The work group must conduct tribal consultations, develop best practices, engage in professional learning, and develop curricula and resources that may be provided to school districts and state-tribal education compact schools to serve American Indian and Alaska Native students with appropriate, culturally affirming literacy supports.

(i) \$481,000 of the general fund—state appropriation for fiscal year 2024 and \$481,000 of the general fund—state appropriation for fiscal year 2025 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.

(j) 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.

(k) \$3,524,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for administrative costs related to the management of federal funds provided for COVID-19 response and other emergency needs.

## (2) DATA SYSTEMS

(a) \$1,802,000 of the general fund—state appropriation for fiscal year 2024 and \$1,802,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(b) \$281,000 of the general fund—state appropriation for fiscal year 2024 and \$281,000 of the general fund—state appropriation for fiscal year 2025 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 2024 and \$450,000 of the general fund—state appropriation for fiscal year 2025 are provided solely 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) \$68,000 of the general fund—state appropriation for fiscal year 2024 and \$68,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1013 (regional apprenticeship prgs). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(b) \$200,000 of the general fund—state appropriation for fiscal

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year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to meet statutory obligations related to the provision of medically and scientifically accurate, age-appropriate, and inclusive sexual health education as authorized by chapter 206, Laws of 1988 (AIDS omnibus act) and chapter 265, Laws of 2007 (healthy youth act).

(c) \$118,000 of the general fund—state appropriation for fiscal year 2024 and \$118,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 75, Laws of 2018 (dyslexia).

(d) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 386, Laws of 2019 (social emotional learning).

(e) \$107,000 of the general fund—state appropriation for fiscal year 2024 and \$107,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to support the children and youth behavioral health work group created in chapter 130, Laws of 2020 (child. mental health wk. grp).

(4) STATEWIDE PROGRAMS

(a) \$2,590,000 of the general fund—state appropriation for fiscal year 2024 and \$2,590,000 of the general fund—state appropriation for fiscal year 2025 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 2024 and \$703,000 of the general fund—state appropriation for fiscal year 2025 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 2024 and \$950,000 of the general fund—state appropriation for fiscal year 2025 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) \$457,000 of the general fund—state appropriation for fiscal year 2024 and \$260,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for chapter 102, Laws of 2014 (biliteracy seal). Of the amounts provided in this subsection:

(i) \$197,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the office to develop and establish criteria for school districts to award the seal of biliteracy to graduating high school students.

(ii) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to provide students with access to methods for students to demonstrate proficiency in less commonly taught or assessed languages.

(e)(i) \$50,000 of the general fund—state appropriation for fiscal year 2024 and \$50,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for school bullying and harassment prevention activities.

(ii) \$15,000 of the general fund—state appropriation for fiscal year 2024 and \$15,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 240, Laws of 2016 (school safety).

(iii) \$570,000 of the general fund—state appropriation for fiscal year 2024 and \$570,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to provide

statewide support and coordination for the regional network of behavioral health, school safety, and threat assessment established in chapter 333, Laws of 2019 (school safety and well-being).

(iv) \$196,000 of the general fund—state appropriation for fiscal year 2024 and \$196,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the school safety center within the office of the superintendent of public instruction.

(A) Within the amounts provided in this subsection (4)(e)(iv), \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a school safety program to provide school safety training for all school administrators and school safety personnel. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety.

(B) Within the amounts provided in this subsection (4)(e)(iv), \$96,000 of the general fund—state appropriation for fiscal year 2024 and \$96,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for administration of the school safety center. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, review and approve manuals and curricula used for school safety models and training, and maintain a school safety information web site.

(f)(i) \$162,000 of the general fund—state appropriation for fiscal year 2024 and \$162,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for youth suicide prevention activities.

(ii) \$76,000 of the general fund—state appropriation for fiscal year 2024 and \$76,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 64, Laws of 2018 (sexual abuse of students).

(g)(i) \$280,000 of the general fund—state appropriation for fiscal year 2024, \$280,000 of the general fund—state appropriation for fiscal year 2025, and \$1,202,000 of the dedicated cannabis 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, \$592,000 of the dedicated cannabis account—state appropriation for fiscal year 2024 and \$610,000 of the dedicated cannabis account—state appropriation for fiscal year 2025 are provided solely for the building bridges statewide program.

(ii) \$293,000 of the general fund—state appropriation for fiscal year 2024 and \$293,000 of the general fund—state appropriation for fiscal year 2025 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 2024 and \$178,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 291, Laws of 2017 (truancy reduction efforts).

(h) Sufficient amounts are appropriated in this section for the

office of the superintendent of public instruction to create a process and provide assistance to school districts in planning for future implementation of the summer knowledge improvement program grants.

(i) \$358,000 of the general fund—state appropriation for fiscal year 2024 and \$358,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of chapter 221, Laws of 2019 (CTE course equivalencies).

(j) \$196,000 of the general fund—state appropriation for fiscal year 2024 and \$196,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of chapter 252, Laws of 2019 (high school graduation reqs.).

(k) \$60,000 of the general fund—state appropriation for fiscal year 2024, \$60,000 of the general fund—state appropriation for fiscal year 2025, and \$680,000 of the general fund—federal appropriation are provided solely for the implementation of chapter 295, Laws of 2019 (educator workforce supply). Of the amounts provided in this subsection, \$680,000 of the general fund—federal appropriation is provided solely for title II SEA state-level activities to implement section 103, chapter 295, Laws of 2019 relating to the regional recruiters program.

(l) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a tribal liaison at the office of the superintendent of public instruction to facilitate access to and support enrollment in career connected learning opportunities for tribal students, including career awareness and exploration, career preparation, and career launch programs, as defined in RCW 28C.30.020, so that tribal students may receive high school or college credit to the maximum extent possible.

(m) \$57,000 of the general fund—state appropriation for fiscal year 2024 and \$57,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 288, Laws of 2020 (school meals at no cost).

(n) \$269,000 of the general fund—state appropriation for fiscal year 2024 and \$142,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 353, Laws of 2020 (innovative learning pilot).

(o) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to provide statewide coordination towards multicultural, culturally responsive, and anti-racist education to support academically, socially, and culturally literate learners. The office must engage community members and key interested parties to:

(i) Develop a clear definition and framework for African American studies to guide instruction in grades seven through twelve;

(ii) Develop a plan for aligning African American studies across all content areas; and

(iii) Identify professional development opportunities for educators and administrators to build capacity in creating high-quality learning environments centered in belonging and racial equity, anti-racist approaches, and asset-based methodologies that pull from all students' cultural funds of knowledge.

(p) \$49,000 of the general fund—state appropriation for fiscal year 2024 and \$49,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 38, Laws of 2021 (K-12 safety & security serv.).

(q) \$135,000 of the general fund—state appropriation for fiscal year 2024 and \$135,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 111, Laws of 2021 (learning assistance program).

(r) \$1,152,000 of the general fund—state appropriation for

fiscal year 2024 and \$1,157,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 164, Laws of 2021 (institutional ed./release).

(s) \$553,000 of the general fund—state appropriation for fiscal year 2024 and \$553,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to develop and implement a mathematics pathways pilot to modernize algebra II. The office should use research and engage stakeholders to develop a revised and expanded course.

(t) \$367,000 of the general fund—state appropriation for fiscal year 2024, \$3,348,000 of the general fund—state appropriation for fiscal year 2025, and \$2,981,000 of the elementary and secondary school emergency relief III account—federal appropriation are provided solely for implementation of chapter 107, Laws of 2022 (language access in schools).

(u) \$300,000 of the general fund—state appropriation for fiscal year 2024 and \$300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the superintendent to establish a media literacy and digital citizenship ambassador program to promote the integration of media literacy and digital citizenship instruction.

(v) \$294,000 of the general fund—state appropriation for fiscal year 2024 and \$294,000 of the general fund—state appropriation for fiscal year 2025 provided solely for implementation of chapter 9, Laws of 2022 (school consultation/tribes).

(w) \$50,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the office to consult with one or two public high schools that offer established courses in the early childhood development and services career pathway and develop model materials that may be employed by other school districts with an interest in establishing or expanding similar instructional offerings to students. The model materials must be developed by January 1, 2024.

(x) \$62,000 of the general fund—state appropriation for fiscal year 2024 and \$62,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the creation of a deliberative democratic climate change education program in public high schools based on the Washington student climate assembly pilot program. The office must use the funding to develop and promote a full curriculum for student climate assemblies that can be replicated in public high schools across the state and to fund a part-time statewide coordinator position to oversee program outreach and implementation. By January 1, 2025, the office must collect and evaluate feedback from teachers, students, local government employees, and elected officials participating in the pilot program and report to the legislature on options to improve, expand, and extend the program.

(y) \$75,000 of the general fund—state appropriation for fiscal year 2024 and \$75,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to contract with a nongovernmental agency to coordinate and serve as a fiscal agent and to cover direct costs of the project education impact workgroup to achieve educational parity for students experiencing foster care and/or homelessness, consistent with chapter 233, Laws of 2020. The office must contract with a nongovernmental agency with experience coordinating administrative and fiscal support for project education impact.

(z) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to contract with a community-based youth development nonprofit organization for a pilot program to provide behavioral health support for youth and trauma-informed, culturally

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responsive staff training.

(aa) \$533,000 of the general fund—state appropriation for fiscal year 2024 and \$198,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to conduct a cost analysis and feasibility study on the development of an online high school and beyond plan platform. The office must submit the analysis and feasibility study to the governor and the education policy and fiscal committees of the legislature by September 1, 2024.

(bb) \$150,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the office to contract for a feasibility study for the creation of a maritime academy on the Olympic peninsula. The study must include the scope, location, design, and budget for the construction of the maritime academy. The study must include plans to address systems, policies, and practices that address disparities of historically marginalized communities in the maritime industry. A preliminary report is due to the legislature by December 1, 2023, with the final feasibility study due to the legislature by June 3, 2024. Funding provided in this subsection may be matched by a nonprofit organization that provides students with accredited career and technical education for maritime vessel operations and maritime curriculum to high schools in Jefferson, Clallam, Kitsap, King, Mason, Pierce, Island, and Snohomish counties.

(cc) \$74,000 of the general fund—state appropriation for fiscal year 2024 and \$69,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1701 (institutional ed. programs). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(dd) \$141,000 of the general fund—state appropriation for fiscal year 2024 and \$130,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of House Bill No. 1308 (graduation pathway options). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(ee) \$525,000 of the general fund—state appropriation for fiscal year 2024 and \$525,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1332 (tribes/K-12 instruction). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse. Of the amounts provided in this subsection, \$250,000 in fiscal year 2024 and \$250,000 in fiscal year 2025 are provided solely for grants to school districts.

(ff) \$73,000 of the general fund—state appropriation for fiscal year 2024 and \$72,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1346 (purple star award). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(gg) \$228,000 of the general fund—state appropriation for fiscal year 2024 and \$14,772,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1479 (student restraint, isolation). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse. The legislature may consider future funding for school districts based on the staff professional development plans and timelines submitted to the office by January 30, 2024, as required under the bill.

(hh) \$563,000 of the general fund—state appropriation for fiscal year 2024 and \$5,363,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No.

1565 (prof. education workforce). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse. Funding in this subsection is sufficient to support five teacher residency cohorts with 17 residents per cohort.

(ii) \$419,000 of the general fund—state appropriation for fiscal year 2024 and \$238,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1550 (transition to kindergarten). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(jj) \$8,144,000 of the Washington state opportunity pathways account—state appropriation is provided solely for support to small school districts and public schools receiving allocations under chapters 28A.710 and 28A.715 RCW that have less than 800 enrolled students, are located in urban or suburban areas, and budgeted for less than \$20,000 per pupil in general fund expenditures in the 2022-23 school year. For eligible school districts and schools, the superintendent of public instruction must allocate an amount equal to the lesser of amount 1 or amount 2, as provided in (jj)(i) and (ii) of this subsection, multiplied by the school district or school's budgeted enrollment in the 2022-23 school year.

(i) Amount 1 is \$1,550.

(ii) Amount 2 is \$20,000 minus the school district or school's budgeted general fund expenditures per pupil in the 2022-23 school year.

#### (5) CAREER CONNECTED LEARNING

(a) \$852,000 of the workforce education investment account—state appropriation is provided solely for expanding career connected learning as provided in RCW 28C.30.020.

(b) \$960,000 of the workforce education investment account—state appropriation is provided solely for increasing the funding per full-time equivalent for career launch programs as described in RCW 28A.700.130. In the 2023-2025 fiscal biennium, for career launch enrollment exceeding the funding provided in this subsection, funding is provided in section 504 of this act.

(c) \$3,600,000 of the workforce education investment account—state appropriation is provided solely for the office of the superintendent of public instruction to administer grants to skill centers for nursing programs to purchase or upgrade simulation laboratory equipment.

(d) \$3,500,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1013 (regional apprenticeship prgs). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

#### **NEW SECTION. Sec. 502. FOR THE STATE BOARD OF EDUCATION**

General Fund—State Appropriation (FY 2024) .....	\$3,907,000
General Fund—State Appropriation (FY 2025) .....	\$6,605,000
Washington Opportunity Pathways Account—State Appropriation .....	\$332,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$10,844,000</b>

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

(1) \$1,798,000 of the general fund—state appropriation for fiscal year 2024 and \$1,798,000 of the general fund—state appropriation for fiscal year 2025 are for the operation and expenses of the state board of education.

(2) \$2,109,000 of the general fund—state appropriation for fiscal year 2024 and \$4,807,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to the state board of education for implementation of mastery-based learning in school district demonstration sites. The state board of education shall require grant recipients to report on impacts and participate

in a collaborative to share best practices. The funds must be used for grants to school districts, charter schools, or state tribal education compact schools established under chapter 28A.715 RCW; professional development of educators; development of a resource suite for school districts statewide; evaluation of the demonstration project; implementation and policy support provided by the state board of education and other partners; and a report outlining findings and recommendations to the governor and education committees of the legislature by December 31, 2025. Grants for mastery-based learning may be made in partnership with private matching funds.

**NEW SECTION. Sec. 503. FOR THE PROFESSIONAL EDUCATOR STANDARDS BOARD**

General Fund—State Appropriation (FY 2024)....	\$22,626,000
General Fund—State Appropriation (FY 2025)....	\$22,538,000
TOTAL APPROPRIATION.....	\$45,164,000

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

(1) \$1,831,000 of the general fund—state appropriation for fiscal year 2024 and \$1,831,000 of the general fund—state appropriation for fiscal year 2025 are for the operation and expenses of the Washington professional educator standards board including implementation of chapter 172, Laws of 2017 (educator prep. data/PESB).

(2)(a) \$600,000 of the general fund—state appropriation for fiscal year 2024 and \$600,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to improve preservice teacher training and funding of alternate routes to certification programs administered by the professional educator standards board.

(b) Within the amounts provided in this subsection (2), up to \$500,000 of the general fund—state appropriation for fiscal year 2024 and up to \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to public or private colleges of education in Washington state to develop models and share best practices for increasing the classroom teaching experience of preservice training programs.

(3) \$1,005,000 of the general fund—state appropriation for fiscal year 2024 and \$1,001,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the recruiting Washington teachers program with priority given to programs that support bilingual teachers, teachers from populations that are underrepresented, and English language learners. Of the amounts provided in this subsection (3), \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation and expansion of the bilingual educator initiative pilot project established under RCW 28A.180.120.

(4) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of chapter 295, Laws of 2019 (educator workforce supply).

(5) \$17,535,000 of the general fund—state appropriation for fiscal year 2024 and \$17,535,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 237, Laws of 2017 (paraeducators). Of the amounts provided in this subsection: \$16,873,000 of the general fund—state appropriation for fiscal year 2024 and \$16,873,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to districts to provide two days of training per school year in the paraeducator certificate program to all paraeducators. Funds in this subsection are provided solely for reimbursement to school districts that provide paraeducators with two days of training in the paraeducator

certificate program in each of the 2022-23 and 2023-24 school years. Funding provided in this subsection is sufficient for new paraeducators to receive four days of training in the paraeducator certificate program during their first year.

(6) \$85,000 of the general fund—state appropriation for fiscal year 2024 and \$28,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the board to review national certification opportunities for educational staff associates through the relevant national associations for their professional and through the national board for professional teaching standards. The board must compare the standards and processes for achieving these certifications, including an analysis of how educational staff associate positions' national certification aligns with school roles and the professional expertise of school-based education staff associates. The board must submit the comparison report to the education committees of the legislature by October 1, 2024.

(7) \$147,000 of the general fund—state appropriation for fiscal year 2024 and \$158,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1009 (military spouse employment). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(8) \$15,000 of the general fund—state appropriation for fiscal year 2024 and \$13,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1113 (prof. educator reprimands). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(9) \$179,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1377 (continuing education/K-12). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(10) \$1,008,000 of the general fund—state appropriation for fiscal year 2024 and \$1,072,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1565 (prof. education workforce). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(11) \$71,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the professional educator standards board and the paraeducator board to collaborate with the office of the superintendent of public instruction to report on a plan to align bilingual education and English language learner endorsement standards and to determine language assessment requirements for multilingual teachers and paraeducators. The report is due to the legislature by September 1, 2023.

**NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT**

General Fund—State Appropriation (FY 2024)	.....	\$9,963,542,000
General Fund—State Appropriation (FY 2025)	.....	\$10,078,427,000
General Fund—Federal Appropriation.....		\$41,848,000
Education Legacy Trust Account—State Appropriation	.....	\$1,538,730,000
Elementary and Secondary School Emergency Relief III		
Account—Federal Appropriation.....		\$20,000,000
Workforce Education Investment Account—State		
Appropriation .....		\$19,145,000
TOTAL APPROPRIATION .....		\$21,661,692,000

The appropriations in this section are subject to the following

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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 2023-24 and 2024-25 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, 2023, to August 31, 2023, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 504 and 505, chapter 297, Laws of 2022, as amended.

(d) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(e)(i) Funding provided in part V of this act is sufficient to provide each full-time equivalent student with the minimum hours of instruction required under RCW 28A.150.220.

(ii) The office of the superintendent of public instruction shall align the agency rules defining a full-time equivalent student with the increase in the minimum instructional hours under RCW 28A.150.220, as amended by the legislature in 2014.

(f) The superintendent shall adopt rules requiring school districts to report full-time equivalent student enrollment as provided in RCW 28A.655.210.

(g) For the 2023-24 and 2024-25 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 2023-24 and 2024-25 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school, including those at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

General  
education  
class size:

Grade	RCW 28A.150.260	2023-24 School Year	2024-25 School Year
Grade K		17.00	17.00
Grade 1		17.00	17.00
Grade 2		17.00	17.00
Grade 3		17.00	17.00
Grade 4		27.00	27.00
Grades 5-6		27.00	27.00
Grades 7-8		28.53	28.53
Grades 9-12		28.74	28.74

The superintendent shall base allocations for: Laboratory science average class size as provided in RCW 28A.150.260; career and technical education (CTE) class size of 23.0; and skill center program class size of 19. Certificated instructional staff units provided for skills centers that exceed the minimum requirements of RCW 28A.150.260 achieve class size reductions under RCW 28A.400.007 and are part of the state's program of basic education.

(ii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iii) Advanced placement and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260, as amended by chapter 109, Laws of 2022, and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii)(A) For qualifying high-poverty schools in the 2023-24 school year, at which more than 50 percent of the students were eligible for free and reduced-price meals in the prior school year, in addition to the allocation under (d)(i) of this subsection, the superintendent shall allocate additional funding for guidance counselors for each level of prototypical school as follows:

	Elementary	Middle	High
Guidance counselors	0.167	0.167	0.157

(B) 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:

	2023-24 School Year	2024-25 School Year
Career and Technical Education	3.65	3.91
Skill Center	3.98	4.25

**(3) ADMINISTRATIVE STAFF ALLOCATIONS**

(a) Allocations for school building-level certificated administrative staff salaries for the 2023-24 and 2024-25 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 2023-24 and 2024-25 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 2023-24 and 2024-25 school years for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b) and the increased allocations provided pursuant to subsections (2) and (4) of this section, by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.48 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by 12.30 percent in the 2023-24 school year and 12.46 percent in the 2024-25 school year for career and technical education students, and 17.63 percent in the 2023-24 school year and 17.80 percent in the 2024-25 school year for skill center students.

**(6) FRINGE BENEFIT ALLOCATIONS**

Fringe benefit allocations shall be calculated at a rate of 22.98 percent in the 2023-24 school year and 17.23 percent in the 2024-25 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 22.94 percent in the 2023-24 school year and 22.94 percent in the 2024-25 school year for classified salary allocations provided under subsections (4) and (5) of this section.

**(7) INSURANCE BENEFIT ALLOCATIONS**

Insurance benefit allocations shall be calculated at the rates specified in section 506 of this act, based on the number of benefit units determined as follows: Except for nonrepresented employees of educational service districts, the number of calculated benefit units determined below. Calculated benefit units are staff units multiplied by the benefit allocation factors established in the collective bargaining agreement referenced in section 911 of this act. These factors are intended to adjust allocations so that, for the purpose of distributing insurance benefits, full-time equivalent employees may be calculated on the basis of 630 hours of work per year, with no individual employee counted as more than one full-time equivalent. The number of benefit units is determined as follows:

- (a) The number of certificated staff units determined in subsections (2), (3), and (5) of this section multiplied by 1.02; and
- (b) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.43.

**(8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS**

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a)(i) MSOC funding for general education students are allocated at the following per student rates:

**MSOC RATES/STUDENT FTE**

MSOC Component	2023-24 School Year	2024-25 School Year
Technology	\$178.98	\$182.72
Utilities and Insurance	\$416.26	\$425.01
Curriculum and Textbooks	\$164.48	\$167.94
Other Supplies	\$326.54	\$333.40
Library Materials	\$22.65	\$23.13
Instructional Professional Development for Certificated and Classified Staff	\$25.44	\$25.97
Facilities Maintenance	\$206.22	\$210.55
Security and Central Office	\$142.87	\$145.87
<b>TOTAL</b>	<b>\$1,483.44</b>	<b>\$1,514.59</b>
<b>MSOC/STUDENT FTE</b>		

(ii) For the 2023-24 school year and 2024-25 school year, as part of the budget development, hearing, and review process required by chapter 28A.505 RCW, each school district must disclose: (A) The amount of state funding to be received by the district under (a) and (d) of this subsection (8); (B) the amount the district proposes to spend for materials, supplies, and operating costs; (C) the difference between these two amounts; and (D) if (A) of this subsection (8)(a)(ii) exceeds (B) of this subsection (8)(a)(ii), any proposed use of this difference and how this use will improve student achievement.

(iii) Within the amount provided in (a)(i) of this subsection (8), allocations for MSOC technology in excess of RCW 28A.150.260 are not part of the state's basic education.

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(b) Students in approved skill center programs generate per student FTE MSOC allocations of \$1,724.62 for the 2023-24 school year and \$1,760.84 for the 2024-25 school year.

(c) Students in approved exploratory and preparatory career and technical education programs generate per student FTE MSOC allocations of \$1,724.62 for the 2023-24 school year and \$1,760.84 for the 2024-25 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	2023-24 School Year	2024-25 School Year
Technology	\$44.04	\$44.97
Curriculum and Textbooks	\$48.06	\$49.06
Other Supplies	\$94.07	\$96.04
Library Materials	\$6.05	\$6.18
Instructional Professional Development for Certified and Classified Staff	\$8.01	\$8.18
<b>TOTAL GRADE 9-12</b>	<b>\$200.23</b>	<b>\$204.43</b>
<b>BASIC EDUCATION MSOC/STUDENT FTE</b>		

**(9) SUBSTITUTE TEACHER ALLOCATIONS**

For the 2023-24 and 2024-25 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, 2023, to August 31, 2023, are adjusted to reflect provisions of chapter 297, Laws of 2022, as amended (allocation of funding for students enrolled in alternative learning experiences).

(b) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

**(11) DROPOUT REENGAGEMENT PROGRAM**

The superintendent shall adopt rules to require students claimed for general apportionment funding based on enrollment in dropout reengagement programs authorized under RCW 28A.175.100 through 28A.175.115 to meet requirements for at least weekly minimum instructional contact, academic counseling, career counseling, or case management contact. Districts must also provide separate financial accounting of expenditures for the programs offered by the district or under contract with a provider, as well as accurate monthly headcount and full-time equivalent enrollment claimed for basic education, including separate enrollment counts of resident and nonresident students.

**(12) ALL DAY KINDERGARTEN PROGRAMS**

\$734,619,000 of the general fund—state appropriation for fiscal year 2024 and \$885,714,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to fund all day kindergarten programs in all schools in the 2023-24 school year and 2024-25 school year, pursuant to RCW 28A.150.220 and

28A.150.315. Beginning in the 2024-25 school year, funding for students admitted early to kindergarten under exceptions to the uniform entry qualifications under RCW 28A.225.160 must be limited to children deemed by the local educational service district, using multiple objective criteria, to be likely to be "successful in kindergarten."

**(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 2024 and 2025 as follows:

(a) \$650,000 of the general fund—state appropriation for fiscal year 2024 and \$650,000 of the general fund—state appropriation for fiscal year 2025 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 2024 and \$436,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(16) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(17) Funding in this section is sufficient to fund a maximum of 1.2 FTE enrollment for career launch students pursuant to RCW 28A.700.130. Expenditures for this purpose must come first from the appropriations provided in section 501(5) of this act; funding for career launch enrollment exceeding those appropriations is provided in this section. The office of the superintendent of public

instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by January 1, 2024. The report must include the total FTE enrollment for career launch students, the FTE enrollment for career launch students that exceeded the appropriations provided in section 501(5) of this act, and the amount expended from this section for those students.

(18)(a) Students participating in running start programs may be funded up to a combined maximum enrollment of 1.6 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 1.6 FTE, the office of the superintendent of public instruction:

(i) Must adopt rules to fund the participating student's enrollment in running start courses provided by the institution of higher education during the summer academic term; and

(ii) 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 the institution of higher education.

(iii) In consultation with the state board for community and technical colleges, the participating institutions of higher education, the student achievement council, and the education data center, must 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.

(b) Within the amounts appropriated in this section, sufficient funds are provided to implement Second Substitute House Bill No. 1316 (dual credit program access).

(19) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (13) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (13) of this section shall be reduced in increments of twenty percent per year.

(20)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed the lesser of five percent or the cap established in federal law of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

(21) Funding in this section is sufficient to provide full general apportionment payments to school districts eligible for federal forest revenues as provided in RCW 28A.520.020. For the 2023-2025 biennium, general apportionment payments are not reduced for school districts receiving federal forest revenues.

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(22) \$41,848,000 of the general fund—federal appropriation (CRRSA/GEER) and \$20,000,000 of the elementary and secondary school emergency relief III account—federal appropriation are provided solely for enrollment funding for transitional kindergarten as defined in Second Substitute House Bill No. 1550 (transition to kindergarten) in the 2023-24 school year. Enrollment funding for transitional kindergarten is not part of the state's statutory program of basic education. The superintendent shall not allocate funding for enrollment in transitional kindergarten in the 2024-25 school year.

**NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION**

(1) The following calculations determine the salaries used in the state allocations for certificated instructional, certificated administrative, and classified staff units as provided in RCW 28A.150.260, and under section 504 of this act: For the 2023-24 school year and the 2024-25 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	2023-24 School Year	2024-25 School Year
Certificated Instructional	\$75,419	\$78,360
Certificated Administrative	\$111,950	\$116,316
Classified	\$54,103	\$56,213

(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 March 24, 2023, at 6:09 hours.

(3) Incremental fringe benefit factors are applied to salary adjustments at a rate of 22.34 percent for school year 2023-24 and 16.59 percent for school year 2024-25 for certificated instructional and certificated administrative staff and 19.44 percent for school year 2023-24 and 19.44 percent for the 2024-25 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).

**NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund—State Appropriation (FY 2024)..	\$418,501,000
General Fund—State Appropriation (FY 2025)..	\$895,637,000
Workforce Education Investment Account—State Appropriation.....	\$537,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$1,314,675,000</b>

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

(1) The salary increases provided in this section are 3.7 percent

for the 2023-24 school year, and 3.9 percent for the 2024-25 school year, the annual inflationary adjustments pursuant to RCW 28A.400.205.

(2)(a) In addition to salary allocations, the appropriations in this section include funding for professional learning as defined in RCW 28A.415.430, 28A.415.432, and 28A.415.434. Funding for this purpose is calculated as the equivalent of three days of salary and benefits for each of the funded full-time equivalent certificated instructional staff units. Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.

(b) Of the funding provided for professional learning in this section, the equivalent of one day of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in the 2023-24 school year must be used to train school district staff on cultural competency, diversity, equity, or inclusion, as required in chapter 197, Laws of 2021.

(3)(a) The appropriations in this section include associated incremental fringe benefit allocations at 22.34 percent for the 2023-24 school year and 16.59 percent for the 2024-25 school year for certificated instructional and certificated administrative staff and 19.44 percent for the 2023-24 school year and 19.44 percent for the 2024-25 school year for classified staff.

(b) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocations and methodology in sections 504 and 505 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 504 and 505 of this act. Changes for pupil transportation are determined by the superintendent of public instruction pursuant to RCW 28A.160.192, and impact compensation factors in sections 504, 505, and 506 of this act.

(c) The appropriations in this section include no salary adjustments for substitute teachers.

(4) The appropriations in this section are sufficient to fund the collective bargaining agreement referenced in section 911 of this act and reflect the incremental change in cost of allocating rates as follows: For the 2023-24 school year, \$1,116 per month and for the 2024-25 school year, \$1,178 per month.

(5) When bargaining for funding for school employees health benefits for the 2023-2025 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) \$1,723,000 of the general fund—state appropriation for fiscal year 2024 and \$5,125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1436 (special education funding). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(8) \$46,648,000 of the general fund—state appropriation for

fiscal year 2024 and \$211,674,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1732 (K-12 inflation adjustments). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION**

General Fund—State Appropriation (FY 2024).. \$750,749,000  
General Fund—State Appropriation (FY 2025).. \$749,332,000  
TOTAL APPROPRIATION..... \$1,500,081,000

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 2023-24 and 2024-25 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, 2023, to August 31, 2023, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 507, chapter 297, Laws of 2022, as amended.

(3) Within amounts appropriated in this section, up to \$10,000,000 of the general fund—state appropriation for fiscal year 2024 and up to \$10,000,000 of the general fund—state appropriation for fiscal year 2025 are for a transportation alternate funding grant program based on the alternate funding process established in RCW 28A.160.191. The superintendent of public instruction must include a review of school district efficiency rating, key performance indicators and local school district characteristics such as unique geographic constraints in the grant award process.

(4) A maximum of \$939,000 of the general fund—state appropriation for fiscal year 2024 and a maximum of \$939,000 of the general fund—state appropriation for fiscal year 2025 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.

**NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SCHOOL FOOD SERVICES**

General Fund—State Appropriation (FY 2024) ....\$40,760,000  
General Fund—State Appropriation (FY 2025) ....\$79,857,000  
General Fund—Federal Appropriation.....\$565,678,000  
TOTAL APPROPRIATION .....\$686,295,000

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

(1) \$11,548,000 of the general fund—state appropriation for fiscal year 2024 and \$11,548,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for state matching money for federal child nutrition programs, and may support the meals for kids program through the following allowable uses:

(a) Elimination of breakfast copays for eligible public school students and lunch copays for eligible public school students in grades pre-kindergarten through twelfth grades who are eligible for reduced-price lunch as required in chapter 74, Laws of 2021 (reduced-price lunch copays);

(b) Assistance to school districts and authorized public and private nonprofit organizations for supporting summer food service programs, and initiating new summer food service programs in low-income areas;

(c) Reimbursements to school districts for school breakfasts served to students eligible for free and reduced-price lunch, pursuant to chapter 287, Laws of 2005; and

(d) Assistance to school districts in initiating and expanding school breakfast programs.

(2) The office of the superintendent of public instruction shall report annually to the fiscal committees of the legislature on annual expenditures in subsection (1)(a) through (c) of this section.

(3) The superintendent of public instruction shall provide the department of health with the following data, where available, for all nutrition assistance programs that are funded by the United States department of agriculture and administered by the office of the superintendent of public instruction. The superintendent must provide the report for the preceding federal fiscal year by February 1, 2024, and February 1, 2025. The report must provide:

(a) The number of people in Washington who are eligible for the program;

(b) The number of people in Washington who participated in the program;

(c) The average annual participation rate in the program;

(d) Participation rates by geographic distribution; and

(e) The annual federal funding of the program in Washington.

(4)(a) \$21,167,000 of the general fund—state appropriation for fiscal year 2024, \$28,500,000 of the general fund—federal appropriation (CRRSA), and \$52,167,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for reimbursements to school districts for schools and groups of schools required to participate in the federal community eligibility program under section 1, chapter 7, Laws of 2022 (schools/comm. eligibility) for meals not reimbursed at the federal free meal rate.

(b) \$119,000 of the general fund—state appropriation for fiscal year 2024 and \$119,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 271, Laws of 2018 (school meal payment) to increase the number of schools participating in the federal community eligibility program and to support breakfast after the bell

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programs authorized by the legislature that have adopted the community eligibility provision, and for staff at the office of the superintendent of public instruction to implement section 1, chapter 7, Laws of 2022 (schools/comm. eligibility).

(5) \$7,426,000 of the general fund—state appropriation for fiscal year 2024 and \$16,023,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1238 (free school meals). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 2024)	\$1,604,313,000
General Fund—State Appropriation (FY 2025)	\$1,686,922,000
General Fund—Federal Appropriation	\$529,429,000
Education Legacy Trust Account—State Appropriation	\$54,694,000
Elementary and Secondary School Emergency Relief III Account—Federal Appropriation	\$67,042,000
<b>TOTAL APPROPRIATION</b>	<b>\$3,942,400,000</b>

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

(1)(a) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 504 and 506 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(b) Funding provided within this section is sufficient for districts to provide school principals and lead special education teachers annual professional development on the best-practices for special education instruction and strategies for implementation. Districts shall annually provide a summary of professional development activities to the office of the superintendent of public instruction.

(2)(a) The superintendent of public instruction shall ensure that:

- (i) Special education students are basic education students first;
- (ii) As a class, special education students are entitled to the full basic education allocation; and
- (iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting as follows:

- (i) Through the 2023-24 school year, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.
- (ii) Beginning in the 2024-25 school year, as required under section 4 of Engrossed Substitute House Bill No. 1436 (special education funding).

(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 2023-24 and 2024-25 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390, except that the calculation of the base allocation also includes

allocations provided under section 504(2) and (4) of this act and RCW 28A.150.415, which enhancement is within the program of basic education.

(b) From July 1, 2023, to August 31, 2023, the superintendent shall allocate funding to school district programs for special education students as provided in section 509, chapter 297, Laws of 2022, as amended.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund—state funded special education enrollment shall be:

(i) In the 2023-24 school year, the lesser of the district's actual enrollment percent or 14 percent.

(ii) In the 2024-25 school year, the lesser of the district's actual enrollment percent or 14.5 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) \$106,931,000 of the general fund—state appropriation for fiscal year 2024, \$106,931,000 of the general fund—state appropriation for fiscal year 2025, and \$7,807,000 of the elementary and secondary school emergency relief III account—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 2023-24 and 2024-25 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 \$1,250,000 may be expended from the general fund—state appropriations to fund teachers and aides at Seattle children's hospital. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended

in the special education program.

(11) \$87,000 of the general fund—state appropriation for fiscal year 2024, \$87,000 of the general fund—state appropriation for fiscal year 2025, and \$214,000 of the general fund—federal appropriation are provided solely for a special education family liaison position within the office of the superintendent of public instruction.

(12) \$7,000,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely for the office of the superintendent of public instruction to provide an allocation to school districts for extension of transition services for students with disabilities who turned age 21 during the 2013-24 or 2024-25 school years, did not graduate with a regular diploma, and require recovery services on or after July 1, 2021, as determined by the student's individualized education plan team. The extension of these services does not reduce or supplant any other services for which the individual would be eligible. Allocations for this purpose may not exceed the amounts provided in this subsection. The office of the superintendent of public instruction may adopt formulas and procedures to define a per-student amount to be provided to students that meet the criteria, so that allocations do not exceed amounts provided in this subsection. Amounts provided in this subsection are outside the state's program of basic education.

(13)(a) \$13,538,000 of the general fund—federal appropriation (ARPA) is provided solely for allocations from federal funding as authorized in section 2014, the American rescue plan act of 2021, P.L. 117-2.

(b) \$1,777,000 of the general fund—federal appropriation (ARPA) is provided solely for providing preschool services to qualifying special education students under section 619 of the federal individuals with disabilities education act, pursuant to section 2002, the American rescue plan act of 2021, P.L. 117-2.

(14) \$5,000,000 of the general fund—state appropriation for fiscal year 2025 and \$5,000,000 of the elementary and secondary school emergency relief III account—federal appropriation are provided solely for the office of the superintendent of public instruction to support professional development in inclusionary practices for classroom teachers as required in Engrossed Substitute House Bill No. 1436 (special education funding). The primary form of support to public school classroom teachers must be for mentors who are experts in best practices for inclusive education, differentiated instruction, and individualized instruction. Funding for mentors must be prioritized to the public schools with the highest percentage of students with individualized education programs aged three through 21 who spend the least amount of time in general education classrooms.

(15) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for reimbursements for initial special education evaluations and individualized education programs during summer months under Substitute House Bill No. 1109 (special education funding). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(16) \$47,235,000 of the elementary and secondary school emergency relief III account—federal appropriation and \$77,759,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for increases to the excess cost multiplier and the enrollment limit under Engrossed Substitute House Bill No. 1436 (special education funding). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR**

**EDUCATIONAL SERVICE DISTRICTS**

General Fund—State Appropriation (FY 2024) .....	\$36,103,000
General Fund—State Appropriation (FY 2025) .....	\$35,220,000
Elementary and Secondary School Emergency Relief III Account—Federal Appropriation .....	\$5,000,000
Workforce Education Investment Account—State Appropriation .....	\$2,700,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$79,023,000</b>

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

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies aligned with common core state standards and next generation science standards. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) Funding in this section is provided for regional professional development related to English language arts curriculum and instructional strategies aligned with common core state standards. Each educational service district shall use this funding solely for salary and benefits for certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(4) Funding in this section is provided for regional technical support for the K-20 telecommunications network to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(5) Funding in this section is provided for a corps of nurses located at the educational service districts, to be dispatched in coordination with the office of the superintendent of public instruction, to provide direct care to students, health education, and training for school staff. In fiscal years 2024 and 2025, allocations for the corps of nurses is sufficient to provide one day per week of nursing services for all second-class school districts.

(6) Funding in this section is provided for staff and support at the nine educational service districts to provide a network of support for school districts to develop and implement comprehensive suicide prevention and behavioral health supports for students.

(7) Funding in this section is provided for staff and support at the nine educational service districts to provide assistance to school districts with comprehensive safe schools planning, conducting needs assessments, school safety and security trainings, coordinating appropriate crisis and emergency response and recovery, and developing threat assessment and crisis intervention teams. In fiscal years 2024 and 2025, allocations for staff and support for regional safety centers are increased to 3 full-time equivalent certificated instructional staff for each regional safety center.

(8) Funding in this section is provided for regional English language arts coordinators to provide professional development of teachers and principals around the new early screening for dyslexia requirements.

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(9) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

(10) \$2,169,000 of the general fund—state appropriation for fiscal year 2024 and \$2,169,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for each educational service district to provide technology consultation, procurement, and training required under chapter 301, Laws of 2021 (schools/computers & devices).

(11) \$1,009,000 of the general fund—state appropriation for fiscal year 2024 and \$1,009,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 87, Laws of 2022 (ed. service district funding).

(12) \$2,700,000 of the workforce education investment account—state appropriation is provided solely for the nine educational service districts for the cost of employing one full-time equivalent employee to support the expansion of career connected learning.

(13) \$325,000 of the general fund—state appropriation for fiscal year 2024 and \$325,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Puget Sound educational service district 121 to administer a Washington state capitol civic engagement grant program for the Auburn, Federal Way, Highline, Kent, Renton, and Tukwila public school districts. Grant recipients must use the grant awards to transport one grade of either fourth or fifth grade students to the Washington state capitol campus for a day of civic engagement, which may include a capitol tour, mock legislative committee hearings, presentations on the legislative process, meet and greets with legislative members, and other related activities. If funding remains after all eligible school districts have received grant awards, the remaining funding may be used to support the program for high school students within the eligible school districts. Of the amounts provided in this subsection, \$5,000 of the general fund—state appropriation for fiscal year 2024 and \$5,000 of the general fund—state appropriation for fiscal year 2025 are provided for the Puget Sound educational service district to administer the grant program.

(14) \$5,000,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely to continue behavioral health regional services grants to support school districts with the least access to behavioral health services.

(15) \$2,800,000 of the general fund—state appropriation for fiscal year 2024 and \$2,800,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the educational service districts to expand and maintain student behavioral health and mental health services.

(16) \$643,000 of the general fund—state appropriation for fiscal year 2024 and \$643,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for educational service districts 121 and 101 to coordinate with local mental health agencies and local school districts to arrange for in-school placements of social worker associates licensed under RCW 18.225.145 and masters in social work candidates enrolled in an accredited university program who commit to working as school social workers, and to coordinate clinical supervision for approved supervisors that meet the requirements as defined in

rule by the department of health to provide the necessary supervision to the social worker associates and masters in social work candidates.

**NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE**

General Fund—State Appropriation (FY 2024) ..\$235,469,000

General Fund—State Appropriation (FY 2025) ..\$211,159,000

TOTAL APPROPRIATION .....\$446,628,000

**NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 2024) ....\$15,163,000

General Fund—State Appropriation (FY 2025) ....\$14,748,000

TOTAL APPROPRIATION .....\$29,911,000

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

(1) Each general fund—state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$701,000 of the general fund—state appropriation for fiscal year 2024 and \$701,000 of the general fund—state appropriation for fiscal year 2025 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) Within the amounts provided in this section, funding is provided to increase the capacity of institutional education programs to differentiate instruction to meet students' unique educational needs, including students with individualized educational plans. Those needs may include but are not limited to one-on-one instruction, enhanced access to counseling for social emotional needs of the student, and services to identify the proper level of instruction at the time of student entry into the facility. Allocations of amounts for this purpose in a school year must be based on 45 percent of full-time enrollment in institutional education receiving a differentiated instruction amount per pupil equal to the total statewide allocation generated by the distribution formula under RCW 28A.150.260 (4)(a), (5), (6), and (8) and the allocation under RCW 28A.150.415, per the statewide full-time equivalent enrollment in common schools.

(7) \$200,000 of the general fund—state appropriation in fiscal year 2024 and \$200,000 of the general fund—state appropriation in fiscal year 2025 are provided solely to support two 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 and for the Chehalis school district for Green Hill academic school.

(8) Ten percent of the funds allocated for the institution may be carried over from one year to the next.

(9) \$588,000 of the general fund—state appropriation for fiscal year 2024 and \$897,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for one educational advocate to each institution with enrollments above 40 full-time equivalent students in addition to any educational advocates supported by federal funding. Educational advocates will provide the following supports to students enrolled in or just released from institutional education programs:

(a) Advocacy for institutional education students to eliminate barriers to educational access and success;

(b) Consultation with juvenile rehabilitation staff to develop educational plans for and with participating youth;

(c) Monitoring educational progress of participating students;

(d) Providing participating students with school and local resources that may assist in educational access and success upon release from institutional education facilities; and

(e) Coaching students and caregivers to advocate for educational needs to be addressed at the school district upon return to the community.

(10) Within the amounts provided in this section, funding is provided to increase materials, supplies, and operating costs by \$85 per pupil for technology supports for institutional education programs. This funding is in addition to general education materials, supplies, and operating costs provided to institutional education programs, which exclude formula costs supported by the institutional facilities.

(11) \$400,000 of the general fund—state appropriation for fiscal year 2024 and \$400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to support instruction in cohorts of students grouped by similar age and academic levels.

**NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund—State Appropriation (FY 2024).... \$34,328,000

General Fund—State Appropriation (FY 2025).... \$33,180,000

TOTAL APPROPRIATION..... \$67,508,000

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 2023-24 and 2024-25 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, 2023, to August 31, 2023, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 513, chapter 297, Laws of 2022, as amended.

**NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR**

**MISCELLANEOUS—EVERY STUDENT SUCCEEDS ACT**

General Fund—Federal Appropriation..... \$9,802,000

TOTAL APPROPRIATION ..... \$9,802,000

**NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS**

General Fund—State Appropriation (FY 2024) ..\$143,213,000

General Fund—State Appropriation (FY 2025) ..\$141,642,000

General Fund—Federal Appropriation.....\$95,467,000

General Fund—Private/Local Appropriation ..... \$1,450,000

Education Legacy Trust Account—State Appropriation ..... \$1,648,000

TOTAL APPROPRIATION .....\$383,420,000

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 2024, \$26,975,000 of the general fund—state appropriation for fiscal year 2025, \$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 2024 and \$14,352,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 159, Laws of 2013 (K-12 education - failing schools).

**(2) EDUCATOR CONTINUUM**

(a) \$78,533,000 of the general fund—state appropriation for fiscal year 2024 and \$76,936,000 of the general fund—state appropriation for fiscal year 2025 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 \$6,206 per teacher in the 2023-24 school year and a bonus of \$6,336 per teacher in the 2024-25 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 2023-24 and 2024-25 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

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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 2024 and \$3,418,000 of the general fund—state appropriation for fiscal year 2025 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 2024 and \$477,000 of the general fund—state appropriation for fiscal year 2025 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 2024 and \$810,000 of the general fund—state appropriation for fiscal year 2025 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, educational service districts, and others as the independent organization shall identify.

(e) \$12,500,000 of the general fund—state appropriation for fiscal year 2024 and \$12,500,000 of the general fund—state appropriation for fiscal year 2025 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. Of the amounts provided in this subsection, \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to support first year educators in the mentoring program.

(f) \$4,000,000 of the general fund—state appropriation for fiscal year 2024 and \$4,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the provision of training for teachers, principals, and principal evaluators in the performance-based teacher principal evaluation program.

**NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund—State Appropriation (FY 2024) ..	\$243,792,000
General Fund—State Appropriation (FY 2025) ..	\$237,141,000
General Fund—Federal Appropriation.....	\$107,124,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$588,057,000</b>

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 2023-24 and 2024-25 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 2023-24 and 2024-25; (ii) additional instruction of 3.0000 hours per week in school years 2023-24 and 2024-25 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, 2023, to August 31, 2023, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 516, chapter 297, Laws of 2022, as amended.

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: 1.69 percent for school year 2023-24 and 1.75 percent for school year 2024-25.

(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 2024 and \$35,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to track current and former transitional bilingual program students.

(6) \$1,461,000 of the general fund—state appropriation in fiscal year 2024 and \$1,916,000 of the general fund—state appropriation in fiscal year 2025 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.

**NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund—State Appropriation (FY 2024) ..	\$480,858,000
General Fund—State Appropriation (FY 2025) ..	\$470,211,000
General Fund—Federal Appropriation.....	\$533,487,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$1,484,556,000</b>

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



(1) The general fund—state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2023-24 and 2024-25 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a). 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 2023-24 and 2024-25 school years; (B) additional instruction of 1.1 hours per week per funded learning assistance program student for the 2023-24 and 2024-25 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, 2023, to August 31, 2023, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 517, chapter 297, Laws of 2022, as amended.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced-price lunch in the school year period defined under RCW 28A.150.260(10)(a). A 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 2023-24 and 2024-25 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.

**NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—PER PUPIL ALLOCATIONS**

Statewide Average Allocations		
Per Annual Average Full-Time Equivalent Student		
Basic Education Program	2023-24 School Year	2024-25 School Year
General Apportionment	\$10,630	\$10,810
Pupil Transportation	\$722	\$746
Special Education Programs	\$11,620	\$11,897
Institutional	\$27,798	\$27,865

Education Programs		
Programs for Highly Capable Students	\$673	\$671
Transitional Bilingual Programs	\$1,615	\$1,586
Learning Assistance Program	\$1,047	\$1,044

**NEW SECTION. Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocation purposes only, unless specified by part V of this act, and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided in statute, are not within the program of basic education unless clearly stated by this act.

(2) When adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act.

(4) 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.

(5) Appropriations in sections 504 and 506 of this act for insurance benefits under chapter 41.05 RCW are provided solely for the superintendent to allocate to districts for employee health benefits as provided in section 911 of this act. The superintendent may not allocate, and districts may not expend, these amounts for any other purpose beyond those authorized in section 911 of this act.

(6) 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.

**NEW SECTION. Sec. 520. FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CHARTER SCHOOLS**

Washington Opportunity Pathways Account—State Appropriation .....	\$189,508,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$189,508,000</b>

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

(1) The superintendent shall distribute funding appropriated in this section to charter schools under chapter 28A.710 RCW. Within amounts provided in this section the superintendent may distribute funding for safety net awards for charter schools with demonstrated needs for special education funding beyond the amounts provided under chapter 28A.710 RCW.

(2) \$429,000 of the Washington opportunity pathways account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1436 (special education funding). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(3) \$3,312,000 of the Washington opportunity pathways

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account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1732 (K-12 inflation adjustments). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 521. FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE WASHINGTON STATE CHARTER SCHOOL COMMISSION**

Washington Opportunity Pathways Account—State	
Appropriation.....	\$23,000
Charter Schools Oversight Account—State	
Appropriation.....	\$4,488,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$4,511,000</b>

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

(1) The entire Washington opportunity pathways account—state appropriation in this section is provided to the superintendent of public instruction solely for the operations of the Washington state charter school commission under chapter 28A.710 RCW.

(2) \$28,000 of the charter schools oversight account—state appropriation is provided solely to the Washington state charter school commission to enable each charter school to participate in the governance training required under chapter 197, Laws of 2021 (schools/equity training).

(3) \$238,000 of the charter schools oversight account—state appropriation is provided solely for office of the attorney general legal services related to litigation challenging the commission's authority to oversee and regulate charter schools.

**NEW SECTION. Sec. 522. FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GRANTS AND PASS THROUGH FUNDING**

General Fund—State Appropriation (FY 2024)....	\$71,464,000
General Fund—State Appropriation (FY 2025)....	\$81,346,000
General Fund—Federal Appropriation .....	\$121,569,000
Elementary and Secondary School Emergency Relief III	
Account—Federal Appropriation .....	\$836,297,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$1,110,676,000</b>

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

(1) \$29,000 of the general fund—state appropriation for fiscal year 2024 and \$29,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for global compensation changes.

**(2) GRADUATION SUCCESS AND PREPARATION FOR POSTSECONDARY PATHWAYS**

(a) \$4,894,000 of the general fund—state appropriation for fiscal year 2024 and \$4,894,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to administer programs and grants which increase equitable access to dual credit programs, including subsidizing or eliminating student costs for dual credit courses or exams. By November 2024, the office shall submit a report to relevant committees of the legislature describing options for entering into statewide agreements with dual credit exam companies that will reduce the overall costs for all students and eliminate costs for students who are low income.

(b) \$2,752,000 of the general fund—state appropriation for fiscal year 2024 and \$2,752,000 of the general fund—state appropriation for fiscal year 2025 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 2024

appropriation and \$1,075,000 of the 2025 appropriation shall be used to support FIRST robotics programs in grades four through twelve. Of the amounts provided in this subsection (2)(b), \$800,000 of the fiscal year 2024 appropriation and \$800,000 of the fiscal year 2025 appropriation are provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations.

(c) \$135,000 of the general fund—state appropriation for fiscal year 2024 and \$135,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(d) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for advanced project lead the way courses at ten high schools. To be eligible for funding in 2024, a high school must have offered a foundational project lead the way course during the 2022-23 school year. The 2024 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 2023-24 school year. To be eligible for funding in 2025, a high school must have offered a foundational project lead the way course during the 2023-24 school year. The 2025 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 2024-25 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.

(e) \$2,627,000 of the general fund—state appropriation for fiscal year 2024 and \$2,627,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for annual startup, expansion, or maintenance of core plus programs in maritime, construction, and aerospace and advanced manufacturing programs. To be eligible for funding to start up, maintain, or expand programs under (i) through (iii) of this subsection (2)(e), the skills center, high schools, and middle schools must be selected through a competitive grant process administered by the office of the superintendent of public instruction in consultation with the advisory committee established in (vi) of this subsection (2)(e). The office and the education research and data center shall report annually student participation and long-term outcome data. Within the amounts provided in this subsection (2)(e):

(i) \$900,000 of the general fund—state appropriation for fiscal year 2024 and \$900,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants for the annual startup, expansion, or maintenance of core plus programs in aerospace and advanced manufacturing programs.

(ii) \$600,000 of the general fund—state appropriation for fiscal year 2024 and \$600,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants for the annual startup, expansion, or maintenance of core plus programs in construction programs.

(iii) \$600,000 of the general fund—state appropriation for fiscal year 2024 and \$600,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants for the annual startup, expansion, or maintenance of core plus programs in maritime programs.

(iv) For (i) through (iii) of this subsection (2)(e), when the grant demand does not align with the specified allocation, the superintendent may allocate funding toward sector areas that meet

criteria based on agreement from industry sector representatives.

(v) \$527,000 of the general fund—state appropriation for fiscal year 2024 and \$527,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to administer, evaluate, and promote programs under (i) through (iii) of this subsection (2)(e) based on industry sector recommendations, including contracts with sector-specific entities to expand sector-specific employer engagement programs, increase work placement opportunities, validate credentials necessary for direct employment, and provide professional development to support schools, teachers, and students. Professional development must include pedagogy-based learning to increase English language arts, mathematics, and science outcomes through core plus programming.

(vi) The office shall collaborate with industry sector leadership from the core plus program areas and a representative from a statewide business and manufacturing association to inform the administration and continual improvement of core plus programs, review data and outcomes, recommend program improvements, ensure core plus programs reflect current industry competencies, and identify appropriate program credentials.

(f) \$4,940,000 of the general fund—state appropriation for fiscal year 2024 and \$4,940,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington state achievers scholarship and Washington higher education readiness program. The funds shall be used to: Support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars; and to identify and reduce barriers to college for low-income and underserved middle and high school students. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(g) \$1,454,000 of the general fund—state appropriation for fiscal year 2024 and \$1,454,000 of the general fund—state appropriation for fiscal year 2025 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.

(h) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for an education and workforce pathway pilot program at the northwest career and technical academy. The pilot program will oversee a pathway including high schools, skills centers, community and technical colleges, and employers that results in students earning a high school diploma and an associate in technical arts degree, while maintaining summer employment.

(i) \$3,000,000 of the general fund—state appropriation for fiscal year 2024 and \$3,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to distribute after-exit running start grants to school districts that identify running start students that have exceeded maximum enrollment under running start formulas and high school graduates who have 15 or fewer college credits to earn before meeting associate degree requirements for instruction not funded under section 504(18) of this act. High school graduates who meet these requirements are eligible to receive funds from these grants for fees to the community and technical college to earn up to 15 college credits during the summer academic term following their high school graduation.

(j) \$25,000 of the general fund—state appropriation for fiscal year 2024 and \$25,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a skill center located in Vancouver, Washington to support the center's criminal justice and fire science programs.

(k) \$1,250,000 of the general fund—state appropriation for fiscal year 2024 and \$1,250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to conduct summer open doors pilots with up to 12 dropout reengagement programs to support summer programming. To select pilot participants, the office must prioritize schools and programs that work with postresident youth as defined in RCW 28A.190.005. Amounts provided in this subsection must be used to support programming during the summer months and are in addition to funding generated by enrollment under state funding formulas.

### (3) CURRICULUM DEVELOPMENT, DISSEMINATION, AND SUPPORTS

(a) \$75,000 of the general fund—state appropriation for fiscal year 2024 and \$75,000 of the general fund—state appropriation for fiscal year 2025 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 2024 and \$15,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for awarding a travel grant to the winner of the we the people: The citizen and the constitution state competition.

(b) \$373,000 of the general fund—state appropriation for fiscal year 2024 and \$373,000 of the general fund—state appropriation for fiscal year 2025 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 2024 and \$10,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grant programs to school districts to help cover travel costs associated with civics education competitions.

(c) \$55,000 of the general fund—state appropriation for fiscal year 2024 and \$55,000 of the general fund—state appropriation for fiscal year 2025 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.

(d) 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.

(e) \$3,000,000 of the general fund—state appropriation for fiscal year 2024 and \$3,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to provide grants to school districts and educational service districts for science teacher training in the next generation science standards including training in the climate science standards. At a minimum, school districts shall ensure that teachers in one grade level in each elementary, middle, and high school participate in this science

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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.

(f) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 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.

(g) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 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.

(h) \$50,000 of the general fund—state appropriation for fiscal year 2024 and \$50,000 of the general fund—state appropriation for fiscal year 2025 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.

(i) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 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.

(j) \$750,000 of the general fund—state appropriation for fiscal year 2024 and \$750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to contract with a qualified 501(c)(3) nonprofit community-based organization physically located in Washington state that has at least 18 years of experience collaborating with the office and school districts statewide to integrate the state learning standards in English language arts, mathematics, and science with FieldSTEM outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resource, and agricultural sectors. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(k) \$62,000 of the general fund—state appropriation for fiscal

year 2024 and \$62,000 of the general fund—state appropriation for fiscal year 2025 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 co-instructors 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.

(l) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 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.

(m) \$85,000 of the general fund—state appropriation for fiscal year 2024 and \$85,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the centrum program at Fort Worden state park.

(n) \$20,000,000 of the general fund—state appropriation for fiscal year 2024, \$22,500,000 of the general fund—state appropriation for fiscal year 2025, and \$2,500,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(3), the American rescue plan act of 2021, P.L. 117-2, are provided solely for the office to administer an outdoor learning grant program to develop and support outdoor educational experiences for students in Washington public schools. A portion of the amount provided must be used to provide outdoor educational opportunities for people with disabilities. The office may consult with the Washington recreation and conservation office on outdoor learning program grants. Of the amounts provided in this subsection (3)(n):

(i) \$195,000 of the general fund—state appropriation for fiscal year 2024 and \$195,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to implement chapter 112, Laws of 2022 (outdoor learning grant prg.).

(ii) \$3,905,000 of the general fund—state appropriation for fiscal year 2024 and \$3,905,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the outdoor learning grant program, which consists of two types of grants:

(A) Allocation-based grants for school districts to develop or support outdoor educational experiences; and

(B) Competitive grants for outdoor education providers that are designed to support existing capacity and to increase future capacity for outdoor learning experiences.

(iii) \$15,900,000 of the general fund—state appropriation for fiscal year 2024, \$18,400,000 of the general fund—state appropriation for fiscal year 2025, and \$2,500,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(3), the American rescue plan act of 2021, P.L. 117-2, are provided solely for the outdoor education experiences program. The office must prioritize providing the program to fifth and sixth grade students in high poverty schools, expanding to other fifth

and sixth grade students subject to available funds.

(iv) The office must include a review no later than November 1, 2024, based on the Western Washington University report required in section 1607(9) of this act and any applicable statutory changes made subsequent to this act.

(o) \$3,205,000 of the general fund—state appropriation for fiscal year 2024 and \$3,205,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to promote the financial literacy of students. Of the amounts provided in this subsection:

(i) \$1,205,000 of the general fund—state appropriation for fiscal year 2024 and \$1,205,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the financial literacy public-private partnership.

(ii) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the grant program created in chapter 238, Laws of 2022 (student financial literacy) which provides grants to school districts for integrating financial literacy education into professional development for certificated staff.

(p)(i) \$1,522,000 of the general fund—state appropriation for fiscal year 2024, \$4,725,000 of the general fund—state appropriation for fiscal year 2025, and \$3,203,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2, are provided solely for dual language grants to grow capacity for high quality dual language learning. Grant funding may be used for new and existing dual language programs, heritage language programs for immigrant and refugee students, and indigenous language programs for native students. Of the amounts provided in this subsection, \$1,000,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for tribal language grants.

(ii) Each grant recipient must convene an advisory board to guide the development and continuous improvement of its dual language program, including but not limited to: Determining which schools and languages will be prioritized; conducting outreach to the community; and addressing enrollment considerations and the hiring of staff. At least half the members of the board must be parents of English learner students, current or former English learner students, or other community members with relevant lived experience. The other members of the board must represent teachers, students, school leaders, governing board members, youth, and community-based organizations that support English learners.

(q) \$75,000 of the general fund—state appropriation for fiscal year 2024 and \$75,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to administer grants to school districts for a plant-based school meals pilot program. Grants may be used for food supplies, delivery costs, equipment purchases, education, and other expenditures to increase access to plant-based school meals. Grant awards to school districts may not exceed \$10,000 per district and may only be distributed to school districts that have not received funding for the pilot program previously.

(r) \$500,000 of the general fund—state appropriation for fiscal year 2025 and \$500,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2, are provided solely for the office to contract with an organization that works with educators to secure salmon eggs, offer learning opportunities as the fry develop, and

assist when students release their fry into local creeks and lakes. Funding may only be used for new programs located in elementary schools that are eligible for high-poverty allocations from the learning assistance program. Of the amounts provided in this subsection, the office may use no more than \$35,000 each fiscal year for office administration costs related to the contract.

(s) \$750,000 of the general fund—state appropriation for fiscal year 2025 and \$750,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2, are provided solely for the office to contract with a nonprofit organization that supports Washington teachers in implementing lessons of the Holocaust for the expansion of comprehensive Holocaust and genocide education.

(t) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for transitional support grants to school districts to support schools that incur costs transitioning from Native American school mascots, logos, or team names under chapter 301, Laws of 2021. In awarding grants under this subsection, the office must prioritize maximizing the number of schools that receive grant awards and address the most immediate school needs in order to comply with chapter 301, Laws of 2021, and must prioritize applications that are narrowly tailored to address specific compliance issues. School districts receiving funding to comply with the requirements of chapter 301, Laws of 2021 must use the methods that are the least costly and that leave intact existing facilities, including interiors and flooring, to the greatest extent possible. Grants awarded under this section may not be used for general maintenance or improvements of school facilities.

(4) ELIMINATING INEQUITABLE STUDENT OUTCOMES

(a) \$5,895,000 of the general fund—state appropriation for fiscal year 2024, \$7,000,000 of the general fund—state appropriation for fiscal year 2025, and \$1,105,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(3), the American rescue plan act of 2021, P.L. 117-2, 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.

(i) Of the amount provided in this subsection (4)(a), \$446,000 of the general fund—state appropriation for fiscal year 2024 and \$446,000 of the general fund—state appropriation for fiscal year 2025 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.

(ii) Of the amount provided in this subsection (4)(a), \$1,015,000 of the general fund—state appropriation for fiscal year 2024 and \$1,015,000 of the general fund—state appropriation for fiscal year 2025 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.

(iii) Of the amounts provided in this subsection (4)(a), \$684,000 of the general fund—state appropriation for fiscal year 2024 and \$684,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the demonstration site established with funding provided in the 2017-2019 omnibus

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appropriations act, chapter 1, Laws of 2017, 3rd sp. sess., as amended.

(iv) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the demonstration site established with funding provided in this act.

(v) \$55,000 of the general fund—state appropriation for fiscal year 2024 and \$55,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for maintaining and implementing the data sharing agreement between the office, the department of children, youth, and families, and the contractors to support targeted service delivery, program evaluation, and statewide education outcomes measurement for students served under this section.

(b) \$1,200,000 of the general fund—state appropriation for fiscal year 2024, \$2,500,000 of the general fund—state appropriation for fiscal year 2025, and \$1,300,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2, are provided solely for implementation of chapter 157, Laws of 2016 (homeless students).

(c) \$36,000 of the general fund—state appropriation for fiscal year 2024 and \$36,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for chapter 212, Laws of 2014 (homeless student educational outcomes).

(d) \$750,000 of the general fund—state appropriation for fiscal year 2024, \$1,000,000 of the general fund—state appropriation for fiscal year 2025, and \$250,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2, are provided solely for contracts with Washington state based nonprofit organizations that provide a career-integrated one-to-one mentoring program for disadvantaged students facing academic and personal challenges with the goal of keeping them on track for graduation and post-high school success. An applicant requesting funding under this subsection must successfully demonstrate to the office that it currently provides a career-integrated one-to-one volunteer mentoring program and has been mentoring school youth for at least 20 years in the state prior to application.

(e) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to contract with an organization to create an after-school and summer learning program in the city of Federal Way. The program shall provide comprehensive, culturally competent academic support and cultural enrichment for primarily latinx, spanish-speaking, low-income sixth, seventh, and eighth grade students. The department must contract with an organization with over forty years of experience that serves the latino community in Seattle and King county and has previously established an after-school and summer learning program.

(f) \$850,000 of the general fund—state appropriation for fiscal year 2024 and \$850,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to create and administer a grant program for districts to reduce associated student body fees or participation fees for students who are eligible to participate in the federal free and reduced-price meals program. The office must distribute grants for the 2023-24 school year to school districts by August 10, 2023, and grants for the 2024-25 school year by August 1, 2024.

(i) Grant awards must be prioritized in the following order:

(A) High schools implementing the United States department of agriculture community eligibility provision;

(B) High schools with the highest percentage of students in grades nine through twelve eligible to participate in the federal free and reduced-price meals program; and

(C) High schools located in school districts enrolling 5,000 or fewer students.

(ii) High schools that do not comply with the data collection and reporting requirements in RCW 28A.320.540 are not eligible for grant funding.

(iii) The office of the superintendent of public instruction shall award grants that are the lesser of the cost of the high school's associated student body card multiplied by the number of students eligible for the free or reduced-price meals program that purchased a student body card in either 2022-23 or 2023-24 school year, whichever is higher, or \$10,000.

(iv) The office may award additional funding if:

(A) The appropriations provided are greater than the total amount of funding requested at the end of the application cycle; and

(B) The applicant shows a demonstrated need for additional support.

(g) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to contract with a Washington-based nonprofit organization to promote equitable access in science, technology, engineering, and math education for historically underserved students and communities. The nonprofit shall provide a system of science educational programming specifically for migrant and bilingual students, including teacher professional development, culturally responsive classroom resources that are aligned with Washington state science and environmental and sustainability learning standards, and implementation support. At least 50 percent of the funding provided in this subsection must serve schools and school districts in eastern Washington. The nonprofit organization must have experience developing and implementing science and environmental science programming and resources for migrant and bilingual students.

(h) \$500,000 of the general fund—state appropriation for fiscal year 2024, \$750,000 of the general fund—state appropriation for fiscal year 2025, and \$250,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2, are provided solely for the office of the superintendent of public instruction to contract with a nonprofit organization serving opportunity youth in Pierce, King and Snohomish counties. The organization must assist traditionally underrepresented students on nontraditional educational pathways by providing mentorship and technical assistance in navigating higher education and financial aid. The office may require the recipient of these funds to report the impacts of the efforts in alignment with the measures of the Washington school improvement framework.

(i) \$1,399,000 of the general fund—state appropriation for fiscal year 2024 and \$1,399,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for school districts to support youth who are truant under chapter 28A.225 RCW or at risk of becoming truant, and for costs associated with filing or serving petitions under RCW 28A.225.030.

(j) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to school districts and educational service districts operating institutional

education programs for youth in state long-term juvenile institutions to provide access to computer science elective courses created in chapter 234, Laws of 2022 (computer science instruction).

(k) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to school districts, charter schools, and state-tribal education compact schools to establish K-12 intensive tutoring programs. Grants shall be used to recruit, train, and hire tutors to provide one-on-one tutoring services to K-12 students experiencing learning loss as a result of the COVID-19 pandemic. The tutors must receive training in proven tutoring models to ensure their effectiveness in addressing learning loss.

(l) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 180, Laws of 2017 (Washington Aim program).

(m)(i) \$216,000 of the general fund—state appropriation for fiscal year 2024 and \$600,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to administer a peer support competitive grant program in Washington public schools. The office must award grants to eligible school districts starting in the 2023-24 school year. Programs should be designed to be primarily youth-led and aim to increase youth school engagement and support personal/cultural identities, and reduce risks associated with depression, school violence, and bullying. Successful grantees may consult with Washington teen link and the natural helper program in the development of the grant criteria, and the development of training material support. Program components should include:

- (A) Identification of trusted peers and staff who other students confide in;
- (B) Development or adaption of training materials;
- (C) Intensive training for peer and staff supporters;
- (D) Avenues to advertise peer support communication strategies; and
- (E) Participant and program evaluations.

(ii) School districts may also use funds to develop a sister school rapid trauma response strategy. Under this component, successful applicants reach out to other schools also receiving a peer support grant to develop a trauma response plan that quickly organizes students and staff to contact peers within those schools during times of school trauma and offer support.

(iii) The office shall evaluate the program to share best practices and for consideration by other school districts.

(n) \$75,000 of the general fund—state appropriation for fiscal year 2024, \$175,000 of the general fund—state appropriation for fiscal year 2025, and \$100,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2, are provided solely for the office to contract with a nonprofit organization to develop and provide a Latino youth-on-youth gang violence prevention program for students. The program must target Latino students ages 11 through 17 who are either involved in or at risk of becoming involved in a gang or in gang activities. Eligible youth must be enrolled in either the Moses Lake or Federal Way school districts. The nonprofit organization must have at least 15 years of experience serving Latino communities and promoting advocacy and must provide social kindergarten through 12th grade social emotional learning, mental health wraparound services, and parent engagement programs in Washington.

(o) \$2,500,000 of the general fund—state appropriation for

fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to administer the technology grant program established under chapter 301, Laws of 2021.

(p) \$675,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2, is provided solely for the office to contract with an organization located in SeaTac, Washington to provide wraparound social services and expand and maintain existing education and family engagement programs that serve students and their families in the Federal Way and Highline public school districts. The work of the organization must focus on housing and social services, education, and economic development for African immigrant and refugee communities.

(q) \$150,000 of the general fund—state appropriation for fiscal year 2025 and \$150,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2, are provided solely for the office to contract with a nonprofit organization located in Everett, Washington to provide arts and culture programs to 500 low-income children and youth from diverse racial and ethnic backgrounds to close the education achievement gap in Snohomish county by improving student and youth confidence and improving mental health outcomes.

(r) \$360,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the Shelton School District to contract with an organization that provides a free early childhood music education to teach music literacy and key skills to prepare children for success in school. The organization must provide Spanish, Mam, and Q'anjob'al versions of the early learning music education program during the 2023-24 school year.

(5) EDUCATOR GROWTH AND DEVELOPMENT

(a) \$375,000 of the general fund—state appropriation for fiscal year 2024 and \$375,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a nonviolence and ethical leadership training and professional development program provided by the institute for community leadership.

(b) \$250,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the office to contract with the association of Washington school principals to provide support, mentoring, mediation, and professional learning services to school principals and assistant principals in the greater Seattle area.

(6) FEDERAL GRANTS FOR COVID-19 RECOVERY

(a) \$4,791,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2, is provided solely to administer a grant program for community-based organizations to collaborate with school districts to support learning recovery and acceleration.

(b) \$102,002,000 of the general fund—federal appropriation (CRRSA/ESSER) from funds attributable to subsection 313(c), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M is provided solely for subgrants to local education agencies. Total subgrants awarded under this subsection (6)(b), section 1517(47)(b) of this act, and section 12, chapter 3, Laws of 2021 may not exceed the federal amounts provided under subsection 313(c), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(c) \$17,577,000 of the general fund—federal appropriation (CRRSA/GEER) is provided solely to provide emergency assistance to nonpublic schools, as authorized in section 312(d), the coronavirus response and relief supplemental appropriations

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act, P.L. 116-260, division M. Total funds provided under this subsection (6)(c), section 1517(47)(c)(i) of this act, and section 13, chapter 3, Laws of 2021 may not exceed the federal amounts provided in section 312(d), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(d) \$671,375,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely for allocations from funds attributable to subsection 2001(e)(2) the American rescue plan act of 2021, P.L. 117-2, for subgrants to local education agencies. Total subgrants awarded under this subsection (6)(d) and section 1517(47)(d) of this act may not exceed the federal amounts provided under subsection 2001(e)(2), the American rescue plan act of 2021, P.L. 117-2.

(e) \$123,373,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely for allocations from funds attributable to subsection 2001(e)(1), the American rescue plan act of 2021, P.L. 117-2, for subgrants to local education agencies to address learning loss. Total subgrants awarded under this subsection (6)(e) and section 1517(47)(e) of this act may not exceed the federal amounts provided under subsection 2001(e)(2), the American rescue plan act of 2021, P.L. 117-2, and may not exceed the funding authorized in section 1517(47)(e) of this act.

(f) \$7,800,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(3), the American rescue plan act of 2021, P.L. 117-2, is provided solely to support evidence-based comprehensive afterschool programs. Total elementary and secondary school emergency relief III account—federal appropriation provided under this subsection (6)(f), subsections (3)(n) and (4)(a) of this section, and section 1517(47)(g) of this act, may not exceed the federal amounts provided under subsection 2001(f)(3), the American rescue plan act of 2021, P.L. 117-2.

(g)(i) \$8,428,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(b), the American rescue plan act of 2021, P.L. 117-2, is provided solely for the purposes of identifying children and youth experiencing homelessness and providing children and youth experiencing homelessness with:

(A) Wrap-around services due to the challenges of the COVID-19 public health emergency; and

(B) Assistance needed to enable children and youth experiencing homelessness to attend school and participate fully in school activities.

(ii) Total funds provided under this subsection (6)(g) and section 1517(47)(n) of this act may not exceed the federal amounts provided in subsection 2001(b), the American rescue plan act of 2021, P.L. 117-2.

(h) \$1,990,000 of the general fund—federal appropriation (CRRSA/ESSER) and \$8,098,000 of the elementary and secondary school emergency relief III account—federal appropriation are provided solely for the office of the superintendent of public instruction to administer grants for the purposes of learning recovery and acceleration. Allowable uses of the funds are limited to:

(i) One-time contracts for classified, certificated, or administrative staff who will provide tiered academic and social-emotional supports to students most impacted by the disruption of in-person learning, including locating and reengaging students who have disengaged from school, one-on-one and small-group instruction, and other intensive learning supports;

(ii) Professional learning for educators focused on learning recovery and acceleration, including assessing student learning and social-emotional needs, transitioning to standards-based

curricula and grading, adopting competency or mastery-based options specifically for credit retrieval purposes, and family and student engagement strategies;

(iii) Procuring assessment or data systems that provide actionable just-in-time data regarding student progress throughout the school year; and

(iv) Direct supports to students to improve school engagement and accelerate learning.

(i) \$173,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(2), the American rescue plan act of 2021, P.L. 117-2, is provided solely for grants to entities or organizations to provide outdoor education summer enrichment programs to youth. Recipients must prioritize activities or programs that:

(i) Promote students connecting socially with their classmates;

(ii) Encourage students to engage in physical activity; and

(iii) Support families who have struggled with child care needs.

(j) \$143,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2, is provided solely for grants for supplies, equipment, staffing, and services to increase access to summer meals and safe school meals in the 2023-24 school year and summer prior to the start of the school year.

(k) \$1,383,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2, is provided solely for grants to school districts to expand career and technical education graduation pathway options, including career-connected learning opportunities. Total funds provided under this subsection (6)(k) and section 1517(47)(i) of this act for the same purpose may not exceed the funding authorized in section 1517(47)(i) of this act.

**NEW SECTION. Sec. 523. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITION TO KINDERGARTEN PROGRAMS**

General Fund—State Appropriation (FY 2025)....\$58,102,000  
TOTAL APPROPRIATION .....\$58,102,000

The appropriation in this section is subject to the following conditions and limitations: The office of the superintendent of public instruction must distribute to authorized school districts an amount per eligible child enrolled in a transition to kindergarten program as identified in Second Substitute House Bill No. 1550 (transition to kindergarten). Funding provided in this section is sufficient to support 5,077 transition to kindergarten full-time equivalent students during the 2024-25 school year. If the bill is not enacted by June 30, 2023, the amount provided in this section shall lapse.

**PART VI**

**HIGHER EDUCATION**

**NEW SECTION. Sec. 601.** The appropriations in sections 605 through 611 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.

(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 606 through 611 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 2023-2025 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, 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.

(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 Washington college grant and college bound recipients;

(ii) Persistence and completion rates of Washington college grant recipients and college bound recipients, disaggregated by institution of higher education;

(iii) Washington college grant recipient grade point averages; and

(iv) Washington college grant and college bound scholarship program costs.

(b) The student achievement council shall submit student unit record data for state financial aid program applicants and recipients to the education data center.

**NEW SECTION. Sec. 602.** (1) Within the amounts appropriated in this act, each institution of higher education shall seek to:

(a) Maintain and to the extent possible increase enrollment opportunities at campuses;

(b) Maintain and to the extent possible increase enrollment opportunities at university centers and other partnership programs that enable students to earn baccalaureate degrees on community college campuses; and

(c) Eliminate and consolidate programs of study for which there is limited student or employer demand, or that are not areas of core academic strength for the institution, particularly when such programs duplicate offerings by other in-state institutions.

(2) For purposes of monitoring and reporting statewide enrollment, the University of Washington and Washington State University shall notify the office of financial management of the number of full-time student equivalent enrollments for each of their campuses.

**NEW SECTION. Sec. 603. PUBLIC BACCALAUREATE INSTITUTIONS**

(1) The state universities, the regional universities, and The Evergreen State College must accept the transfer of college-level courses taken by students under RCW 28A.600.290 or 28A.600.300 if a student seeking a transfer of the college-level courses has been admitted to the state university, the regional university, or The Evergreen State College, and if the college-level courses are recognized as transferrable by the admitting institution of higher education.

(2) Appropriations in sections 606 through 611 of this act are sufficient to implement 2023-25 collective bargaining agreements at institutions of higher education negotiated under chapter 41.80 RCW.

(3) Within amounts appropriated to institutions in 606 through 611 of this act, institutions shall employ at least one full-time mental health counselor licensed under chapter 18.225 RCW or mental health outreach and service coordination position, who has experience working with active members of the military or military veterans, to work with student, faculty, and staff veterans, as well as their spouses and dependents, through the institution's veteran resource center.

(4) For institutions of higher education receiving funding for cybersecurity and nursing academic programs for students in sections 605 through 611 of this act, each institution must coordinate with the student achievement council as provided in section 612(4) of this act and submit a progress report on new or expanded cybersecurity and nursing academic programs, including the number of students enrolled.

**NEW SECTION. Sec. 604. STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

Appropriations in section 605 of this act are sufficient to implement 2023-25 collective bargaining agreements at institutions of higher education negotiated under chapter 41.80

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RCW and as set forth in part IX of this act.

**NEW SECTION. Sec. 605. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund—State Appropriation (FY 2024)..	\$885,282,000
General Fund—State Appropriation (FY 2025)..	\$929,498,000
Community/Technical College Capital Projects	
Account—State Appropriation .....	\$21,368,000
Education Legacy Trust Account—State Appropriation .....	\$162,851,000
Workforce Education Investment Account—State	
Appropriation.....	\$349,417,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$2,348,416,000</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 2024 and \$33,261,000 of the general fund—state appropriation for fiscal year 2025 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 2024 and at least 7,170 full-time equivalent students in fiscal year 2025.

(2) \$5,000,000 of the general fund—state appropriation for fiscal year 2024, \$5,000,000 of the general fund—state appropriation for fiscal year 2025, and \$5,450,000 of the education legacy trust account—state appropriation are provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature under RCW 43.01.036 regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) \$425,000 of the general fund—state appropriation for fiscal year 2024 and \$425,000 of the general fund—state appropriation for fiscal year 2025 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 2024 and \$5,250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the student achievement initiative.

(5) \$1,610,000 of the general fund—state appropriation for fiscal year 2024, \$1,610,000 of the general fund—state appropriation for fiscal year 2025, and \$904,000 of the workforce education investment account—state appropriation are provided solely for the mathematics, engineering, and science achievement program.

(6) \$1,500,000 of the general fund—state appropriation for fiscal year 2024 and \$1,500,000 of the general fund—state appropriation for fiscal year 2025 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 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 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) \$23,748,000 of the general fund—state appropriation for fiscal year 2024 and \$24,270,000 of the general fund—state appropriation for fiscal year 2025 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 2024 and \$157,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Wenatchee Valley college wildfire prevention program.

(12) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Puget Sound welcome back center at Highline College to create a grant program for internationally trained individuals seeking employment in the behavioral health field in Washington state.

(13) \$750,000 of the general fund—state appropriation for fiscal year 2024 and \$750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for increased enrollments in the integrated basic education and skills training program. Funding will support approximately 120 additional full-time equivalent enrollments annually.

(14) \$216,000 of the general fund—state appropriation for fiscal year 2024 and \$216,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the opportunity center for employment and education at North Seattle College.

(15) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 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.

(16) \$350,000 of the general fund—state appropriation for fiscal year 2024 and \$350,000 of the general fund—state appropriation for fiscal year 2025 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.

(17) \$338,000 of the general fund—state appropriation for fiscal year 2024 and \$338,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington state labor education and research center at South Seattle College.

(18) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 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.

(19) \$1,500,000 of the general fund—state appropriation for fiscal year 2024, \$1,500,000 of the general fund—state appropriation for fiscal year 2025, and \$75,847,000 of the

workforce education investment account—state appropriation are provided solely for statewide implementation of guided pathways at each of the state's community and technical colleges or similar programs designed to improve student success, including, but not limited to, academic program redesign, student advising, and other student supports.

(20) \$15,220,000 of the workforce education investment account—state appropriation is provided solely for college operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(21) \$15,220,000 of the workforce education investment account—state appropriation is provided solely for employee compensation, academic program enhancements, student support services, and other institutional priorities that maintain a quality academic experience for Washington students.

(22) \$40,800,000 of the workforce education investment account—state appropriation is provided solely to continue to fund nurse educator salaries.

(23) \$40,000,000 of the workforce education investment account—state appropriation is provided to continue to fund high-demand program faculty salaries, including but not limited to nurse educators, other health-related professions, information technology, computer science, and trades.

(24) \$8,000,000 of the workforce education investment account—state appropriation is provided solely for the state board for community and technical colleges to expand high-demand and career launch enrollments, as provided under RCW 28C.30.020. Within the amounts provided in this subsection (24):

(a) \$6,000,000 of the amounts in this subsection (24) are for expansion of career launch enrollments, as provided under RCW 28C.30.020.

(b) \$2,000,000 of the amounts in this subsection (24) are for expansion of enrollments in high demand programs. These programs include, but are not limited to, allied health, computer and information science, manufacturing, and other fields identified by the state board for community and technical colleges.

(c) The state board for community and technical colleges may transfer amounts between (a) and (b) of this subsection if either program does not have sufficient demand to spend the allocated funding. Any transfer must be approved by the state board for community and technical colleges and the office of financial management.

(25) \$8,000,000 of the workforce education investment account—state appropriation is provided solely for the emergency assistance grant program in RCW 28B.50.295.

(26) \$2,048,000 of the general fund—state appropriation for fiscal year 2024, \$1,119,000 of the general fund—state appropriation for fiscal year 2025, and \$4,221,000 of the workforce education investment account—state appropriation are provided solely for implementation of chapter 275, Laws of 2021 (diversity, etc./higher education).

(27) \$20,473,000 of the workforce education investment account—state appropriation is provided solely for implementation of chapter 272, Laws of 2021 (equity and access in higher education).

(28)(a) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to promote workforce development in trucking and trucking-related supply chain industries and the school bus driving industry by expanding the number of registered apprenticeships, preapprenticeships, and trucking related training programs; and

providing support for registered apprenticeships or programs in trucking and trucking-related supply chain industries and the school bus driving industry.

(b) Grants awarded under this subsection may be used for:

(i) Equipment upgrades or new equipment purchases for training purposes;

(ii) New training spaces and locations to support capacity needs and expansion of training to veterans and veteran spouses, and underserved populations to include foster care and homeless transition populations;

(iii) Curriculum development and instructor training for driving, repair, and service of technological advancements facing the industries;

(iv) Tuition assistance for commercial vehicle driver training, mechanical, and support functions that support the trucking industry and the school bus driving industry; and

(v) Funding to increase capacity and availability of child care options for shift work schedules.

(c) An entity is eligible to receive a grant if it is a nonprofit, nongovernmental, or institution of primary or higher education that provides training opportunities, including apprenticeships, preapprenticeships, preemployment training, commercial vehicle driver training, or vocational training related to mechanical and support functions that support the trucking industry or the school bus driving industry; or incumbent worker training to prepare workers for the trucking and trucking-related supply chain industries or the school bus driving industry. Preference will be given to entities in compliance with government approved or accredited programs. Reporting requirements, as determined by the board, shall be required.

(d) The board may use up to five percent of funds for administration of grants.

(29) \$3,200,000 of the workforce education investment account—state appropriation is provided solely for grants for nursing programs to purchase or upgrade simulation laboratory equipment.

(30)(a) \$9,336,000 of the workforce education investment account—state appropriation is provided solely to expand cybersecurity academic enrollments by 500 FTE students.

(b) The state board for community and technical colleges must coordinate with the student achievement council as provided in section 612(4) of this act to submit a progress report on the new or expanded cybersecurity academic programs, including the number of students enrolled.

(31) \$410,000 of the workforce education investment account—state appropriation is provided solely to establish a center for excellence in cybersecurity.

(32) \$2,068,000 of the general fund—state appropriation for fiscal year 2024 and \$2,068,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for legal services related to litigation by employees within the community and technical college system challenging the denial of retirement and sick leave benefits. The cases include *Wolf v. State and SBCTC*, *Rush v. State and SBCTC* (retirement), and *Rush v. State and SBCTC* (sick leave).

(33) \$4,000,000 of the general fund—state appropriation for fiscal year 2024 and \$4,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to expand the opportunity grant program to provide health care workforce grants for students.

(34) \$2,720,000 of the general fund—state appropriation for fiscal year 2024 and \$2,720,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for each community and technical college to contract with a community-based organization to assist with financial aid access and support

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in communities.

(35) \$6,456,000 of the workforce education investment account—state appropriation is provided solely for the expansion of existing programming to accommodate refugees and immigrants who have arrived in Washington state on or after July 1, 2021, and are eligible for federal refugee resettlement services, including those from Afghanistan and Ukraine.

(36) \$2,160,000 of the general fund—state appropriation for fiscal year 2024, \$2,160,000 of the general fund—state appropriation for fiscal year 2025, and \$3,600,000 of the workforce education investment account—state appropriation are provided solely for nursing education, to increase the number of nursing slots by at least 200 new slots in the 2023-2025 fiscal biennium.

(37) \$36,624,000 of the workforce education investment account—state appropriation is provided solely to enhance workforce support and higher educational opportunities.

(38) \$30,000,000 of the workforce education investment account—state appropriation is provided solely for workforce program support. Of the amounts provided in this subsection, \$15,000,000 is for fiscal year 2024 and \$15,000,000 is for fiscal year 2025. Of these amounts:

(a) \$100,000 in fiscal year 2024 and \$100,000 in fiscal year 2025 is for Seattle Colleges' apparel academy.

(b) \$500,000 in fiscal year 2024 and \$500,000 in fiscal year 2025 is for Seattle Colleges' culinary academy.

(c) \$500,000 in fiscal year 2024 and \$500,000 in fiscal year 2025 is for Seattle Colleges' wood technology program.

(d) \$100,000 in fiscal year 2024 and \$100,000 in fiscal year 2025 is for the Bellingham Technical College maritime apprenticeship program.

(e) \$1,000,000 in fiscal year 2024 and \$1,100,000 in fiscal year 2025 is for the Skagit Valley College dental therapy education program.

(f)(i) \$428,000 in fiscal year 2024 and \$427,000 in fiscal year 2025 is for the Seattle Central College for partnership with the Seattle maritime academy. Seattle Central College must enter into a memorandum of agreement with Washington state ferries. Funding may not be expended until Seattle Central College certifies to the office of financial management that a memorandum of agreement with Washington state ferries has been executed. The memorandum of agreement must address:

(A) The shared use of training and other facilities and implementation of joint training opportunities where practicable;

(B) Development of a joint recruitment plan aimed at increasing enrollment of women and people of color, with specific strategies to recruit existing community and technical college students, maritime skills center students, high school students from maritime programs, foster care graduates, and former juvenile rehabilitation and adult incarcerated individuals; and

(C) Development of a training program and recruitment plan and a five-year operational plan.

(ii) The joint training program and recruitment plan and the five-year operational plan must be submitted to the appropriate policy and fiscal committees of the legislature by December 1, 2023.

(39) \$200,000 of the workforce education investment account—state appropriation is provided solely for the state board for community and technical colleges to work with interested parties, such as local law enforcement agencies, the department of corrections, representatives of county or city jail facilities, the Washington state patrol, Washington community and technical colleges, and other organizations and entities as appropriate to assess the recruitment and retention challenges for their agencies

and develop recommendations to meet the workforce needs. These recommendations should focus on education and training programs that meet the needs of law enforcement and corrections agencies and must include an outreach strategy designed to inform and attract students in non-traditional program pathways. The assessment and recommendations shall be provided in a report to the governor and the appropriate committees of the legislature by October 1, 2024.

(40) \$180,000 of the general fund—state appropriation for fiscal year 2024 and \$300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the state board for community and technical colleges to work with law enforcement, corrections, Washington community and technical college professionals, and other organizations and entities as appropriate to develop and implement an exploratory course for individuals who are interested in learning more about law enforcement and corrections careers. Course content should include topics such as criminological scholarship, race, and modern policing, the history of race in policing, and should incorporate work site experiential learning visits to criminal justice commission and department of corrections facilities. The course shall be available beginning in the fall term of the 2024 academic year and would continue subject to availability of funding.

(41) \$12,000,000 of the workforce education investment account—state appropriation is provided solely to support the continued diversity, equity, and inclusion efforts of institutions.

(42) \$1,360,000 of the workforce education investment account—state appropriation is provided solely for implementation of chapter 166, Laws of 2022 (apprenticeships and higher ed).

(43) \$200,000 of the workforce education investment account—state appropriation is provided solely for the Everett Community College parent leadership training institute to recruit and train new course instructors to build additional capacity.

(44) \$6,139,000 of the general fund—state appropriation for fiscal year 2024 and \$11,100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for compensation support.

(45) \$180,000 of the general fund—state appropriation for fiscal year 2025 and \$400,000 of the workforce education investment account—state appropriation are provided solely for Renton Technical College. Of the amounts provided in this subsection:

(a) \$400,000 of the workforce education investment account—state appropriation is for the college to award full tuition and fees to students who attend the college and graduated high school in the school district where the main campus is located. Eligible students must complete a free application for federal student aid or the Washington application for state financial aid. A report on the number of students utilizing the funding must be submitted to the appropriate committees of the legislature by January 15, 2024.

(b) \$180,000 of the general fund—state appropriation for fiscal year 2025 is for continuing outreach and participation in running start and adult education programs.

(46)(a) \$350,000 of the general fund—state appropriation for fiscal year 2024 and \$350,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the state board to administer a pilot program to increase career and technical education dual credit participation and credential attainment in professional technical programs. The state board, in collaboration with the office of the superintendent of public instruction, must select up to three community colleges to participate in the pilot program during the 2023-24 and 2024-25 academic years. The three colleges must be located within the

same educational service district and must be located in a county with a population between 115,000 and 150,000. Funding provided within this subsection is sufficient to cover the costs incurred by school districts in the region of the colleges participating in the career and technical education dual credit grant program, including:

(i) Subsidized out-of-pocket costs to students and families for supplies, textbooks, materials, and credit transcription fees;

(ii) Outreach to prospective students and students who have completed career and technical education dual credit courses and are eligible to receive postsecondary credit to encourage participation and credit transcription;

(iii) Costs associated with staff or teacher time dedicated to curriculum alignment or the development of articulation agreements; and

(iv) Equipment and supplies for career and technical education dual credit courses required to meet postsecondary learning objectives.

(b) By June 30, 2025, the state board, in collaboration with the office of the superintendent of public instruction, must report to the appropriate committees of the legislature with findings and recommendations regarding scalable implementation strategies for expanding the pilot program statewide. The state board must establish a stakeholder committee that is representative of students, faculty, staff, and agency representatives to inform this work. The report must include recommendations on the following topics:

(i) Course articulation and development of model articulation agreements;

(ii) Data collection and reporting;

(iii) Credit transcription and transfer;

(iv) Student advising and career guidance supports;

(v) Alignment of career and technical education dual credit programs with credential pathways and in-demand career fields;

(vi) Funding for industry-recognized credentials;

(vii) Identification of priority courses and programs; and

(viii) Evaluation of the statewide enrollment and data system, and recommendations for improvements to or replacement of the system to reflect articulation agreement data, student data, and transcription information to support data validity, credit portability, and program improvement.

(47) \$500,000 of the workforce education investment account—state appropriation is provided solely for Olympic College to partner with regional high schools for college in the high school courses on-site at one or more regional high schools.

(48) \$6,340,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1559 (postsecondary student needs). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 606. FOR THE UNIVERSITY OF WASHINGTON**

General Fund—State Appropriation (FY 2024).. \$417,724,000

General Fund—State Appropriation (FY 2025).. \$425,782,000

Aquatic Lands Enhancement Account—State Appropriation..... \$1,646,000

Climate Commitment Account—State Appropriation ..... \$3,150,000

Natural Climate Solutions Account—State Appropriation..... \$820,000

Statewide 988 Behavioral Health Crisis Response Line Account—State Appropriation ..... \$1,213,000

University of Washington Building Account—State Appropriation..... \$1,546,000

Education Legacy Trust Account—State Appropriation

.....	\$37,448,000
Economic Development Strategic Reserve Account—State Appropriation .....	\$3,110,000
Biotoxin Account—State Appropriation .....	\$613,000
Dedicated Cannabis Account—State Appropriation (FY 2024).....	\$350,000
Dedicated Cannabis Account—State Appropriation (FY 2025).....	\$360,000
Accident Account—State Appropriation.....	\$8,128,000
Medical Aid Account—State Appropriation .....	\$7,697,000
Workforce Education Investment Account—State Appropriation .....	\$78,077,000
Geoduck Aquaculture Research Account—State Appropriation .....	\$414,000
TOTAL APPROPRIATION .....	\$988,078,000

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

(1) \$49,289,000 of the general fund—state appropriation for fiscal year 2024 and \$50,374,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for labor archives of Washington. The university shall work in collaboration with the state board for community and technical colleges.

(3) \$8,000,000 of the education legacy trust account—state appropriation is provided solely for the family medicine residency network at the university to maintain the number of residency slots available in Washington.

(4) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(5) \$14,000,000 of the education legacy trust account—state appropriation is provided solely for the expansion of degrees in the department of computer science and engineering at the Seattle campus.

(6) \$3,062,000 of the economic development strategic reserve account—state appropriation is provided solely to support the joint center for aerospace innovation technology.

(7) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

(8) \$7,345,000 of the general fund—state appropriation for fiscal year 2024 and \$7,345,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the continued operations and expansion of the Washington, Wyoming, Alaska, Montana, Idaho medical school program.

(9) \$2,625,000 of the general fund—state appropriation for fiscal year 2024 and \$2,625,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the institute for stem cell and regenerative medicine. Funds appropriated in this subsection must be dedicated to research utilizing pluripotent stem cells and related research methods.

(10) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided to the University of Washington to support youth and young adults experiencing

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homelessness in the university district of Seattle. Funding is provided for the university to work with community service providers and university colleges and departments to plan for and implement a comprehensive one-stop center with navigation services for homeless youth; the university may contract with the department of commerce to expand services that serve homeless youth in the university district.

(11) \$1,200,000 of the general fund—state appropriation for fiscal year 2024, \$1,200,000 of the general fund—state appropriation for fiscal year 2025, and \$1,200,000 of the workforce education investment account—state appropriation are provided solely for the adult psychiatry residency program at the University of Washington to offer additional residency positions that are approved by the accreditation council for graduate medical education.

(12) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the University of Washington's psychiatry integrated care training program.

(13) \$427,000 of the general fund—state appropriation for fiscal year 2024, \$427,000 of the general fund—state appropriation for fiscal year 2025, and \$426,000 of the workforce education investment account—state appropriation are provided solely for child and adolescent psychiatry residency positions that are approved by the accreditation council for graduate medical education, as provided in RCW 28B.20.445.

(14) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 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.

(15) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the pre-law pipeline and social justice program at the University of Washington-Tacoma.

(16) \$226,000 of the general fund—state appropriation for fiscal year 2024 and \$226,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the university's neurology department to create a telemedicine program to disseminate dementia care best practices to primary care practitioners using the project ECHO model. The program shall provide a virtual connection for providers and content experts and include didactics, case conferences, and an emphasis on practice transformation and systems-level issues that affect care delivery. The initial users of this program shall include referral sources in health care systems and clinics, such as the university's neighborhood clinics and Virginia Mason Memorial in Yakima with a goal of adding 15 to 20 providers from smaller clinics and practices per year.

(17) \$102,000 of the general fund—state appropriation for fiscal year 2024 and \$102,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the university's center for international trade in forest products.

(18) \$650,000 of the general fund—state appropriation for fiscal year 2024 and \$650,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Latino center for health.

(19) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a firearm policy research program. The program will:

(a) Support investigations of firearm death and injury risk

factors;

(b) Evaluate the effectiveness of state firearm laws and policies;

(c) Assess the consequences of firearm violence; and

(d) Develop strategies to reduce the toll of firearm violence to citizens of the state.

(20) \$400,000 of the general fund—state appropriation for fiscal year 2024 and \$400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the climate impacts group in the college of the environment.

(21) \$300,000 of the general fund—state appropriation for fiscal year 2024 and \$300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the college of education to collaborate with teacher preparation programs and the office of the superintendent of public instruction to develop open access climate science educational curriculum for use in teacher preparation programs.

(22) \$300,000 of the general fund—state appropriation for fiscal year 2024 and \$300,000 of the general fund—state appropriation for fiscal year 2025 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.

(23) \$8,000,000 of the workforce education investment account—state appropriation is provided solely for employee compensation, academic program enhancements, student support services, and other institutional priorities that maintain a quality academic experience for Washington students.

(24) \$8,000,000 of the workforce education investment account—state appropriation is provided solely to maintain degree production in the college of engineering at the Seattle campus.

(25) \$3,448,000 of the workforce education investment account—state appropriation is provided solely to expand the Washington state academic redshirt program on the Seattle campus and establish a program on the Bothell campus. A report on the metrics of the program must be submitted to the appropriate committees of the legislature by December 1, 2024.

(26) \$2,700,000 of the workforce education investment account—state appropriation is provided solely to maintain degree capacity and undergraduate enrollments in engineering, mathematics, and science programs to support the biomedical innovation partnership zone at the Bothell campus.

(27) \$3,268,000 of the workforce education investment account—state appropriation is provided solely to maintain bachelor of science programs in mechanical and civil engineering to support increased student and local employer demand for graduates in these fields at the Tacoma campus.

(28) \$150,000 of the general fund—state appropriation for fiscal year 2024, \$150,000 of the general fund—state appropriation for fiscal year 2025, and \$946,000 of the workforce education investment account—state appropriation are provided solely for Washington mathematics, engineering, science achievement programs to provide enrichment opportunities in mathematics, engineering, science, and technology to students who are traditionally underrepresented in these programs.

(29) \$75,000 of the general fund—state appropriation for fiscal year 2024 and \$75,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a community care coordinator for transitional-age youth for the doorway project in partnership with the Seattle campus.

(30) \$12,000,000 of the workforce education investment account—state appropriation is provided solely for the expansion of the Paul G. Allen school of computer science and engineering in order to award an additional 100 degrees per year focusing on

traditionally underrepresented students. A report on the program graduation rates, waitlist for entry into the program, time to degree completion, and degrees awarded must be submitted to the appropriate committees of the legislature June 30, 2024, and June 30, 2025.

(31) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to expand a series of online courses related to behavioral health and student well-being that are currently offered at the Bothell campus for school district staff. The standards for the courses must be consistent with knowledge, skill, and performance standards related to mental health and well-being of public school students. The online courses must provide:

(a) Foundational knowledge in behavioral health, mental health, and mental illness;

(b) Information on how to assess, intervene upon, and refer behavioral health and intersection of behavioral health and substance use issues; and

(c) Approaches to promote health and positively influence student health behaviors.

(32) To ensure transparency and accountability, in the 2023-2025 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.

(33) \$600,000 of the general fund—state appropriation for fiscal year 2024 and \$600,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Burke museum of natural history and culture to make education programs offered by the museum accessible to more students across Washington, especially students in underserved schools and locations. The funding shall be used for:

(a) Increasing the number of students who participate in Burke education programs at reduced or no cost, including virtual programs;

(b) Providing bus reimbursement for students visiting the museum on field trips and to support travel to bring museum programs across the state;

(c) Staff who will form partnerships with school districts to serve statewide communities more efficiently and equitably, including through the Burkemobile program; and

(d) Support of tribal consultation work, including expanding Native programming, and digitization of Native collections.

(34) \$410,000 of the general fund—state appropriation for fiscal year 2024 and \$410,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the university's center for human rights. The appropriation must be used to supplement, not supplant, other funding sources for the center for human rights.

(35) \$143,000 of the general fund—state appropriation for

fiscal year 2024 and \$143,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to the University of Washington for the establishment and operation of the state forensic anthropologist. The university shall work in conjunction with and provide the full funding directly to the King county medical examiner's office to support the statewide work of the state forensic anthropologist.

(36) \$64,000 of the general fund—state appropriation for fiscal year 2024 and \$64,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(37) \$443,000 of the general fund—state appropriation for fiscal year 2024 and \$443,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the creation of the center for environmental forensic science.

(38) \$1,250,000 of the general fund—state appropriation for fiscal year 2024 and \$1,250,000 of the general fund—state appropriation are provided solely for the community-engagement test to facilitate clean energy transitions by partnering with communities, utilities, and project developers.

(39) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for staffing and operational expenditures related to the battery fabrication testbed.

(40) \$505,000 of the general fund—state appropriation for fiscal year 2024 and \$505,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for pharmacy behavioral health. The University of Washington school of pharmacy/medicine pharmacy services will hire two residency training positions and one behavioral health faculty to create a residency program focused on behavioral health.

(41) \$1,242,000 of the general fund—state appropriation for fiscal year 2024, \$1,242,000 of the general fund—state appropriation for fiscal year 2025, and \$742,000 of the workforce education investment account—state appropriation are provided solely for an increase in the number of nursing slots and graduates in the already established accelerated bachelor of science in nursing program. Of the amounts provided in this subsection, \$273,000 of the general fund—state appropriation for fiscal year 2024 and \$273,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Tacoma school of nursing and healthcare leadership.

(42) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the memory and brain wellness center to support the statewide expansion of the dementia friends program.

(43) \$77,000 of the general fund—state appropriation for fiscal year 2024 and \$77,000 of the general fund—state appropriation are provided solely to maintain a data repository to assist the state and all political subdivisions with evaluating whether and to what extent existing laws and practices with respect to voting and elections are consistent with public policy, implementing best practices in voting and elections, and to investigate potential infringements upon the right to vote.

(44) \$122,000 of the general fund—state appropriation for fiscal year 2024 and \$122,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for sexual assault nurse examiner training.

(45) Within existing resources, the institution must resume a mentoring, organization, and social support for autism inclusion on campus program. The program must focus on academic

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coaching, peer-mentoring, support for social interactions, and career preparation.

(46) \$6,318,000 of the general fund—state appropriation for fiscal year 2024 and \$11,008,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for compensation support.

(47) \$712,000 of the general fund—state appropriation for fiscal year 2024 and \$4,183,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the behavioral health teaching faculty physician and facility support.

(48) \$200,000 of the general fund—state appropriation for fiscal year 2024 is provided solely to develop a framework for research to help determine inequities in poverty, access to service, language, barriers, and access to justice for individuals of Middle Eastern descent.

(49) \$3,000,000 of the climate commitment account—state appropriation is provided solely for the development of an energy transformation strategy to modernize the energy infrastructure and better align the institution's sustainability values at the Seattle campus.

(50) \$194,000 of the general fund—state appropriation for fiscal year 2024 and \$138,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of Engrossed Substitute House Bill No. 1282 (public building materials). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(51) \$2,140,000 of the workforce education investment account—state appropriation is provided solely for increasing enrollments in computing and engineering programs at the Tacoma campus.

(52) \$4,326,000 of the workforce education investment account—state appropriation is provided solely for the expansion of the regional initiatives in dental education (RIDE) program.

(53)(a) \$800,000 of the workforce education investment account—state appropriation is provided solely for the colab for community and behavioral health policy to collaborate with the Latino center for health and allies in healthier systems for health and abundance in youth to pilot test a culturally responsive training curricula for an expanded children's mental health workforce in community behavioral health sites. Community and lived experience stakeholders, representing communities of color, must make up over half of the project team. The pilot implementation shall include expansion of:

(i) The clinical training of both a lived experience workforce and licensed workforce to provide culturally responsive and evidence-informed mental health services focused on families, children, and youth;

(ii) An implementation plan that allows for local flexibility and local community input; and

(iii) An evaluation plan that will yield information about the potential success in implementation statewide and the improved experiences of those seeking mental health services.

(b) The project team must report its findings and recommendations to the appropriate committees of the legislature in compliance with RCW 43.01.036 by June 30, 2025.

(54) \$520,000 of the natural climate solutions account—state appropriation is provided solely for the biological response to ocean acidification to advance high-priority biological experiments to better understand the relationship between marine organisms and ocean acidification.

(55) \$300,000 of the natural climate solutions account—state appropriation is provided solely for monitoring assistance at the Washington ocean acidification center.

(56) \$108,000 of the general fund—state appropriation for fiscal year 2024 and \$108,000 of the general fund—state

appropriation for fiscal year 2025 are provided solely for the continued implementation of chapter 191, Laws of 2022 (E2SHB 1181).

(57) \$2,083,000 of the general fund—state appropriation for fiscal year 2024 and \$2,083,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the continued implementation of chapter 272, Laws of 2021 (E2SSB 5194).

(58) \$225,000 of the general fund—state appropriation for fiscal year 2024 and \$201,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the continued implementation of RCW 49.60.525 (racial restrictions/review).

(59) \$205,000 of the general fund—state appropriation for fiscal year 2024 is provided solely to organize and facilitate the difficult to discharge task force described in section 135(11) of this act and its operations, including any associated ad hoc subgroups through October 31, 2023.

(60) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the addictions, drug and alcohol institute to continue cannabis and public health impact research. Funding may be used to develop resources regarding the connection between first episode psychosis and cannabis use.

(61) \$2,224,000 of the workforce education investment account—state appropriation is provided solely for program support and student scholarships for the expansion of the master of arts in applied child and adolescent psychology program. Of the amounts provided in this subsection:

(a) \$1,116,000 of the workforce education investment account—state appropriation is provided solely for program support at the Seattle site.

(b) \$1,108,000 of the workforce education investment account—state appropriation is provided solely for student scholarships at the Seattle site.

(62) \$800,000 of the workforce education investment account—state appropriation is provided solely for the development and implementation of a program to support pathways from prison to the university's Tacoma campus. The university shall collaborate with formerly incarcerated women, Tacoma Community College, the freedom education project Puget Sound, the women's village, the state board for community and technical colleges, and the department of corrections, in development and implementation of the pathways program.

(63) \$250,000 of the workforce education investment account—state appropriation is provided solely for the startup program.

(64) \$1,397,000 of the workforce education investment account—state appropriation is provided solely for increased student support services at the Tacoma campus.

(65) \$798,000 of the workforce education investment account—state appropriation is provided solely for continued implementation of diversity, equity, inclusion, and antiracism professional development for faculty and staff, student training, and campus climate assessments pursuant to chapter 275, Laws of 2021 (E2SSB 5227).

(66) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for support and promotion of a long-term care nursing residency program and externship.

(67) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for



nanocellulose based research to produce a replacement for cellophane and clear plastic products with one made with plant materials that is biodegradable.

(68) \$50,000 of the general fund—state appropriation for fiscal year 2024 and \$50,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for continuation of the collaborative for the advancement of telemedicine, hosted by the institution's telehealth services.

(69) \$100,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the center for health workforce studies to continue a program to track dental workforce trends, needs, and enhancements to better serve the increasing population and demand for access to adequate oral health care. The center shall continue the program in consultation with dental stakeholders including, but not limited to, provider associations and oral health philanthropic leaders. The workforce reporting program is to be considered a public-private partnership. The institutions may accept matching funds from interested stakeholders to help facilitate and administer the workforce reporting program. Information generated by the dental workforce reporting program shall be made available on the center's website in a deidentified, aggregate format.

(70) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for planning student studios to assist cities and counties with planning projects. Assistance shall focus on students and supporting faculty to facilitate on-site learning with cities and counties.

(71) The institution must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(72) \$586,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1559 (postsecondary student needs). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(73) \$364,000 of the general fund—state appropriation for fiscal year 2024 and \$364,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1745 (diversity clinical trials). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(74) \$150,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (climate change/planning). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(75) \$1,213,000 of the statewide 988 behavioral health crisis response account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1134 (988 system). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(76) \$225,000 of the general fund—state appropriation for fiscal year 2024 and \$225,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue financial student assistance in public service oriented graduate and professional degree programs, referred to as "fee-based" programs, whose tuition for public service degrees is over \$18,000 per year. Programs shall create mechanisms to prioritize assistance to traditionally underrepresented students, specifically those who have expressed a commitment to service in the physician assistant, community oriented public health, or social work programs. The institution may offer financial assistance for students that volunteer or work with public health agencies,

including as contact tracers.

**NEW SECTION. Sec. 607. FOR WASHINGTON STATE UNIVERSITY**

General Fund—State Appropriation (FY 2024) ..	\$269,284,000
General Fund—State Appropriation (FY 2025) ..	\$272,180,000
Climate Commitment Account—State Appropriation .....	\$8,321,000
Washington State University Building Account—State Appropriation .....	\$792,000
Education Legacy Trust Account—State Appropriation .....	\$33,995,000
Model Toxics Control Operating Account—State Appropriation .....	\$2,076,000
Dedicated Cannabis Account—State Appropriation (FY 2024) .....	\$188,000
Dedicated Cannabis Account—State Appropriation (FY 2025) .....	\$194,000
Workforce Education Investment Account—State Appropriation .....	\$45,991,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$633,021,000</b>

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 2024 and \$90,000 of the general fund—state appropriation for fiscal year 2025 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 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 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 2024, \$7,000,000 of the general fund—state appropriation for fiscal year 2025, and \$22,800,000 of the workforce education investment account—state appropriation are provided solely for the continued development and operations of a medical school program in Spokane.

(6) \$135,000 of the general fund—state appropriation for fiscal year 2024 and \$135,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a honey bee biology research position.

(7) \$35,037,000 of the general fund—state appropriation for fiscal year 2024 and \$35,808,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(8) \$580,000 of the general fund—state appropriation for fiscal year 2024 and \$580,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the development of an organic agriculture systems degree program located at the university center in Everett.

(9) \$630,000 of the general fund—state appropriation for fiscal year 2024 and \$630,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the creation of an

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electrical engineering program located in Bremerton. At full implementation, the university is expected to increase degree production by 25 new bachelor's degrees per year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(10) \$1,370,000 of the general fund—state appropriation for fiscal year 2024 and \$1,370,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the creation of software engineering and data analytic programs at the university center in Everett. At full implementation, the university is expected to enroll 50 students per academic year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(11) General fund—state appropriations in this section are reduced to reflect a reduction in state-supported tuition waivers for graduate students. When reducing tuition waivers, the university will not change its practices and procedures for providing eligible veterans with tuition waivers.

(12) \$1,154,000 of the general fund—state appropriation for fiscal year 2024 and \$1,154,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 36, Laws of 2017 3rd sp. sess. (renewable energy, tax incentives).

(13) \$376,000 of the general fund—state appropriation for fiscal year 2024 and \$376,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for chapter 202, Laws of 2017 (children's mental health).

(14) \$585,000 of the general fund—state appropriation for fiscal year 2024 and \$585,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 159, Laws of 2017 (elk hoof disease).

(15) \$2,076,000 of the model toxics control operating account—state appropriation is provided solely for the university's soil health initiative and its network of long-term agroecological research and extension (LTARE) sites. The network must include a Mount Vernon REC site.

(16) \$42,000 of the general fund—state appropriation for fiscal year 2024 and \$42,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(17) \$33,000 of the general fund—state appropriation for fiscal year 2024 and \$33,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for compensation funding for Western Washington University employees that work on the Washington State University Everett campus.

(18) \$327,000 of the general fund—state appropriation for fiscal year 2024 and \$327,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for pharmacy behavioral health. Washington State University college of pharmacy and pharmaceutical sciences will hire two residency training positions and one behavioral health faculty to create a residency program focused on behavioral health.

(19) \$1,819,000 of the general fund—state appropriation for fiscal year 2024 and \$3,383,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for compensation support.

(20) \$608,000 of the general fund—state appropriation for fiscal year 2024 and \$608,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the Washington state academy of sciences to provide support for core operations and to accomplish its mission of providing science in

the service of Washington, pursuant to its memorandum of understanding with the university.

(21) \$188,000 of the general fund—state appropriation for fiscal year 2024 and \$188,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for stormwater research to study the long-term efficacy of green stormwater infrastructure that incorporates compost to remove pollutants.

(22) \$4,112,000 of the workforce education investment account—state appropriation is provided solely to establish a bachelor's degree in cybersecurity operations.

(23) \$68,000 of the general fund—state appropriation for fiscal year 2024 and \$68,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 212, Laws of 2022 (community solar projects).

(24) \$7,721,000 of the climate commitment account—state appropriation is provided solely for the creation of the institute for northwest energy futures.

(25) \$3,910,000 of the workforce education investment account—state appropriation is provided solely for increasing nursing salaries at the institution.

(26) \$476,000 of the workforce education investment account—state appropriation is provided solely for nursing program equipment.

(27) \$2,521,000 of the workforce education investment account—state appropriation is provided solely for the establishment of a bachelor of science in public health degree at the Pullman, Spokane, and Vancouver campuses.

(28) \$600,000 of the general fund—state appropriation for fiscal year 2024 and \$600,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for increasing the base funding for the William D. Ruckelshaus Center.

(29) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for test sites on grass breeding to be established to research and design ideal soil infill types for regional locations, drainage, and management practices.

(30) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the energy program for residential energy code education and support, including training, hotline support to the building industry, and information material and web resources.

(31) \$1,596,000 of the workforce education investment account—state appropriation is provided solely for the creation of a bachelor's and master's degree in social work at the Tri-Cities campus.

(32) \$2,000,000 of the workforce education investment account—state appropriation is provided solely for the expansion of rural physician residencies.

(33) The institution must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(34) \$496,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1559 (postsecondary student needs). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(35) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1391

(energy in buildings). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(36) \$77,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Second Substitute House Bill No. 1390 (district energy systems). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(37) \$600,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting), for a least-conflict pumped storage siting project.

(38)(a) \$800,000 of the general fund—state appropriation for fiscal year 2024 and \$700,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the development and implementation of a Native American scholarship program during the 2023-2025 biennium. Of the amounts in this subsection, no more than \$300,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 may be spent on administration; development of the program; support services for students; outreach regarding the program; and technical support for application.

(b) "Eligible student" means a member of a federally recognized Indian tribe located within the United States who files a free application for federal student aid (FAFSA) and enrolls in an undergraduate degree program. Eligible students need to maintain satisfactory academic progress during the 2023-2025 biennium to remain eligible for the scholarship. The institution shall determine award priorities based on tribal consultation. Awards must be distributed to students no later than May of each fiscal year.

(c) The institution must submit a report to the appropriate committees of the legislature by June 30, 2025. The report must include: The number of eligible students; the number of students who receive a scholarship; how recipients were determined; and how many members of federally recognized Indian tribes in Washington received scholarships versus members of federally recognized Indian tribes from other states.

**NEW SECTION. Sec. 608. FOR EASTERN WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2024)....	\$63,325,000
General Fund—State Appropriation (FY 2025)....	\$63,918,000
Education Legacy Trust Account—State Appropriation	
.....	\$16,838,000
Workforce Education Investment Account—State	
Appropriation.....	\$19,930,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$164,011,000</b>

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

(1) At least \$350,000 of the general fund—state appropriation for fiscal year 2024 and at least \$350,000 of the general fund—state appropriation for fiscal year 2025 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) \$12,586,000 of the general fund—state appropriation for fiscal year 2024 and \$12,862,000 of the general fund—state appropriation for fiscal year 2025 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) \$2,274,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(7) \$2,636,000 of the workforce education investment account—state appropriation is provided solely to maintain a computer engineering degree program in the college of science, technology, engineering, and math.

(8) \$300,000 of the workforce education investment account—state appropriation is provided solely to establish a center for inclusive excellence for faculty and staff.

(9) \$523,000 of the general fund—state appropriation for fiscal year 2024 and \$930,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for compensation support.

(10) \$4,598,000 of the workforce education investment account—state appropriation is provided solely to expand faculty and staff to create a cohort of 80 students in the bachelor of nursing program.

(11) \$235,000 of the general fund—state appropriation for fiscal year 2024 and \$241,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the continued implementation of RCW 49.60.525 (racial restrictions/review).

(12) \$500,000 of the workforce education investment account—state appropriation is provided solely for the establishment of a university mathematics, engineering, and science achievement program.

(13) \$838,000 of the workforce education investment account—state appropriation is provided solely for campus security personnel in Spokane and an additional police officer at the Cheney campus.

(14) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for planning student studios to assist cities and counties with planning projects. Assistance shall focus on students and supporting faculty to facilitate on-site learning with cities and counties.

(15) \$156,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1559 (postsecondary student needs). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(16) \$35,000 of the general fund—state appropriation for fiscal year 2024 and \$10,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1028 (crime victims and witnesses). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 609. FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2024)....	\$65,860,000
General Fund—State Appropriation (FY 2025)....	\$66,641,000
Central Washington University Capital Projects	
Account—State Appropriation.....	\$76,000
Education Legacy Trust Account—State Appropriation	

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.....	\$19,076,000
Workforce Education Investment Account—State	
Appropriation.....	\$8,519,000
TOTAL APPROPRIATION.....	\$160,172,000

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) \$14,186,000 of the general fund—state appropriation for fiscal year 2024 and \$14,498,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(5) \$2,236,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(6) \$1,050,000 of the workforce education investment account—state appropriation is provided solely to increase the number of certified K-12 teachers.

(7) \$736,000 of the workforce education investment account—state appropriation is provided solely to maintain mental health counseling positions.

(8) \$587,000 of the general fund—state appropriation for fiscal year 2024 and \$1,074,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for compensation support.

(9) \$1,406,000 of the workforce education investment account—state appropriation is provided solely for student success. Students will receive discipline specific tutoring programs, peer assisted learning sessions, and academic success coaching.

(10) \$967,000 of the workforce education investment account—state appropriation is provided solely to develop and implement grow your own residency programs in high need areas of elementary, bilingual, special education, and English language learners.

(11) \$844,000 of the workforce education investment account—state appropriation is provided solely for dual language expansion programs in Yakima and Des Moines.

(12) \$168,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1559 (postsecondary student needs). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(13) \$25,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Second Substitute House Bill No. 1028 (crime victims and witnesses). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(14) \$57,000 of the general fund—state appropriation for fiscal

year 2024 is provided solely for implementation of Second Substitute House Bill No. 1390 (district energy systems). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 610. FOR THE EVERGREEN STATE COLLEGE**

General Fund—State Appropriation (FY 2024) ....	\$36,808,000
General Fund—State Appropriation (FY 2025) ....	\$35,163,000
The Evergreen State College Capital Projects	
Account—State Appropriation.....	\$80,000
Education Legacy Trust Account—State Appropriation	
.....	\$5,450,000
Workforce Education Investment Account—State	
Appropriation .....	\$6,239,000
TOTAL APPROPRIATION .....	\$83,740,000

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

(1) \$4,315,000 of the general fund—state appropriation for fiscal year 2024 and \$4,410,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(3) Within amounts appropriated in this section, the college is encouraged to increase the number of tenure-track positions created and hired.

(4) \$3,771,000 of the general fund—state appropriation for fiscal year 2024 and \$2,445,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington state institute for public policy to initiate, sponsor, conduct, and publish research that is directly useful to policymakers and manage reviews and evaluations of technical and scientific topics as they relate to major long-term issues facing the state. Within the amounts provided in this subsection (4):

(a) \$1,665,000 of the amounts in fiscal year 2024 and \$1,685,000 of the amounts in fiscal year 2025 are provided for administration and core operations.

(b) \$1,229,000 of the amounts in fiscal year 2024 and \$529,000 of the amounts in fiscal year 2025 are provided solely for ongoing and continuing studies on the Washington state institute for public policy's work plan.

(c) \$291,000 of the amount in fiscal year 2024 is provided solely for a literature review, program mapping, and quantitative analysis regarding the impact of the volunteer guardian ad litem program in dependency cases. The study must examine the structural racism and inequities in the dependency system, and must include an analysis of potential solutions. The study must be submitted to the appropriate committees of the legislature by June 30, 2024.

(d) \$150,000 of the amount for fiscal year 2024 is provided solely for the institute to update the report prepared pursuant to section 5, chapter 231, laws of 2007 (permitting requirements). At a minimum, the report must include input from cities, counties, building industries, and building officials. The report must identify best practices on how local government could modify or improve their services in issuing permits. The report is due to the appropriate committees of the legislature by June 30, 2024.

(e)(i) \$154,000 of the amount for fiscal year 2024 is provided solely for the institute to examine the costs associated with conservation district elections under current law, and the projected costs and benefits for shifting conservation district election to be held on general election ballots under Title 29A

RCW. The examination must include, to the extent that the data allows:

(A) An analysis of the amount of money that each conservation district spends on holding elections for supervisors under current law, and a description of the funding sources that each conservation district utilizes to fund its elections;

(B) Information about voter turnout in each conservation district supervisor election in at least the past six years and up to the past 20 years, if the conservation district has such data, as well as a calculation of the total cost per ballot cast that each conservation district spent in those elections;

(C) A projection of the costs that would be expected to be incurred by each county and each conservation district for its supervisor elections if the district were to hold its supervisor elections on general election ballots under the processes and procedures in Title 29A RCW, including:

(I) Switching all supervisor positions to elected positions; and

(II) Changing term lengths to four years, with terms staggered such that elections are held every two years, to align with the elections for other local government officials;

(D) A projection of the costs that would be expected to be incurred by each county and each conservation district for its supervisor elections if, in addition to the changes described in (e)(i)(C) of this subsection, the conservation districts were divided into zones such that each zone is represented by a single supervisor, rather than electing each supervisor at-large throughout the district; and

(E) An overall description of potential nonmonetary costs and benefits associated with switching conservation district supervisor elections to the general election ballots under Title 29A RCW and incorporating the changes described in (e)(i)(C) and (D) of this subsection.

(ii) A preliminary report which contains any available information to date must be completed by December 1, 2023. A final report must be completed by June 30, 2024, and submitted in accordance with RCW 43.01.036 to the standing committees of the house of representatives and the senate with jurisdiction over elections and conservation district issues.

(f) \$100,000 of the amounts for fiscal year 2024 and \$100,000 of the amounts for fiscal year 2025 are provided solely for the institute to conduct a review of all assessments and charges imposed on individuals incarcerated in department of corrections facilities and their family members and its effect on the financial status of incarcerated individuals. The review must include, at a minimum:

(i) An evaluation of all costs incurred by incarcerated individuals for items that include but are not limited to:

(A) Food;

(B) Commissary items;

(C) Personal hygiene items;

(D) Electronic devices and services, tablets, digital stamps, and downloadable media and services such as music, movies, and other programs;

(E) Stationary, mail, and postage;

(F) Communication devices such as telephones, local and nonlocal telephone services, and video chat services;

(G) Clothing and shoes;

(H) Copayments for medical, dental, and optometry visits, care, and medication;

(I) Eyeglasses;

(J) Gym, television services, and any other recreational activities;

(K) Educational and vocational classes, programming, and related materials; and

(L) Any and all items and services charged to incarcerated

persons under RCW 72.09.450 and 72.09.470 including, but not limited to, a complete list of any other item that an individual was or could have been charged for while incarcerated;

(ii) A complete itemized list of: (A) All items in (f)(i) of this subsection; (B) the cost of each item and service purchased by the department or negotiated with a vendor in (f)(i) of this subsection; (C) the resale or purchased price charged to incarcerated individuals and their family members for the same items in (f)(i) of this subsection; (D) the revenue or profit retained or reinvested by the department for each individual item in (f)(i) of this subsection; (E) the cost of items and services listed in (f)(i) of this subsection compared to comparable items and services that are not provided through correctional industries; and (F) an assessment of the prices charged for the items and services listed in (f)(i) of this subsection as compared to comparable items and services provided by other companies and vendors that do not service prisons;

(iii) A complete list of all items including, but not limited to, clothing and personal hygiene items, that are distributed monthly free of charge: (A) To all incarcerated individuals irrespective of their financial status; and (B) solely to indigent inmates as defined in RCW 72.09.015 provided the individual remains in indigent status during his or her period of incarceration;

(iv) The average annual debt incurred by an individual while incarcerated. This includes debt solely recorded and posted by the department for debt incurred between the individual's first day of confinement within the department of corrections through the individual's day of release from incarceration from prison;

(v) The average debt owed by incarcerated individuals to the department for items and services under (f)(i) of this subsection upon release from confinement;

(vi) The average amount paid by incarcerated individuals to the department for items and services under (f)(i) of this subsection during their period of confinement;

(vii) A list of the: (A) Required deductions from wages and gratuities earned pursuant to RCW 72.09.100 through 72.09.111; (B) required deductions from the funds received, by the department on behalf of an incarcerated person from outside sources, in addition to an incarcerated individual's wages or gratuities pursuant to RCW 72.09.480; and (C) wages and gratuities earned by an incarcerated individual and any funds received, by the department on behalf of an incarcerated person, from outside sources for specific items listed in (f)(i) of this subsection that are exempt from statutory deductions;

(viii) The average amount of funds remaining in an incarcerated individual's savings account at the time of his or her release from confinement; and

(ix) A review and evaluation of the fines, fees, and commission generated from any of the items and services listed in (f)(i) of this subsection that are used in the department's budget.

The institute must provide a final report to the governor and the appropriate committees of the legislature by September 30, 2024.

(g)(i) \$50,000 of the amount for fiscal year 2024 is provided solely for the institute to study the contracting practices for goods and services, and manufactured products, made or offered by correctional industries to state agencies and various political subdivisions within the state. A cost benefit analysis must be included in the report which must:

(A) Determine the costs of all contracts utilizing the labor of incarcerated individuals providing services or the manufacture of goods for state entities and other political subdivisions;

(B) Compare the cost savings to the state of Washington that is projected when those goods and services are procured from or produced by corrections industries and not private businesses engaged in a competitive bidding process with the state and its

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various political subdivisions;

(C) Provide a detailed break out of total number of labor positions that are offered to incarcerated individuals, ranked from least skilled to most skilled and the rate per hour of the gratuities the individuals are given monthly for this labor, including the amount if the gratuity given to incarcerated individuals was the federal or state mandated minimum wage;

(D) Provide a detailed listing of all commissary items purchased by and offered for sale to individuals incarcerated within the facilities operated by the department of corrections. This listing of individual items must also include the wholesale price from outside vendors that correction industries pays for each line item offered to incarcerated individuals, and the price charged to the incarcerated individual for those items; and

(E) Provide a comprehensive list of all positions offered by corrections industries that provide substantive training and labor ready skills for individuals to assume positions in the workforce outside of incarceration; and to the extent the data allows, provide the number of individuals who have positions upon release that were obtained with skills obtained through work at correctional industries.

(ii) The institute must submit a report to the appropriate committees of the legislature by June 30, 2024, in compliance with RCW 43.01.036.

(h) \$132,000 of the amounts in fiscal year 2024 and \$131,000 of the amounts in fiscal year 2025 are provided solely for the institute to conduct a study of the Washington jail system and juvenile justice facilities, in consultation with the Washington state association of counties. The analysis must include, but is not limited to, diversion or alternative programs, booking, incarceration alternatives, behavioral health treatment including competence evaluations and restoration services, and release and reentry. The institute must submit a final report to the appropriate committees of the legislature by December 1, 2024.

(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 2023-25 work plan as necessary to efficiently manage workload.

(5) \$2,636,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(6) \$670,000 of the workforce education investment account—state appropriation is provided solely to maintain enrollment capacity in psychology programs.

(7) \$600,000 of the workforce education investment account—state appropriation is provided solely to increase student success by maintaining support for a student precollege immersion program and the Evergreen first-year experience.

(8) \$1,637,000 of the workforce education investment account—state appropriation is provided solely for student enrollment and retention support. Funding is provided for hiring a student advisor and underserved student specialist to provide student support and administrative support for the native pathways program. Funding is also provided to support students in science, technology, engineering, and math programs.

(9) \$554,000 of the workforce education investment account—state appropriation is provided solely for the expansion of corrections education offerings to currently incarcerated students and the expansion of reentry services.

(10) \$142,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1559

(postsecondary student needs). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(11) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1291 (academic employee bargaining). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(12) \$6,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Second Substitute House Bill No. 1028 (crime victims and witnesses). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 611. FOR WESTERN WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2024) .....	\$95,340,000
General Fund—State Appropriation (FY 2025) .....	\$97,553,000
Western Washington University Capital Projects	
Account—State Appropriation .....	\$1,424,000
Education Legacy Trust Account—State Appropriation .....	\$13,831,000
Workforce Education Investment Account—State	
Appropriation .....	\$20,387,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$228,535,000</b>

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) \$19,580,000 of the general fund—state appropriation for fiscal year 2024 and \$20,010,000 of the general fund—state appropriation for fiscal year 2025 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 2024 and \$700,000 of the general fund—state appropriation for fiscal year 2025 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 2024 and \$1,306,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the university to develop a new program in marine, coastal, and watershed sciences.

(6) \$886,000 of the general fund—state appropriation for fiscal year 2024 and \$886,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the university to reduce tuition rates for four-year degree programs offered in partnership with Olympic college—Bremerton, Olympic college—Poulsbo, and Peninsula college—Port Angeles that are currently above state-funded resident undergraduate tuition rates.

(7) Within amounts appropriated in this section, the university

is encouraged to increase the number of tenure-track positions created and hired.

(8) \$2,256,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(9) \$3,426,000 of the workforce education investment account—state appropriation is provided solely to maintain access to science, technology, engineering, and mathematics degrees.

(10) \$1,016,000 of the workforce education investment account—state appropriation is provided solely to establish an academic curriculum in ethnic studies.

(11) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for planning student studios to assist cities and counties with planning projects. Assistance shall focus on students and supporting faculty to facilitate on-site learning with cities and counties.

(12) \$500,000 of the workforce education investment account—state appropriation is provided solely for the student civic leaders initiative.

(13) \$1,610,000 of the general fund—state appropriation for fiscal year 2024 and \$2,844,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for compensation support.

(14) \$4,000,000 of the workforce education investment account—state appropriation is provided solely for the western on the peninsulas expansion. This includes new two for two degrees programs such as industrial engineering, data science and sociology, and master of social work programs.

(15) \$2,799,000 of the workforce education investment account—state appropriation is provided solely for expanded remedial math and additional English 101 courses, as well first year seminars, and disability accommodation counselors. Of the amounts provided in this subsection for first year seminars, \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided for the university to develop a student orientation program for students receiving the Washington college grant, focusing on first-generation and traditionally underrepresented students. The program may include evidence-based student success metrics, peer support, and mentorship following orientation. The program proposal must be submitted to the legislature by December 1, 2023 for implementation in the 2024-2025 academic year.

(16) \$100,000 of the workforce education investment account—state appropriation is provided solely for mental health first aid training for faculty.

(17) \$150,000 of the workforce education investment account—state appropriation is provided solely for the small business development center to increase technical assistance to black, indigenous, and other people of color small business owners in Whatcom county.

(18) \$694,000 of the workforce education investment account—state appropriation is provided to establish a master of social work program.

(19) \$2,478,000 of the workforce education investment account—state appropriation is provided solely for expansion of bilingual educators education.

(20) \$156,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1559

(postsecondary student needs). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(21) \$23,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Second Substitute House Bill No. 1028 (crime victims and witnesses). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(22) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1291 (academic employee bargaining). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 612. FOR THE STUDENT ACHIEVEMENT COUNCIL—POLICY COORDINATION AND ADMINISTRATION**

General Fund—State Appropriation (FY 2024) .....	\$10,058,000
General Fund—State Appropriation (FY 2025) .....	\$9,311,000
General Fund—Federal Appropriation.....	\$20,959,000
Washington Student Loan Account—State Appropriation .....	\$130,000,000
Workforce Education Investment Account—State Appropriation .....	\$9,936,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$180,264,000</b>

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

(1) \$126,000 of the general fund—state appropriation for fiscal year 2024 and \$126,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the consumer protection unit.

(2) 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.

(3) \$179,000 of the general fund—state appropriation for fiscal year 2024 and \$179,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the complete Washington program.

(4) Within existing resources, the council must submit a final report on the new or expanded cybersecurity and nursing academic programs that receive funding in sections 605 through 611 of this act, including the number of students enrolled. The council must coordinate with the institutions of higher education and the state board for community and technical colleges. The report must be submitted to the appropriate committees of the legislature, pursuant to RCW 43.01.036, by December 1, 2024.

(5) \$2,800,000 of the workforce education investment account—state appropriation is provided solely for the Washington student achievement council to contract with a statewide nonprofit organization located in King county to expand college services to support underserved students and improve college retention and completion rates.

(6) \$46,000 of the general fund—state appropriation for fiscal year 2024 and \$46,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the state of Washington's annual dues to the education commission of the state.

(7) \$100,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for an education assessment to be conducted related to the educational needs of northeast Washington. This assessment will help to identify higher education opportunities. The Washington state achievement

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council may contract with a private entity to conduct this study.

(8) \$150,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for an implementation review of the passport to careers program. The review must include short and long-term recommendations to improve the reach and effectiveness of the passport program. The review must include consultation with organizations serving foster youth, the state board of community and technical colleges, public four-year institutions, and other organizations involved in the passport to college and passport to apprenticeship programs. Amounts provided in this subsection may be used to provide stipends for youth participating in the review who are receiving funds from passport programs or are eligible to receive funds from passport programs. The review must be submitted to the appropriate committees of the legislature by June 30, 2024.

(9) \$130,000,000 of the Washington student loan account—state appropriation is provided solely for the implementation of chapter 206, Laws of 2022 (student loan program).

(10) \$16,000,000 of the general fund—federal appropriation is provided solely for the good jobs challenge grant expenditure authority.

(11) \$200,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for contraception vending machines for students and staff stocked with emergency contraceptive medication and other forms of contraception, including condoms, at discreet and geographically accessible locations, such as gender-neutral restrooms and student union buildings, and locations that are accessible on weekends and after 5:00 p.m. The council must distribute \$10,000 to each public four-year institution and community and technical college who apply on a first-come, first-served basis.

(12) \$1,150,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1559 (postsecondary student needs). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(13) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the council to provide grants to law schools in the state who offer a law clinic focusing on crime victim support.

**NEW SECTION. Sec. 613. FOR THE STUDENT ACHIEVEMENT COUNCIL—OFFICE OF STUDENT FINANCIAL ASSISTANCE**

General Fund—State Appropriation (FY 2024).....	\$315,042,000
General Fund—State Appropriation (FY 2025).....	\$314,786,000
General Fund—Federal Appropriation.....	\$12,133,000
General Fund—Private/Local Appropriation.....	\$300,000
Education Legacy Trust Account—State Appropriation.....	\$85,488,000
Washington Opportunity Pathways Account—State Appropriation.....	\$78,914,000
Aerospace Training Student Loan Account—State Appropriation.....	\$218,000
Workforce Education Investment Account—State Appropriation.....	\$237,184,000
Health Professionals Loan Repayment and Scholarship Program Account—State Appropriation.....	\$11,720,000
TOTAL APPROPRIATION.....	\$1,055,785,000

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

(1) \$7,834,000 of the general fund—state appropriation for fiscal year 2024 and \$7,835,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for student financial aid payments under the state work study program,

including up to four percent administrative allowance for the state work study program.

(2) \$276,416,000 of the general fund—state appropriation for fiscal year 2024, \$276,416,000 of the general fund—state appropriation for fiscal year 2025, \$175,823,000 of the workforce education investment account—state appropriation, \$69,639,000 of the education legacy trust fund—state appropriation, and \$67,654,000 of the Washington opportunity pathways account—state appropriation are provided solely for the Washington college grant program as provided in RCW 28B.92.200.

(3) Changes made to the state work study program in the 2009-2011 and 2011-2013 fiscal biennia are continued in the 2023-2025 fiscal biennium including maintaining the increased required employer share of wages; adjusted employer match rates; discontinuation of nonresident student eligibility for the program; and revising distribution methods to institutions by taking into consideration other factors such as off-campus job development, historical utilization trends, and student need.

(4) \$1,165,000 of the general fund—state appropriation for fiscal year 2024, \$1,165,000 of the general fund—state appropriation for fiscal year 2025, \$15,849,000 of the education legacy trust account—state appropriation, and \$11,260,000 of the Washington opportunity pathways account—state appropriation are provided solely for the college bound scholarship program and may support scholarships for summer session. The office of student financial assistance and the institutions of higher education shall not consider awards made by the opportunity scholarship program to be state-funded for the purpose of determining the value of an award amount under RCW 28B.118.010.

(5) \$6,999,000 of the general fund—state appropriation for fiscal year 2024 and \$6,999,000 of the general fund—state appropriation for fiscal year 2025 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 2024 and 2025 for this purpose.

(6) \$3,800,000 of the general fund—state appropriation for fiscal year 2024 and \$3,800,000 of the general fund—state appropriation for fiscal year 2025 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 2025-2027 fiscal biennium on the basis of these contractual obligations.

(7) \$5,800,000 of the general fund—state appropriation in fiscal year 2024 and \$5,800,000 of the general fund—state appropriation in fiscal year 2025 are provided solely to meet the 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.

(8) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the rural jobs state match.

(9) \$55,254,000 of the workforce education investment account—state appropriation is provided solely for an annual bridge grant of \$500 to eligible students. A student is eligible for a grant if the student receives a maximum college grant award and does not receive the college bound scholarship program under chapter 28B.118 RCW. Bridge grant funding provides supplementary financial support to low-income students to cover higher education expenses.

(10) \$500,000 of the workforce education investment account—state appropriation is provided solely for the behavioral health apprenticeship stipend pilot program, with stipends of \$3,000 available to students. The pilot program is intended to provide a stipend to assist students in high-demand programs for costs associated with completing a program, including child care, housing, transportation, and food.

(11) \$2,000,000 of the workforce education investment account—state appropriation is provided solely for the national guard grant program.

(12) \$2,000,000 of the workforce education investment account—state appropriation is provided solely for educator conditional scholarship and loan repayment programs established in chapter 28B.102 RCW. Dual language educators must receive priority.

(13) \$10,000,000 of the health professionals loan repayment and scholarship program account—state appropriation is provided solely to increase loans within the Washington health corps.

(14) \$1,156,000 of the workforce education investment account—state appropriation is provided solely for implementation of House Bill No. 1232 (college bound scholarship).

**NEW SECTION. Sec. 614. FOR THE WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD**

General Fund—State Appropriation (FY 2024).....	\$4,764,000
General Fund—State Appropriation (FY 2025).....	\$4,183,000
General Fund—Federal Appropriation .....	\$55,685,000
General Fund—Private/Local Appropriation.....	\$212,000
Climate Commitment Account—State Appropriation.....	\$904,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation.....	\$250,000
Workforce Education Investment Account—State Appropriation.....	\$6,714,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$72,712,000</b>

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

(1) \$240,000 of the general fund—state appropriation for fiscal year 2024 and \$240,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the health workforce council of the state workforce training and education coordinating

board. In partnership with the office of the governor, the health workforce council shall continue to assess workforce shortages across behavioral health disciplines and incorporate the recommended action plan completed in 2020.

(2) \$150,000 of the workforce education investment account—state appropriation is provided solely to support the workforce education investment accountability and oversight board established in RCW 28C.18.200.

(3) \$250,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for an accredited osteopathic medical school to purchase necessary equipment to support the education and training of community-focused occupational therapists.

(4) \$1,564,000 of the workforce education investment account—state appropriation is provided solely for updating the agency's interactive career and education exploration platform, career bridge.

(5) \$5,000,000 of the workforce education investment account—state appropriation is provided solely for the workforce board to award grants for the purposes of providing apprenticeship, industry certifications and wraparound student supports to workers pursuing job advancement and enhancement through college readiness, apprenticeship, degree, certification, or professional development opportunities in the health care field. Grant recipients must be labor-management partnerships established under section 302 of the labor-management relations act, 29 U.S.C. Sec. 186 that demonstrate adequate funding match and competency in the provision of student supports, or employers who can demonstrate service serving greater than 50 percent medicaid populations who can demonstrate that they will use the grant to join or establish a labor-management partnership dedicated to the purposes of this section. Preference must be given to applications that demonstrate an ability to support students from racially diverse backgrounds, and that are focused on in-demand fields with career ladders to living wage jobs. Grant recipients must use the funds to provide services including, but not limited to, development and implementation of apprenticeship and industry certifications, benefits administration, tuition assistance, counseling and navigation, tutoring and test preparation, instructor/mentor training, materials and technology for students, childcare, and travel costs.

(6) \$92,000 of the general fund—state appropriation for fiscal year 2024 and \$92,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for an information technology FTE to collaborate with other state workforce agencies to help identify a governance structure that provides strategic direction on cross-organizational information technology projects.

(7) The workforce board must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(8) \$54,000 of the general fund—state appropriation for fiscal year 2024 and \$30,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1724 (behavioral health workforce). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(9) \$904,000 of the climate commitment account—state appropriation is provided solely for the implementation of Second Substitute House Bill No. 1176 (climate-ready communities), which creates a clean energy technology workforce advisory committee. The agency must conduct a study in fiscal year 2024 of the feasibility of a transition to retirement program to ensure income and medical and retirement benefits are not interrupted

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for workers close to retirement that face job loss or transition because of clean energy technology sector changes.

**NEW SECTION. Sec. 615. FOR THE STATE SCHOOL FOR THE BLIND**

General Fund—State Appropriation (FY 2024).....	\$10,462,000
General Fund—State Appropriation (FY 2025).....	\$10,603,000
General Fund—Private/Local Appropriation.....	\$34,000
TOTAL APPROPRIATION.....	\$21,099,000

The appropriations in this section are subject to the following conditions and limitations: Funding provided in this section is sufficient for the school to offer to students enrolled in grades six through twelve for full-time instructional services at the Vancouver campus or online with the opportunity to participate in a minimum of 1,080 hours of instruction and the opportunity to earn 24 high school credits.

**NEW SECTION. Sec. 616. FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS**

General Fund—State Appropriation (FY 2024).....	\$17,016,000
General Fund—State Appropriation (FY 2025).....	\$17,022,000
General Fund—Private/Local Appropriation.....	\$3,050,000
TOTAL APPROPRIATION.....	\$37,088,000

The appropriations in this section are subject to the following conditions and limitations: Funding provided in this section is sufficient for the center to offer students ages three through twenty-one enrolled at Washington School for the Deaf the opportunity to participate in a minimum of 1,080 hours of instruction and the opportunity to earn 24 high school credits.

**NEW SECTION. Sec. 617. FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund—State Appropriation (FY 2024).....	\$6,939,000
General Fund—State Appropriation (FY 2025).....	\$7,106,000
General Fund—Federal Appropriation .....	\$2,183,000
General Fund—Private/Local Appropriation.....	\$184,000
TOTAL APPROPRIATION.....	\$16,412,000

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

(1) \$151,000 of the general fund—state appropriation for fiscal year 2024 and \$137,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the commission to hire a temporary collections technician to maintain and repair public art in the state art collection.

(2) \$1,368,000 of the general fund—state appropriation for fiscal year 2024 and \$1,367,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the establishment of a tribal cultural affairs program. Of the amounts provided in this subsection, \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to support tribal cultural, arts, and creative programs.

(3) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the commission to implement a pilot program for in-person and online arts programming, targeting adults and families impacted by housing instability, mental health challenges, and trauma.

(4) \$489,000 of the general fund—state appropriation for fiscal year 2024 and \$654,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1639 (Billy Frank Jr. statue). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 618. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund—State Appropriation (FY 2024).....	\$5,044,000
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General Fund—State Appropriation (FY 2025).....	\$5,175,000
Local Museum Account—Washington State Historical Society—Private/Local Appropriation .....	\$70,000
TOTAL APPROPRIATION .....	\$10,289,000

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 2024 and \$88,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for an assistant curator at the Washington state history museum.

(2) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with an organization that works with and connects museums in Washington as part of the Washington museums connect initiative. The Washington museums connect initiative created an inventory of rural, volunteer, and multidiscipline museums and place-based heritage groups in 2022 to connect at-risk museums to a statewide funding and operational network.

(a) The contracted organization must:

(i) Submit to the department a report regarding funding needs for the museums and place-based heritage groups identified in the statewide inventory created in the first phase of the initiative;

(ii) Submit to the department a strategic plan assessing opportunities for the entities identified in the statewide inventory to access local, state, and national funding; and

(iii) Distribute to the entities identified in the inventory information regarding opportunities to apply for local, state, and national funding for the duration of the contract.

(b) The report and strategic plan are due by June 30, 2025.

(3) \$4,000 of the general fund—state appropriation for fiscal year 2024, \$4,000 of the general fund—state appropriation for fiscal year 2025, and \$70,000 of the local museum account—Washington state historical society—private/local appropriation are provided solely for implementation of Second Substitute House Bill No. 1639 (Billy Frank Jr. statue). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(4) \$99,000 of the general fund—state appropriation for fiscal year 2024 and \$242,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington state historical society to partner with statewide organizations specializing in the preservation of Washington state aviation history to organize a centennial celebration of the first round-the-world flight that captures the narratives and contributions of Washingtonians to the history of aviation.

**NEW SECTION. Sec. 619. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund—State Appropriation (FY 2024).....	\$4,198,000
General Fund—State Appropriation (FY 2025) .....	\$4,208,000
TOTAL APPROPRIATION .....	\$8,406,000

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

(1) \$103,000 of the general fund—state appropriation for fiscal year 2024 and \$103,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a director of support services.

(2) \$52,000 of the general fund—state appropriation for fiscal year 2024 and \$52,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for temporary information technology staff to replace the society's contracted information technology support.

**PART VII  
SPECIAL APPROPRIATIONS**

**NEW SECTION. Sec. 701. FOR THE OFFICE OF**

**FINANCIAL MANAGEMENT—INFORMATION TECHNOLOGY INVESTMENT POOL**

General Fund—State Appropriation (FY 2024).....	\$11,086,000
General Fund—State Appropriation (FY 2025).....	\$6,506,000
General Fund—Federal Appropriation .....	\$1,553,000
Other Appropriated Funds .....	\$3,279,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$22,424,000</b>

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

(1) The appropriations in this section are provided solely for expenditure into the information technology investment revolving account created in RCW 43.41.433. Amounts in the account are provided solely for the information technology projects shown in LEAP omnibus document IT-2023, dated March 27, 2023, 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 document IT-2023, dated March 27, 2023, the state treasurer is directed to transfer moneys from other funds and accounts to the information technology investment revolving account in accordance with schedules provided by the office of financial management. Restricted federal funds may be transferred only to the extent permitted by law, and will otherwise remain outside the information technology investment account. The projects affected remain subject to the other provisions of this section.

(2) Agencies must apply to the office of the chief information officer for certification and release of funding for each gate of the project. When the office of the chief information officer certifies the key deliverables of the gate have been met and a current technology budget is approved, it must notify the office of financial management and the fiscal committees of the legislature. The office of financial management may not approve funding for the certified project gate any earlier than ten business days from the date of notification to the fiscal committees of the legislature.

(3)(a) Allocations and allotments of information technology investment revolving account must be made for discrete stages of projects as determined by the technology budget approved by the office of the chief information officer and office of financial management.

(b) Fifteen percent of total funding allocated by the office of financial management, or another amount as defined jointly by the office of financial management and the office of the chief information officer, will be retained in the account, but remain allocated to that project. The retained funding will be released to the agency only after successful completion of that stage of the project. For the one Washington project, the amount retained is increased to at least twenty percent of total funding allocated for any stage of that project.

(4)(a) Each project must have a technology budget. The technology budget must have the detail by fiscal month for the 2023-2025 fiscal biennium. The technology budget must use a method similar to the state capital budget, identifying project costs, each fund source, and anticipated deliverables through each stage of the entire project investment and across fiscal periods and biennia from project onset through implementation and close out, as well as at least five years of maintenance and operations costs.

(b) As part of the development of a technology budget and at each request for funding, the agency shall submit an updated technology budget, if changes occurred, to include detailed financial information to the office of financial management and the office of the chief information officer. The technology budget must describe the total cost of the project, as well as maintenance and operations costs, to include and identify at least:

- (i) Fund sources:

(A) If the project is funded from the information technology revolving account, the technology budget must include a worksheet that provides the fund sources that were transferred into the account by fiscal year;

(B) If the project is by a central service agency, and funds are driven out by the central service model, the technology budget must provide a statewide impact by agency by fund as a worksheet in the technology budget file;

- (ii) Full time equivalent staffing level to include job classification assumptions;

- (iii) Discrete financial budget codes to include at least the appropriation index and program index;

- (iv) Object and subobject codes of expenditures;

- (v) Anticipated deliverables;

- (vi) Historical budget and expenditure detail by fiscal year; and

- (vii) Maintenance and operations costs by fiscal year for at least five years as a separate worksheet.

(c) If a project technology budget changes and a revised technology budget is completed, a comparison of the revised technology budget to the last approved technology budget must be posted to the dashboard, to include a narrative rationale on what changed, why, and how that impacts the project in scope, budget, and schedule.

(5)(a) Each project must have an investment plan that includes:

- (i) An organizational chart of the project management team that identifies team members and their roles and responsibilities;

- (ii) The office of the chief information officer staff assigned to the project;

- (iii) An implementation schedule covering activities, critical milestones, and deliverables at each stage of the project for the life of the project at each agency affected by the project;

- (iv) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product;

- (v) Ongoing maintenance and operations cost of the project post implementation and close out delineated by agency staffing, contracted staffing, and service level agreements; and

- (vi) Financial budget coding to include at least discrete financial coding for the project.

(6) Projects with estimated costs greater than one hundred million dollars from initiation to completion and implementation may be divided into discrete subprojects as determined by the office of the chief information officer, except for the one Washington project which must be divided into the following discrete subprojects: Core financials, expanding financials and procurement, budget, and human resources. Each subproject must have a technology budget and investment plan as provided in this section.

(7)(a) The office of the chief information officer shall maintain an information technology project dashboard that provides updated information each fiscal month on projects subject to this section. This includes, at least:

- (i) Project changes each fiscal month;

- (ii) Noting if the project has a completed market requirements document, and when it was completed;

- (iii) Financial status of information technology projects under oversight;

- (iv) Coordination with agencies;

- (v) Monthly quality assurance reports, if applicable;

- (vi) Monthly office of the chief information officer status reports;

- (vii) Historical project budget and expenditures through fiscal year 2021;

- (viii) Budget and expenditures each fiscal month;

- (ix) Estimated annual maintenance and operations costs by

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fiscal year; and

(x) Posting monthly project status assessments on scope, schedule, budget, and overall by the:

- (A) Office of the chief information officer;
- (B) Agency project team; and
- (C) Quality assurance vendor, if applicable to the project.

(b) The dashboard must retain a roll up of the entire project cost, including all subprojects, that can display subproject detail. This includes coalition projects that are active.

(8) If the project affects more than one agency:

(a) A separate technology budget and investment plan must be prepared for each agency; and

(b) The dashboard must contain a statewide project technology budget roll up that includes each affected agency at the subproject level.

(9) For any project that exceeds two million dollars in total funds to complete, requires more than one biennium to complete, or is financed through financial contracts, bonds, or other indebtedness:

(a) Quality assurance for the project must report independently to the office of the chief information officer;

(b) The office of the chief information officer must review, and, if necessary, revise the proposed project to ensure it is flexible and adaptable to advances in technology;

(c) The technology budget must specifically identify the uses of any financing proceeds. No more than thirty percent of the financing proceeds may be used for payroll-related costs for state employees assigned to project management, installation, testing, or training;

(d) The agency must consult with the office of the state treasurer during the competitive procurement process to evaluate early in the process whether products and services to be solicited and the responsive bids from a solicitation may be financed; and

(e) The agency must consult with the contracting division of the department of enterprise services for a review of all contracts and agreements related to the project's information technology procurements.

(10) The office of the chief information officer must evaluate the project at each stage and certify whether the project is planned, managed, and meeting deliverable targets as defined in the project's approved technology budget and investment plan.

(11) The office of the chief information officer may suspend or terminate a project at any time if it determines that the project is not meeting or not expected to meet anticipated performance and technology outcomes. Once suspension or termination occurs, the agency shall unallot any unused funding and shall not make any expenditure for the project without the approval of the office of financial management. The office of the chief information officer must report on July 1 and December 1 each calendar year any suspension or termination of a project in the previous six month period to the legislative fiscal committees.

(12) The office of the chief information officer, in consultation with the office of financial management, may identify additional projects to be subject to this section, including projects that are not separately identified within an agency budget. The office of the chief information officer must report on July 1 and December 1 each calendar year any additional projects to be subjected to this section that were identified in the previous six month period to the legislative fiscal committees.

(13) Any cost to administer or implement this section for projects listed in subsection (1) of this section, must be paid from the information technology investment revolving account. For any other information technology project made subject to the conditions, limitations, and review of this section, the cost to implement this section must be paid from the funds for that

project.

(14) The resident identity and access management modernization project of the consolidated technology services agency is subject to the conditions, limitations, and review in this section.

**NEW SECTION. Sec. 702. 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 2024)	\$1,419,429,000
General Fund—State Appropriation (FY 2025)	\$1,549,473,000
State Building Construction Account—State Appropriation	\$14,092,000
Watershed Restoration and Enhancement Bond Account—State Appropriation	\$204,000
State Taxable Building Construction Account—State Appropriation	\$876,000
Debt-Limit Reimbursable Bond Retirement Account—State Appropriation	\$119,000
<b>TOTAL APPROPRIATION</b>	<b>\$2,984,193,000</b>

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.

**NEW SECTION. Sec. 703. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT NOT SUBJECT TO THE DEBT LIMIT**

General Fund—State Appropriation (FY 2025)	\$1,136,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,136,000</b>

The appropriation in this section is subject to the following conditions and limitations: The general fund appropriation is provided solely for expenditure into the nondebt limit general fund bond retirement account for debt service on bonds issued pursuant to House Bill No. 1149 (housing/capital expenditures). If the bill is not enacted by June 30, 2023, or if the referendum bill is not approved by the voters at the 2023 general election, the amount provided in this section shall lapse.

**NEW SECTION. Sec. 704. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

Nondebt-Limit Reimbursable Bond Retirement Account—State Appropriation	\$51,730,000
<b>TOTAL APPROPRIATION</b>	<b>\$51,730,000</b>

The appropriation in this section is subject to the following conditions and limitations: The general fund appropriation is for expenditure into the nondebt limit general fund bond retirement account.

**NEW SECTION. Sec. 705. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

General Fund—State Appropriation (FY 2024)	\$1,400,000
General Fund—State Appropriation (FY 2025)	\$1,400,000
State Building Construction Account—State Appropriation	\$2,821,000
Watershed Restoration and Enhancement Bond Account—State Appropriation	\$44,000

State Taxable Building Construction Account—State  
 Appropriation..... \$176,000  
 TOTAL APPROPRIATION..... \$5,841,000  
**NEW SECTION. Sec. 706. FOR THE OFFICE OF  
 FINANCIAL MANAGEMENT—GOVERNOR'S  
 EMERGENCY FUNDING**

General Fund—State Appropriation (FY 2024)..... \$3,500,000  
 General Fund—State Appropriation (FY 2025)..... \$3,500,000  
 TOTAL APPROPRIATION..... \$7,000,000

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

(1) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the critically necessary work of any state agency in the event of an emergent or unforeseen circumstance. Prior to the allocation of funding from this subsection (1), the requesting agency and the office of financial management must comply with the provisions of RCW 43.88.250.

(2) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for individual assistance consistent with RCW 38.52.030(9) during an emergency proclaimed by the governor, as defined in RCW 38.52.010. The office of financial management must notify the fiscal committees of the legislature of the receipt by the governor or adjutant general of each application or request for individual assistance from the amounts provided in this subsection (2). The office of financial management may not approve or release funding for 10 business days from the date of notification to the fiscal committees of the legislature.

**NEW SECTION. Sec. 707. FOR THE OFFICE OF  
 FINANCIAL MANAGEMENT—EDUCATION  
 TECHNOLOGY REVOLVING ACCOUNT**

General Fund—State Appropriation (FY 2024)..... \$9,000,000  
 General Fund—State Appropriation (FY 2025)..... \$9,000,000  
 TOTAL APPROPRIATION..... \$18,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the education technology revolving account for the purpose of covering ongoing operational and equipment replacement costs incurred by the K-20 educational network program in providing telecommunication services to network participants.

**NEW SECTION. Sec. 708. FOR THE OFFICE OF  
 FINANCIAL MANAGEMENT—O'BRIEN BUILDING  
 IMPROVEMENT**

General Fund—State Appropriation (FY 2024)..... \$2,585,000  
 General Fund—State Appropriation (FY 2025)..... \$2,584,000  
 TOTAL APPROPRIATION..... \$5,169,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the enterprise services account for payment of principal, interest, and financing expenses associated with the certificate of participation for the O'Brien building improvement, project number 20081007.

**NEW SECTION. Sec. 709. FOR THE OFFICE OF  
 FINANCIAL MANAGEMENT—CHERBERG BUILDING  
 REHABILITATION**

General Fund—State Appropriation (FY 2024)..... \$550,000  
 General Fund—State Appropriation (FY 2025)..... \$552,000  
 TOTAL APPROPRIATION..... \$1,102,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the enterprise services account for payment

of principal, interest, and financing expenses associated with the certificate of participation for the Cherberg building improvements, project number 2002-1-005.

**NEW SECTION. Sec. 710. FOR THE STATE  
 TREASURER—COUNTY PUBLIC HEALTH  
 ASSISTANCE**

General Fund—State Appropriation (FY 2024) .... \$36,386,000  
 General Fund—State Appropriation (FY 2025) .... \$36,386,000  
 TOTAL APPROPRIATION ..... \$72,772,000

The appropriations in this section are subject to the following conditions and limitations: The state treasurer shall distribute the appropriations to the following counties and health districts in the amounts designated to support public health services, including public health nursing:

Health District	FY 2024	FY 2025	2023-2025 Biennium
Adams County Integrated Health Care Services	\$121,213	\$121,213	\$242,426
Asotin County Health District	\$159,890	\$159,890	\$319,780
Benton-Franklin Health District	\$1,614,337	\$1,614,337	\$3,228,674
Chelan-Douglas Health District	\$399,634	\$399,634	\$799,268
Clallam County Health and Human Services Department	\$291,401	\$291,401	\$582,802
Clark County Public Health	\$1,767,341	\$1,767,341	\$3,534,682
Skamania County Community Health	\$111,327	\$111,327	\$222,654
Columbia County Health District	\$119,991	\$119,991	\$239,982
Cowlitz County Health and Human Services	\$477,981	\$477,981	\$955,962
Garfield County Health District	\$93,154	\$93,154	\$186,308
Grant County Health District	\$297,761	\$297,761	\$595,522
Grays Harbor Public Health and Social Services	\$335,666	\$335,666	\$671,332
Island County Health Department	\$255,224	\$255,224	\$510,448
Jefferson County Public Health	\$184,080	\$184,080	\$368,160
Public Health - Seattle & King County	\$12,685,521	\$12,685,521	\$25,371,042
Kitsap Public Health District	\$997,476	\$997,476	\$1,994,952
Kittitas County Public Health	\$198,979	\$198,979	\$397,958

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Klickitat County Public Health	\$153,784	\$153,784	\$307,568
Lewis County Public Health and Social Services	\$263,134	\$263,134	\$526,268
Lincoln County Health Department	\$113,917	\$113,917	\$227,834
Mason County Public Health and Human Services	\$227,448	\$227,448	\$454,896
Okanogan County Public Health	\$169,882	\$169,882	\$339,764
Pacific County Health and Human Services	\$169,075	\$169,075	\$338,150
Tacoma-Pierce County Health Department	\$4,143,169	\$4,143,169	\$8,286,338
San Juan County Health and Community Services	\$126,569	\$126,569	\$253,138
Skagit County Health Department	\$449,745	\$449,745	\$899,490
Snohomish Health District	\$3,433,291	\$3,433,291	\$6,866,582
Spokane Regional Health District	\$2,877,318	\$2,877,318	\$5,754,636
Northeast Tri-County Health District	\$249,303	\$249,303	\$498,606
Thurston County Public Health and Social Services	\$1,046,897	\$1,046,897	\$2,093,794
Wahkiakum County Health and Human Services	\$93,181	\$93,181	\$186,362
Walla Walla County Department of Community Health	\$302,173	\$302,173	\$604,346
Whatcom County Health Department	\$1,214,301	\$1,214,301	\$2,428,602
Whitman County Health Department	\$189,355	\$189,355	\$378,710
Yakima Health District	\$1,052,482	\$1,052,482	\$2,104,964
<b>TOTAL APPROPRIATIONS</b>	<b>\$36,386,000</b>	<b>\$36,386,000</b>	<b>\$72,772,000</b>

**OBLIGATION GRANTS**

General Fund—State Appropriation (FY 2024)	\$541,000
General Fund—State Appropriation (FY 2025)	\$441,000
<b>TOTAL APPROPRIATION</b>	<b>\$982,000</b>

The appropriations in this section are subject to the following conditions and limitations: By October 1st of each fiscal year, the state treasurer shall distribute the appropriations to the following county clerk offices in the amounts designated as grants for the collection of legal financial obligations pursuant to RCW 2.56.190:

County Clerk	FY 2024	FY 2025
Adams County Clerk	\$2,103	\$1,714
Asotin County Clerk	\$2,935	\$2,392
Benton County Clerk	\$18,231	\$14,858
Chelan County Clerk	\$7,399	\$6,030
Clallam County Clerk	\$5,832	\$4,753
Clark County Clerk	\$32,635	\$26,597
Columbia County Clerk	\$384	\$313
Cowlitz County Clerk	\$16,923	\$13,792
Douglas County Clerk	\$3,032	\$2,471
Ferry County Clerk	\$422	\$344
Franklin County Clerk	\$5,486	\$4,471
Garfield County Clerk	\$243	\$198
Grant County Clerk	\$10,107	\$8,237
Grays Harbor County Clerk	\$8,659	\$7,057
Island County Clerk	\$3,059	\$2,493
Jefferson County Clerk	\$1,859	\$1,515
King County Court Clerk	\$119,290	\$97,266
Kitsap County Clerk	\$22,242	\$18,127
Kittitas County Clerk	\$3,551	\$2,894
Klickitat County Clerk	\$2,151	\$1,753
Lewis County Clerk	\$10,340	\$8,427
Lincoln County Clerk	\$724	\$590
Mason County Clerk	\$5,146	\$4,194
Okanogan County Clerk	\$3,978	\$3,242
Pacific County Clerk	\$2,411	\$1,965
Pend Oreille County Clerk	\$611	\$498
Pierce County Clerk	\$77,102	\$62,837
San Juan County Clerk	\$605	\$493
Skagit County Clerk	\$11,059	\$9,013
Skamania County Clerk	\$1,151	\$938
Snohomish County Clerk	\$38,143	\$31,086
Spokane County Clerk	\$44,825	\$36,578
Stevens County Clerk	\$2,984	\$2,432
Thurston County Clerk	\$22,204	\$18,096
Wahkiakum County Clerk	\$400	\$326
Walla Walla County Clerk	\$4,935	\$4,022
Whatcom County Clerk	\$20,728	\$16,893
Whitman County Clerk	\$2,048	\$1,669
Yakima County Clerk	\$25,063	\$20,426

**NEW SECTION. Sec. 711. FOR THE STATE TREASURER—COUNTY CLERK LEGAL FINANCIAL**

TOTAL	\$541,000	\$441,000
APPROPRIATIONS		

**NEW SECTION. Sec. 712. BELATED CLAIMS**

The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

**NEW SECTION. Sec. 713. FOR THE OFFICE OF FINANCIAL MANAGEMENT—FOUNDATIONAL PUBLIC HEALTH SERVICES**

General Fund—State Appropriation (FY 2024).....	\$140,599,000
General Fund—State Appropriation (FY 2025).....	\$140,599,000
Foundational Public Health Services Account—State Appropriation.....	\$43,032,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$324,230,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for distribution as provided in RCW 43.70.515 and 82.25.015.

**NEW SECTION. Sec. 714. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COMMON SCHOOL CONSTRUCTION ACCOUNT**

General Fund—State Appropriation (FY 2024).....	\$600,000
General Fund—State Appropriation (FY 2025).....	\$600,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$1,200,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the common school construction account—state on July 1, 2023, and July 1, 2024, for an interest payment pursuant to RCW 90.38.130.

**NEW SECTION. Sec. 715. FOR THE OFFICE OF FINANCIAL MANAGEMENT—NATURAL RESOURCES REAL PROPERTY REPLACEMENT ACCOUNT**

General Fund—State Appropriation (FY 2024).....	\$300,000
General Fund—State Appropriation (FY 2025).....	\$300,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$600,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the natural resources real property replacement account—state on July 1, 2023, and July 1, 2024, for an interest payment pursuant to RCW 90.38.130.

**NEW SECTION. Sec. 716. FOR THE OFFICE OF FINANCIAL MANAGEMENT—ANDY HILL CANCER RESEARCH ENDOWMENT FUND MATCH TRANSFER ACCOUNT**

General Fund—State Appropriation (FY 2024).....	\$684,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$684,000</b>

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

**NEW SECTION. Sec. 717. FOR THE OFFICE OF FINANCIAL MANAGEMENT—NORTHEAST WASHINGTON WOLF-LIVESTOCK MANAGEMENT ACCOUNT**

General Fund—State Appropriation (FY 2024).....	\$456,000
General Fund—State Appropriation (FY 2025).....	\$456,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$912,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the northeast Washington wolf-livestock management account for the deployment of nonlethal wolf

deterrence resources as provided in chapter 16.76 RCW.

**NEW SECTION. Sec. 718. FOR THE OFFICE OF FINANCIAL MANAGEMENT—STATE HEALTH CARE AFFORDABILITY ACCOUNT**

General Fund—State Appropriation (FY 2024)....	\$55,000,000
General Fund—State Appropriation (FY 2025)....	\$30,000,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$85,000,000</b>

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

(1) The appropriations are provided solely for expenditure into the state health care affordability account created in RCW 43.71.130.

(2) It is the intent of the legislature to continue the policy of expending \$5,000,000 into the account each fiscal year in future biennia for the purpose of funding premium assistance for customers ineligible for federal premium tax credits who meet the eligibility criteria established in section 214(4)(a) of this act. Future expenditures into the account are contingent upon approval of the applicable waiver described in section 214(4)(b) of this act.

**NEW SECTION. Sec. 719. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT: JUVENILE CODE REVISIONS**

General Fund—State Appropriation (FY 2024).....	\$331,000
General Fund—State Appropriation (FY 2025).....	\$331,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$662,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

**NEW SECTION. Sec. 720. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT: REPEAT OFFENDERS**

General Fund—State Appropriation (FY 2024).....	\$226,000
General Fund—State Appropriation (FY 2025).....	\$226,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$452,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section, or so much thereof as may be necessary, are provided solely for expenditure into the county criminal justice assistance account. The treasurer shall make quarterly distributions from the county criminal justice assistance account of the amounts provided in this section in accordance with RCW 82.14.310 for the purposes of reimbursing local jurisdictions for increased costs incurred as a result of the mandatory arrest of repeat offenders pursuant to chapter 35, Laws of 2013 2nd sp. sess. The appropriations and distributions made under this section constitute appropriate reimbursement for costs for any new programs or increased level of services for the purposes of RCW 43.135.060.

**NEW SECTION. Sec. 721. FOR THE OFFICE OF FINANCIAL MANAGEMENT—MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT: REPEAT OFFENDERS**

General Fund—State Appropriation (FY 2024).....	\$133,000
General Fund—State Appropriation (FY 2025).....	\$133,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$266,000</b>

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

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so much thereof as may be necessary, are appropriated for expenditure into the municipal criminal justice assistance account. The treasurer shall make quarterly distributions from the municipal criminal justice assistance account of the amounts provided in this section in accordance with RCW 82.14.320 and 82.14.330, for the purposes of reimbursing local jurisdictions for increased costs incurred as a result of the mandatory arrest of repeat offenders pursuant to chapter 35, Laws of 2013 2nd sp. sess. The appropriations and distributions made under this section constitute appropriate reimbursement for costs for any new programs or increased level of services for the purposes of RCW 43.135.060.

**NEW SECTION. Sec. 722. FOR THE OFFICE OF FINANCIAL MANAGEMENT—INDIAN HEALTH IMPROVEMENT REINVESTMENT ACCOUNT**

General Fund—State Appropriation (FY 2024).....	\$708,000
General Fund—State Appropriation (FY 2025).....	\$708,000
TOTAL APPROPRIATION.....	\$1,416,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the Indian health improvement reinvestment account created in RCW 43.71B.040.

**NEW SECTION. Sec. 723. FOR THE OFFICE OF FINANCIAL MANAGEMENT—OUTDOOR EDUCATION ACCOUNT**

General Fund—State Appropriation (FY 2024).....	\$2,250,000
General Fund—State Appropriation (FY 2025).....	\$2,250,000
TOTAL APPROPRIATION.....	\$4,500,000

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 program account for the purposes identified in RCW 79A.05.351.

**NEW SECTION. Sec. 724. FOR THE OFFICE OF FINANCIAL MANAGEMENT—UNIVERSAL COMMUNICATIONS SERVICES ACCOUNT**

General Fund—State Appropriation (FY 2024).....	\$5,000,000
TOTAL APPROPRIATION.....	\$5,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the universal communications services account created in RCW 80.36.690.

**NEW SECTION. Sec. 725. FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON CAREER AND COLLEGE PATHWAYS INNOVATION CHALLENGE PROGRAM ACCOUNT**

General Fund—State Appropriation (FY 2024).....	\$6,000,000
General Fund—State Appropriation (FY 2025).....	\$6,000,000
TOTAL APPROPRIATION.....	\$12,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the Washington career and college pathways innovation challenge program account created in RCW 28B.120.040 to implement chapter 244, Laws of 2022 (innovation challenge program). The student achievement council must report to the governor and appropriate committees of the legislature on the uses of the general fund moneys deposited in the account by December 1 of each fiscal year of the biennium.

**NEW SECTION. Sec. 726. FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON INTERNET CRIMES AGAINST CHILDREN ACCOUNT**

General Fund—State Appropriation (FY 2024).....	\$1,135,000
General Fund—State Appropriation (FY 2025).....	\$1,135,000
TOTAL APPROPRIATION.....	\$2,270,000

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

for expenditure into the Washington internet crimes against children account created in RCW 43.101.435.

**NEW SECTION. Sec. 727. FOR THE OFFICE OF FINANCIAL MANAGEMENT—LANDLORD MITIGATION PROGRAM ACCOUNT**

General Fund—State Appropriation (FY 2024).....	\$4,000,000
TOTAL APPROPRIATION.....	\$4,000,000

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. 728. 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 2024).....	\$88,500,000
General Fund—State Appropriation (FY 2025).....	\$92,300,000
TOTAL APPROPRIATION.....	\$180,800,000

(3) There is appropriated for contributions to the judicial retirement system:

General Fund—State Appropriation (FY 2024).....	\$6,300,000
General Fund—State Appropriation (FY 2025).....	\$6,000,000
TOTAL APPROPRIATION.....	\$12,300,000

(4) There is appropriated for contributions to the judges' retirement system:

General Fund—State Appropriation (FY 2024).....	\$300,000
General Fund—State Appropriation (FY 2025).....	\$300,000
TOTAL APPROPRIATION.....	\$600,000

**NEW SECTION. Sec. 729. 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.....	\$18,704,000
TOTAL APPROPRIATION.....	\$18,704,000

**NEW SECTION. Sec. 730. FOR THE OFFICE OF FINANCIAL MANAGEMENT—SHARED TENANT MICROSOFT 365 TO CENTRAL SERVICES MODEL**

General Fund—State Appropriation (FY 2024).....	(\$10,819,000)
General Fund—State Appropriation (FY 2025).....	(\$10,830,000)
General Fund—Federal Appropriation.....	(\$6,620,000)
General Fund—Private/Local Appropriation.....	(\$712,000)
Other Appropriated Funds.....	(\$9,656,000)
TOTAL APPROPRIATION.....	(\$38,637,000)

The appropriations in this section are subject to the following conditions and limitations: Funding is adjusted to coordinate with the allocation of base funding for Microsoft 365 licenses to agencies on the state shared tenant through the central service model, as reflected in adjustments to the consolidated technology services agency's billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified, in LEAP omnibus document 90J-2023, dated March 27, 2023, and adjust appropriation schedules accordingly.



**NEW SECTION. Sec. 731. FOR THE OFFICE OF FINANCIAL MANAGEMENT—SECRETARY OF STATE ARCHIVES AND RECORDS MANAGEMENT**

General Fund—State Appropriation (FY 2024).....	\$336,000
General Fund—State Appropriation (FY 2025).....	\$340,000
General Fund—Federal Appropriation .....	\$215,000
General Fund—Private/Local Appropriation.....	\$29,000
Other Appropriated Funds .....	\$338,000
TOTAL APPROPRIATION.....	\$1,258,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the secretary of state's billing authority for archives and records management. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified, in LEAP omnibus document 92C-2023, dated March 27, 2023, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 732. FOR THE OFFICE OF FINANCIAL MANAGEMENT—STATE AUDITOR AUDIT SERVICES**

General Fund—State Appropriation (FY 2024).....	\$292,000
General Fund—State Appropriation (FY 2025).....	\$380,000
General Fund—Federal Appropriation .....	\$217,000
General Fund—Private/Local Appropriation.....	\$13,000
Other Appropriated Funds .....	\$298,000
TOTAL APPROPRIATION.....	\$1,200,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the state auditor's billing authority for state agency auditing services. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified, in LEAP omnibus document 92D-2023, dated March 27, 2023, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 733. FOR THE OFFICE OF FINANCIAL MANAGEMENT—OFFICE OF ATTORNEY GENERAL LEGAL SERVICES**

General Fund—State Appropriation (FY 2024)....	\$13,084,000
General Fund—State Appropriation (FY 2025)....	\$15,563,000
General Fund—Federal Appropriation .....	\$5,671,000
General Fund—Private/Local Appropriation.....	\$206,000
Other Appropriated Funds .....	\$15,568,000
TOTAL APPROPRIATION.....	\$50,092,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the office of the attorney general's billing authority for legal services. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified, in LEAP omnibus document 92E-2023, dated March 27, 2023, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 734. FOR THE OFFICE OF FINANCIAL MANAGEMENT—ADMINISTRATIVE HEARINGS**

General Fund—State Appropriation (FY 2024).....	\$3,357,000
General Fund—State Appropriation (FY 2025).....	\$2,046,000
General Fund—Federal Appropriation .....	\$4,715,000
Other Appropriated Funds .....	\$7,858,000
TOTAL APPROPRIATION.....	\$17,976,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to

corresponding adjustments in the office of administrative hearing's billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified, in LEAP omnibus document 92G-2023, dated March 27, 2023, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 735. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CONSOLIDATED TECHNOLOGY SERVICES CENTRAL SERVICES**

General Fund—State Appropriation (FY 2024)....	\$17,495,000
General Fund—State Appropriation (FY 2025)....	\$18,544,000
General Fund—Federal Appropriation.....	\$10,925,000
General Fund—Private/Local Appropriation .....	\$1,114,000
Other Appropriated Funds .....	\$16,963,000
TOTAL APPROPRIATION .....	\$65,041,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the consolidated technology services agency's billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified, in LEAP omnibus document 92J-2023, dated March 27, 2023, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 736. FOR THE OFFICE OF FINANCIAL MANAGEMENT—DEPARTMENT OF ENTERPRISE SERVICES CENTRAL SERVICES**

General Fund—State Appropriation (FY 2024)....	\$4,440,000
General Fund—State Appropriation (FY 2025)....	\$4,668,000
General Fund—Federal Appropriation.....	\$1,603,000
General Fund—Private/Local Appropriation .....	\$139,000
Other Appropriated Funds .....	\$4,946,000
TOTAL APPROPRIATION .....	\$15,796,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the department of enterprise services' billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified, in LEAP omnibus document 92K-2023, dated March 27, 2023, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 737. FOR THE OFFICE OF FINANCIAL MANAGEMENT—OFFICE OF FINANCIAL MANAGEMENT CENTRAL SERVICES**

General Fund—State Appropriation (FY 2024)....	\$41,138,000
General Fund—State Appropriation (FY 2025)....	\$24,289,000
General Fund—Federal Appropriation.....	\$2,226,000
General Fund—Private/Local Appropriation .....	\$1,766,000
Other Appropriated Funds .....	\$21,647,000
TOTAL APPROPRIATION .....	\$91,066,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the office of financial management's billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified, in LEAP omnibus document 92R-2023, dated March 27, 2023, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 738. FOR THE OFFICE OF FINANCIAL MANAGEMENT—OFFICE OF THE GOVERNOR CENTRAL SERVICES**

General Fund—State Appropriation (FY 2024)....	\$6,346,000
General Fund—State Appropriation (FY 2025)....	\$6,269,000
General Fund—Federal Appropriation.....	\$3,280,000
General Fund—Private/Local Appropriation .....	\$292,000

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Other Appropriated Funds .....	\$4,916,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$21,103,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to new billing authority for central service functions provided by the office of the governor. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified, in LEAP omnibus document 92W-2023, dated March 27, 2023, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 739. FOR THE OFFICE OF FINANCIAL MANAGEMENT—SELF-INSURANCE LIABILITY PREMIUM**

General Fund—State Appropriation (FY 2024).....	\$8,137,000
General Fund—State Appropriation (FY 2025).....	\$8,150,000
General Fund—Federal Appropriation .....	\$3,812,000
General Fund—Private/Local Appropriation.....	\$15,000
Other Appropriated Funds .....	\$514,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$20,628,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the department of enterprise services' self-insurance liability premium billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified, in LEAP omnibus document 92X-2023, dated March 27, 2023, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 740. FOR THE OFFICE OF FINANCIAL MANAGEMENT—AFFORDABLE HOUSING FOR ALL ACCOUNT**

General Fund—State Appropriation (FY 2024)....	\$18,500,000
General Fund—State Appropriation (FY 2025)....	\$18,500,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$37,000,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the affordable housing for all account created in RCW 43.185C.190 for operations, maintenance, and services for permanent supportive housing as defined in RCW 36.70A.030.

**NEW SECTION. Sec. 741. FOR THE OFFICE OF FINANCIAL MANAGEMENT—BEHAVIORAL HEALTH LOAN REPAYMENT PROGRAM ACCOUNT**

Washington Student Loan Account—State Appropriation .....	\$10,000,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$10,000,000</b>

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the behavioral health loan repayment program account created in RCW 28B.115.135.

**NEW SECTION. Sec. 742. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CANNABIS REVENUE DISTRIBUTIONS**

Dedicated Cannabis Account—State Appropriation (FY 2024) .....	(\$1,069,000)
Dedicated Cannabis Account—State Appropriation (FY 2025) .....	(\$909,000)
<b>TOTAL APPROPRIATION.....</b>	<b>(\$1,978,000)</b>

The appropriations in this section are subject to the following conditions and limitations: The office of financial management must reduce allotments for affected state agencies by the amounts in this section, which reflect changes in the March forecast for cannabis revenue and distributions, in accordance with RCW 69.50.540.

**NEW SECTION. Sec. 743. FOR THE OFFICE OF**

**FINANCIAL MANAGEMENT—CRIME VICTIM AND WITNESS ASSISTANCE ACCOUNT**

General Fund—State Appropriation (FY 2024) .....	\$4,100,000
General Fund—State Appropriation (FY 2025) .....	\$4,100,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$8,200,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the state crime victim and witness assistance account created in Engrossed Substitute House Bill No. 1169 (legal financial obligations). If the bill is not enacted by June 30, 2023, the amount appropriated in this section shall lapse.

**NEW SECTION. Sec. 744. FOR THE OFFICE OF FINANCIAL MANAGEMENT—DEVELOPMENTAL DISABILITIES COMMUNITY SERVICES ACCOUNT**

General Fund—State Appropriation (FY 2024) .....	\$1,000,000
General Fund—State Appropriation (FY 2025) .....	\$1,000,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$2,000,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the developmental disabilities community services account (Dan Thompson memorial community services account) for the purposes identified in RCW 71A.20.170.

**NEW SECTION. Sec. 745. FOR THE OFFICE OF FINANCIAL MANAGEMENT—DNA DATABASE ACCOUNT**

General Fund—State Appropriation (FY 2024) .....	\$603,000
General Fund—State Appropriation (FY 2025) .....	\$603,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$1,206,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the state DNA database account created in Engrossed Substitute House Bill No. 1169 (legal financial obligations). If the bill is not enacted by June 30, 2023, the amount appropriated in this section shall lapse.

**NEW SECTION. Sec. 746. FOR THE OFFICE OF FINANCIAL MANAGEMENT—FIREARMS BACKGROUND CHECK SYSTEM ACCOUNT**

General Fund—State Appropriation (FY 2024) .....	\$5,069,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$5,069,000</b>

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 RCW 43.43.590.

**NEW SECTION. Sec. 747. FOR THE OFFICE OF FINANCIAL MANAGEMENT—HEALTH PROFESSIONAL LOAN REPAYMENT AND SCHOLARSHIP PROGRAM FUND**

Washington Student Loan Account—State Appropriation .....	\$10,000,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$10,000,000</b>

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the health professional loan repayment and scholarship program fund created in RCW 28B.115.130.

**NEW SECTION. Sec. 748. FOR THE OFFICE OF FINANCIAL MANAGEMENT—HOME VISITING SERVICES ACCOUNT**

General Fund—State Appropriation (FY 2024) .....	\$12,247,000
General Fund—State Appropriation (FY 2025) .....	\$14,347,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$26,594,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the home visiting services account for the home visiting program.

**NEW SECTION. Sec. 749. FOR THE OFFICE OF**

**FINANCIAL MANAGEMENT—HORSE RACING COMMISSION OPERATING ACCOUNT**

Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation.....	\$1,300,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$1,300,000</b>

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the horse racing commission operating account created in RCW 67.16.280.

**NEW SECTION. Sec. 750. FOR THE OFFICE OF FINANCIAL MANAGEMENT—JUDICIAL INFORMATION SYSTEMS ACCOUNT**

General Fund—State Appropriation (FY 2024).....	\$8,750,000
General Fund—State Appropriation (FY 2025).....	\$8,750,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$17,500,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the judicial information systems account created in RCW 2.68.020.

**NEW SECTION. Sec. 751. FOR THE OFFICE OF FINANCIAL MANAGEMENT—JUDICIAL STABILIZATION TRUST ACCOUNT**

General Fund—State Appropriation (FY 2024).....	\$8,387,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$8,387,000</b>

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the judicial stabilization trust account created in RCW 43.79.505.

**NEW SECTION. Sec. 752. FOR THE OFFICE OF FINANCIAL MANAGEMENT—MEDICATION FOR PEOPLE LIVING WITH HIV REBATE REVENUE ACCOUNT**

General Fund—Private/Local Appropriation.....	\$43,000,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$43,000,000</b>

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the medication for people living with HIV rebate revenue account created in Engrossed Substitute Senate Bill No. 5142 (HIV medication rebate revenue). If the bill is not enacted by June 30, 2023, the amount appropriated in this section shall lapse.

**NEW SECTION. Sec. 753. FOR THE OFFICE OF FINANCIAL MANAGEMENT—OPERATING SUBACCOUNT OF THE COMMUNITY PRESERVATION AND DEVELOPMENT AUTHORITY ACCOUNT**

General Fund—State Appropriation (FY 2024).....	\$3,336,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$3,336,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the operating subaccount of the community preservation and development authority account.

**NEW SECTION. Sec. 754. FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON STATE LEADERSHIP BOARD ACCOUNT**

General Fund—State Appropriation (FY 2024).....	\$905,000
General Fund—State Appropriation (FY 2025).....	\$895,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$1,800,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the Washington state leadership board account created in RCW 43.388.020.

**NEW SECTION. Sec. 755. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—SOCIAL SERVICE SPECIALIST HOME VISITS**

General Fund—State Appropriation (FY 2024).....	\$4,231,000
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General Fund—State Appropriation (FY 2025).....	\$4,283,000
General Fund—Federal Appropriation.....	\$3,854,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$12,368,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for the governor or the governor's designee to negotiate an amendment to the collective bargaining agreements covering home visits by social service specialists. Funding is sufficient for a 10 percent premium for home visits, and is subject to an agreement between the state and the exclusive collective bargaining representative of the social service specialists.

**NEW SECTION. Sec. 756. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS—MILITARY SERVICE CREDIT**

General Fund—State Appropriation (FY 2024).....	\$250,000
General Fund—State Appropriation (FY 2025).....	\$250,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$500,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for the increased contribution rate requirements associated with the enactment of Substitute House Bill No. 1007 (military service credit). If the bill is not enacted by June 30, 2023, the amounts provided by this section shall lapse.

**NEW SECTION. Sec. 757. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS—POSTRETIREMENT EMPLOYMENT**

General Fund—State Appropriation (FY 2024).....	\$650,000
General Fund—State Appropriation (FY 2025).....	\$650,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$1,300,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for the increased contribution rate requirements associated with the enactment of Substitute House Bill No. 1056 (postretirement employment). If the bill is not enacted by June 30, 2023, the amounts provided by this section shall lapse.

**NEW SECTION. Sec. 758. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS—PUBLIC SAFETY TELECOMMUNICATORS**

General Fund—State Appropriation (FY 2024).....	\$600,000
General Fund—State Appropriation (FY 2025).....	\$700,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$1,300,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for the increased contribution rate requirements associated with the enactment of House Bill No. 1055 (public safety telecommunicators). If the bill is not enacted by June 30, 2023, the amounts provided by this section shall lapse.

**NEW SECTION. Sec. 759. COMPENSATION—CLASSIFICATION ADJUSTMENTS**

General Fund—State Appropriation (FY 2024).....	\$7,850,000
General Fund—State Appropriation (FY 2025).....	\$7,902,000
General Fund—Federal Appropriation.....	\$3,541,000
General Fund—Private/Local Appropriation.....	\$624,000
Other Appropriated Funds.....	\$3,851,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$23,768,000</b>

The appropriations in this section are subject to the following conditions and limitations: Appropriations to state agencies include funding for adjustments to targeted nonrepresented classified employee job classes, shift premiums, and facility-based premiums. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the

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provisions of this agreement.

**NEW SECTION. Sec. 760. COMPENSATION—UPDATED PEBB RATE (HIGHER EDUCATION INSTITUTIONS)—INSURANCE BENEFITS**

General Fund—State Appropriation (FY 2025).....	\$7,489,000
Other Appropriated Funds .....	\$299,000
TOTAL APPROPRIATION.....	\$7,788,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for adjustments to the health benefit funding rate for general government state agencies, and is subject to the conditions and limitations in part IX of this act. Appropriations in this act for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 761. COMPENSATION—UPDATED PEBB RATE—INSURANCE BENEFITS**

General Fund—State Appropriation (FY 2025).....	\$15,288,000
General Fund—Federal Appropriation .....	\$4,150,000
General Fund—Private/Local Appropriation.....	\$299,000
Other Appropriated Funds .....	\$6,059,000
TOTAL APPROPRIATION.....	\$25,796,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for adjustments to the health benefit funding rate for general government state agencies, and is subject to the conditions and limitations in part IX of this act. Appropriations in this act for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 762. COMPENSATION—VACCINE BOOSTER INCENTIVE—NONREPRESENTED EMPLOYEES**

General Fund—State Appropriation (FY 2024).....	\$7,326,000
General Fund—Federal Appropriation .....	\$1,705,000
General Fund—Private/Local Appropriation.....	\$131,000
Other Appropriated Funds .....	\$2,864,000
TOTAL APPROPRIATION.....	\$12,026,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for vaccine booster incentives for nonrepresented employees in general government state agencies, and is subject to the conditions and limitations in part IX of this act. Appropriations in this act for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 763. COMPENSATION—RECOGNITION AND RETENTION LUMP-SUM—NONREPRESENTED EMPLOYEES**

General Fund—State Appropriation (FY 2024).....	\$8,615,000
General Fund—Federal Appropriation .....	\$1,970,000
General Fund—Private/Local Appropriation.....	\$153,000
Other Appropriated Funds .....	\$3,302,000
TOTAL APPROPRIATION.....	\$14,040,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided for recognition and retention lump sum payments for nonrepresented employees employed on or before July 1, 2022, and continuously employed through July 1, 2023, in general government state agencies, and is subject to the conditions and limitations in part IX of this act. Appropriations in this act for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 764. NONREPRESENTED**

**GENERAL WAGE INCREASES—GENERAL GOVERNMENT EMPLOYEES**

General Fund—State Appropriation (FY 2024) ....	\$36,153,000
General Fund—State Appropriation (FY 2025) ....	\$64,521,000
General Fund—Federal Appropriation.....	\$22,892,000
General Fund—Private/Local Appropriation .....	\$1,616,000
Other Appropriated Funds .....	\$42,704,000
TOTAL APPROPRIATION .....	\$167,886,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for general government state employee compensation increases to employees who are not represented or who bargain under statutory authority other than chapter 41.80 or 47.64 RCW or RCW 41.56.473 or 41.56.475, subject to the conditions and limitations in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 765. NONREPRESENTED GENERAL WAGE INCREASES—HIGHER EDUCATION EMPLOYEES**

General Fund—State Appropriation (FY 2024) ....	\$35,906,000
General Fund—State Appropriation (FY 2025) ....	\$63,638,000
Other Appropriated Funds .....	\$3,197,000
TOTAL APPROPRIATION .....	\$102,741,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for higher education state employee compensation increases to employees who are not represented or who bargain under statutory authority other than chapter 41.80 or 47.64 RCW or RCW 41.56.473 or 41.56.475, subject to the conditions and limitations in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 766. COLLECTIVE BARGAINING AGREEMENT—ASSISTANT ATTORNEYS GENERAL/WFSE**

General Fund—State Appropriation (FY 2024) .....	\$974,000
General Fund—State Appropriation (FY 2025) ....	\$1,671,000
General Fund—Federal Appropriation.....	\$254,000
Other Appropriated Funds .....	\$16,349,000
TOTAL APPROPRIATION .....	\$19,248,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the 2023-2025 agreement reached between the governor and the Washington assistant attorneys general/Washington federation of state employees and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 767. COLLECTIVE BARGAINING AGREEMENT—COALITION OF UNIONS**

General Fund—State Appropriation (FY 2024) ....	\$6,858,000
General Fund—State Appropriation (FY 2025) ....	\$8,113,000
General Fund—Federal Appropriation.....	\$1,179,000
General Fund—Private/Local Appropriation .....	\$954,000
Other Appropriated Funds .....	\$10,160,000
TOTAL APPROPRIATION .....	\$27,264,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the coalition of unions for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 768. COLLECTIVE**

**BARGAINING AGREEMENT—COMMUNITY COLLEGE COALITION—WFSE**

General Fund—State Appropriation (FY 2024).....	\$5,541,000
General Fund—State Appropriation (FY 2025).....	\$6,839,000
Other Appropriated Funds .....	\$919,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$13,299,000</b>

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between the governor on behalf of the community college coalition and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 769. COLLECTIVE BARGAINING AGREEMENT—DFW SERGEANTS ASSOCIATION/TEAMSTERS 760**

General Fund—State Appropriation (FY 2024).....	\$188,000
General Fund—State Appropriation (FY 2025).....	\$204,000
General Fund—Federal Appropriation .....	\$18,000
General Fund—Private/Local Appropriation.....	\$46,000
Other Appropriated Funds .....	\$339,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$795,000</b>

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between the governor and the department of fish and wildlife sergeants association/teamsters 760 under the provisions of chapter 41.56 RCW for the 2023-2025 fiscal biennium. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 770. COLLECTIVE BARGAINING AGREEMENT—FISH AND WILDLIFE ENFORCEMENT OFFICERS GUILD**

General Fund—State Appropriation (FY 2024).....	\$735,000
General Fund—State Appropriation (FY 2025).....	\$757,000
General Fund—Federal Appropriation .....	\$137,000
General Fund—Private/Local Appropriation.....	\$76,000
Other Appropriated Funds .....	\$1,167,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$2,872,000</b>

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the fish and wildlife enforcement officers guild and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 771. COLLECTIVE BARGAINING AGREEMENT—PTE LOCAL 17**

General Fund—State Appropriation (FY 2024).....	\$17,000
General Fund—State Appropriation (FY 2025).....	\$19,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$36,000</b>

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the professional and technical employees local 17 for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 772. COLLECTIVE BARGAINING AGREEMENT—SEIU HEALTHCARE 1199NW GENERAL GOVERNMENT**

General Fund—State Appropriation (FY 2024)....	\$25,548,000
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General Fund—State Appropriation (FY 2025) ....	\$27,829,000
General Fund—Federal Appropriation.....	\$13,286,000
General Fund—Private/Local Appropriation .....	\$1,075,000
Health Professions Account—State Appropriation ...	\$448,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$68,186,000</b>

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the service employees international union healthcare 1199nw and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 773. COLLECTIVE BARGAINING AGREEMENT—TEAMSTERS LOCAL 117—DEPARTMENT OF CORRECTIONS**

General Fund—State Appropriation (FY 2024) ....	\$66,446,000
General Fund—State Appropriation (FY 2025) ....	\$79,589,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$146,035,000</b>

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the teamsters 117 department of corrections for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 774. COLLECTIVE BARGAINING AGREEMENT—WAFWP**

General Fund—State Appropriation (FY 2024) .....	\$2,884,000
General Fund—State Appropriation (FY 2025) .....	\$3,168,000
General Fund—Federal Appropriation.....	\$3,574,000
General Fund—Private/Local Appropriation .....	\$1,802,000
Other Appropriated Funds.....	\$2,613,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$14,041,000</b>

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the Washington association of fish and wildlife professionals for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 775. COLLECTIVE BARGAINING AGREEMENT—WFSE**

General Fund—State Appropriation (FY 2024) ..	\$148,595,000
General Fund—State Appropriation (FY 2025) ..	\$165,072,000
General Fund—Federal Appropriation.....	\$118,764,000
General Fund—Private/Local Appropriation .....	\$4,391,000
Other Appropriated Funds.....	\$131,818,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$568,640,000</b>

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the Washington federation of state employees general government for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 776. COLLECTIVE BARGAINING AGREEMENT—WFSE ADMINISTRATIVE LAW JUDGES**

Administrative Hearings Revolving Account—State	
Appropriation .....	\$2,103,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$2,103,000</b>

The appropriation in this section is subject to the following

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conditions and limitations: Funding is for the agreement reached for the 2023-2025 fiscal biennium between the governor and the Washington federation of state employees administrative law judges and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 777. COLLECTIVE BARGAINING AGREEMENT—WPEA GENERAL GOVERNMENT**

General Fund—State Appropriation (FY 2024).....	\$7,542,000
General Fund—State Appropriation (FY 2025).....	\$8,723,000
General Fund—Federal Appropriation .....	\$1,214,000
General Fund—Private/Local Appropriation.....	\$28,000
Other Appropriated Funds .....	\$6,913,000
TOTAL APPROPRIATION.....	\$24,420,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the Washington public employees association general government for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 778. COLLECTIVE BARGAINING AGREEMENT—WPEA HIGHER EDUCATION COMMUNITY COLLEGE COALITION**

General Fund—State Appropriation (FY 2024).....	\$5,514,000
General Fund—State Appropriation (FY 2025).....	\$5,869,000
Other Appropriated Funds .....	\$153,000
TOTAL APPROPRIATION.....	\$11,536,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the Washington public employees association community college coalition for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 779. COLLECTIVE BARGAINING AGREEMENT—WSP LIEUTENANTS AND CAPTAINS ASSOCIATION**

General Fund—State Appropriation (FY 2024).....	\$240,000
General Fund—State Appropriation (FY 2025).....	\$339,000
TOTAL APPROPRIATION.....	\$579,000

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between the governor and the Washington state patrol lieutenants and captains association under the provisions of chapter 41.56 RCW for the 2023-2025 fiscal biennium. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 780. COLLECTIVE BARGAINING AGREEMENT—WSP TROOPERS ASSOCIATION**

General Fund—State Appropriation (FY 2024).....	\$623,000
General Fund—State Appropriation (FY 2025).....	\$821,000
General Fund—Federal Appropriation .....	\$37,000
Dedicated Cannabis Account—State Appropriation (FY 2024) .....	\$116,000
Dedicated Cannabis Account—State Appropriation (FY 2025) .....	\$153,000
TOTAL APPROPRIATION.....	\$1,750,000

The appropriations in this section are subject to the following

conditions and limitations: An agreement has been reached between the governor and the Washington state patrol troopers association under the provisions of chapter 41.56 RCW for the 2023-2025 fiscal biennium. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 781. COLLECTIVE BARGAINING AGREEMENT—CENTRAL WASHINGTON UNIVERSITY—PSE**

General Fund—State Appropriation (FY 2024) .....	\$79,000
General Fund—State Appropriation (FY 2025) .....	\$81,000
TOTAL APPROPRIATION .....	\$160,000

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between Central Washington University and the public school employees under the provisions of chapter 41.80 RCW for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 782. COLLECTIVE BARGAINING AGREEMENT—CENTRAL WASHINGTON UNIVERSITY—WFSE**

General Fund—State Appropriation (FY 2024) .....	\$131,000
General Fund—State Appropriation (FY 2025) .....	\$133,000
TOTAL APPROPRIATION .....	\$264,000

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between Central Washington University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 783. COLLECTIVE BARGAINING AGREEMENT—EASTERN WASHINGTON UNIVERSITY—PSE**

General Fund—State Appropriation (FY 2024) .....	\$66,000
General Fund—State Appropriation (FY 2025) .....	\$117,000
TOTAL APPROPRIATION .....	\$183,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between Eastern Washington University and the public school employees and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 784. COLLECTIVE BARGAINING AGREEMENT—EASTERN WASHINGTON UNIVERSITY—WFSE**

General Fund—State Appropriation (FY 2024) .....	\$768,000
General Fund—State Appropriation (FY 2025) .....	\$1,056,000
TOTAL APPROPRIATION .....	\$1,824,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between Eastern Washington University and the Washington federation of state employees and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 785. COLLECTIVE BARGAINING AGREEMENT—EASTERN WASHINGTON UNIVERSITY—WFSE UNIFORMED**

**PERSONNEL**

General Fund—State Appropriation (FY 2024).....	\$23,000
General Fund—State Appropriation (FY 2025).....	\$53,000
TOTAL APPROPRIATION.....	\$76,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between Eastern Washington University and the Washington federation of state employees—uniformed personnel and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 786. COLLECTIVE BARGAINING AGREEMENT—HIGHLINE COMMUNITY COLLEGE—WPEA**

General Fund—State Appropriation (FY 2024).....	\$340,000
General Fund—State Appropriation (FY 2025).....	\$403,000
TOTAL APPROPRIATION.....	\$743,000

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between Highline Community College and the Washington public employees association under the provisions of chapter 41.80 RCW for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 787. COLLECTIVE BARGAINING AGREEMENT—THE EVERGREEN STATE COLLEGE—WFSE CLASSIFIED**

General Fund—State Appropriation (FY 2024).....	\$978,000
General Fund—State Appropriation (FY 2025).....	\$856,000
TOTAL APPROPRIATION.....	\$1,834,000

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between The Evergreen State College and the Washington federation of state employees supervisory and nonsupervisory units under the provisions of chapter 41.80 RCW for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 788. COLLECTIVE BARGAINING AGREEMENT—THE EVERGREEN STATE COLLEGE—WFSE CLASSIFIED LAW ENFORCEMENT**

General Fund—State Appropriation (FY 2024).....	\$27,000
General Fund—State Appropriation (FY 2025).....	\$57,000
TOTAL APPROPRIATION.....	\$84,000

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between The Evergreen State College and the Washington federation of state employees classified law enforcement unit under the provisions of chapter 41.80 RCW for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 789. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—SEIU 925**

General Fund—State Appropriation (FY 2024).....	\$1,538,000
General Fund—State Appropriation (FY 2025).....	\$1,886,000
Other Appropriated Funds .....	\$106,000
TOTAL APPROPRIATION.....	\$3,530,000

The appropriations in this section are subject to the following conditions and limitations: 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 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 790. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—TEAMSTERS LOCAL 117 POLICE**

General Fund—State Appropriation (FY 2024) .....	\$75,000
General Fund—State Appropriation (FY 2025) .....	\$166,000
TOTAL APPROPRIATION .....	\$241,000

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between the University of Washington and the teamsters local 117 police under the provisions of chapter 41.80 RCW for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 791. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—WFSE LOCALS 1488 & 3488**

General Fund—State Appropriation (FY 2024) .....	\$1,241,000
General Fund—State Appropriation (FY 2025) .....	\$1,511,000
TOTAL APPROPRIATION .....	\$2,752,000

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between the University of Washington and the Washington federation of state employees locals 1488 and 3488 under the provisions of chapter 41.80 RCW for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 792. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—WFSE POLICE MANAGEMENT**

General Fund—State Appropriation (FY 2024) .....	\$47,000
General Fund—State Appropriation (FY 2025) .....	\$97,000
TOTAL APPROPRIATION .....	\$144,000

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between the University of Washington and the Washington federation of state employees police management bargaining unit under the provisions of chapter 41.80 RCW for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 793. COLLECTIVE BARGAINING AGREEMENT—WASHINGTON STATE UNIVERSITY—INTERNATIONAL UNION OF OPERATING ENGINEERS**

General Fund—State Appropriation (FY 2024) .....	\$14,000
General Fund—State Appropriation (FY 2025) .....	\$23,000
TOTAL APPROPRIATION .....	\$37,000

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between the Washington State University and the international union of operating engineers under the provisions of chapter 41.80 RCW for the 2023-2025 fiscal biennium and approved in

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part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 794. COLLECTIVE BARGAINING AGREEMENT—WASHINGTON STATE UNIVERSITY—WFSE**

General Fund—State Appropriation (FY 2024).....	\$97,000
General Fund—State Appropriation (FY 2025).....	\$172,000
TOTAL APPROPRIATION.....	\$269,000

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between the Washington State University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 795. COLLECTIVE BARGAINING AGREEMENT—WASHINGTON STATE UNIVERSITY—WSU POLICE GUILD BARGAINING UNIT 4**

General Fund—State Appropriation (FY 2024).....	\$105,000
General Fund—State Appropriation (FY 2025).....	\$173,000
TOTAL APPROPRIATION.....	\$278,000

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between the Washington State University and the WSU police guild bargaining unit 4 under the provisions of chapter 41.80 RCW for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 796. COLLECTIVE BARGAINING AGREEMENT—WESTERN WASHINGTON UNIVERSITY—FOP UNIT F**

General Fund—State Appropriation (FY 2024).....	\$28,000
General Fund—State Appropriation (FY 2025).....	\$43,000
TOTAL APPROPRIATION.....	\$71,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between Western Washington University and the fraternal order of police—unit F and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 797. COLLECTIVE BARGAINING AGREEMENT—WESTERN WASHINGTON UNIVERSITY—FOP UNIT G**

General Fund—State Appropriation (FY 2024).....	\$12,000
General Fund—State Appropriation (FY 2025).....	\$19,000
TOTAL APPROPRIATION.....	\$31,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between Western Washington University and the fraternal order of police—unit G and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 798. COLLECTIVE BARGAINING AGREEMENT—WESTERN WASHINGTON UNIVERSITY—PSE UNIT D**

General Fund—State Appropriation (FY 2024).....	\$227,000
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General Fund—State Appropriation (FY 2025).....	\$329,000
TOTAL APPROPRIATION.....	\$556,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between Western Washington University and the public school employees—unit D and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 799. COLLECTIVE BARGAINING AGREEMENT—WESTERN WASHINGTON UNIVERSITY—PSE UNIT PTE**

General Fund—State Appropriation (FY 2024).....	\$505,000
General Fund—State Appropriation (FY 2025).....	\$743,000
TOTAL APPROPRIATION.....	\$1,248,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between Western Washington University and the public school employees—unit PTE and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 7100. COLLECTIVE BARGAINING AGREEMENT—WESTERN WASHINGTON UNIVERSITY—WFSE UNIT A**

General Fund—State Appropriation (FY 2024).....	\$231,000
General Fund—State Appropriation (FY 2025).....	\$342,000
TOTAL APPROPRIATION.....	\$573,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between Western Washington University and the Washington federation of state employees—unit A and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 7101. COLLECTIVE BARGAINING AGREEMENT—WESTERN WASHINGTON UNIVERSITY—WFSE UNIT B**

General Fund—State Appropriation (FY 2024).....	\$181,000
General Fund—State Appropriation (FY 2025).....	\$241,000
TOTAL APPROPRIATION.....	\$422,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between Western Washington University and the Washington federation of state employees—unit B and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 7102. COLLECTIVE BARGAINING AGREEMENT—WESTERN WASHINGTON UNIVERSITY—WFSE UNIT E**

General Fund—State Appropriation (FY 2024).....	\$43,000
General Fund—State Appropriation (FY 2025).....	\$58,000
TOTAL APPROPRIATION.....	\$101,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between Western Washington University and the Washington federation of state employees—unit E and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 7103. COLLECTIVE**



**BARGAINING AGREEMENT—YAKIMA VALLEY COMMUNITY COLLEGE—WPEA**

General Fund—State Appropriation (FY 2024).....	\$383,000
General Fund—State Appropriation (FY 2025).....	\$459,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$842,000</b>

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between Yakima Valley Community College and the Washington public employees association under the provisions of chapter 41.80 RCW for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**PART VIII**

**OTHER TRANSFERS AND APPROPRIATIONS**

**NEW SECTION. Sec. 801. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance premium distributions.....	\$13,766,000
General Fund Appropriation for prosecuting attorney distributions.....	\$8,284,000
General Fund Appropriation for boating safety and education distributions.....	\$4,272,000
General Fund Appropriation for public utility district excise tax distributions.....	\$71,825,000
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies.....	\$4,947,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distributions.....	\$140,000
Timber Tax Distribution Account Appropriation for distribution to "timber" counties.....	\$82,143,000
County Criminal Justice Assistance Appropriation.....	\$129,509,000
Municipal Criminal Justice Assistance Appropriation.....	\$51,247,000
City-County Assistance Appropriation.....	\$45,960,000
Liquor Excise Tax Account Appropriation for liquor excise tax distribution.....	\$89,385,000
Columbia River Water Delivery Account Appropriation for the Confederated Tribes of the Colville Reservation.....	\$9,587,000
Columbia River Water Delivery Account Appropriation for the Spokane Tribe of Indians.....	\$6,893,000
Liquor Revolving Account Appropriation for liquor profits distribution.....	\$98,876,000
General Fund Appropriation for other tax distributions.....	\$104,000
Dedicated Cannabis Account Appropriation for Cannabis Excise Tax distributions pursuant to Engrossed Second Substitute Senate Bill No. 5796 (cannabis revenue).....	\$50,472,000
General Fund Appropriation for Habitat Conservation Program distributions.....	\$5,754,000
General Fund Appropriation for payment in lieu of taxes to counties under Department of Fish and Wildlife Program.....	\$4,496,000
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.....	\$27,990,000
Manufacturing and Warehousing Job Centers Account Appropriation for distribution to local taxing	

jurisdictions to mitigate the unintended revenue redistributions effect of sourcing law changes pursuant to chapter 83, Laws of 2021 (warehousing & manufacturing jobs).....	\$7,780,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$713,430,000</b>

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.

**NEW SECTION. Sec. 802. FOR THE STATE TREASURER—FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Appropriation.....	\$2,065,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$2,065,000</b>

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 2023-2025 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).

**NEW SECTION. Sec. 803. FOR THE STATE TREASURER—MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Appropriation.....	\$1,377,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$1,377,000</b>

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 2023-2025 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).

**NEW SECTION. Sec. 804. FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION**

General Fund Appropriation for federal flood control funds distribution.....	\$68,000
General Fund Appropriation for federal grazing fees distribution.....	\$56,000
General Fund Appropriation for federal military fees distribution.....	\$1,172,000
Forest Reserve Fund Appropriation for federal forest reserve fund distribution.....	\$29,502,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$30,798,000</b>

**NEW SECTION. Sec. 805. FOR THE STATE**

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**TREASURER—TRANSFERS**

Dedicated Cannabis 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 2024, \$280,000,000 and this amount for fiscal year 2025, \$290,000,000 ..... \$570,000,000

Dedicated Cannabis 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 2024, \$170,000,000 and this amount for fiscal year 2025, \$180,000,000.. \$350,000,000

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 2024 ..... \$92,000,000

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 2025 ..... \$92,000,000

Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the tobacco arbitration payment to the tobacco settlement account, for fiscal year 2024..... \$24,500,000

State Treasurer's Service Account: For transfer to the state general fund, \$15,000,000 for fiscal year 2024 and \$15,000,000 for fiscal year 2025—it is the intent of the legislature to continue this policy in the subsequent biennium .. \$30,000,000

General Fund: For transfer to the fair fund under RCW 15.76.115, \$3,500,000 for fiscal year 2024 and \$3,500,000 for fiscal year 2025..... \$7,000,000

Financial Services Regulation Account: For transfer to the state general fund, \$3,500,000 for fiscal year 2024 and \$3,500,000 for fiscal year 2025—it is the intent of the legislature to continue this policy in the subsequent biennium .... \$7,000,000

General Fund: For transfer to the home security fund, \$44,500,000 for fiscal year 2024 and \$4,500,000 for fiscal year 2025 ..... \$49,000,000

General Fund: For transfer to the wildfire response, forest restoration, and community resilience account, solely for the implementation of chapter 298, Laws of 2021 (2SHB 1168) (long-term forest health), \$50,000,000 for fiscal year 2024 and \$50,000,000 for fiscal year 2025 ..... \$100,000,000

General Fund: For transfer to the state drought preparedness account, \$2,000,000 for fiscal year 2024 ..... \$2,000,000

General Fund: For transfer to the emergency drought response account, \$2,500,000 for fiscal year 2024..... \$2,500,000

General Fund: For transfer to the Washington auto theft prevention authority account, \$551,000 for fiscal year 2024 and \$551,000 for fiscal year 2025 ..... \$1,102,000

Business License Account: For transfer to the state general fund, \$7,200,000 for fiscal year 2025..... \$7,200,000

General Fund: For transfer to the manufacturing and warehousing job centers account, \$4,320,000 for fiscal year 2024 and \$3,460,000 for fiscal

year 2025..... \$7,780,000

Long-Term Services and Supports Trust Account: For transfer to the state general fund as full repayment of the long-term services program start-up costs and interest for fiscal year 2024.....\$63,936,000

General Fund: For transfer to the forest resiliency account trust fund, \$4,000,000 for fiscal year 2024..... \$4,000,000

Water Pollution Control Revolving Administration Account: For transfer to the water pollution control revolving account, \$6,000,000 for fiscal year 2024 ..... \$6,000,000

From auction proceeds received under RCW 70A.65.100(7)(b): For transfer to the air quality and health disparities improvement account, \$12,000,000 for fiscal year 2024.....\$12,000,000

From auction proceeds received under RCW 70A.65.100(7)(b): For transfer to the climate investment account, in an amount not to exceed the remaining auction proceeds exclusive of the transfer to carbon emissions reduction account, \$588,824,000 for fiscal year 2024 .....\$588,824,000

From auction proceeds received under RCW 70A.65.100(7)(c): For transfer to the air quality and health disparities improvement account, \$12,000,000 for fiscal year 2025.....\$12,000,000

From auction proceeds received under RCW 70A.65.100(7)(c): For transfer to the climate investment account, in an amount not to exceed the remaining auction proceeds exclusive of the transfer to carbon emissions reduction account, \$523,344,000 for fiscal year 2025 .....\$523,344,000

Climate Investment Account: For transfer to the carbon emissions reduction account, \$200,000,000 for fiscal year 2025, no earlier than June 1, 2025.....\$200,000,000

**PART IX  
MISCELLANEOUS**

**NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS**

The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 2021-2023 fiscal biennium.

**NEW SECTION. Sec. 902. EMERGENCY FUND ALLOCATIONS**

Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. An appropriation is not necessary to effect such repayment.

**NEW SECTION. Sec. 903. STATUTORY APPROPRIATIONS**

In addition to the amounts appropriated in this act for revenues for distribution, state contributions to the law enforcement officers' and firefighters' retirement system plan 2 and bond retirement and interest, including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and

certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapters 39.94, 39.96, and 39.98 RCW or any proper bond covenant made under law.

**NEW SECTION. Sec. 904. BOND EXPENSES**

In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

**NEW SECTION. Sec. 905. VOLUNTARY RETIREMENT AND SEPARATION**

(1) As a management tool to reduce costs and make more effective use of resources, while improving employee productivity and morale, agencies may implement either a voluntary retirement or separation program, or both, that is cost neutral or results in cost savings, including costs to the state pension systems, over a two-year period following the commencement of the program, provided that such a program is approved by the director of financial management. Agencies participating in this authorization may offer voluntary retirement and/or separation incentives and options according to procedures and guidelines established by the office of financial management in consultation with the department of retirement systems. The options may include, but are not limited to, financial incentives for voluntary separation or retirement. An employee does not have a contractual right to a financial incentive offered under this section. The office of financial management and the department of retirement systems may review and monitor incentive offers. Agencies are required to submit a report by the date established by the office of financial management in the guidelines required in this section to the legislature and the office of financial management on the outcome of their approved incentive program. The report should include information on the details of the program, including the incentive payment amount for each participant, the total cost to the state, and the projected or actual net dollar savings over the two-year period.

(2) The department of retirement systems may collect from employers the actuarial cost of any incentive provided under this program, or any other incentive to retire provided by employers to members of the state's pension systems, for deposit in the appropriate pension account.

**NEW SECTION. Sec. 906. COMPENSATION—REVISE PENSION CONTRIBUTION RATES**

The appropriations in this act for school districts and state agencies, including institutions of higher education, are subject to the following conditions and limitations: Appropriations are adjusted to reflect changes to agency appropriations to reflect pension contribution rates adopted by the pension funding council and the law enforcement officers' and firefighters' retirement system plan 2 board.

**NEW SECTION. Sec. 907. COLLECTIVE BARGAINING AGREEMENTS NOT IMPAIRED**

Nothing in this act prohibits the expenditure of any funds by an agency or institution of the state for benefits guaranteed by any collective bargaining agreement in effect on the effective date of this section.

**NEW SECTION. Sec. 908. COLLECTIVE BARGAINING AGREEMENTS**

(1) Sections 908 through 911 of this act represent the results of the 2023-2025 fiscal biennium collective bargaining process required under the provisions of chapters 41.80, 41.56, and 74.39A RCW. Provisions of the collective bargaining agreements

with state employees contained in section 909 of this act are subject to legislative approval under chapter 41.80 or 41.56 RCW.

(2) The collective bargaining agreements contained in Part IX of this act may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided. Funding is not provided for compensation and fringe benefit provisions not presented to the legislature by the end of the 2023 legislative session.

(3) Collective bargaining agreements that are not required to be approved by the legislature under RCW 41.80.010(4)(c)(ii)(A) are not rejected but are left to the institutions delegated to manage those bargained relationships under state employee collective bargaining law. The following agreements are not rejected, but do not require legislative approval:

- (a) Service employees international union local 1199, research/hall health;
- (b) Service employees international union local 1199, Harborview medical center/airlift northwest;
- (c) Service employees international union local 1199, UW medical center—northwest;
- (d) Washington state nurses association, UW medical center—northwest; and
- (e) Washington state nurses association, UW medical center—Montlake.

**NEW SECTION. Sec. 909. COLLECTIVE BARGAINING AGREEMENTS—AGREEMENTS REQUIRING LEGISLATIVE APPROVAL**

(1) In accordance with chapters 41.80 and 41.56 RCW, agreements have been reached between the governor and organizations representing state employee bargaining units and nonstate employee bargaining units for the 2023-2025 fiscal biennium and funding is provided in this act for agreements and awards as presented to the legislature during the 2023 legislative session with the following organizations:

- (a) Washington federation of state employees, general government;
- (b) Teamsters local 117, department of corrections;
- (c) Washington public employees association, general government;
- (d) Teamsters 117, department of enterprise services;
- (e) Service employees international union, healthcare 1199NW;
- (f) Professional and technical engineers, local 17;
- (g) Washington association of fish and wildlife professionals;
- (h) The coalition of unions;
- (i) Association of Washington assistant attorneys general;
- (j) Washington federation of state employees, administrative law judges;
- (k) Washington state patrol troopers association;
- (l) Washington state patrol lieutenants and captains association;
- (m) Fish and wildlife officers guild;
- (n) Teamsters 760, fish and wildlife sergeants;
- (o) Washington federation of state employees, higher education community college coalition;
- (p) Washington public employees association, higher education community college coalition;
- (q) Service employees international union local 925, family child care providers;
- (r) Adult family home council, adult family home providers; and
- (s) Washington federation of state employees, language access providers.

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(2) In accordance with chapters 41.80 and 41.56 RCW, agreements have been reached between institutions of higher education and employee organizations representing state employee bargaining units for the 2023-2025 fiscal biennium and funding is provided in Part VI of this act for agreements and awards with the following organizations:

- (a) University of Washington:
  - (i) Washington federation of state employees;
  - (ii) Service employees international union local 925;
  - (iii) Teamsters local 117, police; and
  - (iv) Washington federation of state employees, police management;
- (b) Washington State University:
  - (i) Washington federation of state employees;
  - (ii) Police guild; and
  - (iii) International union of operating engineers;
- (c) Central Washington University:
  - (i) Washington federation of state employees; and
  - (ii) Public school employees;
- (d) The Evergreen State College:
  - (i) Washington federation of state employees; and
  - (ii) Washington federation of state employees, uniformed personnel;
- (e) Western Washington University:
  - (i) Washington federation of state employees; and
  - (ii) Fraternal order of police, lodge no. 24;
- (f) Eastern Washington University:
  - (i) Washington federation of state employees;
  - (ii) Washington federation of state employees, uniformed personnel; and
  - (iii) Public school employees;
- (g) Yakima Valley College: Washington public employees' association; and
- (h) Highline College: Washington public employees' association.

**NEW SECTION. Sec. 910. COMPENSATION—INSURANCE BENEFITS**

(1)(a) An agreement was reached for the 2023-2025 fiscal biennium between the governor and the health care coalition under the provisions of chapter 41.80 RCW. Appropriations in this act for state agencies, including institutions of higher education, are sufficient to implement the provisions of the 2023-2025 collective bargaining agreement, which maintains the provisions of the prior agreement.

(b) Appropriations for state agencies in this act are sufficient for represented employees outside the coalition for health benefits.

(c) Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education.

(2) The appropriations for state agencies in this act are subject to the following conditions and limitations:

(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$1,130 per eligible employee for fiscal year 2024. For fiscal year 2025, the monthly employer funding rate shall not exceed \$1,184 per eligible employee. These rates are sufficient to cover, effective January 1, 2025, carving vision benefits out of medical plans into stand-alone vision insurance.

(b) The board shall collect a \$25 per month surcharge payment from members who use tobacco products and a surcharge payment of not less than \$50 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 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment if directed by the legislature.

(c) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2024 and 2025, the subsidy shall be up to \$183 per month. Funds from reserves accumulated for future adverse claims experience, from past favorable claims experience, or otherwise, may not be used to increase this retiree subsidy beyond what is authorized by the legislature in this subsection.

(d) School districts and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(i) For each full-time employee, \$74.56 per month beginning September 1, 2023, and \$83.52 beginning September 1, 2024; and

(ii) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$74.56 each month beginning September 1, 2023, and \$83.52 beginning September 1, 2024, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection do not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

**NEW SECTION. Sec. 911. COMPENSATION—SCHOOL EMPLOYEES—INSURANCE BENEFITS**

An agreement was reached for the 2023-2025 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 2023-2025 collective bargaining agreement, which maintains the provisions of the prior agreement, and are subject to the following conditions and limitations:

(1) The monthly employer funding rate for insurance benefit premiums, school employees' benefits board administration, retiree remittance, and the uniform medical plan, shall not exceed \$1,116 per eligible employee in the 2023-24 school year. For the 2024-25 school year, the monthly employer funding rate shall not exceed \$1,178 per eligible employee. Employers will contribute one hundred percent of the retiree remittance defined in section 506 of this act, which is included as part of the above monthly employer funding rate.

(a) These rates are sufficient to cover, effective January 1, 2024:

(i) Offering a diabetes management program in the uniform medical plan; and

(ii) The following in the uniform dental plan:

(A) Increasing the temporomandibular joint (TMJ) benefit to \$1,000 annually and \$5,000 per lifetime;

(B) Eliminating the deductible for children up to age 15;

(C) Covering composite filings on posterior teeth; and

(D) Increasing plan coverage of crowns to 70 percent.

(b) These rates include funding to cover, effective January 1, 2025, increasing the stand-alone vision insurance benefit to \$200 every 2 years.

(2) The additional contributions in subsection (1) of this section above fulfill the requirements to reduce member costs in provision 1.3 of the school employees health care funding agreement.

(3) 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.

(4) 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 \$25 per month surcharge payment from members who use tobacco products and a surcharge payment of not less than \$50 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 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment if directed by the legislature.

(5) 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.

**NEW SECTION. Sec. 912. GENERAL WAGE INCREASES AND LUMP SUM PAYMENTS**

(1)(a) Appropriations for state agency employee compensation in this act are sufficient to provide general wage increases to state agency employees and employees of institutions of higher education, who are not represented or who bargain under statutory authority other than chapter 41.80 or 47.64 RCW or RCW 41.56.473 or 41.56.475.

(b) Appropriations for state agency employee compensation in this act are sufficient to provide a retention lump sum payment and a lump sum COVID-19 booster incentive to state agency employees who are not represented or who bargain under statutory authority other than chapter 41.80 or 47.64 RCW or RCW 41.56.473 or 41.56.475.

(2) Funding is provided for a four percent general wage increase effective July 1, 2023, for all classified employees as specified in subsection (1)(a) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a four percent salary increase effective July 1, 2023, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(3) Funding is provided for a three percent general wage increase effective July 1, 2024, for all classified employees as specified in subsection (1)(a) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a three percent salary increase effective July 1, 2024, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for

elected officials.

(4) Funding is provided for a retention lump sum payment of \$1,000 for all employees as specified in subsection (1)(b) of this section who were employed on or before July 1, 2022, and continuously employed through July 1, 2023.

(5) Funding is provided for a COVID-19 booster incentive payment of \$1,000 for all employees as specified in subsection (1)(b) of this section who provide verification, beginning January 1, 2023, through December 31, 2023, that they are up-to-date with the COVID-19 vaccine booster.

**NEW SECTION. Sec. 913. COMPENSATION— PENSION CONTRIBUTIONS**

Appropriations in part VII of this act include funding for an increase in pension contribution rates for several state pension systems as provided in this section.

(1) Appropriations include funding for the contribution rate impact of enacting Substitute House Bill No. 1056 (postretirement employment), including a 0.01 percent increase in employer contributions to the teachers' retirement system.

(2) Appropriations include funding for the contribution rate impacts of enacting Substitute House Bill No. 1007 (military service credit) in the law enforcement officers' and firefighters' retirement system of 0.01 percent and the Washington state patrol retirement system of 0.13 percent.

(3) Appropriations include funding for the contribution rate impacts of enacting House Bill No. 1055 (public safety telecommunicators), including a 0.13 percent increase in the public safety employees' retirement system.

**NEW SECTION. Sec. 914. PENSION RATE ADJUSTMENT**

Appropriations to state agencies are adjusted for the termination in fiscal year 2025 of the portion of the employer contribution rate for the teachers' retirement system that is used for the sole purpose of amortizing that portion of the unfunded actuarial accrued liability in the teachers' retirement system plan 1 that excludes any amounts required to amortize plan 1 benefit improvements effective after June 30, 2009, as provided in House Bill No. 1201 (minimum contribution rates for plan 1 unfunded liability). If the bill is not enacted by June 30, 2023, this section is null and void.

**NEW SECTION. Sec. 915. OFFICE SPACE USE REDUCTION**

In response to the COVID-19 pandemic, Washington state agencies rapidly implemented telework for employees whose job duties did not require on-site presence. This shift in state government operations has led to agencies' reevaluation of the amount of physical office space they will require as they implement hybrid work environments and adopt expanded telework opportunities.

(1) To meet the goal of efficient use of state funds and office space, state agencies, institutions of higher education, and separately elected officials must adhere to the office of financial management's statewide space use policy, data integrity and system access policy, inventory policy, and the human resource management system data validation guide to ensure space use data is complete, accurate, and consistent for reporting and analysis.

(2) Institutions of higher education and separately elected officials with leases expiring in fiscal years 2024 and 2025 must work toward reducing leased office space a minimum of 20 percent upon lease renewal or when requesting office relocation. Reductions in lease costs will be reflected in subsequent budgets.

(3) It is the intent of the legislature that agencies, institutions of higher education, and separately elected officials with leases expiring in fiscal years 2026 and 2027 work to reduce their office

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space portfolio a minimum of 30 percent upon lease renewal or when requesting office relocation. The reductions in costs will be reflected in subsequent budgets.

(4) Agencies must:

(a) Work with the office of financial management facilities oversight and the department of enterprise services to backfill office space and reduce full leases;

(b) Update monthly the office of financial management's facilities portfolio management tool to maximize collocation opportunities and better inform decision making;

(c) Update telework and employee location data monthly in the human resource management system to reflect office space use and needs; and

(d) Maintain a telework policy in accordance with executive order 16-07, building a modern work environment.

(5) The anticipated general fund savings from office space reduction in fiscal years 2024 and 2025 is \$5,260,000.

(6) The anticipated general fund savings from office space reduction in fiscal years 2026 and 2027 is \$14,557,000.

**NEW SECTION. Sec. 916.** The Washington state missing and murdered indigenous women and people task force is established.

(1) The task force is composed of members as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The governor's office of Indian affairs shall appoint five representatives from federally recognized Indian tribes in Washington state.

(d) The president of the senate and the speaker of the house of representatives jointly shall appoint the following:

(i) One member representing the Seattle Indian health board;

(ii) One member representing the NATIVE project;

(iii) One member representing Northwest Portland area Indian health board;

(iv) One member representing the American Indian health commission;

(v) Two indigenous women or family members of indigenous women that have experienced gender-based violence;

(vi) One member representing the governor's office of Indian affairs;

(vii) The chief of the Washington state patrol or his or her representative;

(viii) One member representing the Washington state office of the attorney general;

(ix) One member representing the Washington association of sheriffs and police chiefs;

(x) One member representing the Washington state association of counties;

(xi) One member representing the association of Washington cities;

(xii) One member representing the Washington association of prosecuting attorneys; and

(xiii) One representative of the Washington association of criminal defense lawyers.

(e) Where feasible, the task force may invite and consult with:

(i) An agent representing the federal bureau of investigation;

(ii) An agent representing the office of the United States attorneys;

(iii) Federally recognized tribes located in a state adjacent to Washington state; and

(iv) Any experts or professionals involved and having expertise

in the topic of missing and murdered indigenous women and people.

(2) The legislative members shall convene the initial meeting of the task force no later than the end of 2023 and thereafter convene:

(a) A minimum of two subsequent meetings annually. The membership shall select the task force's cochairs, which must include one legislator and one nonlegislative member; and

(b) One summit annually with the state agencies involved with the task force under subsection (1) of this section, federally recognized Indian tribes in Washington state, federally recognized tribes located in a state adjacent to Washington state, and urban Indian organizations.

(3) The task force shall review the laws and policies relating to missing and murdered American Indian and Alaska Native people. The task force shall review current policies and develop recommendations for the purpose of:

(a) Assessing systemic causes behind gender-based violence including patterns and underlying historical, social and economic, institutional, and cultural factors which may contribute to disproportionately high levels of gender-based violence that occur against American Indian and Alaska Native people and ways to improve cross-border coordination between law enforcement and federally recognized tribes that share a state border with Washington state;

(b) Assessing data tracking and reporting practices relating to gender-based violence against American Indian and Alaska Native people in Washington state;

(c) Making recommendations and best practices for improving:

(i) The collection and reporting of data by tribal, local, and state law enforcement agencies to more effectively understand and address issues of gender-based violence facing American Indian and Alaska Native people; and

(ii) Jurisdictional and data sharing issues on tribal reservation land and urban areas that impact gender-based violence against American Indian and Alaska Native people;

(d) Reviewing prosecutorial trends and practices relating to crimes of gender-based violence against American Indian and Alaska Native people in Washington state;

(e) Identifying barriers to providing more state resources in tracking gender-based violence against American Indian and Alaska Native people and reducing the incidences of gender-based violence;

(f) Assessing and identifying state resources to support programs and services for survivors, families of survivors, and tribal and urban Indian service providers working with American Indian and Alaska Native people that have experienced gender-based violence; and

(g) Identifying and making recommendations for increasing state resources for trainings on culturally attuned best practices for working with American Indian and Alaska Native communities for tribal, local, and state law enforcement personnel in Washington state.

(4) The task force, with the assistance of the Washington state office of the attorney general, must consult with federally recognized tribes in Washington state and in states bordering Washington state, and engage with urban Indian organizations to submit a status report including any initial findings, recommendations, and progress updates to the governor and the appropriate committees of the legislature by December 1, 2023, and a final report by June 1, 2025.

(5)(a) The office of the attorney general administers and provides staff support to the task force, organizes the summit, and oversees the development of the two task force reports. The office of the attorney general may contract for the summit.

(b) The Washington state office of the attorney general may, when deemed necessary by the task force, retain consultants to provide data analysis, research, recommendations, and other services to the task force for the purposes provided in subsection (3) of this section.

(c) The Washington state office of the attorney general may share and exchange information received or created on behalf of the task force with other states, federally recognized Indian tribes, urban Indian organizations, and other national groups working on missing and murdered indigenous women and people issues.

(6) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(7) To ensure that the task force has diverse and inclusive representation of those affected by its work, task force members whose participation in the task force may be hampered by financial hardship may apply for a stipend in an amount not to exceed \$100 for each day during which the member attends an official meeting of the task force or performs statutorily prescribed duties approved by the office of the attorney general. A person shall not receive compensation for a day of service under this section if the person:

(a) Occupies a position, normally regarded as full-time in nature, in any agency of the federal government, Washington state government, or Washington state local government; and

(b) Receives any compensation from such government for working that day. The office of the attorney general, by staffing the task force, is authorized to assess eligibility for the stipend as limited by available financial resources.

**NEW SECTION. Sec. 917.** (1) During the 2023-2025 fiscal biennium, the health care authority, department of commerce, department of corrections, and department of children, youth, and families must revise their 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 their workers based in good faith on any of the following: 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.

(c) A bona fide job-related factor or factors may include, but is not 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.

(d) 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.

(2) The provision must allow for the termination of the contract if the agency or the department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(3) Agencies must implement this provision with any new contract and at the time of renewal of any existing contract.

(4) The department of enterprise services must revise its master

contracts with vendors, including cooperative purchasing agreements under RCW 39.26.060, in accordance with this section. Any cost incurred by the department of enterprise services to implement this section must be recouped from the fees charged to master contract vendors.

**NEW SECTION. Sec. 918.** (1) The Washington state housing finance commission must submit an interim and a final report to the appropriate committees of the legislature on efforts taken by the commission to stabilize rents for tenants of affordable housing units financed through federal low-income housing tax credits allocated by the commission, and other housing finance programs administered by the commission as applicable. Rent stabilization efforts may include, but are not limited to, limiting or mitigating the impacts of rent increases for tenants of qualifying units. The commission must submit the interim report by December 1, 2023, and the final report by December 1, 2024.

(2) This section expires June 30, 2025.

**Sec. 919.** RCW 16.76.030 and 2021 c 334 s 960 are each amended to read as follows:

(1) The northeast Washington wolf-livestock management account is created as a nonappropriated account in the custody of the state treasurer. All receipts, any legislative appropriations, private donations, or any other private or public source directed to the northeast Washington wolf-livestock management grant must be deposited into the account. Expenditures from the account may be used only for the deployment of nonlethal wolf deterrence resources as described in RCW 16.76.020. Only the director may authorize expenditures from the account in consultation with the advisory board created in RCW 16.76.020. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Interest earned by deposits in the account must be retained in the account.

(2) The advisory board created in RCW 16.76.020 may solicit and receive gifts and grants from public and private sources for the purposes of RCW 16.76.020.

(3) During the 2021-2023 ~~and 2023-2025~~ fiscal ~~((biennium))~~ biennia, expenditures from the account may be used for wolf-livestock management as well as for grants to the sheriffs' offices of Stevens and Ferry counties for providing a local wildlife specialist to aid the department of fish and wildlife in the management of wolves.

**Sec. 920.** RCW 19.02.210 and 2016 sp.s. c 36 s 916 are each amended to read as follows:

The business license account is created in the state treasury. Unless otherwise indicated in RCW 19.02.075, all receipts from handling and business license delinquency fees must be deposited into the account. Moneys in the account may be spent only after appropriation beginning in fiscal year 1993. Expenditures from the account may be used only to administer the business licensing service program. During the 2015-2017 fiscal biennium, moneys from the business license account may be used for operations of the department of revenue. During the 2023-2025 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the business license account to the state general fund.

**Sec. 921.** RCW 28B.76.526 and 2020 c 357 s 911 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

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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 ~~2019-2021, 2021-2023, and 2023-2025~~ fiscal ~~((biennium))~~ biennia, the account may also be appropriated for public schools funded under chapters 28A.150 and 28A.715 RCW.

**Sec. 922.** RCW 28B.92.205 and 2022 c 297 s 949 are each amended to read as follows:

In addition to other eligibility requirements outlined in this chapter, students who demonstrate financial need are eligible to receive the Washington college grant. Financial need is as follows:

(1) Until academic year 2020-21, students with family incomes between zero and fifty percent of the state median family income, adjusted for family size, shall receive the maximum Washington college grant as defined in RCW 28B.92.030. Grants for students with incomes between fifty-one and seventy percent of the state median family income, adjusted for family size, shall be prorated at the following percentages of the maximum Washington college grant amount:

(a) Seventy percent for students with family incomes between fifty-one and fifty-five percent of the state median family income;  
(b) Sixty-five percent for students with family incomes between fifty-six and sixty percent of the state median family income;

(c) Sixty percent for students with family incomes between sixty-one and sixty-five percent of the state median family income; and

(d) Fifty percent for students with family incomes between sixty-six and seventy percent of the state median family income.

(2) ~~((Beginning with))~~ During academic years 2020-21 and 2021-22, ~~((except during the 2022-23 academic year,))~~ students with family incomes between zero and fifty-five percent of the state median family income, adjusted for family size, shall receive the maximum Washington college grant as defined in RCW 28B.92.030. Students with family incomes greater than fifty-five percent of the state median family income shall receive the percent of the Washington college grant pursuant to subsections (1)(b) through (d) of this subsection.

(3) During the 2022-23 academic year, students with family incomes between zero and 60 percent of the state median family income, adjusted for family size, shall receive the maximum Washington college grant. During the 2023-24 academic year, students with family incomes between zero and sixty-five percent of the state median family income, adjusted for family size, shall receive the maximum Washington college grant. Grants for students with incomes ~~((between fifty-six))~~ greater than the state median income amount at which the student receives the maximum Washington college grant and one hundred percent of the state median family income, adjusted for family size, shall be prorated at the following percentages of the maximum Washington college grant amount:

~~((Seventy percent for students with family incomes between fifty-six and sixty percent of the state median family income, except during the 2022-23 academic year;~~

~~((b))~~ Sixty percent for students with family incomes between sixty-one and sixty-five percent of the state median family income, except during the 2023-24 academic year;

~~((c))~~ (b) Fifty percent for students with family incomes between sixty-six and seventy percent of the state median family income;

~~((d))~~ (c) Twenty-four and one-half percent for students with

family incomes between seventy-one and seventy-five percent of the state median family income; and

~~((e))~~ (d) Ten percent for students with family incomes between seventy-six and one hundred percent of the state median family income.

(4) Beginning with academic year 2024-25, students with family incomes between zero and sixty-five percent of the state median family income, adjusted for family size, shall receive the maximum Washington college grant as defined in RCW 28B.92.030. Grants for students with income between sixty-six and one hundred percent of the state median family income, adjusted for family size, shall be prorated at the following percentages of the maximum Washington college grant amount:

(a) Sixty percent for students with family incomes between sixty-six and seventy percent of the state median family income;

(b) Thirty percent for students with family incomes between seventy-one and eighty percent of the state median family income; and

(c) Ten percent for students with family incomes between eighty-one and one hundred percent of the state median family income.

**Sec. 923.** RCW 28B.115.070 and 2022 c 276 s 4 are each amended to read as follows:

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

(a) Determine eligible credentialed health care professions for the purposes of the health professional loan repayment and scholarship program and the behavioral health loan repayment program authorized by this chapter. Eligibility shall be based upon an assessment that determines that there is a shortage or insufficient availability of a credentialed profession so as to jeopardize patient care and pose a threat to the public health and safety. The department shall consider the relative degree of shortages among professions when determining eligibility. The department may add or remove professions from eligibility based upon the determination that a profession is no longer in shortage. Should a profession no longer be eligible, participants or eligible students who have received scholarships shall be eligible to continue to receive scholarships or loan repayments until they are no longer eligible or until their service obligation has been completed;

(b) Determine health professional shortage areas for each of the eligible credentialed health care professions; and

(c) Determine underserved behavioral health areas for each of the eligible credentialed health care professions.

(2) The office, in consultation with the department, shall determine selection criteria for nurse educators and approved nursing programs.

(3) For the 2023-2025 fiscal biennium, consideration for eligibility for loan repayment shall also be given to chiropractors and psychiatric mental health nurse practitioners.

**Sec. 924.** RCW 43.09.475 and 2022 c 157 s 14 are each amended to read as follows:

The performance audits of government account is hereby created in the custody of the state treasurer. Revenue identified in RCW 82.08.020(5) and 82.12.0201 shall be deposited in the account. Money in the account shall be used to fund the performance audits and follow-up performance audits under RCW 43.09.470 and shall be expended by the state auditor in accordance with chapter 1, Laws of 2006. Only the state auditor or the state auditor's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. The performance audits of government account may be appropriated for the joint legislative audit and review



committee, the legislative evaluation and accountability program committee, and for the office of financial management's performance audit and compliance audit activities. During the 2019-2021 (~~and~~), 2021-2023, and 2023-2025 fiscal biennia, the performance audits of government account may be appropriated for the superintendent of public instruction, the (~~department of fish and wildlife~~) office of the governor, and audits of school districts. In addition, during the 2019-2021 and 2021-2023 fiscal biennia the account may be used to fund the office of financial management's contract for the compliance audit of the state auditor and audit activities at the department of revenue.

**Sec. 925.** RCW 43.43.837 and 2022 c 297 s 954 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, in order to determine the character, competence, and suitability of any applicant or service provider to have unsupervised access, the secretary of the department of social and health services and the secretary of the department of children, youth, and families may require a fingerprint-based background check through both the Washington state patrol and the federal bureau of investigation at any time, but shall require a fingerprint-based background check when the applicant or service provider has resided in the state less than three consecutive years before application, and:

(a) Is an applicant or service provider providing services to children or people with developmental disabilities under RCW 74.15.030;

(b) Is an individual sixteen years of age or older who: (i) Is not under the placement and care authority of the department of children, youth, and families; and (ii) resides in an applicant or service provider's home, facility, entity, agency, or business or who is authorized by the department of children, youth, and families to provide services to children under RCW 74.15.030;

(c) Is an individual who is authorized by the department of social and health services to provide services to people with developmental disabilities under RCW 74.15.030; or

(d) Is an applicant or service provider providing in-home services funded by:

(i) Medicaid personal care under RCW 74.09.520;

(ii) Community options program entry system waiver services under RCW 74.39A.030;

(iii) Chore services under RCW 74.39A.110; or

(iv) Other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department of social and health services.

(2) Long-term care workers, as defined in RCW 74.39A.009, who are hired after January 7, 2012, are subject to background checks under RCW 74.39A.056.

(3) To satisfy the shared background check requirements provided for in RCW 43.216.270 and 43.20A.710, the department of children, youth, and families and the department of social and health services shall share federal fingerprint-based background check results as permitted under the law. The purpose of this provision is to allow both departments to fulfill their joint background check responsibility of checking any individual who may have unsupervised access to vulnerable adults, children, or juveniles. Neither department may share the federal background check results with any other state agency or person.

(4) The secretary of the department of children, youth, and families shall require a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation when the department seeks to approve an applicant or service provider for a foster or adoptive placement of children in accordance with federal and state law. Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based

background checks shall be paid by the department of children, youth, and families for applicant and service providers providing foster care as required in RCW 74.15.030.

(5) Any secure facility operated by the department of social and health services or the department of children, youth, and families under chapter 71.09 RCW shall require applicants and service providers to undergo a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation.

(6) Service providers and service provider applicants, except for those long-term care workers exempted in subsection (2) of this section, who are required to complete a fingerprint-based background check may be hired for a one hundred twenty-day provisional period as allowed under law or program rules when:

(a) A fingerprint-based background check is pending; and

(b) The applicant or service provider is not disqualified based on the immediate result of the background check.

(7) Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall be paid by the applicable department for applicants or service providers providing:

(a) Services to people with a developmental disability under RCW 74.15.030;

(b) In-home services funded by medicaid personal care under RCW 74.09.520;

(c) Community options program entry system waiver services under RCW 74.39A.030;

(d) Chore services under RCW 74.39A.110;

(e) Services under other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department of social and health services or the department of children, youth, and families;

(f) Services in, or to residents of, a secure facility under RCW 71.09.115; and

(g) For fiscal years 2023 and 2024, applicants for child care and early learning services to children under RCW 43.216.270.

(8) Service providers licensed under RCW 74.15.030 must pay fees charged by the Washington state patrol and the federal bureau of investigation for conducting fingerprint-based background checks.

(9) Department of children, youth, and families service providers licensed under RCW 74.15.030 may not pass on the cost of the background check fees to their applicants unless the individual is determined to be disqualified due to the background information.

(10) The department of social and health services and the department of children, youth, and families shall develop rules identifying the financial responsibility of service providers, applicants, and the department for paying the fees charged by law enforcement to roll, print, or scan fingerprints-based for the purpose of a Washington state patrol or federal bureau of investigation fingerprint-based background check.

(11) For purposes of this section, unless the context plainly indicates otherwise:

(a) "Applicant" means a current or prospective department of social and health services, department of children, youth, and families, or service provider employee, volunteer, student, intern, researcher, contractor, or any other individual who will or may have unsupervised access because of the nature of the work or services he or she provides. "Applicant" includes but is not limited to any individual who will or may have unsupervised access and is:

(i) Applying for a license or certification from the department of social and health services or the department of children, youth, and families;

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(ii) Seeking a contract with the department of social and health services, the department of children, youth, and families, or a service provider;

(iii) Applying for employment, promotion, reallocation, or transfer;

(iv) An individual that a department of social and health services or department of children, youth, and families client or guardian of a department of social and health services or department of children, youth, and families client chooses to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department of social and health services or the department of children, youth, and families for services rendered; or

(v) A department of social and health services or department of children, youth, and families applicant who will or may work in a department-covered position.

(b) "Authorized" means the department of social and health services or the department of children, youth, and families grants an applicant, home, or facility permission to:

(i) Conduct licensing, certification, or contracting activities;

(ii) Have unsupervised access to vulnerable adults, juveniles, and children;

(iii) Receive payments from a department of social and health services or department of children, youth, and families program; or

(iv) Work or serve in a department of social and health services or department of children, youth, and families-covered position.

(c) "Secretary" means the secretary of the department of social and health services.

(d) "Secure facility" has the meaning provided in RCW 71.09.020.

(e) "Service provider" means entities, facilities, agencies, businesses, or individuals who are licensed, certified, authorized, or regulated by, receive payment from, or have contracts or agreements with the department of social and health services or the department of children, youth, and families to provide services to vulnerable adults, juveniles, or children. "Service provider" includes individuals whom a department of social and health services or department of children, youth, and families client or guardian of a department of social and health services or department of children, youth, and families client may choose to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department of social and health services or the department of children, youth, and families for services rendered.

**Sec. 926.** RCW 43.101.200 and 2021 c 334 s 977 and 2021 c 323 s 31 are each reenacted and amended to read as follows:

(1) All law enforcement personnel, except volunteers, and reserve officers whether paid or unpaid, initially employed on or after January 1, 1978, shall engage in basic law enforcement training which complies with standards adopted by the commission pursuant to RCW 43.101.080. For personnel initially employed before January 1, 1990, such training shall be successfully completed during the first fifteen months of employment of such personnel unless otherwise extended or waived by the commission and shall be requisite to the continuation of such employment. Personnel initially employed on or after January 1, 1990, shall commence basic training during the first six months of employment unless the basic training requirement is otherwise waived or extended by the commission. Successful completion of basic training is requisite to the continuation of employment of such personnel initially employed on or after January 1, 1990.

(2) Except as provided in RCW 43.101.170, the commission shall provide the aforementioned training and shall have the sole authority to do so. The commission shall provide necessary facilities, supplies, materials, and the board and room of noncommuting attendees for seven days per week, except during the ~~((2017-2019, 2019-2021, and))~~ 2021-2023 and 2023-2025 fiscal biennia when the employing, county, city, or state law enforcement agency shall reimburse the commission for twenty-five percent of the cost of training its personnel. Additionally, to the extent funds are provided for this purpose, the commission shall reimburse to participating law enforcement agencies with ten or less full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training: PROVIDED, That such reimbursement shall include only the actual cost of temporary replacement not to exceed the total amount of salary and benefits received by the replaced officer during his or her training period.

**Sec. 927.** RCW 43.320.110 and 2021 c 334 s 982 are each amended to read as follows:

(1) There is created in the custody of the state treasurer a local fund known as the "financial services regulation fund" which shall consist of all moneys received by the divisions of the department of financial institutions, except as provided in subsection (2) of this section.

(2) The division of securities shall deposit thirteen percent of all moneys received, except as provided in RCW 43.320.115 and subsection (3) of this section, and which shall be used for the purchase of supplies and necessary equipment; the payment of salaries, wages, and utilities; the establishment of reserves; and other incidental costs required for the proper regulation of individuals and entities subject to regulation by the department.

(3) The division of securities shall deposit one hundred percent of all moneys received that are attributable to increases in fees implemented by rule pursuant to RCW 21.20.340(15).

(4) Disbursements from the fund shall be on authorization of the director of financial institutions or the director's designee. In order to maintain an effective expenditure and revenue control, the fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

(5) During the 2017-2019 fiscal biennium, the legislature may transfer from the financial services regulation fund to the state general fund such amounts as reflect the excess fund balance of the fund. During the 2017-2019 and 2021-2023 fiscal biennia, moneys from the financial services regulation fund may be appropriated for the family prosperity account program at the department of commerce and for the operations of the department of revenue.

(6)(a) Beginning in the 2020-2021 fiscal year, the state treasurer shall annually transfer from the fund to the student loan advocate account created in RCW 28B.77.008, the greater of one hundred seventy-five thousand dollars or twenty percent of the annual assessment derived from student education loan servicing.

(b) The department must provide information to the state treasurer regarding the amount of the annual assessment derived from student education loan servicing.

(7) The director's obligations or duties under chapter 62, Laws of 2018 are subject to section 21, chapter 62, Laws of 2018.

(8) During the 2019-2021 and 2023-2025 fiscal ~~((biennium))~~ biennia, moneys in the financial services regulation fund may be appropriated for the operations of the department of revenue. ~~((It is the intent of the legislature to continue this policy in subsequent biennia.))~~

(9) During the ~~((2019-2021 and))~~ 2021-2023 and 2023-2025 fiscal biennia, the legislature may direct the state treasurer to

make transfers of moneys in the financial services regulation fund to the general fund.

**Sec. 928.** RCW 43.380.020 and 2021 c 334 s 984 and 2021 c 243 s 12 are each reenacted to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the Washington statewide reentry council is created and located within the department for the purpose of promoting successful reentry of offenders after incarceration.

(2) Through the executive director that may be appointed by the council, the department shall administer the council by:

(a) Providing the council and its executive director use of the department's facilities; and

(b) Managing grants and other funds received, used, and disbursed by the council.

**Sec. 929.** RCW 70A.65.030 and 2022 c 182 s 104 and 2022 c 181 s 13 are each reenacted and amended to read as follows:

(1) ~~((Each))~~ Except as provided in subsection (4) of this section, each year or biennium, as appropriate, when allocating funds from the carbon emissions reduction account created in RCW 70A.65.240, the climate commitment account created in RCW 70A.65.260, the natural climate solutions account created in RCW 70A.65.270, the climate investment account created in RCW 70A.65.250, the air quality and health disparities improvement account created in RCW 70A.65.280, the climate transit programs account created in RCW 46.68.500, or the climate active transportation account created in RCW 46.68.490, or administering grants or programs funded by the accounts, agencies shall conduct an environmental justice assessment consistent with the requirements of RCW 70A.02.060 and establish a minimum of not less than 35 percent and a goal of 40 percent of total investments that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities through: (a) The direct reduction of environmental burdens in overburdened communities; (b) the reduction of disproportionate, cumulative risk from environmental burdens, including those associated with climate change; (c) the support of community led project development, planning, and participation costs; or (d) meeting a community need identified by the community that is consistent with the intent of this chapter or RCW 70A.02.010.

(2) The allocation of funding under subsection (1) of this section must adhere to the following principles, additional to the requirements of RCW 70A.02.080: (a) Benefits and programs should be directed to areas and targeted to vulnerable populations and overburdened communities to reduce statewide disparities; (b) investments and benefits should be made roughly proportional to the health disparities that a specific community experiences, with a goal of eliminating the disparities; (c) investments and programs should focus on creating environmental benefits, including eliminating health burdens, creating community and population resilience, and raising the quality of life of those in the community; and (d) efforts should be made to balance investments and benefits across the state and within counties, local jurisdictions, and unincorporated areas as appropriate to reduce disparities by location and to ensure efforts contribute to a reduction in disparities that exist based on race or ethnicity, socioeconomic status, or other factors.

(3) ~~((State))~~ Except as provided in subsection (4) of this section, state agencies allocating funds or administering grants or programs from the carbon emissions reduction account created in RCW 70A.65.240, the climate commitment account created in RCW 70A.65.260, the natural climate solutions account created in RCW 70A.65.270, the climate investment account created in RCW 70A.65.250, the air quality and health disparities improvement account created in RCW 70A.65.280, the climate

transit programs account created in RCW 46.68.500, or the climate active transportation account created in RCW 46.68.490, must:

(a) Report annually to the environmental justice council created in RCW 70A.02.110 regarding progress toward meeting environmental justice and environmental health goals;

(b) Consider recommendations by the environmental justice council; and

(c)(i) If the agency is not a covered agency subject to the requirements of chapter 70A.02 RCW, create and adopt a community engagement plan to describe how it will engage with overburdened communities and vulnerable populations in allocating funds or administering grants or programs from the climate investment account.

(ii) The plan must include methods for outreach and communication with those who face barriers, language or otherwise, to participation.

(4) During the 2023-2025 fiscal biennium:

(a) The requirement of subsection (1) of this section to conduct an environmental justice assessment applies only to covered agencies as defined in RCW 70A.02.010 and to significant agency actions as defined in RCW 70A.02.010.

(b) Agencies shall coordinate with the department and the office of financial management to achieve total statewide spending from the accounts listed in subsection (1) of this section of not less than 35 percent and a goal of 40 percent of total investments that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities as otherwise described in subsection (1)(a) through (d) of this section and in accordance with RCW 70A.65.230.

(c) The requirements of subsection (3)(c) of this section for agencies other than covered agencies to create and adopt community engagement plans apply only to executive branch agencies and institutions of higher education, as defined in RCW 28B.10.016, receiving total appropriations of more than \$2,000,000 for the 2023-2025 fiscal biennium from the accounts listed in subsection (1) of this section.

**Sec. 930.** RCW 70A.65.250 and 2022 c 253 s 2 are each amended to read as follows:

(1)(a) The climate investment account is created in the state treasury. Except as otherwise provided in chapter 316, Laws of 2021, all receipts from the auction of allowances authorized in this chapter must be deposited into the account. Moneys in the account may be spent only after appropriation.

(b) Projects or activities funded from the account must meet high labor standards, including family sustaining wages, providing benefits including health care and employer-contributed retirement plans, career development opportunities, and maximize access to economic benefits from such projects for local workers and diverse businesses. Each contracting entity's proposal must be reviewed for equity and opportunity improvement efforts, including: (i) Employer paid sick leave programs; (ii) pay practices in relation to living wage indicators such as the federal poverty level; (iii) efforts to evaluate pay equity based on gender identity, race, and other protected status under Washington law; (iv) facilitating career development opportunities, such as apprenticeship programs, internships, job-shadowing, and on-the-job training; and (v) employment assistance and employment barriers for justice affected individuals.

(2) Moneys in the account may be used only for projects and programs that achieve the purposes of the greenhouse gas emissions cap and invest program established under this chapter and for tribal capacity grants under RCW 70A.65.305. Moneys in the account as described in this subsection must first be

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appropriated for the administration of the requirements of this chapter, in an amount not to exceed five percent of the total receipt of funds from allowance auction proceeds under this chapter. Beginning July 1, (~~2024~~) 2023, and annually thereafter, the state treasurer shall distribute funds in the account that exceed the amounts appropriated for the purposes of this subsection (2) as follows:

(a) Seventy-five percent of the moneys to the climate commitment account created in RCW 70A.65.260; and

(b) Twenty-five percent of the moneys to the natural climate solutions account created in RCW 70A.65.270.

(3) The allocations specified in subsection (2)(a) and (b) of this section must be reviewed by the legislature on a biennial basis based on the changing needs of the state in meeting its clean economy and greenhouse gas reduction goals in a timely, economically advantageous, and equitable manner.

(4) During the 2023-2025 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the climate investment account to the carbon emissions reduction account.

**Sec. 931.** RCW 70A.65.260 and 2022 c 179 s 17 are each amended to read as follows:

(1) The climate commitment account is created in the state treasury. The account must receive moneys distributed to the account from the climate investment account created in RCW 70A.65.250. Moneys in the account may be spent only after appropriation. Projects, activities, and programs eligible for funding from the account must be physically located in Washington state and include, but are not limited to, the following:

(a) Implementing the working families tax rebate in RCW 82.08.0206;

(b) Supplementing the growth management planning and environmental review fund established in RCW 36.70A.490 for the purpose of making grants or loans to local governments for the purposes set forth in RCW 43.21C.240, 43.21C.031, 36.70A.500, and 36.70A.600, for costs associated with RCW 36.70A.610, and to cover costs associated with the adoption of optional elements of comprehensive plans consistent with RCW 43.21C.420;

(c) Programs, activities, or projects that reduce and mitigate impacts from greenhouse gases and copollutants in overburdened communities, including strengthening the air quality monitoring network to measure, track, and better understand air pollution levels and trends and to inform the analysis, monitoring, and pollution reduction measures required in RCW 70A.65.020;

(d) Programs, activities, or projects that deploy renewable energy resources, such as solar and wind power, and projects to deploy distributed generation, energy storage, demand-side technologies and strategies, and other grid modernization projects;

(e) Programs, activities, or projects that increase the energy efficiency or reduce greenhouse gas emissions of industrial facilities including, but not limited to, proposals to implement combined heat and power, district energy, or on-site renewables, such as solar and wind power, to upgrade the energy efficiency of existing equipment, to reduce process emissions, and to switch to less emissions intensive fuel sources;

(f) Programs, activities, or projects that achieve energy efficiency or emissions reductions in the agricultural sector including:

- (i) Fertilizer management;
- (ii) Soil management;
- (iii) Bioenergy;
- (iv) Biofuels;

(v) Grants, rebates, and other financial incentives for agricultural harvesting equipment, heavy-duty trucks, agricultural pump engines, tractors, and other equipment used in agricultural operations;

(vi) Grants, loans, or any financial incentives to food processors to implement projects that reduce greenhouse gas emissions;

(vii) Renewable energy projects;

(viii) Farmworker housing weatherization programs;

(ix) Dairy digester research and development;

(x) Alternative manure management; and

(xi) Eligible fund uses under RCW 89.08.615;

(g) Programs, activities, or projects that increase energy efficiency in new and existing buildings, or that promote low carbon architecture, including use of newly emerging alternative building materials that result in a lower carbon footprint in the built environment over the life cycle of the building and component building materials;

(h) Programs, activities, or projects that promote the electrification and decarbonization of new and existing buildings, including residential, commercial, and industrial buildings;

(i) Programs, activities, or projects that improve energy efficiency, including district energy, and investments in market transformation of high efficiency electric appliances and equipment for space and water heating;

(j) Clean energy transition and assistance programs, activities, or projects that assist affected workers or people with lower incomes during the transition to a clean energy economy, or grow and expand clean manufacturing capacity in communities across Washington state including, but not limited to:

(i) Programs, activities, or projects that directly improve energy affordability and reduce the energy burden of people with lower incomes, as well as the higher transportation fuel burden of rural residents, such as bill assistance, energy efficiency, and weatherization programs;

(ii) Community renewable energy projects that allow qualifying participants to own or receive the benefits of those projects at reduced or no cost;

(iii) Programs, activities, or other worker-support projects for bargaining unit and nonsupervisory fossil fuel workers who are affected by the transition away from fossil fuels to a clean energy economy. Worker support may include, but is not limited to: (A) Full wage replacement, health benefits, and pension contributions for every worker within five years of retirement; (B) full wage replacement, health benefits, and pension contributions for every worker with at least one year of service for each year of service up to five years of service; (C) wage insurance for up to five years for workers reemployed who have more than five years of service; (D) up to two years of retraining costs, including tuition and related costs, based on in-state community and technical college costs; (E) peer counseling services during transition; (F) employment placement services, prioritizing employment in the clean energy sector; and (G) relocation expenses;

(iv) Direct investment in workforce development, via technical education, community college, institutions of higher education, apprenticeships, and other programs including, but not limited to:

(A) Initiatives to develop a forest health workforce established under RCW 76.04.521; and

(B) Initiatives to develop new education programs, emerging fields, or jobs pertaining to the clean energy economy;

(v) Transportation, municipal service delivery, and technology investments that increase a community's capacity for clean manufacturing, with an emphasis on communities in greatest need of job creation and economic development and potential for commute reduction;

(k) Programs, activities, or projects that reduce emissions from landfills and waste-to-energy facilities through diversion of organic materials, methane capture or conversion strategies, installation of gas collection devices and gas control systems, monitoring and reporting of methane emissions, or other means, prioritizing funding needed for any activities by local governments to comply with chapter 70A.540 RCW;

(l) Carbon dioxide removal projects, programs, and activities; and

(m) Activities to support efforts to mitigate and adapt to the effects of climate change affecting Indian tribes, including capital investments in support of the relocation of Indian tribes located in areas at heightened risk due to anticipated sea level rise, flooding, or other disturbances caused by climate change. The legislature intends to dedicate at least \$50,000,000 per biennium from the account for purposes of this subsection.

(2) Moneys in the account may not be used for projects or activities that would violate tribal treaty rights or result in significant long-term damage to critical habitat or ecological functions. Investments from this account must result in long-term environmental benefits and increased resilience to the impacts of climate change.

(3) During the 2023-2025 fiscal biennium, the legislature may appropriate moneys from the climate commitment account for activities related to environmental justice, including implementation of chapter 314, Laws of 2021.

**Sec. 932.** RCW 71.24.580 and 2022 c 297 s 964 and 2022 c 157 s 18 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, during the 2021-2023 and the 2023-2025 fiscal ~~((biennium))~~ biennia, for 180 days following graduation from the drug court program; and (c) the administrative and overhead costs associated with the operation of a drug court. Amounts provided in this subsection must be used for treatment and recovery support services for criminally involved offenders and authorization of these services shall not be subject to determinations of medical necessity. During the 2019-2021 and 2021-2023 fiscal biennia, funding from the criminal justice treatment account may be used to provide treatment and support services through the conclusion of an individual's treatment plan to individuals participating in a drug court program as of February 24, 2021, if that individual wishes to continue treatment following dismissal of charges they were facing under RCW 69.50.4013(1). Such participation is voluntary and contingent upon substantial compliance with drug court program requirements. The legislature may appropriate from the account for municipal drug courts and increased treatment options. During the 2019-2021 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the criminal justice treatment account to the home security fund account created in RCW 43.185C.060. Moneys in the account may be spent only after appropriation.

(2) For purposes of this section:

(a) "Treatment" means services that are critical to a participant's successful completion of his or her substance use disorder treatment program, including but not limited to the recovery support and other programmatic elements outlined in RCW 2.30.030 authorizing therapeutic courts; and

(b) "Treatment support" includes transportation to or from

inpatient or outpatient treatment services when no viable alternative exists, and child care services that are necessary to ensure a participant's ability to attend outpatient treatment sessions.

(3) Revenues to the criminal justice treatment account consist of: (a) Funds transferred to the account pursuant to this section; and (b) any other revenues appropriated to or deposited in the account.

(4)(a) For the fiscal year beginning July 1, 2005, and each subsequent fiscal year, the state treasurer shall transfer eight million two hundred fifty thousand dollars from the general fund to the criminal justice treatment account, divided into four equal quarterly payments. For the fiscal year beginning July 1, 2006, and each subsequent fiscal year, the amount transferred shall be increased on an annual basis by the implicit price deflator as published by the federal bureau of labor statistics.

(b) In each odd-numbered year, the legislature shall appropriate the amount transferred to the criminal justice treatment account in (a) of this subsection to the department for the purposes of subsection (5) of this section.

(5) Moneys appropriated to the authority from the criminal justice treatment account shall be distributed as specified in this subsection. The authority may retain up to three percent of the amount appropriated under subsection (4)(b) of this section for its administrative costs.

(a) Seventy percent of amounts appropriated to the authority from the account shall be distributed to counties pursuant to the distribution formula adopted under this section. The authority, in consultation with the department of corrections, the Washington state association of counties, the Washington state association of drug court professionals, the superior court judges' association, the Washington association of prosecuting attorneys, representatives of the criminal defense bar, representatives of substance use disorder treatment providers, and any other person deemed by the authority to be necessary, shall establish a fair and reasonable methodology for distribution to counties of moneys in the criminal justice treatment account. County or regional plans submitted for the expenditure of formula funds must be approved by the panel established in (b) of this subsection.

(b) Thirty percent of the amounts appropriated to the authority from the account shall be distributed as grants for purposes of treating offenders against whom charges are filed by a county prosecuting attorney. The authority shall appoint a panel of representatives from the Washington association of prosecuting attorneys, the Washington association of sheriffs and police chiefs, the superior court judges' association, the Washington state association of counties, the Washington defender's association or the Washington association of criminal defense lawyers, the department of corrections, the Washington state association of drug court professionals, and substance use disorder treatment providers. The panel shall review county or regional plans for funding under (a) of this subsection and grants approved under this subsection. The panel shall attempt to ensure that treatment as funded by the grants is available to offenders statewide.

(6) The county alcohol and drug coordinator, county prosecutor, county sheriff, county superior court, a substance abuse treatment provider appointed by the county legislative authority, a member of the criminal defense bar appointed by the county legislative authority, and, in counties with a drug court, a representative of the drug court shall jointly submit a plan, approved by the county legislative authority or authorities, to the panel established in subsection (5)(b) of this section, for disposition of all the funds provided from the criminal justice treatment account within that county. The submitted plan should

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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. 933.** RCW 74.46.561 and 2022 c 297 s 966 are each amended to read as follows:

(1) The legislature adopts a new system for establishing nursing home payment rates beginning July 1, 2016. Any payments to nursing homes for services provided after June 30, 2016, must be based on the new system. The new system must be designed in such a manner as to decrease administrative complexity associated with the payment methodology, reward nursing homes providing care for high acuity residents, incentivize quality care for residents of nursing homes, and establish minimum staffing standards for direct care.

(2) The new system must be based primarily on industry-wide costs, and have three main components: Direct care, indirect care, and capital.

(3) The direct care component must include the direct care and therapy care components of the previous system, along with food, laundry, and dietary services. Direct care must be paid at a fixed rate, based on one hundred percent or greater of statewide case mix neutral median costs, but for fiscal year 2023 shall be capped so that a nursing home provider's direct care rate does not exceed ~~((465))~~ 118 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), except for fiscal years 2024 and 2025 when the direct care rate must not exceed 165 percent of the base year's direct care allowable costs except if the provider is below the minimum staffing standards established in RCW 74.42.360(2). The legislature intends to remove the cap on direct care rates by June 30, 2027. Direct care must be performance-adjusted for acuity every six months, using case mix principles. Direct care must be regionally adjusted using countywide wage index information available through the United States department of labor's bureau of labor statistics. There is no minimum occupancy for direct care. The direct care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(4) The indirect care component must include the elements of administrative expenses, maintenance costs, and housekeeping services from the previous system. A minimum occupancy assumption of ninety percent must be applied to indirect care, except during fiscal year 2023 when the minimum occupancy assumption must be 75 percent and except during the 2023-2025 fiscal biennium when the minimum occupancy assumption must be 80 percent. Indirect care must be paid at a fixed rate, based on ninety percent or greater of statewide median costs. The indirect care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(5) The capital component must use a fair market rental system to set a price per bed. The capital component must be adjusted for the age of the facility, and must use a minimum occupancy assumption of ninety percent.

(a) Beginning July 1, 2016, the fair rental rate allocation for each facility must be determined by multiplying the allowable nursing home square footage in (c) of this subsection by the RSMMeans 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 RSMMeans construction index value per square foot. The department may use updated RSMMeans 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 centers for medicare and medicaid services.

(d) Facilities meeting or exceeding the highest performance threshold (top level) for a quality measure receive twenty-five points. Facilities meeting the second highest performance threshold receive twenty points. Facilities meeting the third level of performance threshold receive fifteen points. Facilities in the bottom performance threshold level receive no points. Points from all quality measures must then be summed into a single aggregate quality score for each facility.

(e) Facilities receiving an aggregate quality score of eighty percent of the overall available total score or higher must be placed in the highest tier (tier V), facilities receiving an aggregate score of between seventy and seventy-nine percent of the overall available total score must be placed in the second highest tier (tier IV), facilities receiving an aggregate score of between sixty and sixty-nine percent of the overall available total score must be placed in the third highest tier (tier III), facilities receiving an aggregate score of between fifty and fifty-nine percent of the overall available total score must be placed in the fourth highest tier (tier II), and facilities receiving less than fifty percent of the overall available total score must be placed in the lowest tier (tier

I).

(f) The tier system must be used to determine the amount of each facility's per patient day quality incentive component. The per patient day quality incentive component for tier IV is seventy-five percent of the per patient day quality incentive component for tier V, the per patient day quality incentive component for tier III is fifty percent of the per patient day quality incentive component for tier V, and the per patient day quality incentive component for tier II is twenty-five percent of the per patient day quality incentive component for tier V. Facilities in tier I receive no quality incentive component.

(g) Tier system payments must be set in a manner that ensures that the entire biennial appropriation for the quality incentive program is allocated.

(h) Facilities with insufficient three-quarter average centers for medicare and medicaid services quality data must be assigned to the tier corresponding to their five-star quality rating. Facilities with a five-star quality rating must be assigned to the highest tier (tier V) and facilities with a one-star quality rating must be assigned to the lowest tier (tier I). The use of a facility's five-star quality rating shall only occur in the case of insufficient centers for medicare and medicaid services minimum data set information.

(i) The quality incentive rates must be adjusted semiannually on July 1 and January 1 of each year using, at a minimum, the most recent available three-quarter average centers for medicare and medicaid services quality data.

(j) Beginning July 1, 2017, the percentage of short-stay residents who newly received an antipsychotic medication must be added as a quality measure. The department must determine the quality incentive thresholds for this quality measure in a manner consistent with those outlined in (b) through (h) of this subsection using the centers for medicare and medicaid services quality data.

(k) Beginning July 1, 2017, the percentage of direct care staff turnover must be added as a quality measure using the centers for medicare and medicaid services' payroll-based journal and nursing home facility payroll data. Turnover is defined as an employee departure. The department must determine the quality incentive thresholds for this quality measure using data from the centers for medicare and medicaid services' payroll-based journal, unless such data is not available, in which case the department shall use direct care staffing turnover data from the most recent medicaid cost report.

(7) Reimbursement of the safety net assessment imposed by chapter 74.48 RCW and paid in relation to medicaid residents must be continued.

(8)(a) The direct care and indirect care components must be rebased in even-numbered years, beginning with rates paid on July 1, 2016. Rates paid on July 1, 2016, must be based on the 2014 calendar year cost report. On a percentage basis, after rebasing, the department must confirm that the statewide average daily rate has increased at least as much as the average rate of inflation, as determined by the skilled nursing facility market basket index published by the centers for medicare and medicaid services, or a comparable index. If after rebasing, the percentage increase to the statewide average daily rate is less than the average rate of inflation for the same time period, the department is authorized to increase rates by the difference between the percentage increase after rebasing and the average rate of inflation.

(b) It is the intention of the legislature that direct and indirect care rates paid in fiscal year 2022 will be rebased using the calendar year 2019 cost reports. For fiscal year 2021, in addition to the rates generated by (a) of this subsection, an additional

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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. For fiscal year 2024, the direct care and indirect care components shall be rebased to the 2021 calendar year cost report.

(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. 934.** RCW 79.64.040 and 2021 c 334 s 994 are each amended to read as follows:

(1) The board shall determine the amount deemed necessary in order to achieve the purposes of this chapter and shall provide by rule for the deduction of this amount from the moneys received from all leases, sales, contracts, licenses, permits, easements, and rights-of-way issued by the department and affecting state lands and aquatic lands, except as provided in RCW 79.64.130, provided that no deduction shall be made from the proceeds from agricultural college lands.

(2) Moneys received as deposits from successful bidders, advance payments, and security under RCW 79.15.100, 79.15.080, and 79.11.150 prior to December 1, 1981, which have not been subjected to deduction under this section are not subject to deduction under this section.

(3) Except as otherwise provided in subsection (5) of this section, the deductions authorized under this section shall not exceed twenty-five percent of the moneys received by the department in connection with any one transaction pertaining to state lands and aquatic lands other than second-class tide and shore lands and the beds of navigable waters, and fifty percent of the moneys received by the department pertaining to second-class tide and shore lands and the beds of navigable waters.

(4) In the event that the department sells logs using the contract harvesting process described in RCW 79.15.500 through 79.15.530, the moneys received subject to this section are the net proceeds from the contract harvesting sale.

(5) During the 2015-2017, 2017-2019, 2019-2021, ~~((and))~~ 2021-2023, and 2023-2025 fiscal biennia, the board may increase

the twenty-five percent limitation up to thirty-two percent.

**Sec. 935.** RCW 79.64.110 and 2021 c 334 s 995 and 2021 c 145 s 3 are each reenacted and amended to read as follows:

(1) Any moneys derived from the lease of state forestlands or from the sale of valuable materials, oils, gases, coal, minerals, or fossils from those lands, except as provided in RCW 79.64.130, or the appraised value of these resources when transferred to a public agency under RCW 79.22.060, except as provided in RCW 79.22.060(4), must be distributed as follows:

(a) For state forestlands acquired through RCW 79.22.040 or by exchange for lands acquired through RCW 79.22.040:

(i) The expense incurred by the state for administration, reforestation, and protection, not to exceed twenty-five percent, which rate of percentage shall be determined by the board, must be returned to the forest development account created in RCW 79.64.100. During the 2017-2019, 2019-2021, ~~((and))~~ 2021-2023, and 2023-2025 fiscal biennia, the board may increase the twenty-five percent limitation up to twenty-seven percent.

(ii) Any balance remaining must be paid to the county in which the land is located or, for counties participating in a land pool created under RCW 79.22.140, to each participating county proportionate to its contribution of asset value to the land pool as determined by the board. Payments made under this subsection are to be paid, distributed, and prorated, except as otherwise provided in this section, to the various funds in the same manner as general taxes are paid and distributed during the year of payment. However, in order to test county flexibility in distributing state forestland revenue, a county may in its discretion pay, distribute, and prorate payments made under this subsection of moneys derived from state forestlands acquired by exchange between July 28, 2019, and June 30, 2020, for lands acquired through RCW 79.22.040, within the same county, in the same manner as general taxes are paid and distributed during the year of payment for the former state forestlands that were subject to the exchange.

(iii) Any balance remaining, paid to a county with a population of less than sixteen thousand, must first be applied to the reduction of any indebtedness existing in the current expense fund of the county during the year of payment.

(iv) With regard to moneys remaining under this subsection (1)(a), within seven working days of receipt of these moneys, the department shall certify to the state treasurer the amounts to be distributed to the counties. The state treasurer shall distribute funds to the counties four times per month, with no more than ten days between each payment date.

(b) For state forestlands acquired through RCW 79.22.010 or by exchange for lands acquired through RCW 79.22.010, except as provided in RCW 79.64.120:

(i) Fifty percent shall be placed in the forest development account.

(ii) Fifty percent shall be prorated and distributed to the state general fund, to be dedicated for the benefit of the public schools, to the county in which the land is located or, for counties participating in a land pool created under RCW 79.22.140, to each participating county proportionate to its contribution of asset value to the land pool as determined by the board, and according to the relative proportions of tax levies of all taxing districts in the county. The portion to be distributed to the state general fund shall be based on the regular school levy rate under RCW 84.52.065 (1) and (2) and the levy rate for any school district enrichment levies. With regard to the portion to be distributed to the counties, the department shall certify to the state treasurer the amounts to be distributed within seven working days of receipt of the money. The state treasurer shall distribute funds to the counties four times per month, with no more than ten days between each payment



implement chapter 74, Laws of 2017 (SHB 1100) (concealed pistol licenses).

**PART XI  
GENERAL GOVERNMENT  
SUPPLEMENTAL**

**Sec. 1101.** 2022 c 297 s 101 (uncodified) is amended to read as follows:

**FOR THE HOUSE OF REPRESENTATIVES**

General Fund—State Appropriation (FY 2022).....	\$46,838,000
General Fund—State Appropriation (FY 2023)	.....
.....	<del>(\$53,280,000)</del>
.....	\$53,080,000
TOTAL APPROPRIATION .....	<del>(\$100,118,000)</del>
.....	\$99,918,000

The appropriations in this section are subject to the following conditions and limitations: \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a work group to continue the house of representatives' examination of employment practices and policies and to develop options and recommendations for the house of representatives.

(a) The work group is composed of the following members:

- (i) Two legislative assistants from each of the two largest caucuses of the house of representatives;
- (ii) One nonsupervisory staff and one supervisory staff from each of the two largest caucuses of the house of representatives;
- (iii) One committee assistant, one coordinator, one analyst or counsel, and one administrative staff from the house of representatives office of program research;
- (iv) One nonsupervisory staff and one supervisory staff from the house of representatives administration;
- (v) The chief clerk of the house of representatives or their designee; and
- (vi) The house of representatives human resource director.

(b) Staff who wish to be appointed to the work group must submit an application to the office of human resources. The house of representatives human resource officer shall make recommendations to the house of representatives executive rules committee who shall then confirm appointments to the work group.

(c) The chief clerk of the house of representatives shall contract for an external facilitator to staff and assist the work group. The facilitator must have a background or experience in organizational development. The chief clerk may also contract for legal services and other expert services, as necessary, to assist the work group.

(d) The work group shall consider issues related to employment practices and policies including, but not limited to:

- (i) The supervisory structure of employees;
- (ii) Workplace terms and conditions; and
- (iii) Professional development.

(e) The expenses of the work group must be paid from the amount appropriated in this section subject to approval by the house of representatives executive rules committee.

(f) The work group must report its findings and recommendations to the house of representatives executive rules committee by December 1, 2022.

(g) If Engrossed Substitute House Bill No. 2124 is enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

**Sec. 1102.** 2022 c 297 s 102 (uncodified) is amended to read as follows:

**FOR THE SENATE**

General Fund—State Appropriation (FY 2022).....	\$33,755,000
General Fund—State Appropriation (FY 2023)	.....
.....	<del>(\$41,625,000)</del>

date. The money distributed to the county must be paid, distributed, and prorated to the various other funds in the same manner as general taxes are paid and distributed during the year of payment.

(2) A school district may transfer amounts deposited in its debt service fund pursuant to this section into its capital projects fund as authorized in RCW 28A.320.330.

**Sec. 936.** RCW 79A.25.210 and 2021 c 334 s 997 are each amended to read as follows:

The firearms range account is hereby created in the state general fund. Moneys in the account shall be subject to legislative appropriation and shall be used for purchase and development of land, construction or improvement of range facilities, including fixed structure construction or remodeling, equipment purchase, safety or environmental improvements, noise abatement, and liability protection for public and nonprofit firearm range training and practice facilities.

Grant funds shall not be used for expendable shooting supplies, or normal operating expenses. In making grants, the board shall give priority to projects for noise abatement or safety improvement. Grant funds shall not supplant funds for other organization programs.

The funds will be available to nonprofit shooting organizations, school districts, and state, county, or local governments on a match basis. All entities receiving matching funds must be open on a regular basis and usable by law enforcement personnel or the general public who possess Washington concealed pistol licenses or Washington hunting licenses or who are enrolled in a firearm safety class.

Applicants for a grant from the firearms range account shall provide matching funds in either cash or in-kind contributions. The match must represent one dollar in value for each one dollar of the grant except that in the case of a grant for noise abatement or safety improvements the match must represent one dollar in value for each two dollars of the grant. In-kind contributions include but are not limited to labor, materials, and new property. Existing assets and existing development may not apply to the match.

Applicants other than school districts or local or state government must be registered as a nonprofit or not-for-profit organization with the Washington secretary of state. The organization's articles of incorporation must contain provisions for the organization's structure, officers, legal address, and registered agent.

Organizations requesting grants must provide the hours of range availability for public and law enforcement use. The fee structure will be submitted with the grant application.

Any nonprofit organization or agency accepting a grant under this program will be required to pay back the entire grant amount to the firearms range account if the use of the range facility is discontinued less than ten years after the grant is accepted.

Entities receiving grants must make the facilities for which grant funding is received open for hunter safety education classes and firearm safety classes on a regular basis for no fee.

Government units or school districts applying for grants must open their range facility on a regular basis for hunter safety education classes and firearm safety classes.

The board shall adopt rules to implement chapter 195, Laws of 1990, pursuant to chapter 34.05 RCW. During the 2017-2019 and 2019-2021 fiscal biennia, expenditures from the firearms range account may be used to implement chapter 74, Laws of 2017 (SHB 1100) (concealed pistol licenses) and chapter 282, Laws of 2017 (SB 5268) (concealed pistol license notices). During the 2021-2023 and 2023-2025 fiscal (~~biennium~~) biennia, expenditures from the firearms range account may be used to

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.....	<u>\$41,425,000</u>
TOTAL APPROPRIATION.....	<u>(\$75,380,000)</u>
.....	<u>\$75,180,000</u>

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

(1) \$260,000 of the general fund—state appropriation for fiscal year 2022 and \$270,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the payment of membership dues to the council of state governments, the national conference of state legislatures, the pacific northwest economic region, the pacific fisheries legislative task force, and the western legislative forestry task force.

(2) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a work group to continue the senate's examination of employment practices and policies and to develop options and recommendations for the senate.

(a) The work group is composed of the following 17 members:

(i) Two legislative assistants from each of the two largest caucuses of the senate;

(ii) One nonsupervisory staff and one supervisory staff from each of the two largest caucuses of the senate;

(iii) One committee assistant, one coordinator, one analyst or counsel, and one administrative staff from senate committee services;

(iv) One nonsupervisory staff and one supervisory staff from senate administration;

(v) The secretary of the senate or their designee; and

(vi) The senate human resource director and senate diversity, equity, and inclusion coordinator.

(b) Staff who wish to be appointed to the work group must submit an application to the office of human resources. The senate human resource officer shall make recommendations to the senate facilities and operations committee who shall then confirm appointments to the work group.

(c) The secretary of the senate shall contract for an external facilitator to staff and assist the work group. The facilitator must have a background or experience in organizational development. The secretary may also contract for legal services and other expert services, as necessary, to assist the work group.

(d) The work group shall consider issues related to employment practices and policies including, but not limited to:

(i) The supervisory structure of employees;

(ii) Workplace terms and conditions; and

(iii) Professional development.

(e) The expenses of the work group must be paid from the amount appropriated in this section subject to approval by the senate facilities and operations committee.

(f) The work group must report its findings and recommendations to the senate facilities and operations committee by December 1, 2022.

(g) If Engrossed Substitute House Bill No. 2124 is enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

**Sec. 1103.** 2022 c 297 s 103 (uncodified) is amended to read as follows:

**FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

General Fund—State Appropriation (FY 2022).....	\$342,000
General Fund—State Appropriation (FY 2023)....	<u>(\$296,000)</u>
.....	<u>\$288,000</u>
Performance Audits of Government Account—State Appropriation.....	<u>(\$10,036,000)</u>
.....	<u>\$10,031,000</u>
TOTAL APPROPRIATION.....	<u>(\$10,674,000)</u>
.....	<u>\$10,661,000</u>

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

(1) \$273,000 of the general fund—state appropriation for fiscal year 2022 and \$244,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5405 (racial equity analyses).

(2) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2021-2023 work plan as necessary to efficiently manage workload.

(3) \$20,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000 of the general fund—state appropriation for fiscal year 2023 are provided to implement House Bill No. 1296 (behavioral health service organizations).

(4) \$10,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000 of the general fund—state appropriation for fiscal year 2023 are provided to implement Second Substitute House Bill No. 1033 (employment training program).

(5) \$50,000 of the performance audits of government account—state appropriation is for implementation of Engrossed Substitute Senate Bill No. 5268 (developmental disability services). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(6) Sufficient funding is appropriated in this section to conduct performance audits related to state agency programs and services to address the needs of farmworkers. The audits will assess how the agency is administering the programs and enforcing the relevant laws and provide recommendations to improve service delivery and effectiveness for the protection and needs farmworkers. The committee must incorporate the performance audits in this subsection into its work plan and must provide annual progress reports on their status. The committee may prioritize its work based on available resources and staff capacity, and may contract for services as necessary, to complete the following performance audits:

(a) The department of labor and industries' programs and responsibilities to investigate and enforce:

(i) Wage and hour laws applicable to farmworkers;

(ii) Workplace health and safety standards applicable to farmworkers; and

(iii) Laws prohibiting harassment, discrimination, and retaliation against farmworkers for, among other things, asserting their rights regarding health and safety standards and wage and hour laws;

(b) The employment security department's administration of the H-2A program; and

(c) The department of health's administration of laws and rules related to pesticide safety that are intended to protect farmworkers from hazardous exposures.

(7) \$42,000 of the performance audits of government account—state appropriation is for implementation of Second Substitute Senate Bill No. 5649 (family and medical leave). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(8) \$13,000 of the general fund—state appropriation for fiscal year 2022 and \$4,000 of the general fund—state appropriation for fiscal year 2023 are for the implementation of Engrossed Substitute House Bill No. 1643 (affordable housing/REET). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(9) \$36,000 of the general fund—state appropriation for fiscal year 2023 is for the implementation of Engrossed Second Substitute House Bill No. 1015 (equitable access to credit). If the bill is not enacted by June 30, 2022, the amount provided in this

subsection shall lapse.

~~((42))~~ (10)(a) The joint legislative audit and review committee shall conduct a performance audit of the department of health's oversight of hospital data reporting, inspections, and complaints. The study must explore:

(i) The types of data that hospitals are required to collect and report to state and federal regulatory entities, hospitals' compliance with these reporting requirements, and the department's enforcement and use of such reporting. This data includes: Hospital financial data, patient discharge data, charity care data, adverse health events and incidents notification and reporting, and community health needs, assessments, and benefits implementation strategies;

(ii) The type and frequency of hospital inspections conducted by state and federal regulatory entities, and hospitals' correction of any deficiencies; and

(iii) The hospital facility complaint process, including how consumers may file complaints, how the department investigates complaints, and how hospitals resolve any violations.

(b) The committee must incorporate the performance audit in this subsection into its work plan and prioritize its work based on available resources and staff capacity.

~~((43))~~ (11) \$17,000 of the performance audits of government account—state appropriation is for implementation of Senate Bill No. 5713 (limited equity cooperative housing). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((45))~~ (12) \$17,000 of the performance audits of government account—state appropriation is for implementation of Engrossed Substitute Senate Bill No. 5714 (solar canopies tax deferral). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1104.** 2021 c 334 s 109 (uncodified) is amended to read as follows:

**FOR THE REDISTRICTING COMMISSION**

General Fund—State Appropriation (FY 2022).....	\$1,633,000
General Fund—State Appropriation (FY 2023).....	<del>(\$22,000)</del>
.....	<u>\$132,000</u>
TOTAL APPROPRIATION.....	<del>(\$1,655,000)</del>
.....	<u>\$1,765,000</u>

The appropriations in this section ~~((is))~~ are subject to the following conditions and limitations: The entire general fund—state appropriation for fiscal year 2023 is provided solely for the payment of expenses associated with the cessation of the commission's operations. The secretary of the senate and chief clerk of the house of representatives may jointly authorize the expenditure of these funds.

**Sec. 1105.** 2021 c 334 s 110 (uncodified) is amended to read as follows:

**LEGISLATIVE AGENCIES**

In order to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, joint legislative audit and review committee, legislative evaluation and accountability program committee, joint transportation committee, office of the state actuary, joint legislative systems committee, statute law committee, redistricting commission, office of state legislative labor relations, and office of legislative support services.

**Sec. 1106.** 2022 c 297 s 113 (uncodified) is amended to read as follows:

**FOR THE COURT OF APPEALS**

General Fund—State Appropriation (FY 2022)....	\$21,709,000
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General Fund—State Appropriation (FY 2023)	<del>(\$22,673,000)</del>
.....	<u>\$22,833,000</u>
TOTAL APPROPRIATION .....	<del>(\$44,382,000)</del>
.....	<u>\$44,542,000</u>

**Sec. 1107.** 2022 c 297 s 114 (uncodified) is amended to read as follows:

**FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund—State Appropriation (FY 2022)....	\$86,711,000
General Fund—State Appropriation (FY 2023)	<del>(\$118,611,000)</del>
.....	<u>\$118,666,000</u>
General Fund—Federal Appropriation.....	\$3,994,000
General Fund—Private/Local Appropriation .....	\$681,000
Judicial Stabilization Trust Account—State	
Appropriation .....	\$119,442,000
Judicial Information Systems Account—State	
Appropriation .....	\$61,471,000
TOTAL APPROPRIATION .....	<del>(\$390,910,000)</del>
.....	<u>\$390,965,000</u>

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

(1) The distributions made under this section and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(2)(a) \$7,000,000 of the general fund—state appropriation for fiscal year 2022 and \$7,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for distribution to county juvenile court administrators for the costs associated with processing and case management of truancy, children in need of services, and at-risk youth referrals. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula must neither reward counties with higher than average per-petition/referral processing costs nor shall it penalize counties with lower than average per-petition/referral processing costs.

(b) Each fiscal year during the 2021-2023 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives and senate fiscal committees no later than 60 days after a fiscal year ends. These reports are informational in nature and are not for the purpose of distributing funds.

(3) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for providing all courts with an electronic demographic survey for jurors who begin a jury term. The survey must collect data on each juror's race, ethnicity, age, sex, employment status, educational attainment, and income, as well as any other data approved by order of the chief justice of the Washington state supreme court. This electronic data gathering must be conducted and reported in a manner that preserves juror anonymity. The administrative office of the courts shall provide this demographic data in a report to the governor and the appropriate committees of the legislature, and publish a copy of the report on a publicly available internet address by June 30, 2023.

(4)(a) \$150,000 of the general fund—state appropriation for

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fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the center for court research at the administrative office of the courts to review the number and types of young individuals placed on electronic home monitoring over a 10 year time period. The center for court research shall work in collaboration with the Washington state partnership council on juvenile justice and the juvenile block grant proviso committee (which includes a representative from the juvenile rehabilitation administration, the office of the administrator of the courts, the office of financial management, and the juvenile courts) to identify the number of individuals under the age of 26 that have been placed on electronic home monitoring by the department of children, youth, and families and the number of individuals placed on electronic home monitoring by or through juvenile courts from the year 2010 through 2020. At a minimum, the study must identify:

(i) How electronic home monitoring is defined and used by each entity;

(ii) The various types of electronic home monitoring services and the equipment used by each entity;

(iii) Whether the type of electronic home monitoring equipment used is different depending upon the age or type of the offender;

(iv) Whether the state or local entity provides the supervision and monitoring of individuals placed on electronic home monitoring or whether the supervision and monitoring are contracted services;

(v) By age, demographics, ethnicity, and race, the number of individuals that participated on electronic home monitoring each year;

(vi) By age, the offense committed that resulted in the individual being placed on electronic home monitoring, and the average duration of time individuals spent on electronic home monitoring; and

(vii) Whether electronic home monitoring was used as an alternative to or in lieu of incarceration or whether electronic home monitoring was used in addition to incarceration.

(b) The center for court research must complete a preliminary report by June 30, 2022, and submit a final report to the appropriate committees of the legislature by June 30, 2023.

(5) \$44,500,000 of the judicial stabilization trust account—state appropriation is provided solely to assist counties with costs of complying with the *State v. Blake* decision that arise from the county's role in operating the state's criminal justice system, including resentencing, vacating prior convictions for simple drug possession, and certifying refunds of legal financial obligations and collections costs. The office shall contract with counties for judicial, clerk, and prosecution expenses for these purposes.

(6) \$46,750,000 of the judicial stabilization trust account—state appropriation is provided solely to establish a legal financial obligation aid pool for counties to refund legal financial obligations and collection costs previously paid by defendants whose convictions have been vacated by court order due to the *State v. Blake* ruling. Once a direct refund process is established, superior court clerks or district court administrators must certify, and send to the office, the amount of any refund ordered by the court.

(7) \$1,665,000 of the general fund—state appropriation for fiscal year 2022 and \$749,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1320 (civil protection orders).

(8) \$68,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of

Second Substitute House Bill No. 1219 (youth counsel-dependency).

(9) \$110,000 of the general fund—state appropriation for fiscal year 2022 and \$165,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of House Bill No. 1167 (Thurston county superior court judge).

(10) \$1,094,000 of the general fund—state appropriation for fiscal year 2022 and \$1,094,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the statewide fiscal impact on Thurston county courts. It is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

(11) \$4,505,000 of the general fund—state appropriation for fiscal year 2022 and \$7,505,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5160 (landlord-tenant relations), including the management of an eviction resolution pilot program. By June 30, 2022, the administrative office of the courts shall provide to the legislature a detailed report of eviction resolution program expenditures and outcomes including but not limited to the number of individuals served by dispute resolution centers in the program, the average cost of resolution proceedings, and the number of qualified individuals who applied but were unable to be served by dispute resolution centers due to lack of funding or other reasons. Funding under this subsection for the eviction resolution pilot program is not subject to or conditioned upon adoption of a standing judicial order of an individual superior court.

(12) \$325,000 of the general fund—state appropriation for fiscal year 2022 and \$304,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute Senate Bill No. 5331 (early childhood court program).

(13) \$44,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5226 (license suspensions/traffic).

(14) \$3,000,000 of the general fund—state appropriation for fiscal year 2022 and \$3,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for distribution to local courts for costs associated with the court-appointed attorney and visitor requirements set forth in the uniform guardianship act in chapter 11.130 RCW. If the amount provided in this subsection is insufficient to fully fund the local court costs, distributions must be reduced on a proportional basis to ensure that expenditures remain within the available funds provided in this subsection. No later than December 31, 2022, the administrative office of the courts will provide a report on distributions to local courts including, but not limited to, the amount provided to each court, the number of guardianship cases funded at each court, costs segregated by attorney appointments and court visitor appointments, the amount of any pro rata reductions, and a recommendation on how to forecast distributions for potential future funding by the legislature.

(15) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$3,185,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for lease expenses and costs to relocate staff from the temple of justice to another workspace if the omnibus capital appropriation act provides funding for improvements to the heating, ventilation, lighting, and plumbing improvements to the temple of justice. Staff from the administrative office of the courts shall work with the department of enterprise services and the office of financial management to acquire temporary space in a state owned facility that meets the needs of the supreme court. If a state facility cannot be found, the court may acquire temporary workspace as it

chooses.

(16) \$63,000 of the general fund—state appropriation for fiscal year 2022 and \$251,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to facilitate and coordinate the scheduling of resentencing hearings for individuals impacted by the *State v. Blake* decision.

(17) \$830,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to address data quality issues across Washington state court management systems.

(18) \$2,050,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for assistance to trial courts across the state to address the trial court backlog created by the pandemic through the use of pro tem judges and backlog coordinators.

(19) \$5,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for audio visual upgrades in courtrooms across the state.

(20) \$2,500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for distribution to the trial courts to address impacts of the COVID-19 pandemic.

(21) \$4,900,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the administrative office of the courts to provide grant funding for the creation of new therapeutic courts or the expansion of services being provided to an existing therapeutic court. For purposes of this subsection, "therapeutic court" has the meaning defined in RCW 2.30.020. Funding provided under this subsection may not supplant existing funds utilized for this purpose.

(22) \$2,469,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the administrative office of the courts to support community justice counselors and community coordinators that work with municipal and district court drug and therapeutic court programs. The community justice counselors and community coordinators are responsible for working with court participants to ensure connection to community services and existing resources to support completion of court requirements. Funding must be used for a minimum of four municipal court programs, with at least two programs located east of the Cascade mountains and two programs located west of the Cascade mountains, including Spokane county and Snohomish county. Funding may also be used for additional supports for participants, including bus passes and other transportation assistance, basic cell phones and phone cards, and translation services. Counties and cities that receive funding must provide a report back to the administrative office of the courts that shows how funds were expended.

(23) \$520,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to establish pilot self-help centers in two courthouses, one on each side of the state.

(24) \$82,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5490 (interbranch advisory committee). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(25) \$341,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5575 (superior court judges in Snohomish county). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(26) \$116,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5788 (minor guardianship). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(27) \$26,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute

House Bill No. 1773 (assisted outpatient treatment). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(28) \$502,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1901 (civil protection orders). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(29) \$2,025,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for activities of the office relating to the resentencing of individuals and refund of legal financial obligations and costs associated with the *State v. Blake* ruling. In addition to contracting with cities and counties for the disbursement of funds appropriated for resentencing costs, the office must:

(a) Collaborate with superior court clerks, district court administrators, and municipal court administrators to prepare comprehensive reports, based on available court records, of all cause numbers impacted by *State v. Blake* going back to 1971; and

(b) Establish a process to locate and notify individuals of available refunds and notify those individuals of the application process necessary to claim the refund and issue payment from the legal financial obligation aid pool upon submission and approval of applications. The office shall continue to reimburse counties for any legal and financial obligation refunds made pursuant to a court order pending the implementation of a direct refund process.

(30) \$131,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a court policy analyst position to support the district and municipal court judges' association. The court policy analyst position must assist with the development, implementation, monitoring, and evaluation of district and municipal court programs, court operations, and court costs that relate to the *State v. Blake* decision.

(31) \$11,500,000 of the judicial stabilization trust account—state appropriation is provided solely to assist cities with costs of complying with the *State v. Blake* ruling that arise from the city's role in operating the municipal criminal justice system, including resentencing, vacating prior convictions for simple drug possession, and certifying refunds of legal financial obligations and collections costs. The office shall contract with cities for judicial, clerk, prosecution, and defense expenses for these purposes.

(32) \$10,000,000 of the judicial stabilization trust account—state appropriation is provided solely to establish a legal financial obligation aid pool for cities to refund legal financial obligations and collection costs previously paid by defendants whose convictions have been vacated by court order due to the *State v. Blake* ruling. Once a direct refund process is established, municipal administrators must certify, and send to the office, the amount of any refund ordered by the court.

(33) \$1,892,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for distribution to counties to help cover the cost of electronic monitoring with victim notification technology when an individual seeking a protection order requests electronic monitoring with victim notification technology from the court and the respondent is unable to pay.

(34) \$266,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for pass-through funding to the Washington association of child advocate programs to hire and coordinate AmeriCorps members to assist in community-based recruitment activities to promote child advocates and the need for volunteers, develop and distribute recruitment materials, and assist volunteers in preparing for required training. No later than June 30, 2023, the Washington association of child advocate

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programs must submit a report to the appropriate committees of the legislature on the efficacy of the program in recruiting volunteers.

(35) \$1,785,000 of the general fund—federal appropriation (CRF) is provided solely for COVID-19 response expenditures in fiscal year 2022. This funding expires December 31, 2021.

**Sec. 1108.** 2022 c 297 s 116 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF CIVIL LEGAL AID**

General Fund—State Appropriation (FY 2022).....	\$41,710,000
General Fund—State Appropriation (FY 2023)	
.....( <del>(\$51,001,000)</del> )	
.....	<u>\$52,393,000</u>
General Fund—Federal Appropriation.....	\$379,000
Judicial Stabilization Trust Account—State	
Appropriation.....	\$1,464,000
TOTAL APPROPRIATION.....( <del>(\$94,554,000)</del> )	
.....	<u>\$95,946,000</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 2022 and an amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2023 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

(2) The office of civil legal aid shall enter into an interagency agreement with the department of children, youth, and families to facilitate the use of federal title IV-E reimbursement for child representation services.

(3) \$568,000 of the general fund—state appropriation for fiscal year 2022 is appropriated solely to continue and expand civil legal representation for tenants in eviction cases.

(4) Up to \$165,000 of the general fund—state appropriation for fiscal year 2022 may be used to wind down the children's representation study authorized in section 28, chapter 20, Laws of 2017 3rd sp. sess.

(5) \$5,440,000 of the general fund—state appropriation for fiscal year 2022 and \$5,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to continue civil legal assistance to individuals and families directly and indirectly affected by the COVID-19 pandemic and its related health, social, economic, legal, and related consequences.

(6) \$159,000 of the general fund—state appropriation for fiscal year 2022 and \$1,511,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute House Bill No. 1219 (youth counsel/dependency).

(7) \$11,122,000 of the general fund—state appropriation for fiscal year 2022 and \$12,957,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5160 (landlord-tenant relations), including representation of indigent tenants in unlawful detainer cases. By June 30, 2022, the department shall provide to the legislature a detailed report of program expenditures and outcomes including but not limited to the number of individuals served, the average cost of a representation case, and the number of qualified individuals who qualified for but were unable to receive representation for funding or other reasons.

(8) \$600,000 of the general fund—state appropriation for fiscal year 2022 and \$2,250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to continue and expand online automated plain language forms, outreach,

education, technical assistance, and legal assistance to help resolve civil matters relating to legal financial obligations and vacating the sentences of defendants whose convictions or sentences are affected by the *State v. Blake* decision.

(9) \$78,000 of the general fund—state appropriation for fiscal year 2022 and \$313,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of civil legal aid to cover the cost of contract adjustments necessary to conform attorney contracting practices with applicable caseload standards established by the supreme court commission on children in foster care.

(10) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to support civil legal information, advice, and representation to tenants at risk of eviction and against whom an unlawful detainer action has not yet been commenced.

(11) \$350,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the office of civil legal aid to establish a legal advice phone line to provide guidance and legal advice for kinship caregivers. The phone line must be staffed by two FTE contracted attorneys that have experience with kinship care, guardianship statutes, the child welfare system, and issues relating to legal custody.

(12) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of legal aid to expand civil legal aid services for survivors of domestic violence, including legal services for protection order proceedings, family law cases, immigration assistance, and other civil legal issues arising from or related to the domestic violence they experienced.

(13) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of civil legal aid to expand the statewide reentry legal aid project as established in section 115(12), chapter 357, Laws of 2020.

**Sec. 1109.** 2022 c 297 s 117 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE GOVERNOR**

General Fund—State Appropriation (FY 2022)	
.....( <del>(\$11,766,000)</del> )	
.....	<u>\$11,726,000</u>
General Fund—State Appropriation (FY 2023)	
.....( <del>(\$16,207,000)</del> )	
.....	<u>\$19,392,000</u>
Economic Development Strategic Reserve Account—State	
Appropriation.....	\$5,000,000
TOTAL APPROPRIATION.....( <del>(\$32,973,000)</del> )	
.....	<u>\$36,118,000</u>

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

(1) \$917,000 of the general fund—state appropriation for fiscal year 2022 and \$1,146,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the education ombuds.

(2) \$1,289,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$3,545,000)~~) \$5,316,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement the provisions of chapter 332, Laws of 2020 (state equity office).

(3) \$123,000 of the general fund—state appropriation for fiscal year 2022 and \$118,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5119 (individuals in custody).

(4) \$180,000 of the general fund—state appropriation for fiscal year 2022 and \$209,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of

Engrossed Second Substitute Senate Bill No. 5126 (climate commitment act).

(5) \$33,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office of the education ombuds to support the language access work group that is reconvened and expanded in section 501(3)(g) of this act.

(6)(a) \$20,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the Washington state LGBTQ commission, in collaboration with the health care authority, department of health, advocates for people living with HIV in Washington, consumers, and medical professionals with expertise in serving the medicaid population living with HIV, to consider and develop recommendations regarding:

- (i) Access to HIV antiretroviral drugs on the medicaid drug formulary, including short- and long-term fiscal implications of eliminating current prior authorization and fail-first requirements;
- (ii) Impact of drug access on public health and the statewide goal of reducing HIV transmissions; and
- (iii) Maximizing pharmaceutical drug rebates for HIV antiretroviral drugs.

(b) The commission shall submit a brief report with recommendations to the appropriate committees of the legislature by November 1, 2021.

(7) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the cost to support the blue ribbon commission on the intersection of the criminal justice and behavioral health crisis systems that will be established by governor executive order.

(8) Within the amounts appropriated in this section, the Washington state office of equity must cofacilitate the Washington digital equity forum, as provided in section 129(70) of this act, with the statewide broadband office.

(9) \$80,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of equity to develop resources and provide technical assistance to state agencies on best practices on how to engage communities regarding equity and inclusion when creating equitable budget and policy recommendations.

(10) \$350,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$25,000)~~ \$59,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to complete an analysis on options to replace the benefits of the four lower Snake river dams as part of a comprehensive salmon recovery strategy for the Columbia and Snake river basins. The analysis shall be completed by July 30, 2022.

~~((42))~~ (11) \$50,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$250,000)~~ \$519,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the governor to invite federally recognized tribes, legislative leadership, local governments, agricultural producers, commercial and recreational fisher organizations, business organizations, salmon recovery organizations, forestry and agriculture organizations, and environmental organizations to participate in a process facilitated by an independent entity to develop recommendations on proposed changes in policy and spending priorities to improve riparian habitat to ensure salmon and steelhead recovery.

- (a) The recommendations must include:
  - (i) Ideas for improvements to land use planning and development that ensure the protection and recovery of salmon;
  - (ii) Standards to protect areas adjacent to streams and rivers;
  - (iii) Standards to restore areas adjacent to streams and rivers;
  - (iv) Financial incentives for landowners to protect and restore streamside habitat;

(v) Recommendations to improve salmon recovery program coordination among state agencies; and

(vi) Recommendations for additional changes when voluntary measures and financial incentives do not achieve streamside protection and restoration.

(b) Preliminary recommendations shall be submitted to the legislature and governor by October 1, 2022, with a final report by November 1, 2022.

(c) The office of the governor may contract for an independent facilitator. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.

~~((43))~~ (12) \$207,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of equity to address additional workload created by legislation enacted during the 2021 legislative session.

~~((44))~~ (13) \$609,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of equity to establish and support a community engagement board.

~~((46))~~ (14) \$175,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1723 (digital equity act). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1110.** 2022 c 297 s 120 (uncodified) is amended to read as follows:

**FOR THE SECRETARY OF STATE**

General Fund—State Appropriation (FY 2022) .....	\$22,662,000
General Fund—State Appropriation (FY 2023)	
.....	<del>(\$49,118,000)</del>
.....	<u>\$55,360,000</u>
General Fund—Federal Appropriation.....	<del>(\$12,894,000)</del>
.....	<u>\$13,399,000</u>
Public Records Efficiency, Preservation, and Access	
Account—State Appropriation .....	\$10,606,000
Charitable Organization Education Account—State	
Appropriation .....	\$1,367,000
Washington State Library Operations Account—State	
Appropriation .....	\$14,607,000
Local Government Archives Account—State	
Appropriation .....	\$10,937,000
Election Account—Federal Appropriation.....	\$4,401,000
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation .....	\$405,000
Personnel Service Account—State Appropriation..	\$1,276,000
TOTAL APPROPRIATION .....	<del>(\$128,273,000)</del>
.....	<u>\$135,020,000</u>

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

(1) \$2,498,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$12,196,000)~~ \$17,696,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those costs that the secretary of state validates as eligible for reimbursement.

(2)(a) \$3,051,500 of the general fund—state appropriation for fiscal year 2022 and \$3,051,500 of the general fund—state appropriation for fiscal year 2023 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2021-2023 fiscal biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an

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amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

(4) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for humanities Washington speaker's bureau community conversations.

(5) \$114,000 of the general fund—state appropriation for fiscal year 2022 and \$114,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for election reconciliation reporting. Funding provides for one staff to compile county reconciliation reports, analyze the data, and to complete an annual statewide election reconciliation report for every state primary and general election. The report must be submitted annually on July 31, beginning July 31, 2021, to legislative policy and fiscal committees. The annual report must include statewide analysis and by county analysis on the reasons for ballot rejection and an analysis of the ways ballots are received, counted, rejected and cure data that can be used by policymakers to better understand election administration.

(6) \$546,000 of the general fund—state appropriation for fiscal year 2022 and \$546,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for staff dedicated to the maintenance and operations of the voter registration and election management system. These staff will manage database upgrades, database maintenance, system training and support to counties, and the triage and customer service to system users.

(7) \$626,000 of the public records efficiency, preservation, and access account—state appropriation is provided solely for additional project staff to pack, catalog, and move the states archival collection in preparation for the move to the new library archives building that will be located in Tumwater.

(8) Within existing resources, the office of the secretary of state must research and evaluate availability of online trainings to include, but not be limited to, job-related, educational, and information technology trainings that are available free of charge. The office must compare those to the online trainings available from the Microsoft linked in academy. The office must report the comparative findings to fiscal committees of the legislature by September 1, 2022.

(9) \$251,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Substitute Senate Bill No. 5034 (nonprofit corporations).

(10) \$269,000 of the government archives account—state appropriation is provided solely for implementation of Senate Bill No. 5019 (recording standards commission).

(11) \$1,000,000 of the general fund—federal appropriation (ARPA) is provided solely for humanities Washington to provide grants to humanities organizations in Washington state pursuant to the American rescue plan act of 2021, P.L. 117-2. Of the amounts provided in this subsection:

(a) Forty percent must be used for grants to state humanities organizations' programming and general operating expenses to cover up to 100 percent of the costs of the programs which the grants support, to prevent, prepare for, respond to, and recover from coronavirus; and

(b) Sixty percent must be used for direct grants, and relevant administrative expenses, that support humanities organizations' programming and general operating expenses to cover up to 100 percent of the costs of the programs which the grants support, to prevent, prepare for, respond to, and recover from coronavirus.

(12) \$3,600,000 of the general fund—federal appropriation (ARPA) is provided to the state library as the designated state library administrative agency solely to administer and distribute institute of museum and library services grants to museums, tribal partners, and libraries for eligible expenses and services. Pursuant to federal directive, no more than four percent of distributed funds may be held for grant administration.

(13) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$4,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for educational outreach related to voter registration, voting, and elections; and to improve access to voting and the election process.

(14) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$700,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a contract with humanities Washington to expand the prime time family reading program.

(15) \$8,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for:

(a) Funding the security operations center, including identified needs for expanded operations, systems, technology tools, training resources;

(b) Additional staff dedicated to the cyber and physical security of election operations at the office and county election offices;

(c) Expanding security assessments, threat monitoring, enhanced security training; and

(d) Providing grants to county partners to address identified threats and expand existing grants and contracts with other public and private organizations such as the Washington military department, national guard, private companies providing cyber security, and county election offices.

(16) \$1,276,000 of the personnel service account—state appropriation is provided solely for administration of the productivity board established in chapter 41.60 RCW. The secretary of state shall convene the first meeting of the board by September 1, 2022. By June 30, 2023, the board must provide the legislature and all other state agencies with a topical list of all productivity awards granted in fiscal year 2023 for the purpose of providing agencies with the opportunity to adopt or modify for agency use the suggestions identified by awardees.

(17) \$405,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for TVW equipment upgrades, including new encoders and router cards, and a refresh



of its robotics system.

(18) \$55,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for upgrading technology and usefulness of a conference room in the main office of the secretary of state with modern telecommunications tools and technology and increasing privacy.

(19) \$25,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementing a voter registration system in conjunction with the department of licensing, department of social and health services, health benefit exchange, and county election officials by December 31, 2023, that uses information and documentation already presented by eligible agency customers to automatically transmit information necessary for voter registration and voter registration updates, and enables applicants to make a decision about voter registration and any necessary corrections by returning a notice mailed by election officials. The proposal shall consider upgraded systems implemented in Colorado and other states to enact this change in their voter registration system in 2022. Recommendations must be developed with the full participation of community organizations that work in support of civic engagement. The secretary shall present their recommendations, and any barriers to their implementation, to the legislature by December 1, 2022.

(20) \$2,534,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to counties to support voter registration and voting within county jails. Grants may be used to develop and implement a plan to increase voting amongst the jail population, create voting materials specific to the jail population, purchase supplies and equipment for voting in jails, and provide direct staffing in jails to support voting activities. Each county grantee must submit a postelection report by February 1, 2023, to the secretary of state detailing the use of grant funding, evaluation of the grant's overall effectiveness in achieving its objective to increase voter registration and voting of the jailed population, and recommendations regarding best practices and law changes, if needed. Of the amounts provided in this subsection, up to \$100,000 may be used for the office of the secretary of state to compile the reports received in this subsection into a single report. The report must include an analysis of the county grant projects, including recommended policies and procedures for county jails regarding inmate voting. The report must be delivered to the governor and legislature by June 30, 2023.

(21) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided to the state library to develop a digital literacy assessment tool and protocol to be used by organizations that provide digital literacy support; conduct a baseline assessment of digital readiness for a representative sample of Washington residents; and publish the assessment tool, protocol, and baseline assessment findings on the state library website for public use by June 1, 2023. The office must also submit a report to the governor and legislature by June 1, 2023, that describes the tool, protocol, and assessment findings.

(22) \$250,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office to contract with the University of Washington Evans school of public policy and governance to review the data used in the 2022 state auditor's performance audit titled "evaluating Washington's ballot rejection rates," which found that voters from certain counties, younger voters, male voters, Black voters, Native American voters, and Latino voters were more likely to have their ballots rejected. The review must include an analysis of: (a) Voter interaction with the vote-by-mail and ballot return process; (b) circumstances in which voted returned ballots are not accepted due to signature mismatch, including whether the ballot was rejected due to late

return, a signature by another person, a blank signature line, a different name used, or the signature could not conclude that the voter was the signatory; (c) processes used by county election offices to allow voters to cure ballots; (d) methods in which counties collect, maintain, and update voter signatures on file; (e) communication with voters concerning how to prepare and return a voted ballot for counting; (f) best practices for curing rejected signatures; and (e) education and outreach methods emphasizing the importance of voter signatures on voted returned ballots with a focus on increasing successful voting. The results of the analysis must be reported to the governor and the appropriate committees of the legislature by October 15, 2022.

(23) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1835 (postsecondary enrollment). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(24) \$1,000 is for implementation of Engrossed Substitute House Bill No. 1357 (voters' pamphlets overseas).

**Sec. 1111.** 2022 c 297 s 121 (uncodified) is amended to read as follows:

**FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

General Fund—State Appropriation (FY 2022) .....	\$943,000
General Fund—State Appropriation (FY 2023) ( <del>(\$1,159,000)</del> )	
.....	\$999,000
TOTAL APPROPRIATION .....	( <del>(\$2,102,000)</del> )
.....	\$1,942,000

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

(1) The office shall assist the department of enterprise services on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of enterprise services shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

(2) \$500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the governor's office of Indian affairs to engage in a process to develop recommendations on improving executive and legislative tribal relationships. In developing the recommendations, the governor's office of Indian affairs may contract with a third party facilitator.

(a) The governor's office of Indian affairs or the contracted third party must host and facilitate discussions between the executive branch, the legislative branch, and Indian tribes as defined in RCW 43.376.010 to develop the recommendations.

(b) By December 20, 2021, the governor's office of Indian affairs must submit a report of recommendations to the Governor and legislature in accordance with RCW 43.01.036. At a minimum, the report should include recommendations on:

- (i) An examination of government-to-government relationship with Indian tribes as in chapter 43.376 RCW;
- (ii) The consultation processes; and
- (iii) Training to be provided to state agencies and the legislature.

(3)(a) \$350,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the governor's office of Indian affairs to expand capacity of the office to improve state and local executive and tribal relationships. Funds must be used to support:

- (i) Consultation with tribes and local governments on

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implementation of the climate commitment act and growth management act;

(ii) Government-to-government engagement on natural resources, environment, and infrastructure;

(iii) Consultation with tribes and local governments on tribal legal definitions;

(iv) Early engagement on legislative and executive consultation and dispute resolution policy and processes with all agencies; and

(v) Coordination with a third party to facilitate roundtable meetings for agencies, tribes, and stakeholders to assess and provide recommendations in a report for streamlining statewide salmon recovery planning, policy, programs, and budgets. The report should be provided to the appropriate committees in the legislature by June 30, 2023.

(b) The legislature intends to provide additional funding for activities under this subsection (3) in the next fiscal biennium.

**Sec. 1112.** 2022 c 297 s 122 (unmodified) is amended to read as follows:

**FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS**

General Fund—State Appropriation (FY 2022).....	\$554,000
General Fund—State Appropriation (FY 2023).....	<del>(\$857,000)</del>
.....	<u>\$537,000</u>
TOTAL APPROPRIATION.....	<del>(\$1,411,000)</del>
.....	<u>\$1,091,000</u>

**Sec. 1113.** 2022 c 297 s 126 (unmodified) is amended to read as follows:

**FOR THE ATTORNEY GENERAL**

General Fund—State Appropriation (FY 2022)....	\$22,392,000
General Fund—State Appropriation (FY 2023)	<del>(\$27,543,000)</del>
.....	<u>\$25,107,000</u>
General Fund—Federal Appropriation .....	\$21,913,000
Public Service Revolving Account—State Appropriation	\$4,331,000
.....	
New Motor Vehicle Arbitration Account—State	
Appropriation.....	\$1,781,000
Medicaid Fraud Penalty Account—State Appropriation	\$6,098,000
.....	
Child Rescue Fund—State Appropriation .....	\$80,000
Legal Services Revolving Account—State Appropriation	<del>(\$340,402,000)</del>
.....	<u>\$341,735,000</u>
Local Government Archives Account—State	
Appropriation.....	\$1,045,000
Tobacco Prevention and Control Account—State	
Appropriation.....	\$275,000
TOTAL APPROPRIATION.....	<del>(\$425,860,000)</del>
.....	<u>\$424,757,000</u>

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

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney

general shall notify the director of financial management and the chairs and ranking members of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new cy pres awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) \$161,000 of the general fund—state appropriation for fiscal year 2022 and \$161,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the civil rights unit to provide additional services in defense and protection of civil and constitutional rights for people in Washington.

(5) \$8,392,000 of the legal services revolving account—state appropriation is provided solely for child welfare and permanency staff.

(6) \$617,000 of the general fund—state appropriation for fiscal year 2022 and \$617,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for multi-year arbitrations of the state's diligent enforcement of its obligations to receive amounts withheld from tobacco master settlement agreement payments.

(7) \$1,600,000 of the legal services revolving fund—state appropriation is provided solely for the office to compel the United States department of energy to meet Hanford cleanup deadlines.

(8) \$28,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5022 (recycling, waste and litter).

(9) \$584,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5051 (peace & correction officers).

(10) \$122,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5096 (capital gains tax).

(11) \$256,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5097 (paid leave coverage).

(12) \$284,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment).

(13) \$395,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5141 (environmental justice task force).

(14) \$1,198,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5163 (conditionally released SVPs).

(15) \$218,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$5,107,000)~~ \$918,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data).

(16) \$693,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$1,750,000)~~ \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of a program for receiving and responding to tips from the public regarding risks or potential risks to the safety

or well-being of youth, called the YES tip line program. Risks to safety or well-being may include, but are not limited to, harm or threats of harm to self or others, sexual abuse, assault, rape, bullying or cyberbullying, substance use, and criminal acts. Any person contacting the YES tip line, whether for themselves or for another person, must receive timely assistance and not be turned away. The program must operate within the guidelines of this subsection.

(a) During the development and implementation of the YES tip line program the attorney general shall convene an advisory committee consisting of representatives from the Washington state patrol, the department of health, the health care authority, the office of the superintendent of public instruction, the Washington student achievement council, the Washington association of educational service districts, and other participants the attorney general appoints.

(b) The attorney general shall develop and implement policies and processes for:

(i) Assessing tips based on the level of severity, urgency, and assistance needed using best triage practices including the YES tip line;

(ii) Risk assessment for referral of persons contacting the YES tip line to service providers;

(iii) Threat assessment that identifies circumstances requiring the YES tip line to alert law enforcement, mental health services, or other first responders immediately when immediate emergency response to a tip is warranted;

(iv) Referral and follow-up on tips to schools or postsecondary institution teams, local crisis services, law enforcement, and other entities;

(v) YES tip line information data retention and reporting requirements;

(vi) Ensuring the confidentiality of persons submitting a tip and to allow for disclosure when necessary to respond to a specific emergency threat to life; and

(vii) Systematic review, analysis, and reporting by the YES tip line program of YES tip line data including, but not limited to, reporting program utilization and evaluating whether the YES tip line is being implemented equitably across the state.

(c) The YES tip line shall be operated by a vendor selected by the attorney general through a competitive contracting process. The attorney general shall ensure that the YES tip line program vendor and its personnel are properly trained and resourced. The contract must require the vendor to be bound confidentiality policies developed by the office. The contract must also provide that the state of Washington owns the data and information produced from the YES tip line and that vendor must comply with the state's data retention, use, and security requirements.

(d) The YES tip line program must develop and maintain a reference and best practices tool kit for law enforcement and mental health officials that identifies statewide and community mental health resources, services, and contacts, and provides best practices and strategies for investigators to use in investigating cases and assisting youths and their parents and guardians.

(e) The YES tip line program must promote and market the program and YES tip line to youth, families, community members, schools, and others statewide to build awareness of the program's resources and the YES tip line. Youth perspectives must be included and consulted in tip line development and implementation including creating marketing campaigns and materials required for the YES tip line program. The insights of youth representing marginalized and minority communities must be prioritized for their invaluable insight. The attorney general may determine the criteria for honorariums and award youth who participate in the tip line development and implementation an

honorarium of up to \$200 per day.

(f) In addition to honorarium amounts, youth are eligible for reasonable allowances for reimbursement, lodging, and travel expenses as provided in RCW 43.03.050 and 43.03.060.

(g) Nothing in this subsection creates an employment relationship, or any membership or qualification in any state or other publicly supported retirement system, due to the payment of an honorarium or lodging and travel expenses provided under this subsection where such a relationship, membership, or qualification did not already exist. (17) \$196,000 of the legal services revolving account—state appropriation is provided solely to provide staff support to the joint legislative task force on jail standards created in section 957 of this act.

(18) \$38,000 of the legal services revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1148 (acute care hospitals).

(19) \$294,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1259 (women & minority contracting).

(20) \$1,207,000 of the legal services revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1219 (youth counsel/dependency).

(21) \$28,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1089 (law enforcement audits).

(22) \$123,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon).

(23) \$2,080,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1194 (parent-child visitation).

(24) \$121,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1073 (paid leave coverage).

(25) \$247,000 of the general fund—state appropriation for fiscal year 2022 and \$247,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1310 (uses of force by officers).

(26) \$25,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1109 (victims of sexual assault).

(27) \$146,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5172 (agricultural overtime).

(28) \$275,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the attorney general to support the Washington state missing and murdered indigenous women and people task force created in section 943 of this act.

(29) \$5,743,000 of the legal services revolving fund—state appropriation is provided solely for additional legal services to address additional legal services necessary for dependency actions where the state and federal Indian child welfare act apply. The office must report to the fiscal committees of the legislature within 90 days of the close of fiscal year 2023 the following information for new cases initiated in fiscal year 2023 to measure quantity and use of this funding:

(a) The number and proportion of cases where the state and federal Indian child welfare act (ICWA) applies as compared to non-ICWA new cases;

(b) The amount of time spent advising on, preparing for court, and litigating issues and elements related to ICWA's requirements

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as compared to the amount of time advising on, preparing for court, and litigating issues and elements that are not related to ICWA's requirements;

(c) The length of state and federal Indian child welfare act cases as compared to non-ICWA cases measured by time or number of court hearings; and

(d) Any other information or metric the office determines is appropriate to measure the quantity and use of the funding in this subsection.

(30) \$470,000 of the general fund—state appropriation for fiscal year 2022 and \$280,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for legal services in *Wahkiakum School District v. State*.

(31) \$1,910,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office to pass through to King county to adequately fund and retain its prosecution services pursuant to chapter 71.09 RCW in King county.

(32) \$728,000 of the general fund—state appropriation for fiscal year 2022 and \$693,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for legal services related to the voting rights case *Palmer, et al v. State*.

(33) \$752,000 of the general fund—state appropriation for fiscal year 2023 and \$119,000 of the legal services revolving account—state appropriation are provided solely for implementation of Substitute House Bill No. 2076 (transp. network companies). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(34) \$33,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1815 (catalytic converter theft). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(35) \$65,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1747 (child relative placements). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(36) \$17,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1286 (psychology compact). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(37) \$133,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1735 (use of force). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(38)(a) \$125,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a study regarding state and local responses to acts or potential acts of domestic terrorism in Washington state.

(b) In conducting the study, the office must review laws and policies regarding domestic terrorism, including but not limited to:

(i) Federal, state, and local laws regarding acts of domestic terrorism, including how a criminal incident is determined to be an act of domestic terrorism;

(ii) State and local data collection, tracking, and reporting practices as related to acts of domestic terrorism; and

(iii) State and local policies regarding responding to acts of domestic terrorism.

(c) By December 15, 2022, the office must submit a report to the appropriate committees of the legislature that includes but is not limited to:

(i) A summary of current laws and policies as identified in (b) of this subsection;

(ii) Recommended best practices for:

(A) Standardizing and improving data collection, tracking, and reporting on acts of domestic terrorism at the state and local level; and

(B) Strengthening law enforcement, prosecutorial, and other local government responses to a potential act of domestic terrorism; and

(iii) Recommendations for any statutory changes that may be necessary for clarity and consistency.

(d) The office may consult with experts or professionals involved or having expertise in the topic of domestic terrorism to complete the study.

(39) \$58,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to support the sexual assault forensic examination best practices advisory group. The office of the attorney general shall reconvene a sexual assault forensic examination best practices advisory group to continue the work of the previous sexual assault forensic examination best practices advisory group as established in section 1, chapter 93, Laws of 2019. The advisory group must review best practice models for managing all aspects of sexual assault investigations and for reducing the number of untested sexual assault kits in Washington state. The advisory group must meet no less than twice annually.

(40) \$25,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5761 (wage and salary information). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(41) The attorney general must deposit the state's portion of any proceeds received during the 2021-2023 fiscal biennium from the settlement with Purdue Pharma and the Sackler families into the state general fund to be appropriated for opioid abatement programs and services.

**Sec. 1114.** 2022 c 297 s 128 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

General Fund—State Appropriation (FY 2022) ..	\$201,157,000
General Fund—State Appropriation (FY 2023)	
.....	(\$550,623,000)
.....	\$544,329,000
General Fund—Federal Appropriation.....	(\$1,450,865,000)
.....	\$1,277,481,000
General Fund—Private/Local Appropriation .....	\$9,083,000
Public Works Assistance Account—State Appropriation	
.....	\$8,420,000
Lead Paint Account—State Appropriation .....	\$112,000
Building Code Council Account—State Appropriation	
.....	\$17,000
Liquor Excise Tax Account—State Appropriation.	\$1,316,000
Home Security Fund Account—State Appropriation	
.....	\$326,423,000
Affordable Housing for All Account—State	
Appropriation .....	\$105,264,000
Financial Fraud and Identity Theft Crimes	
Investigation and Prosecution Account—State	
Appropriation .....	\$2,678,000
Low-Income Weatherization and Structural	
Rehabilitation Assistance Account—State	
Appropriation .....	\$1,400,000
Statewide Tourism Marketing Account—State	
Appropriation .....	\$3,034,000
Community and Economic Development Fee Account—State	
Appropriation .....	\$4,252,000
Growth Management Planning and Environmental Review	
Fund—State Appropriation .....	\$5,802,000

Liquor Revolving Account—State Appropriation ..	\$5,921,000
Washington Housing Trust Account—State Appropriation	\$20,773,000
.....	
Prostitution Prevention and Intervention Account—	
State Appropriation.....	\$146,000
Public Facility Construction Loan Revolving Account—	
State Appropriation.....	\$1,278,000
Model Toxics Control Stormwater Account—State	
Appropriation.....	\$100,000
Dedicated Marijuana Account—State Appropriation	
(FY 2022) .....	\$1,813,000
Dedicated Marijuana Account—State Appropriation	
(FY 2023) .....	\$3,200,000
Andy Hill Cancer Research Endowment Fund Match	
Transfer Account—State Appropriation.....	\$50,281,000
Community Preservation and Development Authority	
Account—State Appropriation .....	\$2,500,000
Economic Development Strategic Reserve Account—State	
Appropriation.....	\$2,798,000
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation.....	<del>(\$937,440,000)</del>
.....	\$895,162,000
Apple Health and Homes Account—State Appropriation	
.....	\$8,740,000
.....	
Electric Vehicle Incentive Account—State	
Appropriation.....	\$25,000,000
TOTAL APPROPRIATION.....	<del>(\$3,730,436,000)</del>
.....	\$3,508,480,000

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

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(2) \$3,000,000 of the general fund—state appropriation for fiscal year 2022 and \$7,096,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to resolution Washington to build statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(3) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the retired senior volunteer program.

(4) The department shall administer its growth management act technical assistance and pass-through grants so that smaller cities and counties receive proportionately more assistance than larger cities or counties.

(5) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely as pass-through funding to Walla Walla Community College for its water and environmental center.

(6) \$4,304,000 of the general fund—state appropriation for fiscal year 2022 and \$4,304,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for associate development organizations. During the 2021-2023 biennium, the department shall consider an associate development organization's total resources when making contracting and fund allocation decisions, in addition to the

schedule provided in RCW 43.330.086. The department must distribute the funding as follows:

(a) For associate development organizations serving urban counties, which are counties other than rural counties as defined in RCW 82.14.370, a locally matched allocation of up to \$1.00 per capita, totaling no more than \$300,000 per organization; and

(b) For associate development organizations in rural counties, as defined in RCW 82.14.370, a \$1.00 per capita allocation with a base allocation of \$75,000.

(7) \$5,907,000 of the liquor revolving account—state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.

(8) The department is authorized to require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an advisory opinion on whether a proposed electric generation project or conservation resource qualifies to meet mandatory conservation targets.

(9) Within existing resources, the department shall provide administrative and other indirect support to the developmental disabilities council.

(10) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the northwest agriculture business center.

(11) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the regulatory roadmap program for the construction industry and to identify and coordinate with businesses in key industry sectors to develop additional regulatory roadmap tools.

(12) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$1,250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington new Americans program. The department may require a cash match or in-kind contributions to be eligible for state funding.

(13) \$643,000 of the general fund—state appropriation for fiscal year 2022 and \$643,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a private, nonprofit organization to provide developmental disability ombuds services.

(14) \$1,000,000 of the home security fund—state appropriation, \$2,000,000 of the Washington housing trust account—state appropriation, and \$1,000,000 of the affordable housing for all account—state appropriation are provided solely for the department of commerce for services to homeless families and youth through the Washington youth and families fund.

(15) \$2,000,000 of the home security fund—state appropriation is provided solely for the administration of the grant program required in chapter 43.185C RCW, linking homeless students and their families with stable housing.

(16)(a) \$1,980,000 of the general fund—state appropriation for fiscal year 2022 and \$1,980,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for community beds for individuals with a history of mental illness. Currently, there is little to no housing specific to populations with these co-occurring disorders; therefore, the department must consider how best to develop new bed capacity in combination with individualized support services, such as intensive case management and care coordination, clinical supervision, mental health, substance abuse treatment, and vocational and employment services. Case-management and care coordination services must be provided. Increased case-managed housing will help to reduce the use of jails and emergency services and will help to reduce admissions to the state psychiatric hospitals. The

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department must coordinate with the health care authority and the department of social and health services in establishing conditions for the awarding of these funds. The department must contract with local entities to provide a mix of (i) shared permanent supportive housing; (ii) independent permanent supportive housing; and (iii) low and no-barrier housing beds for people with a criminal history, substance abuse disorder, and/or mental illness.

(b) Priority for permanent supportive housing must be given to individuals on the discharge list at the state psychiatric hospitals or in community psychiatric inpatient beds whose conditions present significant barriers to timely discharge.

(17) \$557,000 of the general fund—state appropriation for fiscal year 2022 and \$557,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to design and administer the achieving a better life experience program.

(18) The department is authorized to suspend issuing any nonstatutorily required grants or contracts of an amount less than \$1,000,000 per year.

(19) \$1,070,000 of the general fund—state appropriation for fiscal year 2022 and \$1,070,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the small business export assistance program. The department must ensure that at least one employee is located outside the city of Seattle for purposes of assisting rural businesses with export strategies.

(20) \$60,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to submit the necessary Washington state membership dues for the Pacific Northwest economic region.

(21) \$2,200,000 of the general fund—state appropriation for fiscal year 2022 and \$4,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with organizations and attorneys to provide either legal representation or referral services for legal representation, or both, to indigent persons who are in need of legal services for matters related to their immigration status. Persons eligible for assistance under any contract entered into pursuant to this subsection must be determined to be indigent under standards developed under chapter 10.101 RCW. Of the amounts provided in this section, \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000,000 of the general fund—state appropriation for fiscal year 2023 must be used for pro bono or low bono legal services to assist indigent Washington residents, who were temporarily paroled into the United States in 2021 or 2022, with asylum applications or other matters related to adjusting immigration status.

(22)(a) \$37,000,000 of the affordable housing for all account—state appropriation is provided solely for grants to support the building operation, maintenance, and service costs of permanent supportive housing projects or units within housing projects that have or will receive funding from the housing trust fund—state account or other public capital funding that:

- (i) Is dedicated as permanent supportive housing units;
- (ii) Is occupied by low-income households with incomes at or below thirty percent of the area median income; and
- (iii) Requires a supplement to rent income to cover ongoing property operating, maintenance, and service expenses.

(b) Permanent supportive housing projects receiving federal operating subsidies that do not fully cover the operation, maintenance, and service costs of the projects are eligible to receive grants as described in this subsection.

(c) The department may use a reasonable amount of funding

provided in this subsection to administer the grants.

(23) \$7,000,000 of the home security fund—state appropriation is provided solely for the office of homeless youth prevention and protection programs to:

(a) Expand outreach, services, and housing for homeless youth and young adults including but not limited to secure crisis residential centers, crisis residential centers, and HOPE beds, so that resources are equitably distributed across the state;

(b) Contract with other public agency partners to test innovative program models that prevent youth from exiting public systems into homelessness; and

(c) Support the development of an integrated services model, increase performance outcomes, and enable providers to have the necessary skills and expertise to effectively operate youth programs.

(24) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to fund program models that prevent youth from exiting public systems into homelessness.

(25) \$2,408,000 of the general fund—state appropriation for fiscal year 2022 and \$5,592,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to build infrastructure and services to support a continuum of interventions, including but not limited to prevention, crisis response, and long-term housing, to reduce youth homelessness in communities identified as part of the anchor community initiative.

(26) \$2,125,000 of the general fund—state appropriation for fiscal year 2022 and \$2,125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to contract with one or more nonprofit organizations to provide youth services and young adult housing on a multi-acre youth campus located in the city of Tacoma. Youth services include, but are not limited to, HOPE beds and crisis residential centers to provide temporary shelter and permanency planning for youth under the age of 18. Young adult housing includes, but is not limited to, rental assistance and case management for young adults ages 18 to 24. The department shall submit an annual report to the legislature on the use of the funds. The first report is due June 30, 2022, and each June 30th thereafter. The report shall include but is not limited to:

(a) A breakdown of expenditures by program and expense type, including the cost per bed;

(b) The number of youth and young adults helped by each program;

(c) The number of youth and young adults on the waiting list for programs, if any; and

(d) Any other metric or measure the department deems appropriate to evaluate the effectiveness of the use of the funds.

(27) \$62,720,000 of the general fund—state appropriation for fiscal year 2022, \$65,330,000 of the general fund—state appropriation for fiscal year 2023, and \$2,610,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely for the essential needs and housing support program and related services. The department may use a portion of the funds provided in this subsection to continue the pilot program established in section 127(106) of chapter 357, Laws of 2020, by providing grants to participating counties who request additional funding in order to continue serving participating and eligible clients.

(28) \$1,436,000 of the general fund—state appropriation for fiscal year 2022 and \$1,436,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to identify and invest in strategic growth areas,

support key sectors, and align existing economic development programs and priorities. The department must consider Washington's position as the most trade-dependent state when identifying priority investments. The department must engage states and provinces in the northwest as well as associate development organizations, small business development centers, chambers of commerce, ports, and other partners to leverage the funds provided. Sector leads established by the department must include the industries of: (a) Aerospace; (b) clean technology and renewable and nonrenewable energy; (c) wood products and other natural resource industries; (d) information and communication technology; (e) life sciences and global health; (f) maritime; and (g) military and defense. The department may establish these sector leads by hiring new staff, expanding the duties of current staff, or working with partner organizations and or other agencies to serve in the role of sector lead.

(29) The department must develop a model ordinance for cities and counties to utilize for siting community based behavioral health facilities.

(30) \$198,000 of the general fund—state appropriation for fiscal year 2022 and \$198,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to retain a behavioral health facilities siting administrator within the department to coordinate development of effective behavioral health housing options and provide technical assistance in siting of behavioral health treatment facilities statewide to aide in the governor's plan to discharge individuals from the state psychiatric hospitals into community settings. This position must work closely with the local government legislative authorities, planning departments, behavioral health providers, health care authority, department of social and health services, and other entities to facilitate linkages among disparate behavioral health community bed capacity-building efforts. This position must work to integrate building behavioral health treatment and infrastructure capacity in addition to ongoing supportive housing benefits.

(31) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with an entity located in the Beacon hill/Chinatown international district area of Seattle to provide low income housing, low income housing support services, or both. To the extent practicable, the chosen location must be colocated with other programs supporting the needs of children, the elderly, or persons with disabilities.

(32) \$1,500,000 of the general fund—state appropriation for fiscal year 2022, \$4,740,000 of the general fund—state appropriation for fiscal year 2023 and \$4,500,000 of the home security fund—state appropriation are provided solely for the consolidated homeless grant program.

(a) Of the amounts provided in this subsection, \$4,500,000 of the home security fund—state appropriation is provided solely for permanent supportive housing targeted at those families who are chronically homeless and where at least one member of the family has a disability. The department will also connect these families to medicaid supportive services.

(b) Of the amounts provided in this subsection, \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for diversion services for those families and individuals who are at substantial risk of losing stable housing or who have recently become homeless and are determined to have a high probability of returning to stable housing.

(c) Of the amounts provided in this subsection, \$3,240,000 of the general fund—state appropriation for fiscal year 2023 is

provided solely for up to nine months of rental assistance for individuals enrolled in the foundational community supports initiative who are transitioning off of benefits under RCW 74.04.805 due to increased income or other changes in eligibility. The health care authority, department of social and health services, and department of commerce shall collaborate on this effort.

(33) \$50,281,000 of the Andy Hill cancer research endowment fund match transfer account—state appropriation is provided solely for the Andy Hill cancer research endowment program. Amounts provided in this subsection may be used for grants and administration costs.

(34) \$550,000 of the general fund—state appropriation for fiscal year 2022 and \$550,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the operations of the long-term care ombudsman program.

(35) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to produce the biennial report identifying a list of projects to address incompatible developments near military installations as provided in RCW 43.330.520.

(36) \$35,000,000 of the home security fund—state appropriation is provided solely for increasing local temporary shelter capacity. The amount provided in this subsection is subject to the following conditions and limitations:

(a) A city or county applying for grant funding shall submit a sheltering proposal that aligns with its local homeless housing plan under RCW 43.185C.050. This proposal must include at a minimum:

(i) A strategy for outreach to bring currently unsheltered individuals into shelter;

(ii) Strategies for connecting sheltered individuals to services including but not limited to: Behavioral health, chemical dependency, education or workforce training, employment services, and permanent supportive housing services;

(iii) An estimate on average length of stay;

(iv) An estimate of the percentage of persons sheltered who will exit to permanent housing destinations and an estimate of those that are expected to return to homelessness;

(v) An assessment of existing shelter capacity in the jurisdiction, and the net increase in shelter capacity that will be funded with the state grant; and

(vi) Other appropriate measures as determined by the department.

(b) 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

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of natural or mechanical ventilation, and be accessible to persons with disabilities, and the site must have hygiene facilities, which must be accessible but do not need to be in the structure.

(37) \$950,000 of the general fund—state appropriation for fiscal year 2022 and \$1,064,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to administer a transitional housing pilot program for nondependent homeless youth. In developing the pilot program, the department will work with the adolescent unit within the department of children, youth, and families, which is focused on cross-system challenges impacting youth, including homelessness.

(38) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to establish representation in key international markets that will provide the greatest opportunities for increased trade and investment for small businesses in the state of Washington. Prior to entering into any contract for representation, the department must consult with associate development organizations and other organizations and associations that represent small business, rural industries, and disadvantaged business enterprises.

(39) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$80,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to establish an identification assistance and support program to assist homeless persons in collecting documentation and procuring an identicard issued by the department of licensing. This program may be operated through a contract for services. The program shall operate in one county west of the crest of the Cascade mountain range with a population of one million or more and one county east of the crest of the Cascade mountain range with a population of five hundred thousand or more.

(40) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth prevention and protection programs to create a centralized diversion fund to serve homeless or at-risk youth and young adults, including those who are unsheltered, exiting inpatient programs, or in school. Funding provided in this subsection may be used for short-term rental assistance, offsetting costs for first and last month's rent and security deposits, transportation costs to go to work, and assistance in obtaining photo identification or birth certificates.

(41) \$100,000 of the model toxics control stormwater account—state appropriation is provided solely for planning work related to stormwater runoff at the aurora bridge and I-5 ship canal bridge. Planning work may include, but is not limited to, coordination with project partners, community engagement, conducting engineering studies, and staff support.

(42) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to assist people with limited incomes in urban areas of the state start and sustain small businesses. The grant recipient must be a nonprofit organization involving a network of microenterprise organizations and professionals to support micro entrepreneurship and access to economic development resources.

(43) \$1,500,000 of the community preservation and development authority account—state/operating appropriation is provided solely for the operations of the Pioneer Square-International District community preservation and development authority established in RCW 43.167.060.

(44) \$500,000 of the general fund—state appropriation for

fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants and associated technical assistance and administrative costs to foster collaborative partnerships that expand child care capacity in communities. Eligible applicants include nonprofit organizations, school districts, educational service districts, and local governments. These funds may be expended only after the approval of the director of the department of commerce and must be used to support planning and activities that help communities address the shortage of child care, prioritizing partnerships serving in whole or in part areas identified as child care access deserts.

(45) (~~(\$278,476,000)~~) \$228,476,000 of the general fund—federal appropriation (ARPA) and (~~(\$403,000,000)~~) \$383,000,000 of the coronavirus state fiscal recovery account—federal appropriation are provided solely for the department to administer an emergency rental assistance program. The department shall distribute funding in the form of grants to local housing providers. In making distributions, the department must consider the number of unemployed persons and renters in each jurisdiction served by the provider as well as consider any funding that jurisdiction, including cities within each county, received directly from the federal government for emergency rental assistance. Of the amounts provided in this subsection:

(a) (~~(\$278,476,000)~~) \$228,476,000 of the general fund—federal appropriation (ARPA) is provided solely for grants to provide emergency rental and utility assistance pursuant to P.L. 117-2. A provider may use up to 14.5 percent of the grant award provided under this subsection for administrative costs and the remainder must be used for financial assistance as defined in P.L. 117-2. Unless otherwise prohibited under federal guidance, a housing provider may provide financial assistance for an eligible household's rent and rental arrears of up to 150 percent of the fair market rent for the area in which the household resides, as determined by the department of housing and urban development.

(b)(i) (~~(\$403,000,000)~~) \$383,000,000 of the coronavirus state fiscal recovery account—federal appropriation is provided solely for grants to provide emergency rental and utility assistance, subject to (b)(ii) of this subsection. Providers must make rental payments directly to landlords and utility payments directly to utility providers. To be eligible for assistance under this subsection, households must, at a minimum, have an income at or below 80 percent of the area median income and must have a missed or partially paid rent payment. The department may establish additional eligibility criteria to target these resources to households most likely to become homeless if they do not receive rental assistance. A provider may provide financial assistance for an eligible household's rent and rental arrears of up to 150 percent of the fair market rent for the area in which the household resides, as determined by the department of housing and urban development.

(ii) From the amount provided in (b) of this subsection, each local housing provider must subgrant with community organizations that serve historically disadvantaged populations within their jurisdiction. Subgrants may be used for program outreach and assisting community members in applying for assistance under (a) and (b) of this subsection. The amount of the subgrant must be at least five percent of the total funding each provider received under (a) and (b) of this subsection.

(c) The department may retain up to 0.5 percent of the amounts provided in this subsection for administration of the program.

(46) \$7,500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to provide grants to entities that provide digital navigator services, devices, and subscriptions. These services must include but are not limited



to one-on-one assistance for people with limited access to services, including individuals seeking work, families supporting students, English language learners, medicaid clients, people experiencing poverty, and elders. Of the amounts provided in this subsection, the department must prioritize allocating \$1,500,000 as grants or portions of grants that serve medicaid clients.

(47) \$240,000 of the general fund—state appropriation for fiscal year 2022, \$240,000 of the general fund—state appropriation for fiscal year 2023, and \$1,000,000 of the community preservation and development authority account—state appropriation are provided solely for the operations of the Central district community preservation and development authority established in RCW 43.167.070.

(48) \$607,000 of the general fund—state appropriation for fiscal year 2022 and \$607,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to assist homeowners at risk of foreclosure pursuant to chapter 61.24 RCW. Funding provided in this section may be used for activities to prevent mortgage or tax lien foreclosure, housing counselors, a foreclosure prevention hotline, legal services for low-income individuals, mediation, and other activities that promote homeownership. The department may contract with other foreclosure fairness program state partners to carry out this work.

(49) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a nonprofit entity located in Seattle that focuses on poverty reduction and racial equity to convene and staff a poverty reduction workgroup steering committee comprised of individuals that have lived experience with poverty. Funding provided in this section may be used to reimburse steering committee members for travel, child care, and other costs associated with participation in the steering committee.

(50) \$29,255,000 of the general fund—federal appropriation (CRF) and \$284,200,000 of the general fund—federal appropriation (CRRSA), not to exceed the amount appropriated in section 3, chapter 3, Laws of 2021, that is unobligated at the end of fiscal year 2021, are provided solely for rental assistance and housing and are subject to the same terms and conditions as the appropriation in section 3, chapter 3, Laws of 2021, as amended in section 1905 of this act.

(51) \$4,800,000 of the general fund—federal appropriation (CRF), not to exceed the amount appropriated in section 4, chapter 3, Laws of 2021, that is unobligated at the end of fiscal year 2021, is provided solely for working Washington grants and is subject to the same terms and conditions as the appropriation in section 4, chapter 3, Laws of 2021.

(52) \$1,147,000 of the general fund—state appropriation for fiscal year 2022 and \$1,629,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the statewide broadband office established in RCW 43.330.532.

(53) \$450,000 of the general fund—state appropriation for fiscal year 2022 and \$450,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization for an initiative to advance affordable housing projects and education centers on public or tax-exempt land. The department must award the grant to an organization with an office located in the city of Seattle that has experience in catalyzing early learning and affordable housing developments. The grant recipient must use the funding to:

(a) Implement strategies to accelerate development of affordable housing projects with space for early learning centers or community space on underutilized tax-exempt properties;

(b) Analyze the suitability of properties for affordable housing,

early learning centers, or community space through completing due diligence, conceptual design, and financial analysis activities;

(c) Organize community partners and build capacity to develop these sites, as well as coordinate negotiations among partners and public owners;

(d) Facilitate collaboration and co-development between affordable housing, early learning centers, or community space; and

(e) Catalyze the redevelopment of at least 10 sites to create approximately 1,500 affordable homes.

(54) \$2,000,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization located in King county to operate a hunger relief response program serving individuals living in permanent supportive housing.

(55) \$75,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to a nonprofit organization located in the city of Federal Way that conducts collaborative policy development and provides access to resources and consultation to historically disadvantaged communities. The grant funding must be used for capacity-building activities to support community-based organizations serving youth and young adults in the city of Federal Way.

(56) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for capacity-building grants through the Latino community fund for emergency response services, educational programs, and human services support for children and families in rural and underserved communities.

(57) \$12,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a single contract with the non-profit statewide tourism marketing organization that is party to the contract pursuant to RCW 43.384.020. The funds will be used to assist recovery for tourism-related businesses, generate tourism demand for Washington communities and businesses, and sustain recovery market share with competing Western states. The department and the contractor shall submit a report to the legislature June 30, 2022, and June 30, 2023.

(58) \$354,000 of the general fund—state appropriation for fiscal year 2022 and \$354,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the Port Gamble S'Klallam tribe for a reentry program providing tailored support services to moderate-needs and high-needs individuals leaving local or tribal incarceration, with the goals of reducing criminal recidivism and fostering community wellbeing. Services may be provided to clients pre-release and post-release.

(59) \$217,000 of the general fund—state appropriation for fiscal year 2022 and \$477,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization serving King and Snohomish counties for a program conducted in partnership with King county serving criminal justice-involved individuals who have experienced domestic, sexual, or gender-based violence. The grant recipient may use the funding for costs including but not limited to legal advocacy, outreach, connecting clients to housing and other resources, data analytics, and staffing.

(60) \$50,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the city of Kent to contract with one or more nonprofit organizations to serve community immersion law enforcement trainees through mentorship or community-based placement, or both.

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(61) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to administer a competitive grant process to award funding to licensed youth shelters, HOPE centers, and crisis residential centers to provide behavioral health support services for youth in crisis, and to increase funding for current grantees.

(62) \$310,000 of the general fund—state appropriation for fiscal year 2022 and \$640,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit located in King county that develops training and support for low-income individuals, with a focus on women and people of color, to move into the construction industry for living wage jobs. The grant funding must be used to develop a pre-apprenticeship program that, through the construction of units, integrates housing and workforce development in service of the following goals:

- (a) Creating a blueprint to integrating workforce development and housing for local jurisdictions;
- (b) Providing construction training to underserved populations;
- (c) Creating a pathway for trainees to enter construction careers; and
- (d) Addressing the systemic effects of sexism and racism in housing, wealth, education, training, employment, and career development.

(63) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization operating an emergency shelter located in the Yakima valley for case management, outreach, and other homeless services.

(64) \$350,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization for activities to advance affordable housing. The grant recipient must be an organization that partners in equitable, transit-oriented development. The grant recipient must use the funding to:

- (a) Facilitate partnerships to enable equitable transit-oriented development across the Puget Sound region that builds housing at scale; and
- (b) Assist the cities of Tacoma, Renton, and Everett, as well as other cities, in:
  - (i) Creating or updating local subarea plans to be consistent with the regional growth strategy for future population growth to be near high capacity transit and to facilitate development within the station area that will produce a mix of affordable housing;
  - (ii) Ensuring equitable transit-oriented development processes and outcomes that minimize displacement; and
  - (iii) Identifying strategies for land acquisition and assembly around high capacity transit stations that will result in a mix of housing.

(65) \$700,000 of the general fund—state appropriation for fiscal year 2022 and \$3,700,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a nonprofit organization whose sole purpose is to provide grants, capacity building, and technical assistance support to a network of microenterprise development organizations. The microenterprise development organizations will support rural and urban Black, indigenous and people of color owned businesses, veteran owned businesses, and limited resourced and other hard to serve businesses with five or fewer employees throughout the state with business training, technical assistance, and microloans.

(66) \$1,175,000 of the general fund—state appropriation for

fiscal year 2022 and \$175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to support implementation of the 2021 state energy strategy as it pertains to emissions from energy use in new and existing buildings, including measures to support local government emission reductions, workforce measures, and utility electrification benefits.

(67) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to identify and develop effective interventions and responses to primary and secondary workplace trauma experienced by direct service staff who work in homeless shelters, homeless outreach, and permanent supportive housing. The department must collect data through methods such as surveys, interviews, and small group conversations, and engage interested parties, including but not limited to direct service staff. The department may contract with a third party to complete the work required in this subsection. By June 1, 2023, the department shall submit a report identifying interventions and providing recommendations to the appropriate committees of the legislature.

(68)(a) \$340,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with the University of Washington college of built environments to create a database and reporting system for promoting transparency on procurement of building materials that make up the primary structure and enclosure used for state-funded construction projects. The department and university may use publicly available information and data sources as well as consult with outside experts to create the database. The database may include fields for environmental product declarations, product quantity, manufacturer location, global warming potential, health certifications, supplier codes of conduct, and working conditions.

(b) When developing the reporting system required under (a) of this subsection, the department and the University of Washington must conduct a case study analysis. In conducting the analysis, the department and the university must identify up to 10 case studies of publicly funded projects and analyze considerations including but not limited to cost impacts, materials procured, embodied carbon contribution to reducing greenhouse gas emissions, and supply chain considerations. By January 1, 2022, the department and the university shall submit a progress report on the case study analysis to the legislature. By November 1, 2022, the department and the university shall submit a final report to the legislature with findings from the case study analysis and recommendations for the reporting system based on lessons learned.

(69) \$175,000 of the general fund—state appropriation for fiscal year 2022 and \$175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization to provide job readiness skills and training to traditionally underrepresented populations to support the transition to a registered apprenticeship, trade training, or employment. The grant recipient must be a nonprofit organization serving traditionally underrepresented populations in King and Pierce counties, with a focus on youth development programs. The grant funding must be used for activities including but not limited to counseling and training in support of the goals of:

- (a) Minimizing barriers to transitioning to an apprenticeship, trade training program, or employment for participants;
- (b) Increasing participants' workforce and life balance skills; and

(c) Increasing participants' specialized skills and knowledge in targeted industries, including construction, urban agriculture, and maritime trades.

(70)(a) \$51,000 of the general fund—state appropriation for fiscal year 2022 and \$121,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the statewide broadband office to cofacilitate the Washington digital equity forum with the Washington state office of equity.

(b) Of the amounts provided in this subsection, \$70,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1723 (telecommunications access). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection (70)(b) shall lapse.

(71) \$500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for grants to law enforcement agencies to implement group violence intervention strategies in areas with high rates of gun violence. Grant funding will be awarded to two sites, with priority given to Yakima county and south King county. The sites must be located in areas with high rates of gun violence, include collaboration with the local leaders and community members, use data to identify the individuals most at risk to perpetrate gun violence for interventions, and include a component that connects individuals to services. In selecting the sites, the department must give priority to sites meeting these criteria that also can leverage existing local or federal resources.

(72) \$350,000 of the general fund—state appropriation for fiscal year 2022 and \$350,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a contract for a business recovery program serving the city of Federal Way and surrounding area. The contract recipient must be a nongovernmental organization located in the city of Federal Way whose primary focus is the economic development of the city of Federal Way and surrounding area. The contract funding must be used for:

(a) Business development training and education for small businesses located in or serving the city of Federal Way and surrounding area, with a focus on Black, indigenous, and people of color-owned, women-owned, and veteran-owned businesses;

(b) Workforce programming for skill set development, especially as related to business retention and expansion; and

(c) Research and collection of economic baseline data for the city of Federal Way and surrounding area for the development of data-driven programming, with a focus on key economic recovery indicators.

(73) \$202,000 of the general fund—state appropriation for fiscal year 2022 and \$89,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization to provide emergency housing, permanent supportive housing, and wraparound services focusing on Black transgender and nonbinary individuals who are currently experiencing or at risk of homelessness. The grant recipient must be a nonprofit organization with locations in the cities of Seattle and Tacoma that provides legal and other services for LGBTQ individuals in Washington. The grant recipient may subgrant or subcontract with other organizations to provide emergency housing, permanent supportive housing, and wraparound services.

(74) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit for a smart buildings education program to educate building owners and operators on smart building practices and technologies, including the development of onsite and digital

trainings that detail how to operate residential and commercial facilities in an energy efficient manner. The grant recipient must be located in a city with a population of more than 700,000 and must serve anyone within Washington with an interest in better understanding energy efficiency in commercial and institutional buildings.

(75) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to establish a sector lead position for the creative industries, including but not limited to the performing arts, literary arts, music, and film. The sector lead must work with interested parties to further the goals of creating economic development opportunities, retaining and growing jobs, and supporting small business development and expansion within the creative industries.

(76) \$221,920,000 of the home security fund—state appropriation and \$58,400,000 of the affordable housing for all account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1277 (housing/revenue source). Of the amounts provided in this subsection:

(a) \$88,768,000 of the home security fund—state appropriation is provided solely to implement the eviction prevention rental assistance program created in the bill; and

(b) \$133,152,000 of the home security fund—state appropriation is provided solely for project-based vouchers and related services, rapid rehousing, housing acquisition, and supportive services for individuals and families accessing vouchers and rapid rehousing. Of the total amount provided in this subsection, at least \$20,000,000 must be used for hotel and motel vouchers, rapid rehousing, and supportive services for individuals and families accessing vouchers and rapid rehousing.

(77) \$59,000 of the general fund—state appropriation for fiscal year 2022 and \$696,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers).

(78) \$163,000 of the dedicated marijuana account—state appropriation for fiscal year 2022 and \$159,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1443 (cannabis industry/equity).

(79) \$298,000 of the general fund—state appropriation for fiscal year 2022 and \$404,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1220 (emergency shelters & housing).

(80) \$121,000 of the general fund—state appropriation for fiscal year 2022 and \$668,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.).

(81) \$21,000 of the general fund—state appropriation for fiscal year 2022 and \$42,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon).

(82) \$42,000 of the general fund—state appropriation for fiscal year 2022 and \$42,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1168 (long-term forest health).

(83) \$2,798,000 of the economic development strategic reserve account manufacturing cluster acceleration subaccount—state appropriation is provided solely for implementation of Substitute

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House Bill No. 1170 (manufacturing).

(84) \$174,000,000 of the general fund—federal appropriation (ARPA) and \$4,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a homeowner assistance program to provide mortgage, foreclosure, and other assistance to eligible homeowners pursuant to P.L. 117-2. The department may subgrant or contract with other entities to provide assistance under the program. Of the amount provided in this subsection, \$2,000,000 of the general fund—federal appropriation (ARPA) and \$4,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for foreclosure assistance.

(85) \$9,864,000 of the general fund—state appropriation for fiscal year 2022 and \$9,864,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for long-term rental subsidies for individuals with mental health or substance use disorders. This funding may be used for individuals enrolled in the foundational community support program while waiting for a longer term resource for rental support or for individuals transitioning from behavioral health treatment facilities or local jails. Individuals who would otherwise be eligible for the foundational community support program but are not eligible because of their citizenship status may also be served. By December 1, 2021, and December 1, 2022, the department must submit a report identifying the expenditures and number of individuals receiving long-term rental supports through the agency budget broken out by region, treatment need, and the demographics of those served during the prior fiscal year.

(86)(a) \$70,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to provide grants to small businesses through the working Washington grant program.

(b) Of the amount provided in this subsection, \$42,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely to assist businesses maintain their operations. To be eligible for a grant under this subsection, the business must:

- (i) Apply for or have applied for the grant;
- (ii) Have not reported annual gross receipts of more than \$5,000,000 in calendar year 2019;
- (iii) Have expenses that are necessary to continue business operations and the expense is not a federal, state, or local tax, fee, license, or other government revenue;
- (iv) Self-attest that the expense is not funded by any other government or private entity;
- (v) Have experienced a reduction in business income or activity related to COVID-19 or state or local actions in response to COVID-19; and
- (vi) Agree to operate in accordance with the requirements of applicable federal, state, and local public health guidance and directives.

(c) Of the amount provided in this subsection, \$28,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely to assist the reopening of businesses that temporarily totally closed their operations. To be eligible for a grant under this subsection, the business must:

- (i) Apply for the grant;
- (ii) Have not reported annual gross receipts of more than \$5,000,000 in calendar year 2019;
- (iii) Demonstrate the business was actively engaged in business, and as a result of the governor's proclamations 20-25.8, issued on November 15, 2020, through 20-25.12 ("stay safe-stay healthy"), temporarily totally closed operations. Demonstration of active engagement in business can be given through but is not limited to taxable activity reported to the department of revenue. The department may use other methods to determine if this

criterion has been met;

(iv) Have expenses that are necessary to reopen business operations and the expense is not a federal, state, or local tax, fee, license, or other government revenue;

(v) Self-attest that the expense is not funded by any other government or private entity; and

(vi) Agree to operate in accordance with the requirements of applicable federal, state, and local public health guidance and directives.

(d) Grant awards are subject to the availability of amounts appropriated in this subsection. The department must conduct outreach to underrepresented and unserved communities observed from prior rounds of awards. The department must ensure equitable distributions of grant funding, including considerations for geographic location and businesses owned by members of historically disadvantaged communities.

(e)(i) Eligible businesses may receive up to a \$75,000 grant.

(ii) If a business was awarded one or more working Washington small business grants after February 1, 2021, the grant award under this subsection may be reduced to reflect the amounts received from previous working Washington small business grants. The department may prioritize businesses and nonprofit organizations that have not yet received a grant under the working Washington small business grant program.

(f) For purposes of this subsection, reopening costs include, but are not limited to:

- (i) Upgrading physical workplaces to adhere to new safety or sanitation standards;
  - (ii) Procuring required personal protective supplies for employees and business patrons and clients;
  - (iii) Updating business plans;
  - (iv) Employee costs, including payroll, training, and onboarding;
  - (v) Rent, lease, mortgage, insurance, and utility payments; and
  - (vi) Securing inventory, supplies, and services for operations.
- (g) Nonprofit organizations are eligible to receive funding under (b) or (c) of this subsection if they have a primary business activity that has been impacted as described in (b)(v) or (c)(iii) of this subsection.

(h) The department is authorized to shift funding among the purposes in (b) and (c) of this subsection based on overutilization or underutilization of the different types of grants.

(i) Of the total amount provided in this subsection, \$45,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for grants under (b) or (c) of this subsection to eligible businesses and nonprofit organizations in the arts, heritage, and science sectors, including those that operate live entertainment venues. The department must develop criteria for successful applications under this subsection in combination with the Washington state arts commission.

(87) (~~(\$138,000,000)~~) \$38,000,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to implement small business capital access and other credit support programs under the state small business credit initiative, pursuant to P.L. 117-2. The department may contract with other entities to implement the capital access program and other credit support programs. The department is highly encouraged to use local nonprofit community development financial institutions to deliver access to credit to the maximum extent allowed by federal law, rules, and guidelines. The department must apply for the maximum possible allocation of federal funding under P.L. 117-2, including but not limited to funds set aside for extremely small businesses and business enterprises owned and controlled by socially and economically disadvantaged individuals. The funding provided in this section

also includes federal funds allocated to the state for technical assistance to businesses. The department must ensure businesses owned and controlled by socially and economically disadvantaged individuals, as defined in P.L. 117-2, have equitable access to program services.

(88)(a) \$6,000,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to create a grant program to reimburse local governments for eligible costs of providing emergency noncongregate sheltering during the COVID-19 public health emergency.

(b) A city or county is eligible to apply for grant funding if it:

(i) Applies to the federal emergency management agency public assistance program for reimbursement of costs to provide emergency non-congregate sheltering; and

(ii) Incurs eligible costs.

(c) Eligible costs are costs to provide emergency noncongregate sheltering that:

(i) Were deemed eligible for reimbursement in the federal emergency management agency policy 104-009-18, version 3, titled *FEMA emergency non-congregate sheltering during the COVID-19 public health emergency (interim)* and dated January 29, 2021; and

(ii) Are incurred by the applicant beginning January 21, 2021, through September 30, 2021.

(d) The department must give priority to applicants who demonstrate use of funds received under P.L. 117-2 for the acquisition, development, and operation of noncongregate sheltering.

(e) The department must coordinate with the military department to confirm that grant recipients have applied to the federal emergency management agency public assistance program for costs identified in their grant application.

(f) For the purposes of this subsection, "noncongregate sheltering" means sheltering provided in locations where each individual or household has living space that offers some level of privacy such as hotels, motels, or dormitories.

(89)(a) \$225,000 of the general fund—state appropriation for fiscal year 2022 and \$175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to conduct a comprehensive equity review of state capital grant programs administered by the department. The department may, in consultation with interested parties identified in ~~((subsection))~~ (d) of this ~~((section))~~ subsection, contract with a consultant to assist with the community engagement and review necessary to complete this review process.

(b) The purposes of this comprehensive equity review are: To reduce barriers to historically underserved populations' participation in the capital grant programs; to redress inequities in existing capital grant policies and programs; and to improve the equitable delivery of resources and benefits in these programs.

(c) In completing the comprehensive equity review required under this section, the department shall: (i) Identify changes to policy and operational norms and practices in furtherance of the equity review purposes identified in (b) of this subsection; (ii) identify new investments and programs that prioritize populations and communities that have been historically underserved by capital grant policies and programs; and (iii) include consideration of historic and systemic barriers that may arise due to any of the following factors: (A) Race; (B) ethnicity; (C) religion; (D) income; (E) geography; (F) disability; and (G) educational attainment.

(d) The department must collaborate with the Washington state commission on African American affairs; the Washington state commission on Asian Pacific American affairs; the Washington state commission on Hispanic affairs; the governor's office of

Indian affairs; the governor's committee on disability issues and employment; the office of equity; the office of minority and women's business enterprises; the environmental justice council if established by passage of Engrossed Second Substitute Senate Bill No. 5141; and other interested parties as appropriate to develop and conduct a community engagement process to inform the review.

(e) The department shall complete the comprehensive equity review under this section and submit a final report, containing all of the elements and considerations specified in this section, to the legislature by June 30, 2022.

~~(((\$23,444,000)) \$56,000 of the general fund—federal appropriation (ARPA) is provided solely for the HOME investment partnerships program pursuant to P.L. 117-2. ((Of the amount provided in this subsection, \$18,000,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to issue competitive financial assistance to eligible organizations under RCW 43.185A.040 for the acquisition and development of noncongregate shelter units, subject to the following conditions and limitations:~~

~~(a) Grants provided under this subsection may be used to acquire real property for quick conversion into noncongregate shelter units or for renovation and building update costs associated with establishment of the acquired facilities. Grants provided under this subsection may not be used for operating or maintenance costs associated with providing housing, supportive services, or debt service. For the purposes of this subsection, "noncongregate" shelter units means units provided in locations where each individual or household has living space that offers some level of privacy, such as hotels, motels, or dormitories.~~

~~(b) Units acquired or developed under this subsection must serve qualifying individuals or families as defined in P.L. 117-2.~~

~~(c) The department must establish criteria for the issuance of the grants, which must follow the guidelines and compliance requirements of the housing trust fund program and the federal HOME investment partnership program. The criteria must include:~~

~~(i) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;~~

~~(ii) A detailed estimate of the costs associated with the acquisition and any updates or improvements necessary to make the property habitable for its intended use;~~

~~(iii) A detailed estimate of the costs associated with opening the units; and~~

~~(iv) A financial plan demonstrating the ability to maintain and operate the property and support its intended tenants throughout the end of the grant contract.~~

~~(d) The department must provide a progress report on its website by November 1, 2022. The report must include:~~

~~(i) The total number of applications and amount of funding requested; and~~

~~(ii) A list and description of the projects approved for funding including state funding, total project cost, number of units, and anticipated completion date.~~

~~(e) The funding in this subsection is not subject to the 90 day application periods in RCW 43.185.070 or 43.185A.050.)~~

(91) \$391,000 of the general fund—state appropriation for fiscal year 2022 and \$391,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Pacific county to operate or participate in a drug task force to enhance coordination and intelligence while facilitating multijurisdictional criminal investigations.

(92) \$150,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to a nonprofit

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organization providing housing services in western Washington to conduct a master planning process for the development of a family-centered drug treatment and housing program. The grant recipient must be a nonprofit organization that has experience administering a comparable program in another region of the state. The program must provide housing units for families with members who have substance use disorders and who are involved in the child welfare system, and services including but not limited to case management, counseling, substance use disorder treatment, and parenting skills classes. The program site must be located within or in close proximity to King county, and include living quarters for families, space for services, and childcare and play areas for children. The nonprofit must include housing developers, service providers, and other interested parties in the master planning process. By December 31, 2021, the nonprofit must submit the plan to the department, the senate ways and means committee, and the house capital budget committee.

(93) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization to assist fathers transitioning from incarceration to family reunification. The grant recipient must have experience contracting with the department of corrections to support offender betterment projects and the department of social and health services to provide access and visitation services.

(94) \$4,000,000 of the general fund—state appropriation for fiscal year 2022 and \$6,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to community organizations that serve historically disadvantaged populations to conduct outreach and assist community members in applying for state and federal assistance programs, including but not limited to those administered by the departments of social and health services; commerce; and children, youth, and families. By June 31, 2023, the department must provide to the appropriate committees of the legislature a detailed report of the activities funded in this subsection. The report must include, but is not limited to:

(a) A list of grant recipients, their location, and the grant amount each received;

(b) Input from grantees on best practices for engagement with populations experiencing systemic inequities;

(c) Suggestions from the department and grant recipients on how to engage populations experiencing systemic inequities with future programming; and

(d) Other information and recommendations on need for this type of outreach work in future grant programs.

(95) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to accelerate implementation of the low-income rural home rehabilitation program by contracting with up to seven home rehabilitation agencies, as defined under WAC 365-175-030, in a variety of regions of the state. Funding provided in this subsection may be used by home rehabilitation agencies for program support in order to increase the number of households participating in the program. Home rehabilitation agencies receiving funding under this subsection must provide the department with a summary of their direct and indirect costs associated with implementing the program.

(96) \$450,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for pre-development activities for state-operated or contracted residential or supportive housing facilities at the Pacific hospital preservation and development authority buildings three through ten in Seattle, to help carry out Washington state's plans for new community-based residential

facilities, including supportive housing. The facilities may be used for behavioral health, long-term care, developmentally disabled community housing, recovery residences, state-operated living alternatives, group homes, or family-centered substance use disorder recovery housing. The amounts provided in this subsection may be used for concept development, planning, lease payments, and other related expenses for pre-development of state- or nonprofit-operated residential facilities identified by the health care authority or the departments of social and health services, children, youth, and families, and commerce. The department is authorized to enter into a short-term lease, with an option to enter into a multiyear extension, for the Pacific hospital preservation and development authority quarters buildings three through ten.

(97) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$80,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization dedicated to supporting forest health restoration located in Okanogan county for work toward a biochar research and demonstration project and initial efforts toward full-size operation of an industrial-sized facility in the Methow valley.

(98) \$6,800,000 of the general fund—state appropriation for fiscal year 2022 and \$15,700,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to ensure continuity of crime victim services impacted by reductions in federal victims of crime act funding and help address increased demand for crime victim services attributable to the COVID-19 pandemic. The department shall consult with crime victim service providers and other stakeholders to inform a plan to invest any amount above what is required to maintain existing services in immediate, short-term needs and in a manner that is consistent with the office of crime victims advocacy's state plan.

(99)(a) \$115,000 of the general fund—state appropriation for fiscal year 2022 and \$335,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to appoint and maintain an aviation and aerospace advisory committee to generally advise the director of the department and the secretary of the department of transportation on matters related to aviation and aerospace in Washington state. The advisory committee must develop recommendations regarding operating budget and capital budget requests relating to aviation and aerospace needs, and strategies to enhance the safe and effective use of public use airports and aerospace facilities in Washington state. The aviation and aerospace advisory committee must also advise the director and secretary, or their designees, and make recommendations on the following matters:

(i) Employment of emerging aviation and aerospace technologies to include unmanned, autonomous, and alternative propulsion systems;

(ii) New, changed, or proposed federal regulations;

(iii) Industry needs to remain nationally and internationally competitive;

(iv) Policy considerations;

(v) Funding priorities and capital project needs;

(vi) Methods to reduce greenhouse gas emissions;

(vii) Workforce development needs and opportunities;

(viii) Multimodal requirements; and

(ix) Other matters pertaining to the aviation and aerospace industries as the aviation and aerospace advisory committee deems appropriate.

(b) The director of the department of commerce, or the director's designee, shall appoint members to the aviation and aerospace advisory committee including, at a minimum:

(i) Two county commissioners, one from east of the crest of the

Cascade mountains and one from west of the crest of the Cascade mountains;

(ii) An owner of an aviation company and an owner of an aerospace company or their representatives;

(iii) The director of the aviation division of the department of transportation, or the director's designee;

(iv) Two individuals who are top executive officials of a commercial service airport, typically with the title of chief executive officer, airport director, or executive director, one from an airport located east of the crest of the Cascade mountains and one from an airport located west of the crest of the Cascade mountains;

(v) Advisory members from the federal aviation administration;

(vi) The aerospace lead from the department of commerce or a representative of the department;

(vii) A representative of a statewide environmental organization;

(viii) A representative of the military department;

(ix) A representative of the state board for community and technical colleges;

(x) Representatives from airport associations;

(xi) Representatives from an aviation and aerospace educational program; and

(xii) Representatives from both aviation and aerospace associations.

(c) The director of the department and the secretary of the department of transportation, or their designees, shall serve as the administrative cochair of the aviation and aerospace advisory committee.

(d) The department must provide staff support for all aviation and aerospace advisory committee meetings.

(e) The aviation and aerospace advisory committee must meet at the call of the administrative cochair for any purpose that directly relates to the duties set forth in (a) of this subsection, or as otherwise requested by the director, secretary, or their designees as the administrative cochair.

(f) In consultation with the aviation and aerospace advisory committee, the department must develop a strategic plan for the department's aerospace, aviation, and airport economic development program. The strategic plan should identify: (i) Changing market conditions in the aerospace industry; (ii) emerging opportunities to diversify and grow Washington's aerospace sector; and (iii) strategies and action steps to build on the state's core strengths in aerospace infrastructure and workforce expertise to diversify and grow employment in Washington's aerospace sector. The department must submit the strategic plan to the appropriate committees of the legislature by June 30, 2023.

(g) The cochair may seek recommendations and input from the aviation and aerospace advisory committee to inform the legislature on aviation and aerospace issues.

(100)(a) \$270,000 of the general fund—state appropriation for fiscal year 2022 and \$30,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to convene a work group on reducing racial disparities in Washington state homeownership rates. The goals of the work group are to assess perspectives on housing and lending laws, policies, and practices; facilitate discussion among interested parties; and develop budgetary, administrative policy, and legislative recommendations.

(b) The director of the department, or the director's designee, must chair the work group. The department must, in consultation with the Washington state office of equity and the governor's office of Indian affairs, appoint a minimum of twelve members to

the work group representing groups including but not limited to:

(i) Organizations and state entities led by and serving Black, indigenous, and people of color;

(ii) State or local government agencies with expertise in housing and lending laws;

(iii) Associations representing cities and housing authorities; and

(iv) Professionals from private-sector industries including but not limited to banks, credit unions, mortgage brokers, and housing developers.

(c) The department must convene the first meeting of the work group by August 1, 2021. The department must submit a final report to the governor and appropriate committees of the legislature by August 1, 2022. The final report must:

(i) Evaluate the distribution of state affordable housing funds and its impact on the creation of homeownership units serving Black, indigenous, and people of color;

(ii) Evaluate the eligibility requirements, access, and use of state-funded down payment assistance funds, and their impact on homeownership rate disparities;

(iii) Review barriers preventing Black, indigenous, and people of color from accessing credit and loans through traditional banks for residential loans; and

(iv) Provide budgetary, administrative policy, and legislative recommendations to increase ownership unit development and access to credit.

(101) \$225,000 of the general fund—state appropriation for fiscal year 2022 and \$225,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to convene a task force to make recommendations regarding needed reforms to the state's growth policy framework, including the growth management act, state environmental policy act, and other statutes related to growth, change, economic development, housing, social equity, and environmental conservation. The process will build upon the findings, concepts, and recommendations in recent state-funded reports, including the "road map to Washington's future" issued by the William D. Ruckelshaus center in 2019, the report of the environmental justice task force issued in 2020, and "updating Washington's growth policy framework" issued by the University of Washington in 2021. The task force must involve diverse perspectives including but not limited to representatives of counties, cities, special districts, the real estate, building, and agricultural industries, planning and environmental organizations, tribal governments, and state agencies. Special effort must be made to include in these discussions the lived experiences and perspectives of people and communities who have too often been excluded from public policy decision-making and unevenly impacted by those decisions. The work group must report on its activities and recommendations prior to the 2022 and 2023 legislative sessions.

(102) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$80,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization located in the city of Seattle for providing resident services and on-site programming for affordable housing residents in Delridge, supporting local youth with leadership pathways, and other community development initiatives that improve the health and well-being of southwest Seattle residents.

(103) \$61,000 of the general fund—state appropriation for fiscal year 2022 and \$31,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for San Juan county health and community services to enter into an agreement with the United States geological survey to evaluate available

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groundwater, surface water, and meteorological data for the county, complete recharge estimations for the county, and update the water balance for the county.

(104) \$140,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to contract with businesses ending slavery and trafficking for a human trafficking initiative.

(a) Of the amounts provided in this subsection, \$60,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to extend job readiness services and employment opportunities for survivors of human trafficking and persons at risk of human trafficking, in near-airport communities in south King county.

(b) Of the amounts provided in this subsection, \$80,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to develop a national awareness campaign. The campaign will increase signage in seaports, airports, and near-airport communities so that people who are vulnerable to trafficking or experiencing human trafficking can access assistance through the national human trafficking hotline.

(105) \$278,000 of the general fund—state appropriation for fiscal year 2022 and \$277,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization within the city of Tacoma for social services and educational programming to assist Latino and indigenous communities in honoring heritage and culture, becoming proficient in civic education, and overcoming barriers to social, political, racial, economic, and cultural community development.

(106) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to provide college accredited courses through alternative methods to disadvantaged adults, such as those experiencing homelessness, who are low-income, come from generational poverty, or have a disabling condition, including those that are further impacted by systemic racism, who do not believe they can be successful or have not yet contemplated college for their future with the intent of engaging these individuals in further education to increase their lifelong wage potential.

(107)(a) \$151,000 of the general fund—state appropriation for fiscal year 2022 and \$532,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a nonprofit organization with demonstrated expertise in the creative arts and strategic planning to establish a Washington state creative economy work group that within two years, and with the advice of the work group, develops a strategic plan to improve the Washington state creative economy that can be rolled out in incremental phases to reach identified economic, social justice, and business development goals.

(b) The goal of the strategic plan must be to ensure that the state of Washington is competitive with respect to attracting creative economy business, retaining talent within the state, and developing marketable content that can be exported for national and international consumption and monetization. The strategic plan must address support for the creative community within historically marginalized communities, as well as the creative economy at large, and take into account the diverse interests, strengths, and needs of Washington's population on both sides of the Cascade mountains.

(c) The chair of the work group must be the director of the nonprofit organization contracted with by the department or the director's designee, and must have significant experience working as an artist, producer, or director and in business development, including drafting business plans and multidisciplinary planning

documents. The chair must appoint representatives to the work group who represent the range of demographic diversity across the state of Washington, including:

(i) A representative from the Washington state association of counties;

(ii) A representative from the association of Washington cities;

(iii) A representative from the Washington state arts commission;

(iv) A representative from the Washington state labor council;

(v) A representative from the banking industry with experience in matters involving the federal small business administration;

(vi) An appropriate number of representatives from the Washington state arts community including, but not limited to, the following sectors:

(A) Film, television, and video production;

(B) Recorded audio and music production;

(C) Animation production;

(D) Video game development;

(E) Live theater, orchestra, dance, and opera;

(F) Live music performance;

(G) Visual arts, including sculpture, painting, graphic design, and photography;

(H) Production facilities, such as film and television studios; and

(I) Live music or performing arts venues;

(vii) A representative from a certified public accounting firm or other company with experience in financial modeling and in the creative arts;

(viii) A representative selected by the Washington state commission on African American affairs, the Washington state commission on Hispanic affairs, the governor's office of Indian affairs, and the Washington state commission on Asian Pacific American affairs to represent the entities on the work group;

(ix) A representative of a federally recognized Indian tribe with a reservation located east of the crest of the Cascade mountains;

(x) A representative of a federally recognized Indian tribe with a reservation located west of the crest of the Cascade mountains; and

(xi) Other state agency representatives or stakeholder group representatives, at the discretion of the work group, for the purpose of participating in specific topic discussions.

(d) In developing the strategic plan for the Washington state creative economy, the work group must:

(i) Identify existing studies of aspects affecting the creative economy, including studies relating to tax issues, legislation, finance, population and demographics, and employment;

(ii) Conduct a comparative analysis with other jurisdictions that have successfully developed creative economy plans and programs, including the states of Georgia and New Mexico, and the provinces of British Columbia and Ontario, Canada;

(iii) Conduct in-depth interviews to identify best practices for structuring a strategic plan for the state of Washington;

(iv) Evaluate existing banking models for financing creative economy projects in the private sector and develop a financial model to promote investment in Washington's creative economy;

(v) Evaluate existing state and county tax incentives and make recommendations for improvements to support the creative economy;

(vi) Identify the role that counties and cities play with respect to the strategic plan, and identify specific counties and cities that may need or want a stronger creative economy;

(vii) Identify opportunities for synergies with new business models and the integration of new technologies; and

(viii) Identify the role that state education programs in the creative arts play in the creative economy and with respect to



advancing the strategic plan.

(e) The department of commerce shall facilitate the timely transmission of information and documents from all appropriate state departments and agencies to the nonprofit organization contracted under this subsection. The work group must report its findings and recommendations to the appropriate committees of the legislature by December 1, 2022. The contracted nonprofit must administer the expenses of the work group.

(108) \$153,000 of the general fund—state appropriation for fiscal year 2022 and \$147,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit museum and science and technology center located in the city of Seattle that provides youth educational programming related to discovery, experimentation, and critical thinking in the sciences for a maker and innovation lab and to develop and operate new experiential learning opportunities.

(109) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to contract with a statewide association that supports a network of local asset building coalitions for programs to increase the financial stability of low-income Washingtonians adversely affected economically by COVID-19 through increasing participation in earned income tax credit refunds, the Washington retirement marketplace, and programs that build personal savings.

(110) \$971,000 of the general fund—state appropriation for fiscal year 2022 and \$3,561,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to continue starting up the Washington state office of firearm safety and violence prevention, including the creation of a state and federal grant funding plan to direct resources to cities that are most impacted by community violence. Of the amounts provided in this subsection:

(a) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$600,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for community-based violence prevention and intervention services to individuals identified through the King county shots fired social network analysis. The department must complete an evaluation of the program and provide a report to the governor and the appropriate legislative committees by June 30, 2023.

(b)(i) \$450,000 of the general fund—state appropriation for fiscal year 2022 and \$1,800,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant program through the office of firearm safety and violence prevention for evidence-based services to youth who are at high risk to perpetrate gun violence and who reside in areas with high rates of gun violence. Priority shall be given to:

(A) One site serving in Yakima county, one site in south King county, one site in Federal Way, and one site in Tacoma;

(B) Sites that partner with the University of Washington public behavioral health & justice policy division to deliver culturally relevant family integrated transition services through use of credible messenger advocates;

(C) Sites that partner with the University of Washington Harborview firearm injury and policy research program for social impact evaluation; and

(D) Sites that partner an organization focused on evidence-based implementation management identified by the department.

(ii) The department must complete an evaluation of the program and provide a report to the governor and the appropriate legislative committees by June 30, 2023.

(111) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the

department to conduct a study and report to the legislature on city and county implementation of the multifamily housing property tax exemption. The report must:

(a) Review whether cities have practices in five areas:

(i) Evaluating the financial feasibility and total costs of proposed developments under the exemption;

(ii) Monitoring rent, occupancy, and demographics of tenants of exempt housing;

(iii) Identifying direct or indirect displacement risks, and changes in income and rent distributions associated with new housing development, and plans and approaches;

(iv) Identifying practices that encourage permanent affordable rental opportunities; and

(v) Monitoring whether the exemption assists cities in meeting goals under the growth management act;

(b) Identify at least five case studies on a range of cities and provide analysis:

(i) Comparing the rent in income restricted units to market rate units in the same development and to the surrounding area;

(ii) Comparing the anticipated impact on rents and project budgets, and on public benefit under eight-year, 12-year, and 20-year property tax exemption scenarios;

(iii) Looking at permanent affordable rentals; and

(iv) Evaluating changes in income distribution, rent distribution, commute/location, and displacement risks in areas with exempt housing; and

(c) Estimate other state and local tax revenue generated by new housing developments and how it compares to the property tax exemption.

(112) \$195,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to Spokane county for costs related to redistricting activities required by chapter 36.32 RCW.

(113) \$130,000 of the general fund—state appropriation for fiscal year 2022 and \$130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a nonprofit organization to provide tiny homes for veterans.

(114) \$170,000 of the general fund—state appropriation for fiscal year 2022 and \$130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to perform an analysis of the property operations and maintenance costs and tenant supportive services costs for affordable housing projects that receive funding from the Washington housing trust fund. The projects to be analyzed must include, but are not limited to, permanent supportive housing and youth housing taking into consideration housing projects that have been in service for a sufficient time that actual costs can be determined. The analysis shall include a categorized overview of the expenses and fund sources related to the maintenance, operations, and supportive services necessary for the affordable housing projects to be successful in housing the intended population, as well as identify other available funding sources for these costs. The analysis must also explore the timing and alignment challenges for pairing operational and supportive services funding with the initial capital investments, and make recommendations relating to any benchmarks that can be established regarding future costs that would impact the operating budget, and about the state's role in planning, support, and oversight to ensure long-term sustainability of these projects. The department may hire a consultant to conduct this study. The department shall report its findings and recommendations to the office of financial management and the appropriate committees of the legislature by December 1, 2022.

(115) \$157,000 of the general fund—state appropriation for

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fiscal year 2022 and \$154,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute Senate Bill No. 5383 (public telecom services).

(116) \$1,555,000 of the general fund—state appropriation for fiscal year 2022 and \$1,592,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force).

(117) \$946,000 of the general fund—state appropriation for fiscal year 2022 and \$921,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute Senate Bill No. 5368 (rural economic development).

(118) \$114,000 of the general fund—state appropriation for fiscal year 2022 and \$110,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5287 (affordable housing incentives).

(119) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$1,026,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Senate Bill No. 5345 (industrial waste program). Of the amounts provided in this subsection, \$175,000 of the general fund—state appropriation for fiscal year 2022 and \$951,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to local industrial waste symbiosis projects as provided in the bill.

(120) \$700,000 of the general fund—state appropriation for fiscal year 2022 and \$1,800,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5353 (law enforcement community engagement). Of the amounts provided in this subsection, \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$950,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants awarded under this bill.

(121) \$66,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Second Substitute Senate Bill No. 5183 (nonfatal strangulation).

(122) \$40,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Substitute Senate Bill No. 5126 (climate commitment).

(123) \$2,500,000 of the general fund—state appropriation for fiscal year 2022 and \$2,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to administer a competitive grant program for grants to community-based programs to provide reentry services for formerly incarcerated persons and supports to facilitate successful transitions to the community. The department must work in collaboration with the statewide reentry council to administer the program. Applicants must provide a project proposal to the department as a part of the application process. Grant awards provided under this subsection may be used for costs including but not limited to housing, case management and navigators, employment services, family reunification, and legal services to respond to collateral impacts of reentry. The department must award at least 30 percent of the funding provided in this subsection to applicants located in rural counties.

(124) \$2,000,000 of the general fund—state appropriation for fiscal year 2022 and \$3,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to administer grants to diaper banks for the purchase of diapers, wipes, and other essential baby products, for distribution to families in need. The department must give priority

to providers serving or located in marginalized, low-income communities or communities of color; and providers that help support racial equity.

(125)(a) \$5,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to provide grant funds to Clallam county to support the preservation of private marine transportation activities and jobs associated with such activities that have been directly impacted by the closure of the United States-Canada border during the COVID-19 pandemic.

(b) To be eligible for a grant from the county under this subsection the business must:

- (i) Apply for or have applied for the grant from the county;
- (ii) Have expenses that are necessary to continue business operations and the expense is not a federal, state, or local tax, fee, license, or other government revenue;
- (iii) Provide documentation to demonstrate that the expense is not funded by any other government or private entity;
- (iv) Demonstrate the business was actively engaged in business, and as a result of the border closures the business temporarily totally closed operations;
- (v) Have experienced at least a significant reduction in business income or activity related to United States-Canada border closures;
- (vi) Agree to operate in accordance with the requirements of applicable federal, state, and local public regulations including health and safety measures;
- (vii) Demonstrate significant economic contribution of their business to the state and local economy; and
- (viii) Be a majority United States owned entity operating a United States flag vessel registered and operated under the laws of the United States.

(c) Grant funds may be used only for expenses incurred on or after March 1, 2020. Eligible expenses for grant funds include:

- (i) Upgrading physical workplaces to adhere to new safety or sanitation standards;
- (ii) Procuring required personal protective supplies for employees and business patrons and clients;
- (iii) Updating business plans;
- (iv) Employee costs, including payroll, training, and onboarding;
- (v) Rent, lease, mortgage, insurance, and utility payments;
- (vi) Securing inventory, supplies, and services for operations; and
- (vii) Maintenance and operations costs associated with vessel operations.

(d) The county must submit a report to the department by June 30, 2022, outlining the use of funds, specific expenditures of the grantees, and revenue and expenses of the grantees including additional government or private funds or grants received.

(126) \$1,162,000 of the general fund—state appropriation for fiscal year 2022 and \$2,109,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to publish the guidelines and guidance set forth in (a), (b), and (c) of this subsection. The department shall publish the guidelines and guidance described in (a), (b), and (c) of this subsection no later than June 30, 2023. From amounts provided in this subsection, pursuant to an interagency agreement, the department shall provide funding to the department of ecology, the department of health, the department of fish and wildlife, the department of natural resources, the department of health, and the emergency management division of the military department to fund activities that support the work specified in (a), (b) and (c) of this subsection.

(a) The department, in consultation with the department of

ecology, the department of health, and the department of transportation, shall publish guidelines that provide a set of actions counties and cities may take, under existing statutory authority, through updates to their comprehensive plans and development regulations that have a demonstrated ability to reduce greenhouse gas emissions in order to achieve the statewide greenhouse gas emissions reductions set forth in RCW 70A.45.020(1), allowing for consideration of the emissions reductions achieved through the adoption of statewide programs. The guidelines must prioritize reductions in communities that have experienced disproportionate harm due to air pollution and may draw upon the most recent health disparities data from the department of health to identify high pollution areas and disproportionately burdened communities.

(b) The department, in consultation with the department of transportation, shall publish guidelines that specify a set of actions counties and cities may take through updates to their comprehensive plans and development regulations that have a demonstrated ability to reduce per capita vehicle miles traveled, including measures that are designed to be achievable throughout the state, including in small cities and rural cities.

(c) The department shall develop, in collaboration with the department of ecology, the department of fish and wildlife, the department of natural resources, the department of health, and the emergency management division of the military department, as well as any federally recognized tribe who chooses to voluntarily participate, guidance that creates a model climate change and resiliency element that may be used by counties, cities, and multiple-county planning regions for developing and implementing climate change and resiliency plans and policies subject to the following provisions:

(i) The model element should provide guidance on identifying, designing, and investing in infrastructure that supports community resilience to climate impacts, including the protection, restoration, and enhancement of natural infrastructure as well as traditional infrastructure and protecting natural areas resilient to climate impacts, as well as areas of vital habitat for safe passage and species migration;

(ii) The model element should provide guidance on identifying and addressing natural hazards created or aggravated by climate change, including sea level rise, landslides, flooding, drought, heat, smoke, wildfires, and other effects of reasonably anticipated changes to temperature and precipitation patterns;

(iii) The model element must recognize and promote as many cobenefits of climate resilience as possible, such as salmon recovery, ecosystem services, and supporting treaty rights; and

(iv) The model element must prioritize actions in communities that will disproportionately suffer from compounding environmental impacts and will be most impacted by natural hazards due to climate change and may draw upon the most recent health disparities data from the department of health to identify disproportionately burdened communities.

(d) If the department publishes any subsequent updates to the guidelines published pursuant to (a) or (b) of this subsection, the department shall include in any such update a determination of whether adequate progress has been made toward the statewide greenhouse gas and per capita vehicle miles traveled reduction goals. If adequate progress is not being made, the department must identify in any updates to the guidelines what additional measures cities and counties may take in order to make further progress.

(e) The department, in the course of implementing this subsection, shall provide and prioritize options that support housing diversity and that assist counties and cities in meeting greenhouse gas emissions reduction and other requirements

established under chapter 70A.45 RCW.

(127) \$240,000 of the general fund—state appropriation for fiscal year 2022 and \$95,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to collaborate with the department of children, youth, and families to jointly convene and facilitate a child care collaborative task force to continue the work of the task force created in chapter 368, Laws of 2019 (2SHB 1344) to establish a true cost of quality of child care. The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by November 1, 2022.

(128) \$10,000,000 of the Washington housing trust account—state appropriation is provided solely for housing that serves people with intellectual and developmental disabilities.

(129) \$10,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department for grants for updating and implementing comprehensive plans and development regulations in order to implement the requirements of the growth management act.

(a) In allocating grant funding to local jurisdictions, awards must be based on a formula, determined by the department, to ensure that grants are distributed equitably among cities and counties. Grants will be used primarily to fund the review and update requirements for counties and cities required by RCW 36.70A.130. Funding provided on this formula basis shall cover additional county and city costs, if applicable, to implement chapter 254, Laws of 2021 (Engrossed Second Substitute House Bill No. 1220).

(b) Within the amounts not utilized under (a) of this subsection, the department shall establish a competitive grant program to implement requirements of the growth management act.

(c) Up to \$500,000 per biennium may be allocated toward growth management policy research and development or to assess the ongoing effectiveness of existing growth management policy.

(d) The department must develop a process for consulting with local governments, affected stakeholders, and the legislature to establish emphasis areas for competitive grant distribution and for research priorities. The department must complete a report on emphasis areas and research priorities by June 30, 2023.

(130) \$87,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1914 (motion picture program). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(131) \$4,500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to the city of Seattle for deposit into the Skagit environmental endowment fund to support the protection of the headwaters of the Skagit river watershed through the acquisition of land, mining, and/or timber rights. This grant must be matched by nonstate sources.

(132)(a) \$45,050,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a targeted grant program to transition persons residing on state-owned rights-of-way to safer housing opportunities, with an emphasis on permanent housing solutions. Eligible grant recipients include local governments and nonprofit organizations operating to provide housing or services. Recipients may use grant funding to provide outreach, housing, transportation, and other services needed to assist individuals residing on public rights-of-way with moving into housing.

(b) Prior to awarding grants under (a) of this subsection, the department must work with the department of transportation, representatives of local governments, and representatives of nonprofit housing and homeless services providers to determine the process and criteria that will be used to award grants. Grant

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criteria must include, but are not limited to:

(i) Whether a site where the grantee will conduct outreach and engagement has been identified by the department of transportation as a location where individuals residing on the public right-of-way are in specific circumstances or physical locations that expose them to especially or imminently unsafe conditions, including but not limited to active construction zones and risks of landslides, or when the location of an individual poses a significant threat to the safety of others;

(ii) Local government readiness and capacity to enter into and fulfill the grant requirements as applicable; and

(iii) Other criteria as identified by the department.

(c) When awarding grants under (a) of this subsection, the department must prioritize applicants that focus on permanent housing solutions.

(d) Grant recipients under (a) of this subsection must enter into a memorandum of understanding with the department, and other state agencies if applicable, as a condition of receiving funds. Memoranda of understanding must specify the responsibilities of the grant recipients and the state agencies, and must include specific measurable outcomes for each entity signing the memorandum. The department must publish all signed memoranda on the department's website and must publish an update on outcomes for each memorandum at least every 60 days. At a minimum, outcomes must include:

(i) The number of people living on the right-of-way whom the parties engage;

(ii) The demographics of those engaged;

(iii) The type and duration of engagement with individuals living on rights-of-way;

(iv) The types of housing options that were offered;

(v) The number of individuals who accepted offered housing;

(vi) The types of assistance provided to move individuals into offered housing;

(vii) Any services and benefits in which an individual was successfully enrolled; and

(viii) The housing outcomes of individuals who were placed into housing six months and one year after placement.

(e) Grant recipients under (a) of this subsection may not transition individuals from public rights-of-way unless they in good faith offer individuals a housing option that is safer than their current living situation. The department must establish criteria regarding the safety, accessibility, and habitability of housing options to be offered by grant recipients to ensure that such options are a meaningful improvement over an individual's current living situation and that grant recipients provide options that are well-matched to an individual's assessed needs.

(f) The department must submit a preliminary report to the appropriate policy and fiscal committees of the legislature by December 15, 2022, and a full report by September 30, 2023. The reports must identify barriers to housing and gaps in services that prevented or otherwise impacted the housing outcomes of individuals engaged by the grantees, and policy and budgetary recommendations to improve the transition of individuals residing on public rights-of-way to permanent housing.

(133) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with a consultant to study incorporating the unincorporated communities of Fredrickson, Midland, North Clover Creek-Collins, Parkland, Spanaway, Summit-Waller, and Summit View into a single city. The study must include, but not be limited to, the impacts of incorporation on the local tax base, crime, homelessness, infrastructure, public services, and behavioral health services, in the listed communities. The department must submit the study to the office of financial management and the

appropriate committees of the legislature by June 1, 2023.

(134) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to develop a community reinvestment plan to guide the distribution of grants from the community reinvestment account created in section 947 of this act.

(a) The department shall, in partnership with the office of equity, and "by and for community organizations" as defined by the office of equity, develop a community reinvestment plan for how funds would be distributed to address racial, economic, and social disparities in communities across the state created by the historical design and enforcement of state and federal criminal laws and penalties for drug possession. The community reinvestment plan should address funding in the following areas:

(i) Economic development, which includes addressing wealth disparities to promote asset building such as home ownership and expanding access to financial resources including, but not limited to, grants and loans for small businesses and entrepreneurs, financial literacy training, and other small business training and support activities;

(ii) Civil and criminal legal assistance to provide postconviction relief and case assistance, including the expungement of criminal records and vacation of criminal convictions;

(iii) Community-based violence intervention and prevention services; and

(iv) Reentry services to facilitate successful transitions for persons formerly incarcerated in an adult correctional facility or juvenile residential facility in Washington.

(b) The plan must include a timeline for regular review by the department and the office of equity, criteria for eligible communities and programs, development of accountability measures to ensure that distribution and use of funding meets intended purposes, and tracking of outcomes for the funds. At a minimum, the plan must address how the community reinvestment account funding will:

(i) Produce significant long-term economic benefits to the state, a region of the state, or a particular community in the state;

(ii) Result in significant long-term economic benefits in the form of new jobs, job retention, increased personal wealth, or higher incomes for citizens of the state or a particular community in the state; and

(iii) Ensure that:

(A) Projects or programs do not require continuing state support;

(B) An expenditure will not supplant private investment;

(C) An expenditure is accompanied by additional public or private investment; and

(D) Nonprofit, faith-based, and grassroots organizations are prioritized for funding.

(c) In developing the plan, the department is encouraged to incorporate existing and ongoing work from relevant task forces and work groups including, but not limited to, the social equity in cannabis task force, the reentry council, and the homeownership disparities work group.

(d) The department shall submit a preliminary report to the governor and relevant committees of the legislature by December 1, 2022. A final report on the implementation plan must be submitted to the governor and relevant committees of the legislature by June 30, 2023.

(135) \$10,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to conduct outreach activities for the working families tax exemption established in RCW 82.08.0206 and the federal earned income tax credit. Of the amounts provided in this subsection:

(a) \$6,860,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to community-based organizations to conduct outreach activities and application assistance for individuals eligible for the working families tax exemption. In awarding the funds, the department must award grants to at least two community-based organizations in each county. Of the amounts provided in this subsection (135)(a), 25 percent must be used for outreach activities serving tribal and urban Indian communities, communities of color, and households in rural areas.

(b) \$2,860,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to community-based organizations to conduct outreach activities and application assistance for individuals eligible for the working families tax exemption who file or may be eligible to file using a valid individual taxpayer identification number. Grant recipients may also use grant funds to assist individuals in obtaining valid individual tax identification numbers.

(c) \$280,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide oversight, technical assistance, and training for grant recipients; conduct language access activities; create a statewide outreach plan; and for other administrative costs.

(136) \$5,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for grants to nonprofit arts, heritage, science, and culture organizations for costs associated with COVID-19 testing and safety monitoring required by state and local governments and by union contracts. To receive a grant under this section, an applicant must certify that they have reported annual gross receipts of greater than \$5,000,000 in calendar year 2019, and that they applied for but did not receive funding from a state or federal source for the same eligible costs.

(137) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization to provide programming that offers pathways to higher education and career opportunities in the arts, entertainment, and related creative industries for youth and young adults in south King county, with a focus on low-income individuals and historically disadvantaged populations. The grant recipient must be a nonprofit organization headquartered in the city of Federal Way that: Has experience working with BIPOC communities; serves youth and young adults through programs focused on cultivating creative talents through the professional entertainment and arts industries; can directly facilitate the placement of program participants in industry-related internships and job opportunities; and can demonstrate a working relationship or strategic partnerships with global commercial entertainment and digital arts industry experts, networks, and companies in areas such as music, film, television, and fashion. The organization may use the grant for activities including, but not limited to, workshops and other events that support the goal of improving the business and professional skills of youth and young adults interested in the arts and entertainment industries.

~~((139))~~ (138) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department of commerce to develop a report on the behavioral health and long-term care facilities and residential settings that provide services within the continuum of care for individuals who are discharged from state psychiatric hospitals. For the purposes of this subsection, "continuum of care" means transitional housing or residential placements that provide supportive services and skill development needed for individuals to be permanently housed, and permanent supportive housing or

residential placements that provide individuals with an appropriate place to live with services available as needed. The report must map the geographic location of each facility or residential setting, and it must highlight geographic gaps in service availability. In preparing the report, the department must coordinate with the department of social and health services, the department of health, and the health care authority. The department must submit its report to the governor and appropriate legislative committees no later than December 1, 2022.

~~((140))~~ (139) \$5,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to establish a grant program to assist businesses and nonprofits that are dependent to maintain their operations on the economic activity created through conventions hosted in Washington state. The amount provided under this subsection is subject to the following conditions and limitations:

(a) To be eligible for a grant under this subsection, a business must:

- (i) Apply for or have applied for the grant;
- (ii) Have not reported annual gross receipts of more than \$100,000,000 in calendar year 2019;
- (iii) Have expenses that are necessary to continue business operations and the expense is not a federal, state, or local tax, fee, license, or other government revenue;
- (iv) Self-attest that the expense is not funded by any other government or private entity;
- (v) Have experienced a reduction in business income or activity related to COVID-19 or state or local actions in response to COVID-19;

(vi) Agree to operate in accordance with the requirements of applicable federal, state, and local public health guidance and directives; and

(vii) Have met one or more of the following criteria:

- (A) Hosted a convention in Washington state;
- (B) Provided support services to conventions in Washington state; or
- (C) Depended on the function of conventions to sell goods and services in Washington state.

(b)(i) Eligible businesses may receive a grant of up to \$500,000 for revenue lost due to a cancellation or a reduction of participants in a convention hosted in Washington state in 2020 or 2021.

(ii) To receive a grant under this subsection, eligible businesses must provide the department with:

- (A) Financial records from 2019 that provide a basis for revenue received from convention activity in Washington state prior to the COVID-19 pandemic; and
- (B) Financial records from 2020 and 2021 that show a reduction in gross revenue received from convention activity in Washington state during the COVID-19 pandemic.

(iii) If a business received one or more working Washington small business grants, the grant awarded under this subsection must be reduced to reflect the amounts received from previous working Washington small business grants.

(c) Nonprofit organizations are eligible to receive funding under this subsection if they have a primary business activity that has been impacted as described in (a)(v) of this subsection.

(d) The department may use up to 10 percent of the amount provided in this subsection for administrative costs.

~~((141))~~ (140) \$325,000 of the general fund—state appropriation for fiscal year 2022 and \$325,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization located in the city of Redmond that serves Latino low-income, immigrant, and Spanish-speaking communities in King and Snohomish counties through arts and culture events and community services. Grant

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funding may be used to expand existing programs including, but not limited to, rent assistance, vaccination assistance, COVID-19 outreach, microbusiness support, and other community services.

~~((142))~~ (141) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a program to build capacity and promote the development of nonprofit community land trust organizations in the state. Funds shall be granted by the department to one or more nonprofit organizations with technical expertise on community land trusts. These funds shall be used to provide technical assistance and training to help community land trusts increase the production of affordable housing.

~~((143))~~ (142) \$900,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization to conduct community outreach and culturally relevant training on prevention of digital fraud and other consumer fraud, with a focus on serving low-income, rural, and BIPOC communities. The grant recipient must be the Washington state affiliate of a national nonprofit organization that provides services, research, and advocacy for individuals aged 50 and up. Funding may be used to expand existing consumer fraud education programs; partner with locally trusted community-based organizations to provide public awareness of digital and other consumer fraud; and conduct research to capture baseline data regarding digital and fraud literacy in Washington state.

~~((144))~~ (143) \$631,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the developmental disabilities council's efforts to partner with racially diverse communities across the state and to build the capacity of a coalition of intellectual and developmental disabilities self-advocates and advocates. Of the amounts provided in this subsection:

(a) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the developmental disabilities council to enter into a contract with a nonprofit organization led by individuals who are Black, indigenous, or people of color to facilitate the development and implementation of recommendations on ways to reduce barriers to services and improve access to services for individuals with intellectual and developmental disabilities who are from immigrant communities, communities of color, and other underserved communities. The contract must require the nonprofit organization to prepare a racial equity plan for ongoing policy development within the intellectual and developmental disabilities service delivery system for submittal to the developmental disabilities council. The developmental disabilities council must submit the plan to the governor and appropriate legislative committees no later than June 30, 2023.

(b) \$131,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for one full-time equivalent policy analyst to manage the developmental disabilities council's overall policy development and diversity, equity, and inclusion efforts. The policy analyst shall serve as a liaison between self-advocates, advocates, community members, and the nonprofit organization under contract in (a) of this subsection.

~~((145))~~ (144) \$584,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a dispute resolution center located in the city of Seattle and serving King county to develop a basic mediation training curriculum for organizations that serve communities in south King county, with a focus on organizations serving and operated by members of historically disadvantaged communities. The grant recipient may use the funding for activities including, but not limited to, conducting a needs assessment, developing and designing the curriculum, engaging subject matter experts, and

conducting training sessions.

~~((146))~~ (145) \$45,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the eviction prevention rental assistance program created in RCW 43.185C.185.

~~((147))~~ (146) \$4,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant program to community-based organizations that provide services for survivors of domestic violence. Grant recipients may use funding for domestic violence survivor advocates to provide case management, safety planning, and other services for survivors, and as flexible funding to meet the immediate needs of survivors of domestic violence.

~~((148) \$15,000,000)~~ (147) \$1,800,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely to expand the small business resiliency network program. Program expansion activities may include:

(a) Providing funding for new or existing network partners to provide wraparound services and support to assist small business owners, including support in accessing financing; and

(b) Establishing a credit repair pilot program by contracting with community foundations and nonprofit credit unions with existing character-based lending programs to provide credit counseling and other services to build or improve credit for small businesses and entrepreneurs who are unable to access conventional lending.

~~((149))~~ (148) \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$290,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization that operates a resource center in the city of Ferndale to expand social services programs. Eligible social services programs include, but are not limited to, basic needs supports for low-income and vulnerable families; emergency preparedness programs that connect community volunteers to opportunities to assist community members during emergencies; and conducting antiracist events and learning opportunities in order to build community.

~~((150))~~ (149) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of firearm safety and violence prevention for programs relating to firearm removals in domestic violence cases. Programs may include:

(a) Grants for local law enforcement agencies to coordinate the removal of firearms pursuant to RCW 9.41.800 and 9.41.801 in civil and criminal domestic violence cases at a regional level; and

(b) Activities to increase statewide adherence to RCW 9.41.800 and 9.41.801, including, but not limited to, technical assistance, training, and collecting data from local law enforcement agencies relating to firearm removals in cases where a court orders the surrender of weapons.

~~((151) \$55,000,000)~~ (150) \$52,922,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to administer stipends to eligible homeless service provider employees for their immediate economic needs and to conduct a homeless service provider workforce study.

(a) Of the amount provided in this subsection:

(i) ~~((27,250,000))~~ \$26,230,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a stipend payment of up to \$2,000 for eligible homeless service provider employees with an income at or below 80 percent of the area median income. An individual who works for two or more eligible entities in an eligible position may only receive one stipend under this subsection.

(ii) ~~((27,250,000))~~ \$26,192,000 of the coronavirus state fiscal

recovery fund—federal appropriation is provided solely for a second stipend payment of up to \$2,000 for individuals who received an initial stipend payment under (i) of this subsection (~~((154))~~) (150)(a) and who are still employed at the same eligible entity six months after receipt of the first stipend payment. An individual who works for two or more eligible entities in an eligible position may only receive one stipend under this subsection.

(iii)(A) \$500,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to contract with a third-party entity to conduct a study on the workforce needs of nonprofit organizations employing eligible homeless service provider employees, with the goal of developing state-level strategies for improving workforce retention among organizations providing homeless services.

(B) The study must examine topics including, but not limited to, pay and benefits; training and supervision; caseloads; safety and morale; and other factors impacting hiring and retention.

(C) The study must examine the potential impact on workforce retention of inflationary increases for administrative allowances and other automatic escalators on state-funded homelessness service contracts, including contracts administered by the office of homeless youth.

(D) The study must include a pay equity and comparable worth analysis that compares eligible homeless service provider positions with jobs with similar complexity, difficulty, and educational and skill requirements in the public and private sectors that were deemed essential during the COVID-19 pandemic.

(E) In conducting the study, the third-party entity must consult with eligible homeless service provider employees; employees of eligible entities with lived experience of homelessness; and organizations led by or serving BIPOC populations.

(F) The department must report the results of the study, including any policy recommendations, to the appropriate committees of the legislature by September 30, 2023.

(b) The department must contract with an entity located in Washington state to administer the stipend payments in (a)(i) and (ii) of this subsection. The entity must demonstrate an ability to efficiently administer stipend payments statewide by showing successful administration of similar programs; an ability to adhere to federal tax requirements, including sending stipend recipients 1099 or other required tax forms; and an ability to track and report on demographic data of stipend recipients and fulfill other reporting requirements as determined by the department. The entity must conduct marketing and outreach for the program by September 1, 2022, and begin administering stipend payments under (a)(i) of this subsection by October 1, 2022. The administrator must pay the stipends on a first-come, first-served basis and there is no individual entitlement to receive a stipend.

(c) The department is authorized to shift funding among the purposes in (a)(i) and (ii) of this subsection based on the level of demonstrated need.

(d) The department may retain up to five percent of the funding allocated under (a) of this subsection for administrative costs.

(e) The administrating entity selected under (b) of this subsection may use up to 15 percent of the funding allocated under (a)(i) and (ii) of this subsection for administrative costs and up to five percent of the funding allocated under (a)(i) and (ii) of this subsection for outreach and marketing costs.

(f) For the purposes of this subsection:

(i) "Eligible homeless service provider employee" means an individual currently employed on a full-time or part-time basis at an eligible entity that works directly on-site with persons experiencing homelessness or residents of transitional or

permanent supportive housing. This includes, but is not limited to, emergency shelter and transitional housing staff; street outreach workers; caseworkers; peer advisors; reception and administrative support staff; maintenance and custodial staff; and individuals providing direct services for homeless youth and young adults. This does not include executive and senior administrative employees of an eligible entity. Nothing in this subsection creates an employment relationship, or any membership or qualification in any state or other publicly supported retirement system, due to the payment of a stipend.

(ii) "Eligible entity" means an organization with whom state agencies or local governments grant or subcontract to provide homeless services under their homeless housing program as defined in RCW 43.185C.010.

(iii) "Immediate economic needs" means costs including, but not limited to, rent or mortgage payments; utilities and other household bills; medical expenses; student loan payments; transportation-related costs; child care-related costs; behavioral health-related costs; and other basic necessities.

~~((152))~~ (151)(a) \$100,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to administer a business assistance program for qualifying hospitality industry businesses that have been negatively impacted by the COVID-19 public health emergency or its negative economic impacts. The department must administer the program under appropriate agreements. For the purposes of this subsection, "qualifying hospitality industry businesses" means restaurants, hotels, motels, and other businesses in the hospitality industry as determined by the department.

(b) Of the amount provided in this subsection, \$15,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for grants to reimburse lodging establishments that have experienced losses during the state's eviction moratorium pursuant to the governor's proclamations. The department must work with impacted lodging establishments to develop criteria for the administration of this grant program. The department will verify actual eligible losses to be reimbursed. Actual eligible losses include room charges not paid by persons who stayed during the moratorium, any legal expenses incurred by lodging establishments as a result of the moratorium, and any repair expenses directly attributed to damages to rooms. For the purposes of this subsection (~~((152))~~) (151)(b), "lodging establishment" means a hotel, motel, or similar establishment taxable by the state under chapter 82.08 RCW that has 40 or more lodging units.

~~((153))~~ (152) \$3,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for housing assistance for victims of human trafficking. The department must allocate funding through contracts with service providers that have current contracts with the office of crime victims advocacy to provide services for victims of human trafficking. A provider must use at least 80 percent of contracted funds for rental payments to landlords and the remainder for other program operation costs, including services addressing barriers to acquiring housing that are common for victims of human trafficking.

~~((154))~~ (153) \$25,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization operating a low-barrier emergency shelter located in the town of Wapato serving Native and non-Native chronically homeless individuals. Grant funds must be used to provide daytime services such as meals and hygiene services; case management; outreach; and other

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homeless services.

~~((155))~~ (154) \$75,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with a nonprofit organization in Kitsap county to provide services for families experiencing domestic violence. Amounts provided in this subsection must be used to expand supports for survivors and their children fleeing immediately dangerous situations, including emergency shelter, case management, housing advocacy, child care, mental health services, and resources and referrals. The nonprofit organization must be located in Kitsap county and must operate a state-certified domestic violence shelter.

~~((156))~~ (155) \$3,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to the city of Kent for operational improvements and other actions to improve safety and reduce train noise, with the goal of increasing quality of life and facilitating transit-oriented living in downtown Kent.

~~((157))~~ (156)(a) \$750,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to establish a lifeline support system pilot project to assist individuals who have experienced or are at risk of entering into public systems of care. Public systems of care include office of homeless youth prevention and protection shelter and housing programs, the juvenile justice system, dependency under chapter 13.34 RCW, and inpatient behavioral health treatment.

(b)(i) The lifeline must function as a no-wrong-door access point for support and connections to services for qualifying individuals who require assistance to overcome a life challenge that could escalate into a crisis, or who are in need of general mentorship and counsel. The lifeline support system must facilitate and promote partnerships across state agencies, federally recognized tribes, counties, and community-based providers to coordinate trauma-informed and culturally responsive services for youth and young adults and their supports. The department is authorized to implement lifeline services through contracts with community partners and nonprofit organizations.

(ii) The department must establish a lifeline fund. Moneys in the fund can be used to assist community partners and nonprofit organizations to implement lifeline services when they cannot identify an existing resource to resolve a beneficiary need. The department must establish an application process and criteria for the fund.

(c) The department and a nonprofit organization, selected by the office of homeless youth, shall coconvene a work group that will design a lifeline support services system and framework for statewide implementation. This group shall have an inaugural meeting no later than August 31, 2022, and have a design ready no later than October 31, 2022. By December 31, 2022, the department, with assistance from the work group, must provide a report to the appropriate committees of the legislature on approaches to continue this pilot project in the 2023-2025 fiscal biennium.

(d) By June 30, 2023, the department, with assistance from the nonprofit organization that coconvened the work group, shall provide a report to the legislature describing the success and shortcomings of the lifeline support system, as well as other data such as request-for-service conclusions and the demographics of beneficiaries. The report must include a recommendation for how the state can permanently establish the lifeline.

~~((158))~~ (157) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization that provides services to survivors of domestic violence in north and east King county. Grant funding

may be used for services including, but not limited to, staffing support for emergency and advocacy services and costs to expand emergency and transitional housing services for survivors of domestic violence with the greatest safety risks and highest barriers to acquiring safe housing.

~~((159))~~ (158) \$850,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization for costs to operate a low-barrier homeless shelter and provide housing intervention and placement services. The grant recipient must be a nonprofit organization that provides permanent supportive housing services, provides homeless services for youth and young adults, and operates a low-barrier homeless shelter for women over the age of 18 in the city of Spokane.

~~((160))~~ (159) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a contract with a nonprofit to provide technical assistance to manufactured home community resident organizations who wish to convert the park in which they reside to resident ownership, pursuant to RCW 59.22.039. Technical assistance includes, but is not limited to, assistance with prepurchase efforts and resident outreach and engagement activities prior to filing an intent to purchase.

~~((161))~~ (160) \$900,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with one or more community-based organizations to administer a homeownership assistance program for low-income households who have been displaced from their manufactured/mobile homes due to the closure or conversion of a mobile home park or manufactured housing community in south King county. The program may offer services including credit counseling; financial education courses; assistance in locating, understanding, and preparing necessary financial and legal documentation for homeownership; outreach and engagement services, including in-language services; and other technical support to prepare households for homeownership.

~~((162))~~ (161) \$185,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization to provide advocacy, translation, emergency housing, and other services for victims of domestic violence, with a focus on serving members of the Latino and indigenous communities. The grant recipient must be a community-based nonprofit organization located in the city of Tacoma that provides educational programs, crisis intervention, family outreach services, arts and culture programming, and advocacy with a focus on serving Latino and indigenous communities.

~~((163))~~ (162) \$1,400,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with the municipal research and services center, in coordination with the Washington procurement technical assistance center, to provide training and technical assistance to local governments and contractors on public works contracting. Training topics may include utilization of supplemental bidding criteria, utilization of alternate public works, contracting, cost estimating, obtaining performance and payment bonds, and increasing participation of women-owned and minority-owned businesses.

~~((164))~~ (163) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization in the city of Tacoma that provides on-water marine science and maritime programs, as well as mentoring and community service opportunities, for youth and young adults. Grant funding must be used to expand program participation of youth and young adults from underserved and underrepresented communities.



~~((165))~~ (164) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to the city of Poulsbo to expand the service capacity of the fire cares behavioral health mobile outreach program.

~~((166))~~ (165) \$600,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for concept development, design, and planning of state-operated or contracted residential housing facilities and services at the Pacific hospital preservation and development authority quarters buildings three through ten in Seattle. The residential housing facilities may be used for recovery residences, group care, transitional housing, supportive housing, or family-centered substance use disorder recovery housing. Of the amounts provided in this subsection:

(a) \$375,000 of the general fund—state appropriation for fiscal year 2023 is for lease payments for the Pacific hospital preservation and development authority quarters buildings three through ten.

(b) \$75,000 of the general fund—state appropriation for fiscal year 2023 is for the department to convene a work group to develop a programming plan for utilization of the repurposed quarters buildings three through ten, subject to the following requirements:

(i) The department must contract with a nonprofit organization to facilitate the work group. The nonprofit organization must be located in the city of Seattle with experience working with systems of care, including foster care, juvenile justice, and behavioral health, and have statewide experience as an advocate, provider, and convener of programming needs for youth and young adults.

(ii) The work group must include members representing the department of children, youth, and families; the health care authority; social service providers led by and serving people of color; social service providers whose leadership represent and who serve LGBTQ youth and young adults; and persons with lived experience.

(iii) By December 31, 2022, the department must submit a report to the appropriate committees of the legislature with recommendations on housing and program models, service arrays, and estimates of operation costs.

~~((167) \$34,500,000)~~ (166) \$27,500,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a small business innovation and competitiveness fund program to spur small business recovery, startup, and growth, with a focus on initiatives that will serve BIPOC entrepreneurs and small businesses located in underserved, low-income, and rural areas.

(a) The department must competitively award grants to nonprofit organizations that work with or provide assistance to small businesses.

(b) Grant funding may be used for activities such as:

(i) Small business incubator programs;

(ii) Small business accelerator programs;

(iii) Local procurement initiatives;

(iv) Small business competitiveness programs focused on hiring and retention;

(v) Improvements and repairs to physical workplaces, including in response to public health guidelines or acts of vandalism; and

(vi) Other initiatives as determined by the department.

(c) The department may require applicants to provide a description of how proposed initiatives will benefit small businesses and entrepreneurs that are not members of the recipient organization, if applicable.

(d) The department may encourage, but may not require, a local one-to-one match of state funding awarded under the program.

(e) The department may establish regional targets or other benchmarks to ensure equitable geographic distribution of funding. If regional targets or benchmarks are adopted, the department must assess and report to the legislature on the program's performance by June 1, 2023.

(f) In developing the program, the department must consult with economic development professionals and small business support organizations. The department may consult with other interested parties at its discretion.

~~((168))~~ (167) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract for technical assistance services for small businesses owned or operated by members of historically disadvantaged populations located in western Washington, with a focus on Black-owned small businesses. The contract recipient must be a business in the arts, entertainment, and media services sector based in the city of Federal Way and with experience working with BIPOC communities. Technical assistance includes but is not limited to services such as: Business and intellectual property development; franchise development and expansion; digital and social media marketing and brand development; community outreach; opportunities to meet potential strategic partners or corporate sponsors; executive workshops; networking events; small business coaching; and start-up assistance.

~~((169))~~ (168) \$97,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to examine actual and potential school director compensation, including salaries, per diem rates, expense reimbursements, and health care benefits for the purpose of determining what changes in statute or practice, if any, would be necessary to align provisions governing school director compensation with those governing the compensation of other elected officials with comparable duties and responsibilities.

(a) The examination required by this subsection, at a minimum, must address:

(i) The duties and responsibilities of school directors and to what extent those duties, and the factors relevant to their completion, may have changed in the previous 10 years;

(ii) Demographic data about school district boards of directors and the communities they represent for the purpose of understanding the diversity of school district boards of directors and whether that diversity reflects the communities they serve;

(iii) The significant variances in school district budgets, student enrollments, tax bases, and revenues;

(iv) Options for periodically updating school director compensation, including the frequency and timing of potential compensation reviews, potential entities that may be qualified to conduct the reviews, and considerations related to inflationary indices or other measures that reflect cost-of-living changes; and

(v) Options for funding the actual and potential costs of school director compensation, including salaries, per diem amounts, expense reimbursements, and health care benefits.

(b) In completing the examination required by this subsection, the department shall consult with interested parties, including the office of the superintendent of public instruction, the Washington state school directors' association, the Washington association of school administrators, and educational service districts.

(c) The department shall, in accordance with RCW 43.01.036, report its findings and recommendations to the governor, the superintendent of public instruction, and the committees of the legislature with jurisdiction over fiscal matters and K-12 education by January 6, 2023.

~~((170))~~ (169) \$175,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to the south King fire and rescue district located in south King

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county to implement a workforce development initiative, with the goals of increasing recruitment and retention of employees from south King county communities and increasing the diversity of the district's workforce.

~~((471))~~ (170) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract for a diversity, equity, and inclusion initiative focused on youth sports and other activities, with an emphasis on basketball. The contract recipient must be a nongovernmental entity that serves as a resource for professional, amateur, collegiate, and youth sports organizations and venues in the greater Seattle region. Contract funding may be used to provide engagement and support for Washington state youth basketball organizations, with a focus on organizations in the Puget Sound region, and to provide assistance for activities including sport academies, youth leagues and sport camps, promotion of community basketball events, scholarships, and an equity in sports summit.

~~((472))~~ (171) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$850,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization located in the city of Seattle that provides legal assistance and representation to survivors of sexual and gender-based violence to expand their current services, including but not limited to legal assistance and representation; technical assistance for advocates, providers, and attorneys; community education and trainings; and other legal support services. In providing services, the grant recipient must protect the privacy, safety, and civil rights of survivors and utilize trauma-informed practices and equity principles.

~~((473))~~ (172) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a contract for a small business assistance program serving the city of Silverdale and central Kitsap county. The contract recipient must be a nongovernmental organization located in the city of Silverdale whose primary focus is the economic development of the city of Silverdale and central Kitsap county. The contract funding must be used to provide financial assistance in the form of grants or loans and other entrepreneurship opportunities for small businesses that have experienced a loss of business income or activity or have been otherwise economically disadvantaged during the COVID-19 pandemic. The contract recipient must conduct targeted outreach and education to ensure small businesses owned by members of historically marginalized communities are aware of business assistance opportunities available through the program.

~~((474))~~ (173) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization for activities that will improve access to child care in southwest Washington, including but not limited to activities to begin using a shared services model for regional child care providers, and to convene a short-term work group on expanding child care access and affordability in the region. The grant recipient must be a nonprofit organization located in the city of Vancouver that is the lead organization in a collaborative partnership to expand child care capacity in southwest Washington.

~~((475))~~ (174) \$135,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization to provide sexual assault prevention programming to middle and high schools in the Tacoma school district. The grant recipient must be a nonprofit organization serving the city of Tacoma that provides education, intervention, and social advocacy programs for victims of sexual assault, domestic violence, human trafficking, and other forms of abuse.

~~((476))~~ (175) \$80,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a grant to a nonprofit organization for information technology needs, including, but not limited to, hardware, software, and other subscriptions, so that the recipient may continue and expand services to address poverty. The grant recipient must be a nonprofit organization that works with public, private, and nonprofit partners to address poverty in Snohomish county, with a focus on serving families with young children.

~~((478))~~ (176) \$27,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the landlord mitigation program created in RCW 43.31.605(1). Of the amount provided in this subsection, \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is for program claims made pursuant to Substitute House Bill No. 1593 (landlord mitigation/victims).

~~((479))~~ (177) \$1,161,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1571 (indigenous persons/services). Of the amount provided in this subsection, \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants awarded under Substitute House Bill No. 1571. If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((480))~~ (178) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute House Bill No. 1629 (aerial imaging technology). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((481))~~ (179) \$486,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1717 (tribal participation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((482))~~ (180) \$953,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1723 (telecommunications access). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((483))~~ (181) \$155,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1724 (supportive housing resources). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((484))~~ (182)(a) \$7,790,000 of the apple health and homes account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1866 (supportive housing). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(b) Of the amount provided in this subsection, \$6,500,000 of the apple health and homes account—state appropriation is provided solely for permanent supportive housing services including operations, maintenance, and service costs of permanent supportive housing units; project-based vouchers; rental subsidies; and provider grants. These funds shall not be used for costs that are eligible for coverage through the foundational community supports program established pursuant to the health care authority's federal medicaid transformation project waiver.

~~((485))~~ (183) \$4,434,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1905 (homelessness/youth discharge). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse. Of the amount provided in this subsection:

(a) \$1,600,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for flexible funding administered by the office of homeless youth to support persons under the age of 25 exiting publicly funded systems of care that need discrete support or funding to secure safe housing;

(b) \$625,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to counties to administer housing stability for youth in crisis programs; and

(c) \$2,018,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for system of care grants. Of this amount, \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to assist young adults discharging from inpatient behavioral health treatment facilities to obtain housing.

~~((186))~~ (184)(a) \$20,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a small business disaster recovery financial assistance program to provide resources to small businesses that have sustained physical damage or economic loss due to a natural or other comparable disaster.

(b) The department may provide financial assistance in the form of grants to eligible businesses. Grant funds may be used for payroll, utilities and rent, marketing and advertising, building improvements or repairs, replacing damaged inventory and equipment, and other operations and business expenses.

(c) A business is eligible to apply for financial assistance through the program if they provide documentation to the department of:

(i) Annual gross receipts of \$5,000,000 or less; and

(ii) A reduction in business income or activity as a result of a natural disaster such as a flood, earthquake, or wildfire, or a comparable disaster such as major utility disruptions resulting in property damage or prolonged outages.

(d) A department must provide assistance to an eligible business within three months of receiving an application.

(e) The department must coordinate with local economic development entities in conducting outreach to small businesses in order to increase awareness and understanding of the program.

(f) Of the amounts provided in this subsection, \$10,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for financial assistance for eligible businesses located in northwest Washington.

~~((187))~~ (185) \$214,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1015 (equitable access to credit). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((188))~~ (186)(a) \$950,000 of the apple health and homes account—state appropriation is provided solely for a grant to a nonprofit organization for an initiative to advance supportive housing projects, including those funded through the apple health and homes program created in Engrossed Substitute House Bill No. 1866 (supportive housing). The department is directed to extend the contract of the grantee of the 2021 request for qualifications and quotations advancing affordable housing and education centers due to the recipient's national experience with programs to sustain and rapidly expand housing for persons experiencing homelessness or at risk of homelessness, and who are, thereby, inherently impacted by COVID-19.

(b) The grant recipient must use the funding to:

(i) Partner with state, regional, and local public entities, nonprofit housing developers, and service providers to develop a broad range of housing types for supportive housing;

(ii) Provide technical assistance on the constructive alignment of yet-to-be-secured state or local capital funds, and other

services, for the construction, acquisition, refurbishment, redevelopment, master leasing of properties for noncongregate housing, or conversion of units from nonresidential to residential, of dwelling units for supportive housing;

(iii) Analyze the suitability of properties and sites, including existing buildings for supportive housing, through completing due diligence, conceptual design, and financial analysis activities, applying and implementing an equity lens in site selection, program planning, development, and operations;

(iv) Advise and collaborate with the office of health and homes to prepare projects for capital funding;

(v) Advise on supportive housing best practices;

(vi) Advise on service delivery for vulnerable populations;

(vii) Advise on local community engagement, especially with populations with lived experience of homelessness; and

(viii) Subcontract for specialized predevelopment services as needed.

~~((189))~~ (187) \$7,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to administer grants to eligible cities for actions relating to adopting ordinances that would authorize middle housing types on at least 30 percent of lots currently zoned as single family residential.

(a) For the purposes of this subsection, a city is eligible to receive a grant if:

(i) The city is required to plan under RCW 36.70A.040; and

(ii) The city is required to take action on or before June 30, 2024, to review and, if needed, revise its comprehensive plan and development regulations pursuant to RCW 36.70A.130(5)(a).

(b) Grant recipients must use grant funding for costs to conduct at least three of the following activities:

(i) Analyzing comprehensive plan policies and municipal code to determine the extent of amendments required to meet the goal of authorizing middle housing types on at least 30 percent of lots currently zoned as single family residential;

(ii) Preparing informational material for the public;

(iii) Conducting outreach, including with the assistance of community-based organizations, to inform and solicit feedback from a representative group of renters and owner-occupied households in residential neighborhoods, and from for-profit and nonprofit residential developers;

(iv) Drafting proposed amendments to zoning ordinances for consideration by the city planning commission and city council;

(v) Holding city planning commission public hearings;

(vi) Publicizing and presenting the city planning commission's recommendations to the city council; and

(vii) Holding city council public hearings on the planning commission's recommendations.

(c) Before updating their zoning ordinances, a city must use a racial equity analysis and establish antidisplacement policies as required under RCW 36.70A.070(2)(e) through (h) to ensure there will be no net displacement of very low, low, or moderate-income households, as defined in RCW 43.63A.510, or individuals from racial, ethnic, and religious communities which have been subject to discriminatory housing policies in the past.

(d) The department shall prioritize applicants who:

(i) Aim to authorize middle housing types in the greatest proportion of zones; and

(ii) Subcontract with multiple community-based organizations that represent different vulnerable populations in overburdened communities, as defined in RCW 70A.02.010, that have traditionally been disparately impacted by planning and zoning policies and practices, to engage in eligible activities as described in (b) of this subsection.

(e) For the purposes of this subsection, "middle housing types"

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include duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, courtyard apartments, cottage housing, and stacked flats.

~~((190))~~ (188)(a) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to administer an energy efficient housing pilot program with the goal of reducing energy consumption and related expenses for low-income agricultural workers in the Yakima valley. Funding must be distributed in the form of grants to community-based organizations, with priority given to organizations with a proven track record of assisting agricultural workers.

(b) Grant recipients may use the funds awarded under (a) of this subsection to conduct the following activities for eligible housing:

(i) Install photovoltaic solar panel systems, solar water heating systems, and battery backups;

(ii) Replace energy inefficient appliances with energy star certified appliances;

(iii) Replace existing lighting with light emitting diode lighting; and

(iv) Conduct weatherization of homes and other residences.

(c) Eligible housing includes:

(i) Homes owned and occupied by agricultural workers; and

(ii) Homes, apartments, and other residential facilities providing rental housing to agricultural workers, provided that the owners of the facilities pass the savings in energy costs to agricultural worker tenants and commit to the use of the facilities as agricultural worker housing for 15 years as a condition of accepting assistance as described in (b) of this subsection.

(d) For the purposes of this subsection, "agricultural workers" means workers on farms and workers performing packing or processing work of agricultural products. "Agricultural workers" does not mean the owners of agricultural enterprises.

~~((191))~~ (189)(a) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a contract with a community-based nonprofit organization located in the Yakima valley to develop a community consortium for the purpose of developing and implementing strategies for the prevention of gang violence in Yakima county.

(b) The consortium must include representation from community-based organizations, gang-involved youth, law enforcement agencies, and state agencies involved in juvenile justice.

(c) The consortium must develop after-school activities such as counseling, tutoring, and computer literacy for gang-involved youth, in conjunction with local school districts.

(d) The consortium must, in conjunction with a public radio station, conduct a Spanish-language public radio media outreach campaign with the aim of linking gang-involved youth with employment, educational, and training opportunities. In conducting the outreach campaign, the consortium may work with schools, grassroots organizations, faith-based groups, law enforcement, families, and juvenile justice agencies.

(e) In developing its outreach and intervention activities, the consortium may facilitate workshops and conferences, either in person or virtual, with educators, parents, and youth.

(f) By June 30, 2023, the department must provide a report to the appropriate committees of the legislature. The report must include:

(i) A description of the gang violence prevention programs conducted by the consortium and how they were implemented;

(ii) A description of any virtual community events, workshops, and conferences held; and

(iii) The number of individuals who participated in or received

services through the programs conducted by the consortium, including any relevant demographic data for those individuals.

~~((192))~~ (190)(a) \$5,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to administer grants to strengthen family resource center services and increase capacity statewide. Grant funding may be used: For an organization to provide new services in order to meet the statutory requirements of a family resource center, as defined in RCW 43.216.010; to increase capacity or enhance service provision at current family resource centers, including but not limited to direct staffing and administrative costs; and to conduct data collection, evaluation, and continuous quality improvement activities. The department may award an amount from \$30,000 up to \$200,000 per grant recipient.

(b) Eligible applicants for a grant under (a) of this subsection include current family resource centers, as defined in RCW 43.330.010, or organizations in the process of becoming qualified as family resource centers. Applicants must affirm their ability and willingness to serve all families requesting services in order to receive a grant. Applicants must currently be or agree to become a member of a statewide family resource center network during the grant award period in order to receive a grant.

(c) The department must co-convene an advisory group with the department of children, youth, and families that includes representatives from family resource centers; parents, caregivers, and individuals who have used family resource center services; and other stakeholders as determined by the department. The department must develop application guidelines and award funding to eligible applicants in consultation with the department of children, youth, and families and the advisory group. Advisory group members representing family resource centers or other organizations that apply for grant funding may not participate in the process of determining grant award recipients.

(d) In distributing grant funding, the department must, to the extent it is practicable, award 75 percent of funding to organizations located west of the crest of the Cascade mountains, and 25 percent of funding to organizations located east of the crest of the Cascade mountains.

(e) By July 1, 2023, grant recipients must submit a report to the department on the use of grant funding, including but not limited to progress in attaining status as a family resource center, if applicable; the number and type of services offered to families; demographic and income data for families served; and family postservice outcomes. By September 1, 2023, the department must submit a report to the legislature on topics including but not limited to the grant application process; needs identified by family resource centers; and use of funds by grant recipients.

~~((193))~~ (191)(a) \$2,800,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of firearm safety and violence prevention for a healthy youth and violence prevention initiative with the goal of preventing violence, decreasing engagement with the juvenile justice system, and encouraging health and well-being for youth and young adults ages 12 to 24. As part of the initiative, the office must partner with community-based organizations to serve as regional coordinators who will:

(i) Connect youth and young adults ages 12 to 24 who are most vulnerable to violence with programs that provide services including, but not limited to, street outreach, youth employment and preapprenticeship programs, case management, behavioral health services, and other services as appropriate; and

(ii) Assist local governments, service providers, and nonprofit organizations in accessing and leveraging federal, state, and local funding for violence prevention and related services.

(b) In developing the healthy youth and violence prevention

initiative, the office must consult with interested parties including members of the legislature, community members with expertise in public health strategies to address youth violence, and people impacted by youth and young adult violence.

(c) Of the amount provided in this subsection:

(i) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant for a demonstration program serving south King county. The grant recipient must be a nonprofit health system currently administering a violence prevention initiative in King and Pierce counties. The grant recipient may subgrant or subcontract funds to programs providing services as described in (a)(i) of this subsection.

(ii) \$600,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for planning grants for future programs serving Pierce county, Yakima county, and the city of Vancouver. Grant recipients must be community-based nonprofit organizations.

(iii) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to develop a database and reporting system for regional coordinators to report program outcomes for service providers receiving grants or subgrants through the initiative. The database must be accessible to and utilized by all organizations serving as regional coordinators. In developing the database fields, the office must, to the extent it is feasible, use categories identified as part of the developmental assets framework developed by the Search Institute.

~~((194))~~ (192)(a) \$25,000 of the general fund—state appropriation for fiscal year 2022 and \$225,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to conduct an evaluation of the costs for cities and counties to review and revise their comprehensive plans to ensure compliance with chapter 36.70A RCW. The evaluation must include, at a minimum, the costs for each general jurisdiction size and type, and the costs to complete various types of planning requirements, including:

(i) Meeting the requirements of a new goal in RCW 36.70A.020;

(ii) Meeting the requirements of a new comprehensive plan element in RCW 36.70A.070;

(iii) Updating a critical areas ordinance;

(iv) Updating a shoreline master program ordinance;

(v) Making a minor update of a comprehensive plan element;

(vi) Making a complex update of a comprehensive plan element;

(vii) Updating a development regulation; and

(viii) Implementing a new development regulation.

(b) The department must consult with the Washington state association of counties and the association of Washington cities in conducting the evaluation.

(c) The department must submit a report of the results of the evaluation to the legislature by December 1, 2022.

~~((195))~~ (193) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide support to a public-private partnership that leverages private sector leadership and is composed of multiple interests, including public and private project developers, manufacturers and end users, research institutions, academia, government, and communities around the state, to develop and submit a competitive application for the federal department of energy regional clean hydrogen hubs grant. The application must focus on the sectors of the economy that are hardest to decarbonize, including industry, heavy transportation, maritime, and aviation.

~~((196))~~ (194) \$3,335,000 of the general fund—state

appropriation for fiscal year 2022 and \$2,223,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to counties to stabilize newly arriving refugees from the 2022 Ukraine-Russia conflict.

~~((197))~~ (195) \$50,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for digital equity and broadband access programs. Programs funded under this subsection may include programs to fulfill the recommendations of the Washington digital equity forum; programs to conduct activities identified by the statewide broadband office when developing the digital equity plan required as part of the state digital equity capacity grant program created in P.L. 117-58; and programs to increase broadband access for low-income and rural communities, including through low-orbit satellite broadband networks.

~~((198))~~ (196)(a) \$25,000,000 of the electric vehicle incentive account—state appropriation is provided solely for the department to implement programs and incentives that promote the purchase of or conversion to alternative fuel vehicles. The department must work with the interagency electric vehicle coordinating council created in Engrossed Substitute Senate Bill No. 5974 (transportation resources) to develop and implement alternative fuel vehicle programs and incentives.

(b) In developing and implementing programs and incentives under this subsection, the department must prioritize programs and incentives that:

(i) Will serve individuals living in an overburdened community, as defined in RCW 70A.02.010;

(ii) Will serve individuals who are in greatest need of this assistance in order to reduce the carbon emissions and other environmental impacts of their current mode of transportation in the overburdened community in which they live; and

(iii) Will serve low-income communities, communities with the greatest health disparities, and communities of color that are most likely to receive the greatest health benefits from the programs through a reduction in greenhouse gas emissions and other pollutants that will result in improved groundwater and stormwater quality, improved air quality, and reductions in noise pollution.

~~((199))~~ (197) \$100,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for grants for public and private water, sewer, garbage, electric, and natural gas utilities to address low-income customer arrearages compounded by the COVID-19 pandemic and the related economic downturn that were accrued between March 1, 2020, and December 31, 2021.

(a) By May 27, 2022, each utility that wishes to participate, must opt-in to the grant program by providing the department the following information:

(i) Current arrearage balances for residential customers as of March 31, 2022; and

(ii) Available information on arrearage balances of low-income customers, including customers who received assistance from the low-income home energy assistance program, low-income water assistance program, or ratepayer-funded assistance programs between April 1, 2020, and March 31, 2022, as of March 31, 2022. If a utility does not have access to information regarding customer participation in these programs, the department must distribute funding to the community action program serving the same service area as the utility instead of the utility.

(b) In determining the amount of funding each utility may receive, the department must consider:

(i) Each participating utility's proportion of the aggregate amount of arrearages among all participating utilities;

(ii) Utility service areas that are situated in locations

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experiencing disproportionate environmental health disparities;

(iii) American community survey poverty data; and

(iv) Whether the utility has leveraged other fund sources to reduce customer arrearages.

(c) The department may retain up to one percent of the funding provided in this subsection to administer the program.

(d) Each utility shall disburse funds directly to customer accounts (~~(by December 31, 2022)~~). Funding shall only be distributed to customers that have participated in the low-income home energy assistance program, low-income water assistance program, or ratepayer-funded assistance programs.

(e) Utilities may, but are not required to, work with other utilities or use community action agencies to administer these funds following the eligibility criteria for the low-income home energy assistance program and the low-income household water assistance program.

(f) By March 1, 2023, each utility who opted into the grant program must report to the department, utilities and transportation commission, and state auditor on how the funds were utilized and how many customers were supported.

(g) Utilities may account for and recover in rates administrative costs associated with the disbursement of funds provided in this subsection.

~~((200))~~ (198) \$4,092,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5566 (independent youth housing). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((201))~~ (199) \$7,300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to increase funding for the community services block grant program. Distribution of these funds to community action agencies shall prioritize racial equity and undoing inequity from historic underinvestment in Black, indigenous, and people of color and rural communities.

~~((202))~~ (200) \$1,124,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to expand health care access points with increased services from the Tubman center for health and freedom to address disparate health outcomes of Black Washingtonians.

~~((203))~~ (201) \$3,335,000 of the general fund—state appropriation for fiscal year 2022 and \$2,223,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to Snohomish county to stabilize newly arriving refugees from the 2021 Afghanistan conflict.

~~((204))~~ (202) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a peer-led community and hospitality space located in south King county to expand services for women engaging in the sex trade.

~~((205))~~ (203) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization to develop a K-12 school building ventilation technical assistance, outreach, and education program. The grant recipient must be located in a city with a population of more than 700,000 and must have experience administering a statewide technical assistance, outreach, and education program for building operators.

~~((206))~~ (204) \$500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to a Tacoma-based nonprofit dental clinic with a location in unincorporated Pierce county to continue to provide dental services to low-income youth.

~~((207))~~ (205) \$120,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit resource center in King county that provides sexual assault advocacy services, therapy services, and prevention and outreach to begin a three-year, multigrade sexual violence prevention program in the Renton school district.

~~((208))~~ (206) \$350,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a Tacoma-based nonprofit multicultural center to support the operations of food bank networks and to be reimbursed for equipment purchased for preventative maintenance on food bank network buildings.

~~((209))~~ (207) \$500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to a Kent-based, community-based nonprofit organization that serves culturally and linguistically diverse families of persons with developmental and intellectual disabilities for predevelopment funds to accelerate the production of new affordable housing and a multicultural community center.

~~((210))~~ (208) \$400,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a Tacoma-based business center that supports women and minority-owned businesses to expand outreach in underserved communities, providing targeted assistance where needed. Funding may also be used to collaborate the department, the Washington economic development association, and others to develop a more effective and efficient service delivery system for Washington's women and minority-owned small businesses.

~~((211))~~ (209) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a business center that provides confidential, no-cost, one-on-one, client-centered assistance to small businesses to expand outreach in underserved communities, especially Black, indigenous, and people of color-owned businesses, providing targeted assistance where needed. Funding may also be used to collaborate the department, the Washington economic development association, and others to develop a more effective and efficient service delivery system for Washington's women and minority-owned small businesses.

~~((212))~~ (210) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of homeless youth prevention and protection programs to colead a prevention work group with the department of children, youth, and families. The work group must focus on preventing youth and young adult homelessness and other related negative outcomes. The work group shall consist of members representing the department of social and health services, the employment security department, the health care authority, the office of the superintendent of public instruction, the Washington student achievement council, the interagency work group on homelessness, community-based organizations, and young people and families with lived experience of housing instability, child welfare involvement, justice system involvement, or inpatient behavioral health involvement.

(a) The work group shall help guide implementation of:

- (i) The state's strategic plan on prevention of youth homelessness;
- (ii) Chapter 157, Laws of 2018 (SSB 6560);
- (iii) Chapter 312, Laws of 2019 (E2SSB 5290);
- (iv) Efforts to reform family reconciliation services; and
- (v) Other state initiatives addressing the prevention of youth homelessness.

(b) The office of homeless youth prevention and protection programs must use the amounts provided in this subsection to

contract with a community-based organization to support the involvement with the work group of young people and families with lived experience of housing instability, child welfare involvement, justice system involvement, or inpatient behavioral health involvement. The community-based organization must serve and be substantially governed by marginalized populations. The amounts provided in this subsection must supplement private funding to support the work group.

~~((213))~~ (211) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a maritime education nonprofit that will support outreach, recruitment, and maritime educational experiences at the new maritime high school in the highline public school district including developing mentorship and internship programs. Funds may be used to support the school's growth to full enrollment of 400 students, to pursue enrollment that reflects the diversity of the district, to aid recruitment activities that will include partnering with regional middle schools including hands-on learning experiences on vessels, and to support curriculum that gives students STEM skills and pathways to maritime careers, including in the sciences, vessel operations and design, and marine construction.

~~((214))~~ (212) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to strengthen capacity of the keep Washington working act work group established in RCW 43.330.510.

~~((215))~~ (213) \$250,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the transportation demand management program at the canyon park subarea in the city of Bothell.

~~((216))~~ (214) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to report how the department will collect demographic and geographic information from organizations who receive direct or indirect grants from the department.

(a) The department may contract to complete the report. The department must collaborate with the one Washington enterprise resource planning team to determine what demographic and geographic data elements would be consistent with data elements in the extended financials and procurement phase of one Washington.

(b) The report must also include accurate cost and time estimates needed to collect the demographic and geographic information from department grantees and their subgrantees. The department must consult with the office of equity to ensure that demographic tracking information can be used to help create an accurate definition of "by and for organizations." The department must report to the legislature by June 30, 2023. The report must include, but is not limited to, the following information:

(i) The cost and time required for the department to revise current grant agreements to collect demographic and geographic data;

(ii) The cost and time required for the department to incorporate the collection of demographic and geographic data into future grant agreements;

(iii) The cost and time required for the department to align demographic and geographic data points to the one Washington program to serve as a data collection system and repository of demographic and geographic data on all department grant agreements;

(iv) In addition to the one Washington program, an analysis of other information technology systems that can serve as a unified single data collection system and repository for demographic and geographic data on all department grant agreements. This analysis should compare and contrast the efficiency and effectiveness of

each system with the capabilities, cost, and timeliness of using the one Washington program for this purpose; and

(v) Recommendations on grants that should be excluded from the responsibility to collect demographic and geographic data.

~~((217))~~ (215) \$88,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a Seattle-based nonprofit that teaches math using hands-on learning experiences and collaborates with community partners to create equity-based, culturally relevant math education opportunities.

~~((218))~~ (216) \$20,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to provide a grant to a public facility district created under chapter 36.100 RCW that can document losses of more than \$200,000,000 in cumulative anticipated tax, event, and marketing revenues in 2020, 2021, and 2022, including lost revenue due to cancellations or a reduction of participants in conventions that would have been hosted in Washington state, less grants or loans from federal and state government programs. Eligible public facilities districts may receive a maximum \$20,000,000 grant. Public facility districts must provide the department with financial records that document the lost revenue to be eligible to receive a grant.

~~((219))~~ (217) \$7,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to increase existing grantee contracts providing rental or housing subsidy and services for eligible tenants in housing and homeless programs. The department will work with stakeholders and grantees to increase current contracts and distribute funds to account for increases in housing and services costs across the state.

~~((220))~~ (218)(a) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to conduct a cost-benefit analysis on the use of agrivoltaic and green roof systems on projected new buildings with a floor area of 10,000 square feet or larger to be developed over the next 20 years in communities of 50,000 or greater. The department shall consult with the department of ecology, private sector representatives, and an organization that has experience conducting cost-benefit analyses on green roofing. The cost-benefit analysis must include:

(i) The impact of widespread green and agrivoltaic roof installation on stormwater runoff and water treatment facilities in communities with a population of greater than 50,000;

(ii) Potential water quality and peak flow benefits of widespread green and agrivoltaic roof installation;

(iii) Public health impacts;

(iv) Air quality impacts;

(v) Reductions in fossil fuel use for buildings with agrivoltaic systems;

(vi) Energy efficiency of buildings with agrivoltaic systems;

(vii) Job creation; and

(viii) Agrivoltaic installation and maintenance costs.

(b) The department shall submit the report to the energy policy and fiscal committees of the legislature by June 30, 2023, that includes, but is not limited to:

(i) The results of the cost-benefit analysis in (a) of this subsection;

(ii) Recommendations on how agrivoltaic and green roofs can be integrated into new and existing building code requirements related to stormwater codes, energy codes, and the transition away from natural gas;

(iii) An examination of existing programs at the city and county level in Washington state;

(iv) A description of the policy components and framework for green and agrivoltaic roof policies and related incentive

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programs; and

(v) Incentive recommendations for building owners who cover more than 50 percent of the roof surface with a green or agrivoltaic roof.

~~((221))~~ ~~\$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a community-based organization in Whatcom county for a program that connects local food producers with retail and wholesale consumers.~~

~~((222))~~ ~~(219)~~ \$60,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to Yakima county to contract with a Yakima-based nonprofit organization to complete the planning and development of a community wildfire protection plan.

~~((223))~~ ~~(220)~~ \$1,091,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5910 (hydrogen). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((224))~~ ~~(221)~~ \$1,637,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5722 (greenhouse gases/buildings). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((225))~~ ~~(222)~~ \$8,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to build a mapping and forecasting tool that provides locations and information on charging and refueling infrastructure as required in chapter 300, Laws of 2021. The department shall collaborate with the interagency electric vehicle coordinating council established in Engrossed Substitute Senate Bill No. 5974 (transportation resources) when developing the tool and must work to meet benchmarks established in Engrossed Substitute Senate Bill No. 5974 (transportation resources).

~~((226))~~ ~~(223)~~ \$69,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant program for the development of electric vehicle charging infrastructure in rural areas, office buildings, multifamily housing, ports, schools and school districts, and state and local government offices.

(a) Grants in this subsection are provided solely for projects that provide a benefit to the public through development, demonstration, and deployment of clean energy technologies that save energy and reduce energy costs, reduce harmful air emissions, or increase energy independence for the state.

(b) Projects that receive funds under this subsection must be implemented by local governments, federally recognized tribal governments, or by public and private electrical utilities that serve retail customers in the state. Grant funding must be used for level 2 or higher charging infrastructure.

(c) The department must give preference to projects that provide level 3 or higher charging infrastructure.

(d) The department of commerce must coordinate with other electrification programs, including projects the department of transportation is developing, to determine the most effective distribution of the systems. The department must also collaborate with the interagency electric vehicle coordinating council established in Engrossed Substitute Senate Bill No. 5974 (transportation resources) to implement this subsection and must work to meet benchmarks established in Engrossed Substitute Senate Bill No. 5974 (transportation resources).

~~((227))~~ ~~(224)~~ \$37,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to increase solar deployment and installation of battery storage in community buildings to enhance grid resiliency and provide

backup power for critical needs, such as plug load and refrigeration for medication, during outages or to provide incentives to support electric utility demand response programs that include customer-sited solar and battery storage systems. Eligible uses of the amounts provided in this subsection include, but are not limited to, planning and predevelopment work with vulnerable, highly impacted, and rural communities. For the purposes of this subsection "community buildings" means K-12 schools, community colleges, community centers, recreation centers, libraries, tribal buildings, government buildings, and other publicly owned infrastructure.

~~((228))~~ ~~(225)~~ \$20,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant program to provide solar and battery storage community solar projects for public assistance organizations serving low-income communities. Eligible uses of the amounts provided in this subsection include, but are not limited to, planning and predevelopment work with vulnerable, highly impacted, and rural communities.

(a) Grants are not to exceed ~~(\$20,000 per community solar project and are not to exceed)~~ 100 percent of the cost of the project, taking into account any federal tax credits or other federal or nonfederal grants or incentives that the ~~(program)~~ project is benefiting from.

(b) Priority must be given to projects sited on "preferred sites" such as rooftops, structures, existing impervious surfaces, landfills, brownfields, previously developed sites, irrigation canals and ponds, stormwater collection ponds, industrial areas, dual-use solar projects that ensure ongoing agricultural operations, and other sites that do not displace critical habitat or productive farmland.

(c) For the purposes of this subsection "low-income" has the same meaning as provided in RCW 19.405.020 and "community solar project" means a solar energy system that: Has a direct current nameplate capacity that is greater than 12 kilowatts but no greater than ~~(499)~~ 1,000 kilowatts; and has, at minimum, either two subscribers or one low-income service provider subscriber.

~~((229))~~ ~~(226)~~ \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5758 (condominium conversions). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((231))~~ ~~(227)~~ \$1,054,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5974 (transportation resources). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((232))~~ ~~(228)~~ \$200,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a grant to a Tacoma-based automotive museum as businesses assistance to address COVID-19 pandemic impacts to revenues from decreased attendance and loss of other revenue generating opportunities.

~~((233))~~ ~~(229)~~ \$63,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5544 (blockchain work group). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((234))~~ ~~(230)~~(a) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to develop strategies for cooperation with governmental agencies of Finland, including higher education institutions, and organizations around the following:

(i) 5G connectivity, end-user applications utilizing new connectivity, and 6G;



- (ii) Safety, efficiency, and green transformation of ports and other logistics including digitalization and connectivity; and
- (iii) Green transformation of transport, including circular economy solutions for batteries.

(b) By June 30, 2023, the department must provide a report on the use of funds in this subsection, any key metrics and deliverables, and any recommendations for further opportunities for collaboration.

(231) \$270,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization headquartered in Mount Vernon for costs to operate and provide homeless services at a low-barrier emergency temporary homeless center located in Burlington.

**Sec. 1115.** 2022 c 297 s 129 (unclassified) is amended to read as follows:

**FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund—State Appropriation (FY 2022).....	\$908,000
General Fund—State Appropriation (FY 2023).( <del>(\$1,001,000)</del> )	
.....	<u>\$1,068,000</u>
Lottery Administrative Account—State Appropriation	\$50,000
TOTAL APPROPRIATION.....( <del>(\$1,959,000)</del> )	
.....	<u>\$2,026,000</u>

**Sec. 1116.** 2022 c 297 s 130 (unclassified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund—State Appropriation (FY 2022)....	\$16,482,000
General Fund—State Appropriation (FY 2023)....	\$21,640,000
General Fund—Federal Appropriation .....	\$33,352,000
General Fund—Private/Local Appropriation.....( <del>(\$531,000)</del> )	
.....	<u>\$923,000</u>
<u>Climate Investment Account—State Appropriation ....</u>	<u>\$83,000</u>
Economic Development Strategic Reserve Account—State	
Appropriation.....	\$333,000
Workforce Education Investment Account—State	
Appropriation.....	\$100,000
Personnel Service Account—State Appropriation	\$18,813,000
Higher Education Personnel Services Account—State	
Appropriation.....	\$1,497,000
Statewide Information Technology System Development	
Revolving Account—State Appropriation.....	\$97,432,000
Office of Financial Management Central Service	
Account—State Appropriation .....	\$22,453,000
Statewide Information Technology System Maintenance	
and Operations Revolving Account—State	
Appropriation.....	\$4,609,000
Performance Audits of Government Account—State	
Appropriation.....	\$692,000
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation.....	\$1,560,000
TOTAL APPROPRIATION.....( <del>(\$219,494,000)</del> )	
.....	<u>\$219,969,000</u>

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

(1)(a) The student achievement council and all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW shall ensure that data needed to analyze and evaluate the effectiveness of state financial aid programs are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

- (i) The number of Washington college grant and college bound recipients;
- (ii) Persistence and completion rates of Washington college

grant recipients and college bound recipients, disaggregated by institution of higher education;

(iii) Washington college grant recipients grade point averages; and

(iv) Washington college grant and college bound scholarship program costs.

(b) The student achievement council shall submit student unit record data for state financial aid program applicants and recipients to the education data center.

(2) \$100,000 of the workforce education investment account—state appropriation is provided solely to the office of financial management to implement career connected learning.

(3)(a) \$97,428,000 of the information technology system development revolving account—state appropriation, \$4,609,000 of the information technology system maintenance and operations revolving account—state appropriation, \$162,000 of the personnel services account—state appropriation, and \$162,000 of the office of financial management central services account—state appropriation are provided solely for the one Washington enterprise resource planning statewide program. Of this amount:

(i) \$7,756,000 of the information technology system development revolving account—state appropriation is provided solely for an organizational change management pool to pay for phase 1A (agency financial reporting system replacement—core financials) state agency organizational change management resources. The office of financial management will manage the pool, authorize funds, and track costs by agency by fiscal month;

(ii) \$22,000,000 of the information technology system development revolving account—state appropriation is provided solely for a technology pool to pay for phase 1A (agency financial reporting system replacement—core financials) state agency costs due to work associated with impacted financial systems and interfaces. The office of financial management will manage the pool, authorize funds, and track costs by agency by fiscal month;

(iii) \$1,326,000 of the information technology system development revolving account—state appropriation is provided solely for three dedicated information technology consultant staff to be contracted from the office of the chief information officer. These staff will work with state agencies to ensure preparation and timely decommission of information technology systems that will no longer be necessary post implementation of phase 1A (agency financial reporting system replacement—core financials);

(iv) \$4,609,000 of the information technology system maintenance and operations revolving account—state appropriation is provided solely for maintenance and operations costs for phase 1A (agency financial reporting system replacement—core financials), which will begin in fiscal year 2023;

(v) \$9,153,000 of the information technology system development revolving account—state appropriation is provided solely for phase 1B (procurement and extended financials) in fiscal year 2023;

(vi) \$162,000 of the personnel services account—state appropriation is provided solely for a dedicated staff for phase 2 (human resources) coordination; and

(vii) \$162,000 of the office of financial management central services account—state appropriation is provided solely for a dedicated staff for phase 3 (budget) coordination.

(b) Beginning July 1, 2021, the office of financial management shall provide written quarterly reports, within 30 calendar days of the end of each fiscal quarter, to legislative fiscal committees and the legislative evaluation and accountability program committee to include how funding was spent compared to the budget spending plan for the prior quarter by fiscal month and what the

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ensuing quarter budget will be by fiscal month. All reporting must be separated by phase of one Washington subprojects. The written report must also include:

(i) A list of quantifiable deliverables accomplished and the associated expenditures by each deliverable by fiscal month;

(ii) A report on the contract full time equivalent charged compared to the budget spending plan by month for each contracted vendor and what the ensuing contract equivalent budget spending plan assumes by fiscal month;

(iii) A report identifying each state agency that applied for and received organizational change management pool resources, the staffing equivalent used, and the cost by fiscal month by agency compared to budget spending plan;

(iv) A report identifying each state agency that applied for and received technology pool resources, the staffing equivalent used, and the cost by fiscal month by agency compared to the budget spending plan;

(v) A report on budget spending plan by fiscal month by phase compared to actual spending by fiscal month; and

(vi) A report on current financial office performance metrics that at least 10 state agencies use, to include the monthly performance data, starting July 1, 2021.

(c) Prior to spending any funds, the director of financial management must agree to the spending and sign off on the spending.

(d) This subsection is subject to the conditions, limitations, and review requirements of section 701 of this act.

(4) \$250,000 of the office of financial management central services account—state appropriation is provided solely for a dedicated information technology budget staff for the work associated with statewide information technology projects that are under the oversight of the office of the chief information officer. The staff will be responsible for providing a monthly financial report after each fiscal month close to fiscal staff of the senate ways and means and house appropriations committees to reflect at least:

(a) Fund balance of the information technology pool account after each fiscal month close;

(b) Amount by information technology project, differentiated if in the technology pool or the agency budget, of what funding has been approved to date and for the last fiscal month;

(c) Amount by agency of what funding has been approved to date and for the last fiscal month;

(d) Total amount approved to date, differentiated if in the technology pool or the agency budget, and for the last fiscal month;

(e) A projection for the information technology pool account by fiscal month through the 2021-2023 fiscal biennium close, and a calculation spent to date as a percentage of the total appropriation;

(f) A projection of each information technology project spending compared to budget spending plan by fiscal month through the 2021-2023 fiscal biennium, and a calculation of amount spent to date as a percentage of total project cost; and

(g) A list of agencies and projects that have not yet applied for nor been approved for funding by the office of financial management.

(5) \$6,741,000 of the personnel service account—state appropriation is provided solely for administration of orca pass benefits included in the 2021-2023 collective bargaining agreements and provided to nonrepresented employees. The office of financial management must bill each agency for that agency's proportionate share of the cost of orca passes. The payment from each agency must be deposited into the personnel service account and used to purchase orca passes. The office of

financial management may consult with the Washington state department of transportation in the administration of these benefits.

(6) Within existing resources, the labor relations section shall produce a report annually on workforce data and trends for the previous fiscal year. At a minimum, the report must include a workforce profile; information on employee compensation, including salaries and cost of overtime; and information on retention, including average length of service and workforce turnover.

(7)(a) The office of financial management statewide leased facilities oversight team must identify opportunities to reduce statewide leased facility space given the change in business practices since 2020 whereby many state employees were mostly working remotely and may continue to do so going forward, or at least more state employees are anticipated to work remotely than in calendar year 2019.

(b) The office of financial management will work to identify opportunities for downsizing office space and increased collocation by state agencies, especially for any leases that will be up for renewal effective July 1, 2022, through June 30, 2024.

(c) The office of financial management must, in collaboration with the department of enterprise services, identify and make recommendations on reduction in leased office space by agency for fiscal years 2024 and 2025. The analysis must include detailed information on any reduced costs, such as lease contract costs, and include at least:

(i) Agency name;

(ii) Lease contract number and term (start and end date);

(iii) Contract amount by fiscal year; and

(iv) Current and future projected collocated agency tenants.

(d) The office of financial management must submit a report responsive to (a), (b), and (c) of this subsection to fiscal and appropriate policy committees of the legislature by June 30, 2022.

(8) \$105,000 of the general fund—state appropriation for fiscal year 2022 and \$68,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5163 (conditionally released sexually violent predators).

(9) \$79,000 of the general fund—state appropriation for fiscal year 2022 and \$79,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for staffing for the sentencing guidelines commission.

(10) \$45,000 of the general fund—state appropriation for fiscal year 2022 and \$113,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the work of the office of financial management to conduct a feasibility study and make recommendations regarding the establishment of a system for streamlining the vacation of criminal conviction records in section 953 of this act.

(11)(a) \$150,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office of financial management to provide recommendations, as described in (b) of this subsection, on the procedure for providing an equity impact statement for legislative proposals, and content and format requirements for the equity impact statement.

(b) By July 1, 2022, the office of financial management must submit a report to the governor, appropriate committees of the legislature, and statutory commissions that details recommendations on:

(i) The procedure for providing an equity impact statement for legislative proposals;

(ii) The format and content requirements for the equity impact statement;

(iii) A plan, including information technology additions or

revisions, necessary to provide equity impact statements;

(iv) Recommendations on which office or agency should be principally responsible for coordinating the provision of equity impact statements with state agencies; and

(v) Recommendations on any policy changes needed to implement the provision of equity impact statements.

(c) For the purpose of implementing this subsection, the office of financial management may contract with an entity or entities that have expertise in equity impact assessments.

(d) The office of financial management must consult with the governor's interagency council on health disparities and the office of equity in developing the procedures, and content and format requirements.

(e) For purposes of this subsection, "statutory commission" means the Washington state commission on African American affairs established in chapter 43.113 RCW, the Washington state commission on Asian Pacific American affairs established in chapter 43.117 RCW, the Washington state commission on Hispanic affairs established in chapter 43.115 RCW, the Washington state women's commission established in chapter 43.119 RCW, the Washington state LGBTQ commission established in chapter 43.114 RCW, and the human rights commission established in chapter 49.60 RCW. (12) \$785,000 of the general fund—state appropriation for fiscal year 2022 and \$960,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1267 (police use of force).

(13) \$172,000 of the general fund—state appropriation for fiscal year 2022 and \$167,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1295 (institutional ed./release).

(14) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$450,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of financial management to assist the health care authority, the department of social and health services, and the department of health in coordinating efforts to transform the behavioral health system and improve the collection and availability of data. Within these amounts, the office must provide direction and ensure coordination between state agencies in the forecasting of forensic and long-term civil commitment beds, transition of civil long-term inpatient capacity from state hospital to community settings, and efforts to improve the behavioral health crisis response system. Sufficient funding within this section is provided for the staff support and other costs related to the crisis response improvement strategy committee established in section 104 of Engrossed Second Substitute House Bill No. 1477 (national 988 system).

(15) \$40,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of financial management to review and report on vendor rates for services provided to low-income individuals at the department of children, youth, and families, the department of corrections, and the department of social and health services. ~~((The))~~ A status report must be submitted to the governor and the appropriate committees of the legislature by December 1, 2022. A final report must be submitted to the governor and the appropriate committees of the legislature by April 3, 2023, and must include review of, at least:

- (a) The current rates for services by vendor;
- (b) A history of increases to the rates since fiscal year 2010 by vendor;
- (c) A comparison of how the vendor increases and rates compare to inflation; and
- (d) A summary of the billing methodology for the vendor rates.

(16) \$35,000 of the general fund—state appropriation for fiscal year 2022 and \$86,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1867 (dual credit program data). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(17)(a) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to contract with a third-party facilitator to convene an applicant background check work group. The purpose of the work group is to review existing requirements and processes for conducting applicant background checks for impacted individuals, and to provide a feasibility study and implementation plan for establishing a state office to centrally manage criminal background check processes for impacted individuals.

(b) For the purposes of this subsection, "impacted individuals" means applicants for state employment, current state employees, and individuals for whom an applicant background check is required as a condition of employment or to provide state services, including but not limited to individuals subject to the requirements of RCW 26.44.240, 28A.400.303, 43.43.830 through 43.43.845, 43.101.095, 43.216.270, 74.15.030, and 74.39A.056.

(c) The director of the office, or the director's designee, must chair the work group. The chair must appoint representatives to the work group including but not limited to:

- (i) A representative of the department of social and health services;
- (ii) A representative of the department of children, youth, and families;
- (iii) A representative of the Washington state patrol;
- (iv) A representative of the department of corrections;
- (v) A representative of the office of the superintendent of public instruction; and
- (vi) Other state agency representatives or representatives of interested parties, at the discretion of the chair, who have expertise in topics considered by the work group.

(d) By December 1, 2022, the work group must submit a preliminary feasibility study and implementation plan for a state central background check office to the governor and appropriate committees of the legislature. By June 1, 2023, the work group must submit a final feasibility study and implementation plan to the governor and appropriate committees of the legislature. In developing the feasibility study and implementation plan, the work group must include the following:

(i) A review of current background check requirements and processes for impacted individuals, including:

- (A) A list of all state positions and purposes that require a criminal background check as a condition of employment, certification, licensure, or unsupervised access to vulnerable persons;

- (B) An analysis of any "character, suitability, and competence" components that are required in addition to an applicant background check, including whether such components are warranted and whether they result in unrealistic and unnecessary barriers or result in disproportionate negative outcomes for members of historically disadvantaged communities; and

(C) A review of current costs of applicant background checks for state agencies and impacted individuals, including a comparison of current vendor contracts for fingerprint background checks; and

(ii) A proposal and implementation plan to establish a central state office to manage applicant background check processes. In developing the proposal, the work group must consider policy and

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budgetary factors including, but not limited to:

(A) Cost structure and sharing for impacted agencies, including any cost savings that may occur from transitioning to a centralized criminal background check process;

(B) Information technology needs for the new office and individual agencies, including any necessary information sharing agreements;

(C) Staffing;

(D) Comparable solutions and processes in other states;

(E) Potential usage of the federal rap back system, including steps necessary to join the system and associated costs and benefits;

(F) Processes and considerations to make criminal background check results portable for impacted individuals;

(G) Steps necessary to meet federal regulatory requirements and ensure federal approval of state criminal background check processes;

(H) The impact of the proposed process changes for impacted individuals who are members of historically disadvantaged populations; and

(I) Any statutory changes that may be necessary to ensure clarity and consistency.

(18) \$337,000 of the general fund—state appropriation for fiscal year 2022, \$763,000 of the general fund—state appropriation for fiscal year 2023, and \$1,560,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely for staff and contract costs to conduct activities related to the receipt, coordination, and tracking of federal funds.

(19) \$193,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5847 (public employee PSLF info.). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(20) \$20,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of financial management to conduct a comprehensive study on student access to health care, including behavioral health care, at Washington's public institutions of higher education. The comprehensive study must also include students enrolled in state registered apprenticeship programs. The study must be conducted in collaboration with the health benefit exchange, the health care authority, the state board for community and technical colleges, the council of presidents, and the student achievement council.

(a) The community and technical colleges and the four-year institutions of higher education will make the following data for the 2022-23 academic year available to the office of financial management, the state board of community and technical colleges, and the student achievement council:

(i) The health insurance status of enrolled students;

(ii) The minimum requirements for enrolled students related to health insurance coverage;

(iii) Health insurance or health care coverage options available from the school;

(iv) A description of health care services and facilities available on campus for students, including type of providers, and ways students can access these services;

(v) Out-of-pocket costs associated with accessing or using on-campus health care services and facilities;

(vi) Student demographic information regarding utilization of on-campus health care services and facilities;

(vii) Barriers to accessing on-campus health care services and facilities;

(viii) How the college or university helps students obtain health care services not offered on campus; and

(ix) Information related to partnerships with off-campus health

care providers or facilities to provide services to currently enrolled students.

(b) The office of financial management shall make reasonable efforts to provide the following information:

(i) The health insurance status of students enrolled in the 2022-23 academic year;

(ii) The minimum level of health insurance coverage, if any, community and technical colleges and four-year institutions of higher education require for students;

(iii) The types of health insurance schools provide for enrolled students;

(iv) The types of health care services available on campus, including primary care and specialty care, such as emergency services and behavioral health care resources;

(v) A description of health care services available in the communities around campuses, including emergency services and behavioral health providers;

(vi) Data collection gaps that exist related to student health insurance coverage and utilization of health care resources;

(vii) On-campus primary care and specialty care services that are common on school campuses; and

(viii) Other important information in addressing health insurance access and care for students at public institutions of higher education, including issues around equity.

(c) The legislature expects the office of financial management to submit a report to the appropriate health and education committees of the legislature. The final report must include a summary of the data reviewed by the office, including information specific to each type of campus and school, when available, and recommendations for the legislature and public institutions of higher education for improving student health care coverage and access to health care services, including for students enrolled in state registered apprenticeship programs.

(21) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute Senate Bill No. 5649 (family and medical leave). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(22)(a) \$25,000 of the general fund—state appropriation for fiscal year 2022 and \$201,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to evaluate the effectiveness, utilization, and outcomes of the voluntary incentive programs for landowners and of existing regulatory programs responsible for protecting and restoring areas along streams and rivers toward achieving a science-based standard for a fully functioning riparian ecosystem. To accomplish the evaluation, the office must:

(i) Contract with an independent entity for the analysis. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW; and

(ii) Assist agencies with funding and advice to gather and provide the data necessary for the analysis.

(b) A preliminary report is due to the governor and the appropriate committees of the legislature by September 1, 2022, to inform the development of recommendations to be contained in a final report due by December 1, 2022.

(23) \$1,326,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for additional staff for information technology and payroll support for the office of independent investigations, which was created by chapter 318, Laws of 2021 (Engrossed Substitute House Bill No. 1267).

(24) Within existing resources, the education research and data center shall submit to the student achievement council the data received from institutions of higher education as described in RCW 28B.118.090. The data shall be submitted by June 30, 2022,

and June 30, 2023, and include the most recent data received from institutions of higher education.

(25) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute Senate Bill No. 5793 (state boards, etc./stipends). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(26) \$83,000 of the climate investment account—state appropriation is provided solely for the agency to complete an analysis of laws regulating greenhouse gas emission as required by RCW 70A.65.200(10).

**Sec. 1117.** 2022 c 297 s 133 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON HISPANIC AFFAIRS**

General Fund—State Appropriation (FY 2022).....	\$538,000
General Fund—State Appropriation (FY 2023).....( <del>(\$694,000)</del> )	
.....	<u>\$534,000</u>
TOTAL APPROPRIATION.....( <del>(\$1,232,000)</del> )	
.....	<u>\$1,072,000</u>

**Sec. 1118.** 2022 c 297 s 134 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

General Fund—State Appropriation (FY 2022).....	\$585,000
General Fund—State Appropriation (FY 2023).( <del>(\$1,350,000)</del> )	
.....	<u>\$1,190,000</u>
TOTAL APPROPRIATION.....( <del>(\$1,935,000)</del> )	
.....	<u>\$1,775,000</u>

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

(1)(a) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$700,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission on African American affairs to contract with a Washington state based organization that focuses on the health of African Americans to conduct a Black community health needs assessment. The assessment must include the following activities:

(i) Lead and produce a statewide community assets mapping project to identify institutions, providers, and nongovernmental organizations that contribute to or have impact on Black well-being;

(ii) Collect and organize Black community health needs data and information; and

(iii) Identify priorities for additional phases of work.

(b) By June 30, 2023, the commission shall submit a report to the legislature with findings and recommended solutions that will inform the structure and establishment of an African American health board network.

**Sec. 1119.** 2022 c 297 s 135 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS**

General Fund—State Appropriation (FY 2023).....	\$609,000
Department of Retirement Systems Expense Account— State Appropriation.....( <del>(\$74,308,000)</del> )	
.....	<u>\$74,618,000</u>
TOTAL APPROPRIATION.....( <del>(\$74,917,000)</del> )	
.....	<u>\$75,227,000</u>

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

(1) \$6,007,000 of the department of retirement systems expense account—state appropriation is provided solely for pension system modernization, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(2) \$619,000 of the department of retirement systems expense

account—state appropriation is provided solely for implementation of Senate Bill No. 5367 (inactive retirement accounts).

(3) \$7,000 of the department of retirement systems expense account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5399 (universal health care commission).

(4) \$286,000 of the department of retirement systems—state appropriation is provided solely for implementation of Senate Bill No. 5021 (effects of expenditure reduction).

(5) \$48,000 of the department of retirement systems—state appropriation is provided solely for implementation of Senate Bill No. 5676 (PERS/TRS 1 benefit increase). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(6) \$82,000 of the department of retirement systems—state appropriation is provided solely for implementation of House Bill No. 1669 (PSERS disability benefits). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(7) \$609,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to implement a Roth individual retirement plan option in the deferred compensation program, including implementation of Engrossed House Bill No. 1752 (deferred compensation/Roth).

(8) \$310,000 of the department of retirement systems—state appropriation is provided solely for implementation of chapter 110, Laws of 2022 (work in retirement/schools).

**Sec. 1120.** 2022 c 297 s 136 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF REVENUE**

General Fund—State Appropriation (FY 2022)	
.....( <del>(\$172,407,000)</del> )	
.....	<u>\$172,339,000</u>
General Fund—State Appropriation (FY 2023)	
.....( <del>(\$415,510,000)</del> )	
.....	<u>\$404,500,000</u>
Timber Tax Distribution Account—State Appropriation	
.....	\$7,616,000
Business License Account—State Appropriation.	\$21,071,000
Waste Reduction, Recycling, and Litter Control	
Account—State Appropriation.....	\$173,000
Model Toxics Control Operating Account—State	
Appropriation.....	\$119,000
Financial Services Regulation Account—State	
Appropriation.....	\$5,000,000
TOTAL APPROPRIATION.....( <del>(\$621,896,000)</del> )	
.....	<u>\$610,818,000</u>

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

(1) \$1,056,000 of the general fund—state appropriation for fiscal year 2022 and \$409,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement 2021 revenue legislation.

(2)(a) \$1,303,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to facilitate a tax structure work group, initially created within chapter 1, Laws of 2017 3rd sp. sess. (SSB 5883) and hereby reauthorized.

(b)(i) Members serving on the tax structure work group as of the effective date of this section may continue serving on the work group. Any member not wishing to continue serving on the tax structure work group must provide written notice to the work group and the vacancy must be filled as provided in (c) of this subsection.

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(ii) The work group must include the following voting members:

(A) The president of the senate must appoint two members from each of the two largest caucuses of the senate;

(B) The speaker of the house of representatives must appoint two members from each of the two largest caucuses of the house of representatives; and

(C) The governor must appoint one member who represents the office of the governor.

(iii) The work group must include the following nonvoting members:

(A) One representative of the department of revenue;

(B) One representative of the association of Washington cities; and

(C) One representative of the Washington state association of counties.

(c) Elected officials not reelected to their respective offices may be relieved of their responsibilities on the tax structure work group. Vacancies on the tax structure work group must be filled within 60 days of notice of the vacancy. The work group must choose a chair or cochair from among its legislative membership. The chair is, or cochairs are, responsible for convening the meetings of the work group no less than quarterly each year. Recommendations of the work group may be approved by a simple majority vote. All work group members may have a representative attend meetings of the tax structure work group in lieu of the member, but voting by proxy is not permitted. Staff support for the work group must be provided by the department. The department may engage one or more outside consultants to assist in providing support for the work group. Members of the work group must serve without compensation but may be reimbursed for travel expenses under RCW 44.04.120, 43.03.050, and 43.03.060.

(d) The duties of the work group are to:

(i) By December 1, 2019, convene no less than one meeting to elect a chair, or cochairs, and conduct other business of the work group;

(ii) By December 31, 2020, the department and technical advisory group must prepare a summary report of their preliminary findings and alternatives described in (f) of this subsection;

(iii) By May 31, 2021, the work group must:

(A) Hold no less than one meeting in Olympia or virtually to review the preliminary findings described in (f) of this subsection. At least one meeting must engage stakeholder groups, as described in (e)(i) of this subsection;

(B) Begin to plan strategies to engage taxpayers and key stakeholder groups to encourage participation in the public meetings described in (f) of this subsection;

(C) Present the summary report described in (d)(ii) of this subsection in compliance with RCW 43.01.036 to the appropriate committees of the legislature;

(D) Be available to deliver a presentation to the appropriate committees of the legislature including the elements described in (e)(ii) of this subsection; and

(E) Finalize the logistics of the engagement strategies described in (d)(iv) of this subsection;

(iv) After the conclusion of the 2021 legislative session, the work group must:

(A) Hold no less than five public meetings organized by geographic region (in person or online) with special consideration for regional geographies throughout the state, rural areas, and border communities;

(B) Participate in no less than 10 existing meetings of various associations, community-based organizations, nonprofits, and

similar groups in order to engage low-income and middle-income taxpayers, communities of color, senior citizens, and people with disabilities;

(C) Participate in no less than 10 existing meetings of various business and agricultural associations, chambers of commerce, ports, associate development organizations, and similar groups in order to engage small, start-up, and low-margin businesses, and other businesses;

(D) Hold no less than three listening sessions in a language other than English to engage taxpayers who speak languages including, but not limited to, Spanish, Vietnamese, Russian, and Somali;

(E) Present the findings described in (f) of this subsection and alternatives to the state's current tax structure at the public meetings utilizing a range of methods that account for different learning styles including, but not limited to, written documents, videos, animations, and graphics;

(F) Provide an opportunity at the public and other meetings for taxpayers to engage in a conversation about the state tax structure including, but not limited to, providing feedback on possible recommendations for changes to the state tax structure and asking questions about the report and findings and alternatives to the state's current tax structure presented by the work group;

(G) Utilize methods to collect taxpayer feedback before, during, or after the public meetings that may include, but is not limited to: Small group discussions, in-person written surveys, in-person visual surveys, online surveys, written testimony, and public testimony;

(H) Encourage legislators to inform their constituents about the public meetings that occur within and near their legislative districts (whether in person or online);

(I) Inform local elected officials about the public meetings that occur within and near their communities (whether in person or online);

(J) Summarize the feedback that taxpayers and other stakeholders communicated during the public meetings and other public engagement methods, and submit a final summary report, in accordance with RCW 43.01.036, to the appropriate committees of the legislature. This report may be submitted as an appendix or update to the summary report described in (d)(ii) of this subsection; and

(K) To the degree it is practicable, conduct analysis of the current tax structure and proposed alternatives to estimate the impact on taxpayers, including tax paid as a share of household income for various racial and ethnic groups as reported in the most current census data available, American community survey, or other similar data sources;

(v) During the 2022 legislative session, the work group must:

(A) Present the findings and reports described in (d)(ii) of this subsection to the appropriate committees of the legislature; and

(B) Be available to deliver a presentation to or participate in a work session for the appropriate committees of the legislature, or both;

(vi) Between the conclusion of the 2022 legislative session and December 31, 2022, the work group is directed to finalize policy recommendations and develop legislation to implement modifications to the tax structure, informed by the findings described in (d)(ii) of this subsection and the feedback received from taxpayers as reflected in the report described in (d)(iv) of this subsection. Legislative proposals recommended by the work group may not collectively result in a loss of revenue to the state as compared to the November 2022 biennial revenue forecast published by the economic and revenue forecast council. In making the recommendations, the work group must be guided by the following principles for a well designed tax system: Equity,

adequacy, stability, and transparency;

(vii) During the 2023 legislative session, it is the intent of the legislature to consider the proposal described in (d)(vi) of this subsection;

(viii) If the proposal is not adopted during the 2023 legislative session, the work group is directed to host no less than three public meetings to collect feedback on the legislation proposed in the 2023 session, and may also collect feedback on other proposals under consideration by the work group, subject to the availability of funds in the 2023-2025 biennial budget. The work group is directed to modify the proposal to address the feedback collected during the public meetings;

(ix) During the 2024 legislative session, it is the intent of the legislature to consider the modified proposal described in (d)(iv) of this subsection; and

(x) By December 31, 2024, subject to the availability of funds in the 2023-2025 biennial budget, the work group is directed to submit a final report that is a compilation of all other reports previously submitted since July 1, 2019, and may include additional content to summarize final activities of the tax structure work group and related legislation, in compliance with RCW 43.01.036, to the appropriate committees of the legislature.

(e)(i) The stakeholder groups referenced by (d)(iii)(A) of this subsection must include, at a minimum, organizations and individuals representing the following:

(A) Small, start-up, or low-margin business owners and employees or associations expressly dedicated to representing these businesses, or both; and

(B) Individual taxpayers with income at or below 100 percent of area median income in their county of residence or organizations expressly dedicated to representing low-income and middle-income taxpayers, or both;

(ii) The presentation referenced in (d)(iii)(D) of this subsection must include the following elements:

(A) The findings and alternatives included in the summary report described in (d)(ii) of this subsection; and

(B) The preliminary plan to engage taxpayers directly in a robust conversation about the state's tax structure, including presenting the findings described in (f) of this subsection and alternatives to the state's current tax structure, and collecting feedback to inform development of recommendations.

(f) The duties of the department, with assistance of one or more technical advisory groups, are to:

(i) With respect to the final report of findings and alternatives submitted by the Washington state tax structure study committee to the legislature under section 138, chapter 7, Laws of 2001 2nd sp. sess.:

(A) Update the data and research that informed the recommendations and other analysis contained in the final report;

(B) Estimate how much revenue all the revenue replacement alternatives recommended in the final report would have generated for the 2017-2019 fiscal biennium if the state had implemented the alternatives on January 1, 2003;

(C) Estimate the tax rates necessary to implement all recommended revenue replacement alternatives in order to achieve the revenues generated during the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council;

(D) Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities, for (f)(i)(B) and (C) of this subsection; and

(E) Estimate how much revenue would have been generated in the 2017-2019 fiscal biennium if the incremental revenue alternatives recommended in the final report would have been

implemented on January 1, 2003, excluding any recommendations implemented before May 21, 2019;

(ii) With respect to the recommendations in the final report of the 2018 tax structure work group:

(A) Conduct economic modeling or comparable analysis of replacing the business and occupation tax with an alternative, such as corporate income tax or margins tax, and estimate the impact on taxpayers, such as tax paid as a share of total business revenue for various business activities, assuming the same revenues generated by business and occupation taxes during the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council; and

(B) Estimate how much revenue would have been generated for the 2017-2019 fiscal biennium if the one percent revenue growth limit on regular property taxes was replaced with a limit based on population growth and inflation if the state had implemented this policy on January 1, 2003;

(iii) Analyze our economic competitiveness with border states:

(A) Estimate the revenues that would have been generated during the 2017-2019 fiscal biennium, had Washington adopted the tax structure of those states, assuming the economic tax base for the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council; and

(B) Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities for (f)(iii)(A) of this subsection;

(iv) Analyze our economic competitiveness in the context of a national and global economy, provide comparisons of the effective state and local tax rate of the tax structure during the 2017-2019 fiscal biennium and various alternatives under consideration, as they compare to other states and the federal government, as well as consider implications of recent changes to federal tax law;

(v) Conduct, to the degree it is practicable, tax incidence analysis of the various alternatives under consideration to account for the impacts of tax shifting, such as business taxes passed along to consumers and property taxes passed along to renters;

(vi) Present findings and alternatives, to the degree it is practicable, by geographic area, in addition to statewide; and

(vii) Conduct other analysis as directed by the work group.

(3) \$292,000 of the general fund—state appropriation for fiscal year 2022 and \$162,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 4, Laws of 2021 (SHB 1095) (emergency assistance/tax).

(4) \$212,000 of the general fund—state appropriation for fiscal year 2022 and \$33,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1477 (national 988 system).

(5) \$213,000 of the general fund—state appropriation for fiscal year 2022 and \$55,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5000 (hydrogen/electric vehicles).

(6) \$2,489,000 of the general fund—state appropriation for fiscal year 2022 and \$4,189,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5096 (capital gains tax).

(7) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$11,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Senate Bill No. 5220 (salmon recovery grants/tax).

(8) \$7,000 of the general fund—state appropriation for fiscal

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year 2022 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5251 (tax and revenue laws).

(9) \$115,000 of the general fund—state appropriation for fiscal year 2022 and \$44,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5396 (farmworker housing/tax).

(10) \$97,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1480 (liquor licensee privileges).

(11) \$4,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Senate Bill No. 5454 (prop. tax/natural disasters).

(12) \$5,567,000 of the general fund—state appropriation for fiscal year 2022 and \$245,997,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1297 (working families tax exempt.). Of the total amounts provided in this subsection:

(a) \$5,567,000 of the general fund—state appropriation for fiscal year 2022 and \$13,997,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for administration of the working families tax exemption program; and

(b) (~~(\$232,000,000)~~) \$221,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for remittances under the working families tax exemption program.

(13) From within the department's administrative expenditures from the unclaimed personal property account, the department must provide a report by December 1, 2022, to the governor and the legislature on the unclaimed property program. The report must include:

(a) Annual data for the years 2012 through 2022, that includes:

(i) The number of items of unclaimed property received by the program and the number of holders of unclaimed property who submitted items to the program; and

(ii) The top 10 holders who submitted unclaimed property and the percentage of those holders' submissions that have been subsequently claimed;

(b) Historic data since the inception of the program that shows:

(i) The cumulative number of all unclaimed property items and the aggregate, median, and mean value of those items at the end of each calendar year;

(ii) The annual number of unclaimed property items valued at less than \$75 and the percentage of these items for which the department made contact with a claimant that year; and

(iii) The annual number of direct mail contacts to prospective claimants made by the department and the resulting number of claims made within the following three months; and

(c) Customer service data for the period of December 1, 2020, through December 1, 2022, that includes:

(i) The average length of time between a claim was filed and when it was paid;

(ii) The number and percentage of claims initiated online but not able to be paid to the claimant and the reasons, by percentage, for the failure to successfully pay the claim; and

(iii) The monthly website traffic for the unclaimed property website.

(14) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement 2022 revenue legislation. Funding in this subsection is sufficient to implement legislation for which the department has administrative costs.

(15) \$146,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 2076 (transp. network companies). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(16) \$108,000 of the general fund—state appropriation for fiscal year 2022 and \$157,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Engrossed Second Substitute House Bill No. 1015 (equitable access to credit). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(17) \$141,000 of the general fund—state appropriation for fiscal year 2022 and \$190,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Engrossed Substitute House Bill No. 1643 (affordable housing/REET). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(18) \$197,000 of the general fund—state appropriation for fiscal year 2022 and \$245,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Engrossed Substitute House Bill No. 1846 (data centers tax preference). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(19) \$433,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to implement Engrossed Substitute Senate Bill No. 5531 (uniform unclaimed property). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(20) \$617,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the agency to relocate staff in the Bothell office to a more affordable location that has a lower lease cost than the current facility.

~~((22))~~ (21) \$189,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to implement Engrossed Substitute Senate Bill No. 5980 (B&O tax credits). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1121.** 2022 c 297 s 137 (uncodified) is amended to read as follows:

**FOR THE BOARD OF TAX APPEALS**

General Fund—State Appropriation (FY 2022) .....	\$2,621,000
General Fund—State Appropriation (FY 2023) ( <del>(\$2,721,000)</del> )	
.....	<u>\$2,776,000</u>
TOTAL APPROPRIATION .....	<del>(\$5,342,000)</del>
.....	<u>\$5,397,000</u>

**Sec. 1122.** 2022 c 297 s 141 (uncodified) is amended to read as follows:

**FOR THE LIQUOR AND CANNABIS BOARD**

General Fund—State Appropriation (FY 2022) .....	\$407,000
General Fund—State Appropriation (FY 2023) ( <del>(\$1,612,000)</del> )	
.....	<u>\$1,277,000</u>
General Fund—Federal Appropriation.....	\$3,083,000
General Fund—Private/Local Appropriation .....	\$75,000
Dedicated Marijuana Account—State Appropriation	
(FY 2022).....	\$11,846,000
Dedicated Marijuana Account—State Appropriation	
(FY 2023).....	\$12,500,000
Liquor Revolving Account—State Appropriation	
.....	<del>(\$100,265,000)</del>
.....	<u>\$91,934,000</u>
TOTAL APPROPRIATION .....	<del>(\$129,788,000)</del>
.....	<u>\$121,122,000</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 cannabis excise tax levied by RCW 69.50.535. The liquor and cannabis board may allow a waiver to the electronic payment requirement for good cause as provided by rule.

(2) Of the liquor revolving account—state appropriation, ~~((\$20,754,000))~~ \$13,754,000 is provided solely for the modernization of regulatory systems and are subject to the conditions, limitations, and review requirements of section 701 of this act.

(3) \$1,441,000 of the liquor revolving account—state appropriation is provided solely for the implementation of chapter 48, Laws of 2021 (E2SHB 1480) (liquor licensee privileges).

(4) \$58,000 of the liquor revolving account—state appropriation is provided solely for the implementation of chapter 6, Laws of 2021 (ESSB 5272) (liquor & cannabis board fees).

(5) \$38,000 of the dedicated marijuana account—state appropriation for fiscal year 2022 is provided solely to implement Engrossed Substitute House Bill No. 1443 (cannabis industry/equity).

(6) \$316,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementing House Bill No. 1859 (cannabis analysis labs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(7) \$20,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 is provided solely for implementing Second Substitute House Bill No. 1210 (cannabis terminology). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(8) The appropriations in this section include sufficient funding for implementation of Third Substitute House Bill No. 1359 (liquor license fees).

(9) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the board, in consultation with the office of equity and community organizations, to select a third-party contractor to prioritize applicants in the cannabis social equity program under RCW 69.50.335.

~~((42))~~ (10) \$27,000 of the liquor revolving account—state appropriation is provided solely for implementation of Senate Bill No. 5940 (liquor licenses). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((43))~~ (11) \$123,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5796 (dedicated cannabis distributions).

**Sec. 1123.** 2022 c 297 s 142 (uncodified) is amended to read as follows:

**FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

General Fund—State Appropriation (FY 2022).....	\$515,000
General Fund—State Appropriation (FY 2023). <del>((<u>\$1,502,000</u>))</del>	
.....	<u>\$1,210,000</u>
General Fund—Private/Local Appropriation..... <del>((<u>\$8,564,000</u>))</del>	
.....	<u>\$8,081,000</u>
Public Service Revolving Account—State Appropriation	
..... <del>((<u>\$44,196,000</u>))</del>	
.....	<u>\$44,256,000</u>
Public Service Revolving Account—Federal	
Appropriation.....	\$100,000
Pipeline Safety Account—State Appropriation . <del>((<u>\$3,593,000</u>))</del>	
.....	<u>\$3,537,000</u>
Pipeline Safety Account—Federal Appropriation ..	\$3,241,000
TOTAL APPROPRIATION..... <del>((<u>\$61,711,000</u>))</del>	
.....	<u>\$60,940,000</u>

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

(1) Up to \$800,000 of the public service revolving account—state appropriation in this section is for the utilities and transportation commission to supplement funds committed by a telecommunications company to expand rural broadband service on behalf of an eligible governmental entity. The amount in this subsection represents payments collected by the utilities and transportation commission pursuant to the Qwest performance assurance plan.

(2) \$137,000 of the public service revolving account—state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment act).

(3) \$179,000 of the public service revolving account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5295 (gas & electric rates).

(4)(a) \$251,000 of the general fund—state appropriation for fiscal year 2022 and \$199,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to examine feasible and practical pathways for investor-owned electric and natural gas utilities to contribute their share to greenhouse gas emissions reductions as described in RCW 70A.45.020, and the impacts of energy decarbonization on residential and commercial customers and the electrical and natural gas utilities that serve them.

(b) The examination required in (a) of this subsection must identify and consider:

- (i) How natural gas utilities can decarbonize;
- (ii) The impacts of increased electrification on the ability of electric utilities to deliver services to current natural gas customers reliably and affordably;
- (iii) The ability of electric utilities to procure and deliver electric power to reliably meet that load;
- (iv) The impact on regional electric system resource adequacy, and the transmission and distribution infrastructure requirements for such a transition;
- (v) The costs and benefits to residential and commercial customers, including environmental, health, and economic benefits;

(vi) Equity considerations and impacts to low-income customers and highly impacted communities; and  
(vii) Potential regulatory policy changes to facilitate decarbonization of the services that gas companies provide while ensuring customer rates are fair, just, reasonable, and sufficient.

(c) The commission may require data and analysis from investor-owned natural gas and electric utilities, and consumer owned utilities may submit data to the commission to inform the investigation. The results of the examination must be reported to the appropriate legislative committees by June 1, 2023.

(5) \$76,000 of the public service revolving account—state appropriation is provided solely to implement Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon).

(6) \$36,000 of the public service revolving account—state appropriation is provided solely for the implementation of Substitute House Bill No. 1114 (urban heat island mitigation).

(7) \$667,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1723 (digital equity act). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(8) \$50,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the commission to coordinate with the office of the insurance commissioner to study the issue of utility liability insurance and report its findings to the governor and the appropriate committees of the legislature by June 1, 2023.

(9) \$68,000 of the public service revolving account—state

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appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5974 (transportation resources). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(10) \$92,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5678 (energy project orders). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(11) ~~(\$358,000)~~ \$202,000 of the general fund—state appropriation for fiscal year 2023 and ~~(\$56,000 of the pipeline safety account—state appropriation)~~ \$60,000 of the public service revolving account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5910 (hydrogen). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

**Sec. 1124.** 2022 c 297 s 143 (unclassified) is amended to read as follows:

**FOR THE MILITARY DEPARTMENT**

General Fund—State Appropriation (FY 2022).....	\$10,422,000
General Fund—State Appropriation (FY 2023).....	\$13,291,000
General Fund—Federal Appropriation .....	\$132,559,000
Enhanced 911 Account—State Appropriation .....	\$54,034,000
Disaster Response Account—State Appropriation .....	<del>(\$75,553,000)</del>
.....	<u>\$63,546,000</u>
Disaster Response Account—Federal Appropriation .....	<del>(\$1,068,847,000)</del>
.....	<u>\$1,668,646,000</u>
Military Department Rent and Lease Account—State Appropriation.....	\$1,000,000
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.....	\$1,919,000
TOTAL APPROPRIATION.....	<del>(\$1,359,065,000)</del>
.....	<u>\$1,946,857,000</u>

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

(1) The military department shall submit a report to the office of financial management and the legislative fiscal committees by February 1st and October 31st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2021-2023 biennium based on current revenue and expenditure patterns.

(2) \$40,000,000 of the general fund—federal appropriation is provided solely for homeland security, subject to the following conditions: Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee.

(3) \$11,000,000 of the enhanced 911 account—state appropriation is provided solely for financial assistance to counties.

(4) \$784,000 of the disaster response account—state appropriation is provided solely for fire suppression training, equipment, and supporting costs to national guard soldiers and airmen.

(5) \$200,000 of the military department rental and lease account—state appropriation is provided solely for maintenance staff.

(6) \$300,000 of the general fund—state appropriation for fiscal

year 2022 and \$700,000 of the disaster response account—state appropriation are provided solely for grants to assist eligible individuals and families with the purchase of household appliances, home repair, and home replacement including construction, building materials, site preparation, and permitting fees. The maximum grant to an eligible individual or household is \$2,500. Grants will be awarded on a first-come, first-serve basis subject to availability of amounts provided in this subsection. For purposes of this subsection, "household appliance" means a machine that assists with household functions such as cooking, cleaning and food preservation. To be eligible, an individual or family must:

(a) Be a resident of Douglas, Okanogan, Pierce, or Whitman county;

(b) Have suffered damage to their home or was displaced from a rental unit used as their primary residence due to a wildfire occurring in fiscal year 2021;

(c) Not have or have inadequate private insurance to cover the cost of household appliance replacement;

(d) Not qualify for individual assistance through the federal emergency management agency; and

(e) Meet one of the following criteria:

(i) Is disabled;

(ii) Has a household income equal to or less than 80 percent of county median household income;

(iii) The home qualified for the property tax exemption program in RCW 84.36.379 through 84.36.389; or

(iv) The home qualified for the property tax deferral program in chapter 84.38 RCW.

(7) \$2,136,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to administer the emergency management performance grants according to federal laws and guidelines.

(8) \$3,808,000 of the disaster response account—state appropriation and \$46,039,000 of the disaster response account—federal appropriation are provided solely for agency costs for acquiring personal protective equipment as listed in LEAP omnibus document 2021-FEMA PPE, dated April 24, 2021. The department must coordinate with the agencies who have costs listed in LEAP omnibus document 2021-FEMA PPE, dated April 24, 2021, to ensure application to the federal emergency management agency for reimbursement.

(9)(a) \$251,000 of the general fund—state appropriation for fiscal year 2022 and \$775,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the military department to facilitate a task force to conduct a comprehensive after-action review of the statewide pandemic response and recovery.

(b) The task force is composed of the following members:

(i) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(ii) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(iii) The secretary of the department of health, or the secretary's designee;

(iv) The adjutant general of the military department, or the adjutant general's designee;

(v) The commissioner of the employment security department, or the commissioner's designee;

(vi) The director of the department of financial institutions, or the director's designee;

(vii) The insurance commissioner, or the commissioner's designee;

(viii) The secretary of the department of social and health

services, or the secretary's designee;

(ix) The superintendent of public instruction, or the superintendent's designee;

(x) The director of the department of labor and industries, or the director's designee;

(xi) The director of the department of commerce, or the director's designee;

(xii) The director of the department of enterprise services, or the director's designee;

(xiii) The secretary of the department of transportation, or the secretary's designee;

(xiv) The director of the department of licensing, or the director's designee;

(xv) The director of the office of financial management, or the director's designee;

(xvi) The director of the health care authority, or the director's designee;

(xvii) The executive director of the pharmacy quality assurance commission, or the executive director's designee;

(xviii) One member representing the Washington association of sheriffs and police chiefs;

(xix) One member representing the association of Washington businesses; and

(xx) Additional members to be appointed by the governor, as follows:

(A) One member representing the office of the governor;

(B) One member representing the association of Washington cities;

(C) One member representing the Washington state association of counties;

(D) One member representing emergency and transitional housing providers;

(E) One member representing a statewide association representing physicians;

(F) One member representing a statewide association representing nurses;

(G) One member representing a statewide association representing hospitals;

(H) One member representing community health centers;

(I) Two members representing local public health officials;

(J) Two members representing local emergency management agencies, one member located west of the crest of the Cascade mountains and one member located east of the crest of the Cascade mountains;

(K) At least one member representing federally recognized tribes;

(L) Up to 10 members representing demographic groups that have been disproportionately impacted by the COVID-19 pandemic, that include, but are not limited to, individuals of different race, class, gender, ethnicity, and immigration status;

(M) One member representing leisure and hospitality industries;

(N) One member representing education services; and

(O) One member representing manufacturing and trade industries.

(c) The adjutant general, or the adjutant general's designee, and the secretary of the department of health, or the secretary's designee, shall cochair the task force and convene its initial meeting.

(d)(i) The task force shall conduct the comprehensive after-action review of the COVID-19 pandemic response in accordance with established national standards for emergency or disaster after-action reviews. In order to improve the response to and recovery from future pandemics, the task force shall develop lessons learned and make recommendations that include, but are

not limited to, the following:

(A) Aspects of the COVID-19 response that may inform future pandemic and all-hazards responses;

(B) Emergency responses that would benefit the business community and workers during a pandemic;

(C) Standards regarding flexible rent and repayment plans for residential and commercial tenants during a pandemic;

(D) Whether establishing regional emergency management agencies would benefit Washington state emergency response to future pandemics;

(E) Gaps and needs for volunteers to support medical professionals in performing their pandemic emergency response functions within Washington state;

(F) Gaps and needs for tools to measure the scale of an impact caused by a pandemic and tailoring the pandemic response to affected regions based on the scale of the impact in those regions;

(G) Gaps and needs in health care system capacity and case tracking, monitoring, control, isolation and quarantine, and deploying medical supplies and personnel; and

(H) Implementing guidelines for school closures during a pandemic.

(i) The topics identified in (i) of this subsection (9)(d) are intended to be illustrative but not exhaustive. The task force should consider issues relating to equity, disparities, and discrimination in each topic it studies and for which it makes recommendations.

(e) The military department must provide staff support for the task force. The military department may employ staff and contracted support to fulfill the requirements of this subsection.

(f) The task force shall consult with owners of small businesses, epidemiologists, and representatives of immigrant communities.

(g) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members shall be reimbursed for travel expenses in accordance with chapter 43.03 RCW.

(h) The task force shall report its initial findings and recommendations to the governor and the appropriate committees of the legislature by June 30, 2022. The task force shall report its final findings and recommendations to the governor and the appropriate committees of the legislature by June 30, 2023.

(10)(a) Within amounts appropriated in this act, the department must coordinate with the department of commerce in the administration of the grant program created in section 129(88) of this act.

(b) If the federal emergency management agency provides reimbursement for any portion of the costs incurred by a city or county that were paid for using state grant funding provided under section 129(88) of this act, the military department shall remit the reimbursed funds to the state general fund.

(c) The department must provide technical assistance for the public assistance program application process to applicants to the grant program created in section 129(88) of this act.

(11) \$438,000 of the disaster response account—state appropriation is provided solely for a dedicated access and functional needs program manager, access and functional need services, and a dedicated tribal liaison to assist with disaster preparedness and response.

(12) \$275,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide a grant to the Ruckelshaus center to compare traditional decision making systems with other decision making structures and provide recommendations for future emergency responses.

(13) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract

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for the development of a plan for a state-level disaster individual assistance program. The program should be modeled after successful programs in other states and be linked to complimentary programs at agencies such as the departments of commerce and social and health services, and the office of the governor. The fully developed program will detail the establishment, operations, and maintenance of a state-level disaster individual assistance program. A report detailing findings and recommendations for creating the program shall be delivered to the appropriate legislative committees by June 30, 2023.

(14) \$15,000 of the enhanced 911 account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5555 (safety telecommunicators). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(15) \$7,500,000 of the disaster response account—state appropriation is provided solely for the department to make grants for individual assistance to those impacted by extreme weather events and natural disasters in fiscal year 2022 and fiscal year 2023.

(16) ~~(\$4,853,000)~~ \$816,000 of the disaster response account—state appropriation is provided solely for the department to use as matching funds for the federal emergency management agency building resilient infrastructure and communities (BRIC) grant program.

**Sec. 1125.** 2022 c 297 s 146 (uncodified) is amended to read as follows:

**FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS**

Volunteer Firefighters' and Reserve Officers' Administrative Account—State Appropriation..	<del>(\$4,978,000)</del>
.....	<u>\$2,575,000</u>
TOTAL APPROPRIATION.....	<del>(\$4,978,000)</del>
.....	<u>\$2,575,000</u>

The appropriation in this section is subject to the following conditions and limitations: ~~(\$3,930,000)~~ \$1,527,000 of the volunteer firefighters' and reserve officers' administrative account—state appropriation is provided solely for a benefits management system, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

**Sec. 1126.** 2022 c 297 s 147 (uncodified) is amended to read as follows:

**FOR THE FORENSIC INVESTIGATION COUNCIL**

Death Investigations Account—State Appropriation	<del>(\$754,000)</del>
.....	<u>\$770,000</u>
TOTAL APPROPRIATION.....	<del>(\$754,000)</del>
.....	<u>\$770,000</u>

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

(1)(a) \$250,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

(b) Of the amounts provided in this subsection, \$30,000 of the death investigations account—state appropriation is provided solely for the Adams county crime lab to investigate a double homicide that occurred in fiscal year 2021.

(2) \$210,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in identifying human remains.

(3) Within the amount appropriated in this section, the forensic investigation council may enter into an interagency agreement with the department of enterprise services for the department to

provide services related to public records requests, to include responding to, or assisting the council in responding to, public disclosure requests received by the council.

**Sec. 1127.** 2022 c 297 s 148 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

General Fund—State Appropriation (FY 2022) .....	\$7,016,000
General Fund—State Appropriation (FY 2023)	
.....	<del>(\$12,516,000)</del>
.....	<u>\$13,280,000</u>
General Fund—Private/Local Appropriation .....	\$102,000
Building Code Council Account—State Appropriation	
.....	\$2,277,000
TOTAL APPROPRIATION .....	<del>(\$21,911,000)</del>
.....	<u>\$22,675,000</u>

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

(1) \$6,151,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$6,127,000)~~ \$6,741,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the payment of facilities and services charges to include campus rent, parking, security, contracts, public and historic facilities charges, financial cost recovery, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, legislative support services, and joint legislative systems committee. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(2) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have written approval from the director of the department of enterprise services. Agencies that are exempted from the requirement are the Washington state patrol, Washington state department of transportation, and the department of natural resources.

(3) From the fee charged to master contract vendors, the department shall transfer to the office of minority and women's business enterprises in equal monthly installments \$1,500,000 in fiscal year 2022 and \$1,300,000 in fiscal year 2023.

(4) Within existing resources, beginning October 31, 2021, the department, in collaboration with consolidated technology services, must provide a report to the governor and fiscal committees of the legislative by October 31 of each calendar year that reflects information technology contract information based on a contract snapshot from June 30 of that same calendar year, and must also include any contract that was active since July 1 of the previous calendar year. The department will coordinate to receive contract information for all contracts to include those where the department has delegated authority so that the report includes statewide contract information. The report must contain a list of all information technology contracts to include the agency name, contract number, vendor name, contract term start and end dates, contract dollar amount in total, and contract dollar amounts by state fiscal year. The report must also include, by contract, the contract spending projections by state fiscal year for each ensuing state fiscal year through the contract term, and note the type of service delivered. The list of contracts must be provided electronically in Excel and be sortable by all field requirements.

The report must also include trend analytics on information technology contracts, and recommendations for reducing costs where possible.

(5) \$162,000 of the general fund—state appropriation in fiscal year 2022 and \$162,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to waive rent fees and charges through June 30, 2023, for vendors who are blind business enterprise program licensees by the department of services for the blind and who lease space and operate food service businesses, inclusive of delis, cafeterias, and espresso stands, in state government buildings.

(6) Within existing resources, the state building code council, in collaboration with the LGBTQ commission, must develop a plan to incorporate into future Washington state building codes options for the design and construction of inclusive bathroom facilities that are consistent with a person's own gender expression or gender identity. Coordination must begin by September 1, 2021, and a preliminary report of the plan is due by September 1, 2022.

(7)(a) The department must work with the office of financial management to identify leases that will be up for renewal effective July 1, 2022, through June 30, 2024.

(b) The department must collaborate with the office of financial management on reduction in leased office space by agency for fiscal years 2024 and 2025.

(8)(a) The department must work collaboratively with at least each state agency that has fleet vehicles to discuss the agency need for the number of fleet vehicles each agency has as of July 1, 2021. The department must identify and report, at least:

(i) The count of fleet vehicles by agency by type, and the cost by fund source by fiscal year for fiscal year 2019, 2020, 2021, 2022, and 2023 for agency fleet vehicles;

(ii) The mileage data by agency by fleet vehicle for fiscal year 2019, 2020, and 2021, and the estimates for fiscal year 2022 and 2023; and

(iii) The business justification for the amount of fleet vehicles in fiscal year 2022 and 2023, by agency, given the change in business practice from in-person to remote work and video conferencing that began in 2020.

(b) The department must submit the report to fiscal and appropriate policy committees of the legislature by December 1, 2021.

(9)(a) The department must examine the motor pool fleet to determine the need for the number of vehicles. The department must identify, at least:

(i) The count of motor pool vehicles by type;

(ii) The cost recovery needed by fiscal year for fiscal year 2021, 2022, and 2023. This must include the anticipated recovery by fund source by fiscal year for fiscal year 2021, 2022, and 2023;

(iii) The mileage data by motor pool vehicle for fiscal year 2019, 2020, and 2021, and the estimates for 2022 and 2023; and

(iv) The business justification for the amount of motor vehicles in fiscal year 2022 and 2023, given the change in business practice from in-person to remote work and video conferencing.

(b) The department must report to fiscal and appropriate policy committees of the legislature by December 1, 2021.

(10) \$69,000 of the building code council account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1184 (risk-based water quality standards).

(11)(a) \$654,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department, in collaboration with the state efficiency and environmental performance program, to:

(i) Prepare a zero emission vehicle implementation strategy, to

include standard metrics and reporting requirements, for the department's managed vehicles, as outlined in executive order 21-04, to include at least passenger vehicles and maintenance vehicles;

(ii) Prepare a zero emission vehicle implementation strategy in collaboration with state agencies, to include standard metrics and reporting requirements, for state-owned agency fleet vehicles, as outlined in executive order 21-04, to include at least passenger vehicles and maintenance vehicles;

(iii) Collect and report on what vehicles from (a)(i) and (ii) of this subsection are covered under executive order 21-04 as EV ready, and at what interval by fiscal year and at what cost by vehicle make and model;

(iv) Identify current barriers to EV replacement strategies and outline strategies to overcome these barriers for (a)(i) and (ii) of this subsection and report on these discretely;

(v) Identify optimal charging hub locations by fiscal year for (a)(i) and (ii) of this subsection and the estimated costs to do so by fiscal year;

(vi) Prepare a comprehensive fleet transition schedule for (a)(i) and (ii) of this subsection;

(vii) Create implementation plan templates for use by state agencies; and

(viii) Estimate fiscal impacts of EV costs by vehicle type compared to the base funding that was used to purchase or lease the vehicles being replaced for (a)(i) and (ii) of this subsection.

(b) The department must submit a preliminary report responsive to (a)(i) through (viii) of this subsection by April 30, 2023, to the fiscal committees of the legislature, and a final report by June 30, 2023.

(12) \$2,952,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for zero emission electric vehicle supply equipment infrastructure at state-owned facilities to accommodate charging station installation. The electric vehicle charging equipment must allow for the collection of usage data and must be coordinated with the state efficiency and environmental performance program. The department must prioritize locations based on state efficiency and environmental performance location priorities, and at least where zero emission fleet vehicles are scheduled to be purchased in fiscal year 2023. The department must report when and where the equipment was installed, usage data at each charging station, and the state agencies and state facilities that benefit from the installation of the charging station to the fiscal committees of the legislature by June 30, 2023, for those installed in fiscal year 2023, and each fiscal year thereafter if further funding is provided. The department shall collaborate with the interagency electric vehicle coordinating council established in Engrossed Substitute Senate Bill No. 5974 (transportation resources) to implement this subsection and must work to meet benchmarks established in Engrossed Substitute Senate Bill No. 5974 (transportation resources).

**Sec. 1128.** 2022 c 297 s 150 (uncodified) is amended to read as follows:

**FOR THE CONSOLIDATED TECHNOLOGY SERVICES AGENCY**

General Fund—State Appropriation (FY 2022) .....	\$581,000
General Fund—State Appropriation (FY 2023) ... (( <del>\$631,000</del> ))	
.....	<u>\$531,000</u>
Consolidated Technology Services Revolving Account—	
State Appropriation .....	\$60,113,000
TOTAL APPROPRIATION .....	(( <del>\$61,325,000</del> ))
.....	<u>\$61,225,000</u>

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

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(1) \$11,598,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of the chief information officer. Of this amount:

(a) \$2,000,000 of the consolidated technology services revolving account—state appropriation is provided solely for experienced information technology project managers to provide critical support to agency IT projects that are under oversight from the office of the chief information officer. The staff or vendors will:

(i) Provide master level project management guidance to agency IT stakeholders;

(ii) Consider statewide best practices from the public and private sectors, independent review and analysis, vendor management, budget and timing quality assurance and other support of current or past IT projects in at least Washington state and share these with agency IT stakeholders and legislative fiscal staff at least twice annually and post these to the statewide IT dashboard; and

(iii) Provide independent recommendations to legislative fiscal committees by December of each calendar year on oversight of IT projects to include opportunities for accountability and performance metrics.

(b) \$2,960,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of privacy and data protection.

(2) \$12,168,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security.

(3) The consolidated technology services agency shall work with customer agencies using the Washington state electronic records vault (WASERV) to identify opportunities to:

(a) Reduce storage volumes and costs associated with vault records stored beyond the agencies' record retention schedules; and

(b) Assess a customized service charge as defined in chapter 304, Laws of 2017 for costs of using WASERV to prepare data compilations in response to public records requests.

(4)(a) In conjunction with the office of the chief information officer's prioritization of proposed information technology expenditures, agency budget requests for proposed information technology expenditures must include the following:

(i) The agency's priority ranking of each information technology request;

(ii) The estimated cost by fiscal year and by fund for the current biennium;

(iii) The estimated cost by fiscal year and by fund for the ensuing biennium;

(iv) The estimated total cost for the current and ensuing biennium;

(v) The total cost by fiscal year, by fund, and in total, of the information technology project since it began;

(vi) The estimated cost by fiscal year and by fund over all biennia through implementation and close out and into maintenance and operations;

(vii) The estimated cost by fiscal year and by fund for service level agreements once the project is implemented;

(viii) The estimated cost by fiscal year and by fund for agency staffing for maintenance and operations once the project is implemented; and

(ix) The expected fiscal year when the agency expects to complete the request.

(b) The office of the chief information officer and the office of financial management may request agencies to include additional information on proposed information technology expenditure requests.

(5) The consolidated technology services agency must not increase fees charged for existing services without prior approval by the office of financial management. The agency may develop fees to recover the actual cost of new infrastructure to support increased use of cloud technologies.

(6) Within existing resources, the agency must provide oversight of state procurement and contracting for information technology goods and services by the department of enterprise services.

(7) Within existing resources, the agency must host, administer, and support the state employee directory in an online format to provide public employee contact information.

(8) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.

(9) \$4,330,000 of the consolidated technology services revolving account—state appropriation is provided solely for the creation and ongoing delivery of information technology services tailored to the needs of small agencies. The scope of services must include, at a minimum, full-service desktop support, service assistance, security, and consultation.

(10) \$23,150,000 of the consolidated technology services revolving account—state appropriation is provided solely for the procurement and distribution of Microsoft 365 licenses which must include advanced security features and cloud-based private branch exchange capabilities for state agencies. The office must report annually to fiscal committees of the legislature beginning December 31, 2021, and each December 31 thereafter, on the count and type of licenses distributed by consolidated technology services to each state agency. The report must also separately report on the count and type of Microsoft 365 licenses that state agencies have in addition to those that are distributed by consolidated technology services so that the total count, type of license, and cost is known for statewide Microsoft 365 licenses.

(11)(a) The statewide information technology dashboard elements must include, at a minimum, the:

(i) Start date of the project;

(ii) End date of the project, when the project will close out and implementation will commence;

(iii) Term of the project in state fiscal years across all biennia to reflect the start of the project through the end of the project;

(iv) Total project cost from start date through the end date of the project in total dollars, and a subtotal of near general fund outlook;

(v) Near general fund outlook budget and actual spending in total dollars and by fiscal month for central service agencies that bill out project costs;

(vi) Start date of maintenance and operations;

(vii) Estimated annual state fiscal year cost of maintenance and operations after implementation and close out;

(viii) Actual spending by state fiscal year and in total for state

fiscal years that have closed;

(ix) Date a feasibility study was completed; and  
 (x) A list of funding received by fiscal year by enacted session law, and how much was received citing chapter law as a list of funding provided by fiscal year.

(b) The office of the chief information officer may recommend additional elements to include but must have agreement with legislative fiscal committees and the office of financial management prior to including additional elements.

(c) The agency must ensure timely posting of project data on the statewide information technology dashboard for at least each project funded in the budget and under oversight to include, at a minimum, posting on the dashboard:

(i) The budget funded level by project for each project under oversight within 30 calendar days of the budget being signed into law;

(ii) The project historical expenditures through fiscal year 2021, by December 31, 2021, for all projects that started prior to July 1, 2021;

(iii) The project historical expenditures through fiscal year 2022, by December 31, 2022, for all projects that started prior to July 1, 2022; and

(iv) Whether each project has completed a feasibility study.

(12) Within existing resources, consolidated technology services must collaborate with the department of enterprise services on the annual contract report that provides information technology contract information. Consolidated technology services will:

(a) Provide data to the department of enterprise services annually beginning September 1, 2021, and each September 1 of each year; and

(b) Provide analysis on contract information for all agencies comparing spending across state fiscal years by, at least, the contract spending towers.

(13) \$12,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office of the chief information officer who must convene a work group to examine how automated decision making systems can best be reviewed before adoption and while in operation and be periodically audited to ensure that such systems are fair, transparent, accountable and do not improperly advantage or disadvantage Washington residents.

(a) The work group must be composed of:

(i) A representative of the department of children, youth, and families;

(ii) A representative of the department of corrections;

(iii) A representative of the department of social and health services;

(iv) A representative of the department of enterprise services;

(v) At least two representatives from universities or research institutions who are experts in the design and effect of an algorithmic system; and

(vi) At least five representatives from advocacy organizations that represent communities that are disproportionately vulnerable to being harmed by algorithmic bias, including but not limited to, African American, Hispanic American, Native American, and Asian American communities, religious minorities, people with disabilities, and other vulnerable communities.

(b) The purpose of the work group is to develop recommendations for changes in state law and policy regarding the development, procurement, and use of automated decision systems by public agencies. The work group must examine:

(i) When state agency use of automated decision making systems should be prohibited;

(ii) When state agency use of artificial intelligence-enabled profiling systems should be prohibited;

(iii) Changes in the procurement of automated decision systems, including when the procurement must receive prior approval by the office of chief information officer;

(iv) How to review, identify, and audit systems to ensure that the system prior to procurement and after placed into service does not discriminate against an individual, or treat an individual less favorably than another, in whole or in part, on the basis of one or more factors enumerated in RCW 49.60.010;

(v) How to provide public notice when an automated decision system is in use and how to appeal such decisions;

(vi) How automated decision system data should be stored and whether such data should be shared outside the system; and

(vii) Other issues determined by the office of chief information officer or the department of enterprise services that are necessary to govern state agency procurement and use of automated decision systems.

(c) To demonstrate the impacts of its recommendations, the work group must select one of following automated decision making systems and describe how their implementation would affect the procurement of a new system and the use the existing system:

(i) The department of children, youth, and families system used to determine risk in the family child welfare system;

(ii) The department of corrections system used to determine risk for purposes of evaluating early release and/or sentencing; or

(iii) The department of social and health services system used for hospital admissions.

(d) The work group shall meet at least four times, or more frequently to accomplish its work. The office of the chief information officer must lead the work group. Each of the state agencies identified in (a) of this subsection must provide staff support to the work group and its activities.

(e) The work group must submit a report to the fiscal committees of the legislature and the governor no later than December 1, 2021.

(f) For purposes of this subsection, "automated decision system" or "system" means any algorithm, including one incorporating machine learning or other artificial intelligence techniques, that uses data-based analysis or calculations to make or support government decisions, judgments, or conclusions that cause a Washington resident to be treated differently than another Washington resident in the nature or amount of governmental interaction with that individual including, without limitation, benefits, protections, required payments, penalties, regulations, timing, application, or process requirements.

(14) \$81,000 of the consolidated technology services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1274 (cloud computing solutions).

(15)(a) \$381,000 of the general fund—state appropriation for fiscal year 2022 and \$343,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the chief information officer to provide a common platform for hosting existing state data on natural hazards risks into a comprehensive, multihazard, statewide, geospatial data portal to assist with state hazard risk and resilience mapping and analysis. In performing this work, the office of the chief information officer will:

(i) Coordinate with the state emergency management division, office of the insurance commissioner, University of Washington climate impacts group and Washington sea grant, Washington State University water research center, and the state departments of ecology, health, natural resources, and transportation on the project scope, user needs, and deliverables;

(ii) Organize data in standardized and compatible formats

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including temporal data, where able; and

(iii) Address credentialing for secure access to protect sensitive data needed for risk analyses.

(b) By December 1, 2022, in consultation with the governor's office and the other agencies listed above, the office of the chief information officer will provide a progress report to the relevant legislative committees on the development of the platform and data sharing agreements.

(c) By June 1, 2023, in consultation with the governor's office and the other agencies listed above, the office of the chief information officer will provide a final report with recommendations for further enhancing natural hazards resiliency by using data to inform the development of a statewide resilience strategy.

(d) This subsection is subject to the conditions, limitations, and review of section 701 of this act.

(16) \$1,493,000 of the consolidated technology services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5432 (cybersecurity/state gov.).

(17) \$4,333,000 of the consolidated technology services revolving account—state appropriation is provided solely for implementation of the enterprise cloud computing program as outlined in the December 2020 Washington state cloud readiness report. Funding provided includes, but is not limited to, cloud service broker resources, cloud center of excellence, cloud management tools, a network assessment, cybersecurity governance, and a cloud security roadmap.

(18) \$2,375,000 of the consolidated technology services revolving account—state appropriation is provided solely for the implementation of the recommendations of the cloud transition task force report to include:

(a) Establishing a cloud readiness program to help agencies plan and prepare for transitioning to cloud computing;

(b) Establishing the cloud retraining program to provide a coordinated approach to skills development and retraining; and

(c) Staffing to define career pathways and core competencies for the state's information technology workforce.

## PART XII HUMAN SERVICES SUPPLEMENTAL

**Sec. 1201.** 2022 c 297 s 201 (uncodified) is amended to read as follows:

### **FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation

authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(4) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in the health care authority. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(5) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department of social and health services are subject to technical oversight by the office of the chief information officer.

(6)(a) The department shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the department and its contractors. Prior to open enrollment, the department shall coordinate with the health care authority to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(b) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The department shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for public assistance benefits.

(7) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources, support the adoption of a cohesive technology and data architecture, and maximize federal financial participation. The



work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

(8)(a) The appropriations to the department of social and health services in this act must be expended for the programs and in the amounts specified in this act. However, after May 1, ((2022)) 2023, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year ((2022)) 2023 among programs and subprograms after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year ((2022)) 2023 in response to the COVID-19 pandemic or caseload forecasts and utilization assumptions in the long-term care, developmental disabilities, and public assistance programs, the department may transfer state appropriations that are provided solely for a specified purpose. The department may not transfer funds, and the director of the office of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(9) The department may not transfer appropriations for the developmental disabilities program to any other program or subprograms of the department of social and health services.

**Sec. 1202.** 2022 c 297 s 202 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM**

**(1) INSTITUTIONAL SERVICES**

General Fund—State Appropriation (FY 2022)..	\$395,156,000
General Fund—State Appropriation (FY 2023)	
.....	(( <del>\$477,498,000</del> ))
.....	<u>\$540,342,000</u>
General Fund—Federal Appropriation .....	(( <del>\$183,198,000</del> ))
.....	<u>\$178,946,000</u>
General Fund—Private/Local Appropriation...	(( <del>\$15,528,000</del> ))
.....	<u>\$13,392,000</u>
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation.....	\$5,961,000
TOTAL APPROPRIATION.....	(( <del>\$1,077,341,000</del> ))
.....	<u>\$1,133,797,000</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 2022 and \$310,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (1)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service

officer at the city of Lakewood. The department must collect data from the city of Lakewood on the use of the funds and the number of calls responded to by the community policing program and submit a report with this information to the office of financial management and the appropriate fiscal committees of the legislature each December of the fiscal biennium.

(c) \$45,000 of the general fund—state appropriation for fiscal year 2022 and \$45,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) \$19,000 of the general fund—state appropriation for fiscal year 2022 and \$19,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for payment to the city of Medical Lake for police services provided by the city at eastern state hospital and adjacent areas.

(e) \$135,000 of the general fund—state appropriation for fiscal year 2022 and \$135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to maintain an on-site safety compliance officer, stationed at Western State Hospital, to provide oversight and accountability of the hospital's response to safety concerns regarding the hospital's work environment.

(f) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to track compliance with RCW 71.05.365 requirements for transition of state hospital patients into community settings within fourteen days of the determination that they no longer require active psychiatric treatment at an inpatient level of care. The department must use these funds to track the following elements related to this requirement: (i) The date on which an individual is determined to no longer require active psychiatric treatment at an inpatient level of care; (ii) the date on which the behavioral health entities and other organizations responsible for resource management services for the person is notified of this determination; and (iii) the date on which either the individual is transitioned to the community or has been re-evaluated and determined to again require active psychiatric treatment at an inpatient level of care. The department must provide this information in regular intervals to behavioral health entities and other organizations responsible for resource management services. The department must summarize the information and provide a report to the office of financial management and the appropriate committees of the legislature on progress toward meeting the fourteen day standard by December 1, 2021, and December 1, 2022.

(g) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department, in collaboration with the health care authority, to develop and implement a predictive modeling tool which identifies clients who are at high risk of future involvement with the criminal justice system and for developing a model to estimate demand for civil and forensic state hospital bed needs pursuant to the following requirements.

(i) By the first day of each December during the biennium, the department, in coordination with the health care authority, must submit a report to the office of financial management and the appropriate committees of the legislature which summarizes how the predictive modeling tool has been implemented and includes the following: (A) The numbers of individuals identified by the tool as having a high risk of future criminal justice involvement; (B) the method and frequency for which the department is providing lists of high-risk clients to contracted managed care

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organizations and behavioral health administrative services organizations; (C) a summary of how the managed care organizations and behavioral health administrative services organizations are utilizing the data to improve the coordination of care for the identified individuals; and (D) a summary of the administrative data to identify whether implementation of the tool is resulting in increased access and service levels and lower recidivism rates for high-risk clients at the state and regional level.

(ii) The department must provide staff support for the forensic and long-term civil commitment bed forecast which must be conducted under the direction of the office of financial management. The forecast methodology, updates, and methodology changes must be conducted in coordination with staff from the department, the health care authority, the office of financial management, and the appropriate fiscal committees of the state legislature. The model shall incorporate factors for capacity in state hospitals as well as contracted facilities, which provide similar levels of care, referral patterns, wait lists, lengths of stay, and other factors identified as appropriate for estimating the number of beds needed to meet the demand for civil and forensic state hospital services. Factors should include identification of need for the services and analysis of the effect of community investments in behavioral health services and other types of beds that may reduce the need for long-term civil commitment needs. The forecast must be updated each February, June, and November during the biennium and the department must submit a report to the legislature and the appropriate committees of the legislature summarizing the updated forecast based on the caseload forecast council's schedule for entitlement program forecasts.

(h) \$5,049,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$5,075,000)~~) \$5,761,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The department, in collaboration with the health care authority and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, forensic navigators, crisis diversion and supports, education and training, and workforce development.

(i) \$7,147,000 of the general fund—state appropriation for fiscal year 2022 and \$7,147,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to maintain implementation of efforts to improve the timeliness of competency evaluation services for individuals who are in local jails pursuant to chapter 5, Laws of 2015 (timeliness of competency treatment and evaluation services). This funding must be used solely to maintain increases in the number of competency evaluators that began in fiscal year 2016 pursuant to the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP.

(j) \$71,690,000 of the general fund—state appropriation for fiscal year 2022, \$77,825,000 of the general fund—state appropriation for fiscal year 2023, and \$2,541,000 of the general fund—federal appropriation are provided solely for implementation of efforts to improve the timeliness of competency restoration services pursuant to chapter 5, Laws of 2015 (timeliness of competency treatment and evaluation

services) and the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. These amounts must be used to maintain increases that were implemented between fiscal year 2016 and fiscal year 2021, and further increase the number of forensic beds at western state hospital during the 2021-2023 fiscal biennium. Pursuant to chapter 7, Laws of 2015 1st sp. sess. (timeliness of competency treatment and evaluation services), the department may contract some of these amounts for services at alternative locations if the secretary determines that there is a need.

(k) \$76,029,000 of the general fund—state appropriation for fiscal year 2022 and \$65,875,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to continue to implement an acuity based staffing tool at western state hospital and eastern state hospital in collaboration with the hospital staffing committees. The staffing tool must be used to identify, on a daily basis, the clinical acuity on each patient ward and determine the minimum level of direct care staff by profession to be deployed to meet the needs of the patients on each ward. The department must evaluate interrater reliability of the tool within each hospital and between the two hospitals. The department must also continue to update, in collaboration with the office of financial management's labor relations office, the staffing committees, and state labor unions, an overall state hospital staffing plan that looks at all positions and functions of the facilities.

(i) Within the amounts provided in this section, the department must establish, monitor, track, and report monthly staffing and expenditures at the state hospitals, including overtime and use of locums, to the functional categories identified in the recommended staffing plan. The allotments and tracking of staffing and expenditures must include all areas of the state hospitals, must be done at the ward level, and must include contracted facilities providing forensic restoration services as well as the office of forensic mental health services.

(ii) By December 1, 2021, and December 1, 2022, the department must submit reports to the office of financial management and the appropriate committees of the legislature that provide a comparison of monthly spending, staffing levels, overtime, and use of locums for the prior year compared to allotments and to the recommended state hospital staffing model. The format for these reports must be developed in consultation with staff from the office of financial management and the appropriate committees of the legislature. The reports must include a summary of the results of the evaluation of the interrater reliability in use of the staffing acuity tool and an update from the hospital staffing committees.

(iii) Monthly staffing levels and related expenditures at the state hospitals must not exceed official allotments without prior written approval from the director of the office of financial management. In the event the director of the office of financial management approves an increase in monthly staffing levels and expenditures beyond what is budgeted, notice must be provided to the appropriate committees of the legislature within 30 days of such approval. The notice must identify the reason for the authorization to exceed budgeted staffing levels and the time frame for the authorization. Extensions of authorizations under this subsection must also be submitted to the director of the office of financial management for written approval in advance of the expiration of an authorization. The office of financial management must notify the appropriate committees of the legislature of any extensions of authorizations granted under this subsection within 30 days of granting such authorizations and identify the reason and time frame for the extension.

(l) \$4,681,000 of the general fund—state appropriation for fiscal year 2022 and \$10,581,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement strategies to improve patient and staff safety at eastern and western state hospitals. These amounts must be used for continuing to implement a new intensive care model program at western state hospital and maintaining prior investments in training and other safety-related staff support at both hospitals. A report must be submitted by December 1, 2021, and December 1, 2022, which includes a description of the violence reduction or safety strategy, a profile of the types of patients being served, the staffing model being used, and outcomes associated with each strategy. The outcomes section should include tracking data on facility-wide metrics related to patient and staff safety as well as individual outcomes related to the patients served.

(m) \$2,593,000 of the general fund—state appropriation for fiscal year 2022 and \$2,593,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to increase services to patients found not guilty by reason of insanity under the *Ross v. Lashway* settlement agreement.

(n) Within the amounts provided in this subsection, the department must develop and submit an annual state hospital performance report for eastern and western state hospitals. Each measure included in the performance report must include baseline performance data, agency performance targets, and performance for the most recent fiscal year. The performance report must include a one page dashboard as well as charts for each fiscal and quality of care measure broken out by hospital and including but not limited to (i) monthly FTE expenditures compared to allotments; (ii) monthly dollar expenditures compared to allotments; (iii) monthly FTE expenditures per thousand patient bed days; (iv) monthly dollar expenditures per thousand patient bed days; (v) percentage of FTE expenditures for overtime; (vi) average length of stay by category of patient; (vii) average monthly civil wait list; (viii) average monthly forensic wait list; (ix) rate of staff assaults per thousand patient bed days; (x) rate of patient assaults per thousand patient bed days; (xi) average number of days to release after a patient has been determined to be clinically ready for discharge; and (xii) average monthly vacancy rates for key clinical positions. The department must submit the state hospital performance report to the office of financial management and the appropriate committees of the legislature by the first day of each December of the biennium.

(o) \$3,773,000 of the general fund—state appropriation for fiscal year 2022, \$4,099,000 of the general fund—state appropriation for fiscal year 2023, and \$4,772,000 of the general fund—federal appropriation are provided solely to open a new unit at the child study treatment center which shall serve up to 18 children.

(p) \$159,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to prepare for opening a 16 bed facility located in Clark county to provide long-term inpatient care beds as defined in RCW 71.24.025. The department must use this facility to provide treatment services for individuals who have been committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The department must develop and implement a protocol to assess the risk of patients being considered for placement in this facility and determine whether the level of security and treatment services is appropriate to meet the patient's needs. The department must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, providing a

description of the protocol and a status update on progress toward opening the new facility.

(q) \$3,875,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to operate the Maple Lane campus.

(r) \$1,382,000 of the general fund—state appropriation for fiscal year 2022(,) and \$5,092,000 of the general fund—state appropriation for fiscal year 2023(, and ~~\$5,092,000 of the general fund—federal appropriation~~) is provided solely for the department to operate a 16 bed facility on the Maple Lane campus to provide long-term inpatient care beds as defined in RCW 71.24.025. The facility must have the capacity to provide treatment services to individuals committed under chapter 71.05 RCW including individuals who have been committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The department must develop and implement a protocol to assess the risk of patients being considered for placement in this facility and determine whether the level of security and treatment services is appropriate to meet the patient's needs. The department must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2021, providing a description of the protocol and a status update on progress toward opening the new facility.

(~~(s)~~) (s) \$4,316,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to operate the Columbia cottage at Maple Lane as a 30 bed facility to serve individuals who have been acquitted of a crime by reason of insanity and subsequently ordered to receive treatment services under RCW 10.77.120. The department must develop and implement a protocol to assess the risk of patients being considered for placement in this facility and determine whether the level of security and treatment services is appropriate to meet the patient's needs. The department must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, providing a description of the protocol and a status update on progress toward the opening of Columbia cottage.

(~~(t)~~) (t) Within the amounts provided in this section, the department is provided funding to operate civil long-term inpatient beds at the state hospitals as follows:

(i) Funding is sufficient for the department to operate 192 civil beds at eastern state hospital in both fiscal year 2022 and fiscal year 2023.

(ii) Funding for civil beds at western state hospital is reduced during this period to allow for a phased reduction of six wards from 467 to 287 civil beds.

(iii) The closure of western state hospital civil wards shall be implemented according to the following schedule: (A) First ward closure by July 1, 2021; (B) second ward closure by November 1, 2021; (C) third ward closure by March 1, 2022; (D) fourth ward closure by July 1, 2022; (E) fifth ward closure by (~~November 1, 2022~~) January 1, 2023; and (F) sixth ward closure by (~~April 1, 2023~~) June 30, 2023.

(iv) The department shall fully operate funded civil capacity at eastern state hospital, including reopening and operating civil beds that are not needed for eastern Washington residents to provide services for western Washington residents.

(v) The department shall coordinate with the health care authority toward development of the plan for increasing community capacity for long-term inpatient services required under section 215(67) of this act.

(vi) It is the intent of the legislature to close additional civil wards at western state hospital during the 2023-2025 fiscal biennium.

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(vii) It is the intent of the legislature to stop using western state hospital buildings 17, 19, 20, and 21, which were built before the 1950s, for patient care by fiscal year 2027.

((+)) (u) \$360,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to implement Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers). The amount in this subsection is provided solely for the department's costs associated with providing access to and following up on referrals from behavioral health consumer advocates in state operated mental health facilities. The department must track the number of monthly cases in which access to behavioral health consumer advocates was provided for patients in state operated mental health facilities and the number of these which resulted in subsequent follow-up investigation by the department. The department must submit a preliminary report to the office of financial management and the appropriate committees of the legislature on the number of monthly cases and follow-up investigations by December 1, 2022, and a final report by June 30, 2023.

((+)) (v) \$1,190,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute Senate Bill No. 5664 (forensic competency programs). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

((+)) (w) \$36,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1890 (children behavioral health). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

((+)) (x) \$455,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for western state hospital's vocational rehabilitation program and eastern state hospital's work readiness program to pay patients working in the programs an hourly wage that is equivalent to the state's minimum hourly wage under RCW 49.46.020.

((+)) (y) \$487,000 of the general fund—state appropriation for fiscal year 2022 and \$601,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for design and planning activities for the new forensic hospital being constructed on the grounds of western state hospital.

((+)) (z) \$88,000 of the general fund—state appropriation for fiscal year 2022 and \$2,920,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for relocation, storage, and other costs associated with building demolition on the western state hospital campus.

((+)) (aa) \$34,289,000 of the general fund—federal appropriation (CRF) is provided solely for COVID-19 related payroll and benefit expenditures that were incurred between July 1, 2021, and December 31, 2021, for public safety and health employees whose services are presumed to be substantially dedicated to responding to the COVID-19 public health emergency. This funding expires December 31, 2021.

(bb) \$2,730,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide additional competency evaluation services for in-jail competency evaluations and community-based evaluations.

(cc) \$1,779,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide behavioral health and stabilization services at the King county south correctional entity for individuals charged with misdemeanor or lower-level felony offenses that are awaiting admission to the state hospitals.

(2) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2022)..... \$5,885,000  
General Fund—State Appropriation (FY 2023)..... \$6,079,000

General Fund—Federal Appropriation..... \$409,000  
TOTAL APPROPRIATION .....\$12,373,000  
Sec. 1203. 2022 c 297 s 203 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES  
General Fund—State Appropriation (FY 2022) ..\$704,242,000  
General Fund—State Appropriation (FY 2023) .....(~~\$1,113,004,000~~)  
.....\$971,031,000  
General Fund—Federal Appropriation.....(~~\$2,303,783,000~~)  
.....\$2,363,429,000  
General Fund—Private/Local Appropriation ..... \$4,058,000  
Developmental Disabilities Community Services Account—State Appropriation.....(~~\$52,000,000~~)  
.....\$21,880,000  
TOTAL APPROPRIATION .....(~~\$4,177,087,000~~)  
.....\$4,064,640,000

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

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(i) The current annual renewal license fee for adult family homes is \$225 per bed beginning in fiscal year 2022 and \$225 per bed beginning in fiscal year 2023. A processing fee of \$2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 must be charged when adult family home providers file a change of ownership application.

(ii) The current annual renewal license fee for assisted living facilities is \$116 per bed beginning in fiscal year 2022 and \$116 per bed beginning in fiscal year 2023.

(iii) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2022 and \$359 per bed beginning in fiscal year 2023.

(c)(i) \$2,648,000 of the general fund—state appropriation for fiscal year 2022, \$8,946,000 of the general fund—state appropriation for fiscal year 2023, and \$16,665,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 946 of this act.

(ii) \$8,764,000 of the general fund—state appropriation for fiscal year 2023 and \$11,156,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for fiscal year 2023, as provided in section 939 of this act.

(d)(i) \$291,000 of the general fund—state appropriation for fiscal year 2022, \$992,000 of the general fund—state

appropriation for fiscal year 2023, and \$1,844,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(ii) \$953,000 of the general fund—state appropriation for fiscal year 2023 and \$1,214,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(e)(i) \$540,000 of the general fund—state appropriation for fiscal year 2022, \$860,000 of the general fund—state appropriation for fiscal year 2023, and \$1,881,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 948 of this act.

(ii) \$1,389,000 of the general fund—state appropriation for fiscal year 2023 and \$1,278,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for fiscal year 2023, as provided in section 941 of this act.

(f) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(g) Community residential cost reports that are submitted by or on behalf of contracted agency providers are required to include information about agency staffing including health insurance, wages, number of positions, and turnover.

(h) Sufficient appropriations are provided to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(i) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, and assisted living facility beds.

(ii) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (h)(i) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(iii) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (h)(i) of this

subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(iv) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(i) Sufficient appropriations are provided for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(j) \$4,000 of the general fund—state appropriation for fiscal year 2022, \$37,000 of the general fund—state appropriation for fiscal year 2023, and \$42,000 of the general fund—federal appropriation are provided solely for a cost of living adjustment to the personal needs allowance pursuant to RCW 74.09.340.

(k) The department will work with the health care authority and Washington state's managed care organizations to establish recommendations for clients who live in the community to access the developmental disabilities administration's facility-based professionals to receive care covered under the state plan. If feasible, these recommendations should detail how to enable facility-based professionals to deliver services at mobile or brick-and-mortar clinical settings in the community. The department must submit its recommendations to the appropriate legislative committees no later than December 1, 2022.

(l) The department of social and health services must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.

(m) \$300,000 of the general fund—state appropriation for fiscal year 2023 and \$226,000 of the general fund—federal appropriation are provided solely to implement Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers).

(n) \$408,000 of the general fund—state appropriation for fiscal year 2022, \$416,000 of the general fund—state appropriation for fiscal year 2023, and \$474,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1061 (child welfare/developmental disability).

(o) \$3,474,000 of the general fund—state appropriation for fiscal year 2022, \$88,692,000 of the general fund—state appropriation for fiscal year 2023, and \$92,530,000 of the general fund—federal appropriation are provided solely to increase rates for community residential service providers offering supported living, group home, group training home, and licensed staff residential services to individuals with developmental disabilities. Of the amounts provided in this subsection (o):

(i) \$3,474,000 of the general fund—state appropriation for fiscal year 2022, \$11,423,000 of the general fund—state appropriation for fiscal year 2023, and \$15,262,000 of the general fund—federal appropriation are provided solely to increase the provider rate by 2.0 percent effective January 1, 2022, and by an additional 2.0 percent effective January 1, 2023. Both 2.0 percent rate increases must be used to support providers' ability to maintain direct care staff wages above the statewide minimum wage.

(ii) \$77,269,000 of the general fund—state appropriation for fiscal year 2023 and \$77,268,000 of the general fund—federal appropriation are provided solely to increase the provider rate effective July 1, 2022. It is the intent of the legislature that

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contracted providers use the funding provided in this subsection (1)(o)(ii) to provide hourly wage increases for direct care workers.

(p) The annual certification renewal fee for community residential service businesses is \$859 per client in fiscal year 2022 and \$859 per client in fiscal year 2023. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs.

(q) The appropriations in this section include sufficient funding to implement chapter 220, Laws of 2020 (adult family homes/8 beds). A nonrefundable fee of \$485 shall be charged for each application to increase bed capacity at an adult family home to seven or eight beds.

(r) \$39,000 of the general fund—state appropriation for fiscal year 2022, \$49,000 of the general fund—state appropriation for fiscal year 2023, and \$131,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by five cents per hour effective July 1, 2021.

(s) \$1,705,000 of the general fund—state appropriation for fiscal year 2022, \$1,688,000 of the general fund—state appropriation for fiscal year 2023, and \$1,465,000 of the general fund—federal appropriation are provided solely for the development and implementation of 13 enhanced respite beds across the state for children. These services are intended to provide families and caregivers with a break in caregiving, the opportunity for behavioral stabilization of the child, and the ability to partner with the state in the development of an individualized service plan that allows the child to remain in his or her family home. The department must provide the legislature with a respite utilization report in January of each year that provides information about the number of children who have used enhanced respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(t) \$2,025,000 of the general fund—state appropriation for fiscal year 2022 and \$2,006,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the development and implementation of 13 community respite beds across the state for adults. These services are intended to provide families and caregivers with a break in caregiving and the opportunity for stabilization of the individual in a community-based setting as an alternative to using a residential habilitation center to provide planned or emergent respite. The department must provide the legislature with a respite utilization report by January of each year that provides information about the number of individuals who have used community respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(u) \$43,535,000 of the general fund—state appropriation for fiscal year 2022, \$47,243,000 of the general fund—state appropriation for fiscal year 2023, and \$152,070,000 of the general fund—federal appropriation are provided solely for rate add-ons for contracted service providers to address the increased costs associated with serving clients during the COVID-19 pandemic. Beginning July 1, 2022, the rate add-ons shall be reduced by 20 percent every two fiscal quarters.

(v) \$78,000 of the general fund—state appropriation for fiscal year 2022, \$75,000 of the general fund—state appropriation for fiscal year 2023, and \$113,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5284 (subminimum wage/disabilities).

(w) Funding in this section is sufficient to implement chapter 352, laws of 2020 (developmental disabilities budgeting), including a review of the no-paid services caseload and to update

the information to accurately reflect a current headcount of eligible persons and the number of persons contacted who are currently interested in receiving a paid service. It is the intent of the legislature that the department will, as required in chapter 252, laws of 2020 (developmental disabilities budgeting), submit a report of this information to the governor and the appropriate committees of the legislature by December 1, 2021. It is also the intent of the legislature that the necessary paid services identified with completion of this report will be adequately funded by the conclusion of fiscal year 2024.

(x) \$1,387,000 of the general fund—state appropriation for fiscal year 2022, \$2,641,000 of the general fund—state appropriation for fiscal year 2023, and \$4,250,000 of the general fund—federal appropriation are provided solely to increase the capacity of the children's intensive in-home behavioral supports waiver by 100 slots.

(y) \$19,648,000 of the general fund—state appropriation for fiscal year 2023 and \$25,006,000 of the general fund—federal appropriation are provided solely for the purposes of settling all claims in the two related cases *Liang et al v. Washington DSHS et al*, Thurston county superior court case no. 20-2-02506-34 and *SEIU 775 v. Washington DSHS et al*, Thurston county superior court case no. 18-2-05584-34, Washington supreme court case no. 99658-8. The expenditure of these amounts is contingent upon the release of all claims in both cited cases, and total settlement costs shall not exceed the amounts provided in this subsection and section 204(45) of this act. If the settlement agreement is not fully executed and approved by the Thurston county superior court by June 30, 2023, the amounts provided in this subsection shall lapse.

(z) \$205,000 of the general fund—state appropriation for fiscal year 2022, \$232,000 of the general fund—state appropriation for fiscal year 2023, and \$590,000 of the general fund—federal appropriation are provided solely for the department of social and health services to examine the capabilities of the community residential settings and services; to improve cross-system coordination; and to begin the process of redesigning state-operated intermediate care facilities to function as short-term crisis stabilization and intervention. Of the amounts provided in this subsection (1)(z):

(i) \$159,000 of the general fund—state appropriation for fiscal year 2022, \$186,000 of the general fund—state appropriation for fiscal year 2023, and \$310,000 of the general fund—federal appropriation are provided solely for the department of social and health services to:

(A) Beginning with the governor's budget proposal submitted in December 2022, submit a budget request for expenditures associated with anticipated demand for services under the individual and family services waiver, the basic plus waiver, and the number of individuals who are expected to reside in state-operated living alternatives for consideration by the governor and the legislature for inclusion in maintenance level budgets;

(B) Examine the need for community respite beds to serve eligible individuals and stabilization, assessment, and intervention beds to provide crisis stabilization services for individuals with complex behavioral needs. A preliminary report must be submitted no later than October 1, 2022, with a final report submitted no later than October 1, 2023, to the governor and the appropriate committees of the legislature that estimates the number of beds needed in fiscal years 2023 through 2025, recommends geographic locations of these beds, provides options for contracting with community providers for these beds, provides options for utilizing existing intermediate care facilities to meet these needs, and recommends whether or not an increase to respite hours is needed;

(C) Contract with a private vendor for a study of medicaid rates for contracted community residential service providers. The study must be submitted to the governor and the appropriate committees of the legislature no later than December 1, 2023, and must include:

(I) A recommendation of rates needed for facilities to cover their costs and adequately recruit, train, and retain direct care professionals;

(II) Recommendations for an enhanced rate structure, including when and for whom this rate structure would be appropriate; and

(III) An assessment of options for an alternative, opt-in rate structure for contracted supported living providers who voluntarily serve individuals with complex behaviors, complete additional training, and submit to additional monitoring;

(D) Submit by October 1, 2022, a five-year plan to phase-in the appropriate level of funding and staffing to achieve case management ratios of one case manager to no more than 35 clients. The five-year plan must include:

(I) An analysis of current procedures to hire and train new staff within the developmental disabilities administration of the department of social and health services;

(II) Identification of any necessary changes to these procedures to ensure a more efficient and timely process for hiring and training staff; and

(III) Identification of the number of new hires needed on an annual basis to achieve the phased implementation included in the five-year plan;

(E) Collaborate with appropriate stakeholders to develop uniform quality assurance metrics that are applied across community residential settings, intermediate care facilities, and state-operated nursing facilities and submit a report of these activities to the governor and the legislature no later than June 30, 2023;

(F) Collaborate with the developmental disabilities council to improve cross-system coordination and submit a report of the activities and any recommendations for policy or fiscal changes to the governor and the legislature no later than October 1, 2022, for consideration in the 2023 legislative session that describes collaborating with the developmental disabilities council to:

(I) Coordinate collaboration efforts among relevant stakeholders to develop and disseminate best practices related to serving individuals with cooccurring intellectual and developmental disabilities and mental health conditions;

(II) Work with Washington state's apprenticeship and training council, colleges, and universities to establish medical, dental, nursing, and direct care apprenticeship programs that would address gaps in provider training and overall competence;

(III) Devise options for consideration by the governor and the legislature to prioritize funding for housing for individuals with intellectual and developmental disabilities when a lack of affordable housing is the barrier preventing an individual from moving to a least restrictive community setting; and

(IV) Coordinate collaboration efforts among relevant stakeholders to examine existing law with regard to guardianship and protective proceedings and make any necessary recommendations for changes to existing law to ensure that guardianship or other protective proceedings are designed to provide individuals with intellectual and developmental disabilities with the decision making support they require to live as independently as possible in the least restrictive environment, including consideration of mechanisms that enable regular payment for services rendered by these legal representatives when appropriate; and

(G) Develop procedures that ensure that placement in an intermediate care facility is temporary and submit a report of

these efforts, including any necessary recommendations for policy or fiscal changes, to the governor and the legislature for consideration in the 2022 legislative session no later than November 1, 2021, that describes the development of procedures that ensure that:

(I) Clear, written, and verbal information is provided to the individual and their family member that explains that placement in the intermediate care facility is temporary and what constitutes continuous aggressive active treatment and its eligibility implications;

(II) Discharge planning begins immediately upon placement of an individual within the intermediate care facility and that the individual and their family member is provided clear descriptions of all placement options and their requirements;

(III) When crisis stabilization services are available in the community, the individual is presented with the option to receive services in the community prior to placement in an intermediate care facility; and

(IV) When the individual has not achieved crisis stabilization after 60 days of initial placement in the intermediate care facility, the department of social and health services must convene the individual's team of care providers including, but not limited to, the individual's case manager, the individual's community-based providers, and, if applicable, the individual's managed care organization to review and make any necessary changes to the individual's crisis stabilization care plan.

(ii) Reporting dates in this subsection (1)(z) are modified by Engrossed Substitute Senate Bill No. 5268 (dev. disability services).

(iii) \$46,000 of the general fund—state appropriation in fiscal year 2022, \$46,000 of the general fund—state appropriation in fiscal year 2023, and \$280,000 of the general fund—federal appropriation are provided solely to establish peer mentors to connect each client in an intermediate care facility with a mentor to assist in their transition planning. No later than November 1, 2021, the department of social and health services must submit a report describing these efforts and make any necessary recommendations for policy or fiscal changes to the governor and the legislature for consideration in the 2022 legislative session. (aa) Appropriations provided in this section are sufficient to implement Substitute Senate Bill No. 5258 (consumer directed employers).

(bb) \$63,000 of the general fund—state appropriation for fiscal year 2022, \$13,000 of the general fund—state appropriation for fiscal year 2023, and \$77,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1411 (health care workforce).

(cc) \$123,000 of the general fund—state appropriation for fiscal year 2023 and \$156,000 of the general fund—federal appropriation are provided solely to make up for a gap in the employer tax rates paid to agency providers. Funds must be used to ensure wages and benefits of home care agency workers who provide direct care are increased to satisfy wage parity requirements set forth in RCW 74.39A.310, except in situations where agency providers covered the gap in the tax rate by reducing agency administrative expenses.

(dd) \$80,000 of the general fund—state appropriation for fiscal year 2023 and \$61,000 of the general fund—federal appropriation are provided solely for the department to hire one full-time employee to provide advice, evaluations, and recommendations on technological tools to clients, providers, and case managers.

(ee)(i) \$2,172,000 of the general fund—state appropriation for fiscal year 2023 and \$1,666,000 of the general fund—federal appropriation are provided solely to establish transition coordination teams to coordinate transitions of care for clients

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who move from one care setting to another. No later than December 1, 2022, the department of social and health services shall submit a preliminary report to the appropriate committees of the legislature that details how the funds were utilized and the associated outcomes including but not limited to:

(A) A detailed reporting of the number of clients served, the settings in which clients received care, and the progress made toward increasing stability of client placements;

(B) A comparison of these outcomes against the outcomes achieved in prior fiscal years;

(C) A description of lessons learned since the transition coordination teams were first implemented, including an identification of what processes were improved to reduce the timelines for completion; and

(D) Recommendations for changes necessary to the transition coordination teams to improve increasing stability of client placements.

(ii) It is the intent of the legislature that the department of social and health services submit annual reports of this information beginning in fiscal year 2024.

(ff) \$204,000 of the general fund—state appropriation for fiscal year 2022, \$1,511,000 of the general fund—state appropriation for fiscal year 2023, and \$988,000 of the general fund—federal appropriation are provided solely for service rate increases paid to contracted providers of community engagement, supported parenting, and respite services. No later than December 1, 2022, the department of social and health services shall submit a preliminary report to the appropriate committees of the legislature that details how the funds were utilized and the associated outcomes, including a detailed accounting of utilization of services and any changes in the utilization as a result of this funding. The department shall submit a final report of this information no later than June 30, 2023. The department shall also conduct a comprehensive study of the current rate structure paid to supported employment and community inclusion providers. No later than October 1, 2022, the department must submit to the governor and the appropriate committees of the legislature a report of this study that includes, but is not limited to, the following:

(i) An overview of the current system and how it operates, including an overview of the current rate structure;

(ii) A description of the organizational components and costs associated with the delivery of supported employment and community inclusion services that achieve client outcomes;

(iii) A recommendation of the rates needed for providers to cover their costs and maintain the infrastructure required to achieve and support client outcomes; and

(iv) A recommendation for a methodology to utilize in the future for regularly analyzing costs associated with service delivery and the rate adjustments, and associated frequency of these adjustments, needed to ensure that services achieve client outcomes.

(gg) \$1,413,000 of the general fund—state appropriation for fiscal year 2023 and \$1,084,000 of the general fund—federal appropriation are provided solely to hire additional staff to reduce the timeline for completion of financial eligibility determinations. No later than December 31, 2022, the department of social and health services shall submit a preliminary report to the appropriate committees of the legislature that details how the funds were utilized and the associated outcomes, including, but not limited to, a description of how the timeline for completion of these determinations has changed. A final report of this information must be submitted no later than June 30, 2023.

(hh) \$228,000 of the general fund—state appropriation for fiscal year 2023 and \$284,000 of the general fund—federal

appropriation are provided solely to increase funding of the assisted living medicaid methodology established in RCW 74.39A.032 to 68 percent of full methodology funding, effective July 1, 2022.

(ii) \$1,719,000 of the general fund—state appropriation for fiscal year 2023 and \$49,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5268 (dev. disability services). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(jj) \$2,581,000 of the general fund—state appropriation for fiscal year 2023 and \$2,060,000 of the general fund—federal appropriation are provided solely for implementation of Substitute Senate Bill No. 5819 (DDA no-paid caseload). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(kk) \$54,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to implement Second Substitute House Bill No. 1890 (children behavioral health). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(ll) \$8,428,000 of the general fund—state appropriation for fiscal year 2023 and \$5,179,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1980 (concurrent services). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(mm) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with an organization that provides benefits planning training to attorneys and other professionals to help them assist individuals with developmental disabilities with retaining state and federal benefits while working.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2022) ..	\$110,829,000
General Fund—State Appropriation (FY 2023)	
.....	<del>(\$135,393,000)</del>
.....	<u>\$111,373,000</u>
General Fund—Federal Appropriation.....	<del>(\$253,002,000)</del>
.....	<u>\$265,871,000</u>
General Fund—Private/Local Appropriation ..	<del>(\$27,043,000)</del>
.....	<u>\$28,172,000</u>
TOTAL APPROPRIATION .....	<del>(\$526,267,000)</del>
.....	<u>\$516,245,000</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 2022 and \$495,000 of the general fund—state appropriation for fiscal year 2023 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(c) The residential habilitation centers may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(d) \$3,000 of the general fund—state appropriation for fiscal year 2022 and \$21,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a cost of living increase adjustment to the personal needs allowance pursuant to



RCW 74.09.340.

(e) The department is directed to develop a plan to reduce the footprint of the Rainier residential habilitation center campus and other property facilities taking into consideration recommendations of the Ruckleshaus residential habilitation center work group report and the department's Rainier school master plan.

(i) The plan must include the following:

(A) Input from interested stakeholders to ensure a thoughtful, safe, and well-supported residential transition to the community;

(B) An outline for maintaining a state-operated safety net for individuals who transition to the community and who may later be in crisis or who need a greater level of care;

(C) Barriers to successful community transitions and how to mitigate those;

(D) A report of stakeholder feedback received and how it was incorporated or not into the plan; and

(E) A proposed timeline to implement the plan and a target date for reducing the footprint of Rainier if the plan is followed.

(ii) The stakeholders must include, at minimum: Individuals who reside or have resided at Rainier within the last two decades, families and guardians of individuals who reside or have resided at Rainier, the city of Buckley, and current or former staff at Rainier and their respective labor organizations.

(iii) The department must confer with and have approval from the governor's office prior to submission of the plan. A final plan shall be submitted to the governor and the appropriate committees of the legislature no later than June 30, 2023.

(3) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2022).....	\$2,717,000
General Fund—State Appropriation (FY 2023).( <del>(\$2,940,000)</del> )	
.....	<u>\$3,565,000</u>
General Fund—Federal Appropriation .....	( <del>(\$3,233,000)</del> )
.....	<u>\$3,702,000</u>
TOTAL APPROPRIATION.....	( <del>(\$8,890,000)</del> )
.....	<u>\$9,984,000</u>

(4) SPECIAL PROJECTS

General Fund—State Appropriation (FY 2022).....	\$94,000
General Fund—State Appropriation (FY 2023).....	\$66,000
General Fund—Federal Appropriation .....	\$1,125,000
TOTAL APPROPRIATION.....	\$1,285,000

**Sec. 1204.** 2022 c 297 s 204 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—AGING AND ADULT SERVICES PROGRAM**

General Fund—State Appropriation (FY 2022)	
.....	\$1,344,251,000
General Fund—State Appropriation (FY 2023)	
.....	( <del>(\$2,049,486,000)</del> )
.....	<u>\$1,776,015,000</u>
General Fund—Federal Appropriation .....	( <del>(\$4,913,077,000)</del> )
.....	<u>\$5,023,871,000</u>
General Fund—Private/Local Appropriation...	( <del>(\$37,804,000)</del> )
.....	<u>\$45,841,000</u>
Traumatic Brain Injury Account—State Appropriation	
.....	\$5,586,000
Skilled Nursing Facility Safety Net Trust Account—	
State Appropriation.....	\$133,360,000
Long-Term Services and Supports Trust Account—State	
Appropriation.....	\$15,003,000
TOTAL APPROPRIATION.....	( <del>(\$8,498,567,000)</del> )
.....	<u>\$8,343,927,000</u>

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

(1)(a) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate may not exceed \$259.84 for fiscal year 2022 and may not exceed \$319.82 for fiscal year 2023.

(b) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(2) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(a) The current annual renewal license fee for adult family homes is \$225 per bed beginning in fiscal year 2022 and \$225 per bed beginning in fiscal year 2023. A processing fee of \$2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 shall be charged when adult family home providers file a change of ownership application.

(b) The current annual renewal license fee for assisted living facilities is \$116 per bed beginning in fiscal year 2022 and \$116 per bed beginning in fiscal year 2023.

(c) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2022 and \$359 per bed beginning in fiscal year 2023.

(3) The department is authorized to place long-term care clients residing in nursing homes and paid for with state-only funds into less restrictive community care settings while continuing to meet the client's care needs.

(4)(i) \$6,113,000 of the general fund—state appropriation for fiscal year 2022, \$19,799,000 of the general fund—state appropriation for fiscal year 2023, and \$37,161,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 946 of this act.

(ii) \$18,787,000 of the general fund—state appropriation for fiscal year 2023 and \$23,910,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for fiscal year 2023, as provided in section 939 of this act.

(5)(i) \$1,941,000 of the general fund—state appropriation for fiscal year 2022, \$6,439,000 of the general fund—state appropriation for fiscal year 2023, and \$12,064,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(ii) \$6,028,000 of the general fund—state appropriation for fiscal year 2023 and \$7,669,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(6) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines

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that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(7) In accordance with RCW 18.390.030, the biennial registration fee for continuing care retirement communities shall be \$900 for each facility.

(8) Within amounts appropriated in this subsection, the department shall assist the legislature to continue the work of the joint legislative executive committee on planning for aging and disability issues.

(a) A joint legislative executive committee on aging and disability is continued, with members as provided in this subsection.

(i) Four members of the senate, with the leaders of the two largest caucuses each appointing two members, and four members of the house of representatives, with the leaders of the two largest caucuses each appointing two members;

(ii) A member from the office of the governor, appointed by the governor;

(iii) The secretary of the department of social and health services or his or her designee;

(iv) The director of the health care authority or his or her designee;

(v) A member from disability rights Washington and a member from the office of long-term care ombuds;

(vi) The insurance commissioner or his or her designee, who shall serve as an ex officio member; and

(vii) Other agency directors or designees as necessary.

(b) The committee must make recommendations and continue to identify key strategic actions to prepare for the aging of the population in Washington and to serve people with disabilities, including state budget and policy options, and may conduct, but are not limited to, the following tasks:

(i) Identify strategies to better serve the health care needs of an aging population and people with disabilities to promote healthy living and palliative care planning;

(ii) Identify strategies and policy options to create financing mechanisms for long-term service and supports that allow individuals and families to meet their needs for service;

(iii) Identify policies to promote financial security in retirement, support people who wish to stay in the workplace longer, and expand the availability of workplace retirement savings plans;

(iv) Identify ways to promote advance planning and advance care directives and implementation strategies for the Bree collaborative palliative care and related guidelines;

(v) Identify ways to meet the needs of the aging demographic impacted by reduced federal support;

(vi) Identify ways to protect the rights of vulnerable adults through assisted decision-making and guardianship and other relevant vulnerable adult protections;

(vii) Identify options for promoting client safety through residential care services and consider methods of protecting older people and people with disabilities from physical abuse and financial exploitation; and

(viii) Identify other policy options and recommendations to help communities adapt to the aging demographic in planning for housing, land use, and transportation.

(c) Staff support for the committee shall be provided by the office of program research, senate committee services, the office

of financial management, and the department of social and health services.

(d) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives, and the office of financial management. Joint committee expenditures and meetings are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. Meetings of the task force must be scheduled and conducted in accordance with the rules of both the senate and the house of representatives. The joint committee members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate. Advisory committee members may not receive compensation or reimbursement for travel and expenses.

(9) Appropriations in this section are sufficient to fund discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(10) Appropriations in this section are sufficient to fund financial service specialists stationed at the state psychiatric hospitals. Financial service specialists will help to transition clients ready for hospital discharge into alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state hospitals.

(11) The department shall continue to administer tailored support for older adults and medicaid alternative care as described in initiative 2 of the 1115 demonstration waiver. This initiative will be funded by the health care authority through the medicaid quality improvement program. The secretary in collaboration with the director of the health care authority shall report to the office of financial management all expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested. The department shall not increase general fund—state expenditures on this initiative.

(12)(i) \$3,378,000 of the general fund—state appropriation for fiscal year 2022, \$5,561,000 of the general fund—state appropriation for fiscal year 2023, and \$11,980,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 948 of this act.

(ii) \$8,922,000 of the general fund—state appropriation for fiscal year 2023 and \$8,212,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for fiscal year 2023, as provided in section 941 of this act.

(13) \$1,761,000 of the general fund—state appropriation for fiscal year 2022, \$1,761,000 of the general fund—state appropriation for fiscal year 2023, and \$4,162,000 of the general fund—federal appropriation are provided solely for case managers at the area agencies on aging to coordinate care for medicaid clients with mental illness who are living in their own homes. Work shall be accomplished within existing standards for case management and no requirements will be added or modified unless by mutual agreement between the department of social and health services and area agencies on aging.

(14) Appropriations provided in this section are sufficient for the department to contract with an organization to provide educational materials, legal services, and attorney training to support persons with dementia. The funding provided in this

subsection must be used for:

(a) An advance care and legal planning toolkit for persons and families living with dementia, designed and made available online and in print. The toolkit should include educational topics including, but not limited to:

(i) The importance of early advance care, legal, and financial planning;

(ii) The purpose and application of various advance care, legal, and financial documents;

(iii) Dementia and capacity;

(iv) Long-term care financing considerations;

(v) Elder and vulnerable adult abuse and exploitation;

(vi) Checklists such as "legal tips for caregivers," "meeting with an attorney," and "life and death planning;"

(vii) Standardized forms such as general durable power of attorney forms and advance health care directives; and

(viii) A selected list of additional resources.

(b) Webinars about the dementia legal and advance care planning toolkit and related issues and topics with subject area experts. The subject area expert presenters must provide their services in-kind, on a volunteer basis.

(c) Continuing legal education programs for attorneys to advise and assist persons with dementia. The continuing education programs must be offered at no cost to attorneys who make a commitment to participate in the pro bono program.

(d) Administrative support costs to develop intake forms and protocols, perform client intake, match participating attorneys with eligible clients statewide, maintain records and data, and produce reports as needed.

(15) Appropriations provided in this section are sufficient to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(a) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, assisted living facility beds, adult residential care beds, and specialized dementia beds.

(b) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (a) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(c) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (a) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(d) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(16) No later than December 31, 2021, the department of social and health services and the health care authority shall submit a

waiver request to the federal department of health and human services to authorize presumptive medicaid eligibility determinations for clients preparing for acute care hospital discharge who may need long-term services and supports. The department and the authority shall hold stakeholder discussions, including opportunities for public review and comment, during development of the waiver request. Upon submission of the waiver request, the department and the authority shall submit a report to the governor and the appropriate legislative committees that describes the request and identifies any statutory changes that may be necessary if the federal government approves the request.

(17) The annual certification renewal fee for community residential service businesses is \$859 per client in fiscal year 2022 and \$859 per client in fiscal year 2023. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs.

(18) The appropriations in this section include sufficient funding to implement chapter 220, Laws of 2020 (adult family homes/8 beds). A nonrefundable fee of \$485 shall be charged for each application to increase bed capacity at an adult family home to seven or eight beds.

(19) \$261,000 of the general fund—state appropriation for fiscal year 2022, \$320,000 of the general fund—state appropriation for fiscal year 2023, and \$861,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by five cents per hour effective July 1, 2021.

(20) The department of social and health services must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.

(21) \$1,458,000 of the general fund—state appropriation for fiscal year 2022 and \$1,646,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide personal care services for up to 20 clients who are not United States citizens and who are ineligible for medicaid upon their discharge from an acute care hospital. The department must prioritize the funding provided in this subsection for such clients in acute care hospitals who are also on the department's wait list for services.

(22) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for community-based dementia education and support activities in two areas of the state, including dementia resource catalyst staff and direct services for people with dementia and their caregivers.

(23) \$237,000 of the general fund—state appropriation for fiscal year 2022, \$226,000 of the general fund—state appropriation for fiscal year 2023, and \$572,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1218 (long-term care residents).

(24) \$4,329,000 of the general fund—state appropriation for fiscal year 2022 and \$4,329,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for services and support to individuals who are deaf, hard of hearing, or deaf-blind.

(25) \$85,981,000 of the general fund—state appropriation for fiscal year 2022, \$85,463,000 of the general fund—state appropriation for fiscal year 2023, and \$292,979,000 of the general fund—federal appropriation are provided solely for rate add-ons for contracted service providers to address the increased costs associated with serving clients during the COVID-19

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pandemic. Beginning July 1, 2022, the rate add-ons shall be reduced by 20 percent every two fiscal quarters.

(26) \$11,609,000 of the general fund—state appropriation for fiscal year 2023 and \$11,609,000 of the general fund—federal appropriation are provided solely to increase the fixed rate paid for skilled nursing facility medicaid direct care to one hundred and five percent of statewide case mix neutral median costs.

(27) Within the amounts provided in this section, the department of social and health services must develop a statewide agency emergency preparedness plan with which to respond to future public health emergencies.

(28) The traumatic brain injury council shall collaborate with other state agencies in their efforts to address traumatic brain injuries to ensure that efforts are complimentary and continue to support the state's broader efforts to address this issue.

(29) \$1,858,000 of the general fund—state appropriation for fiscal year 2022 and \$1,857,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for operation of the volunteer services program. Funding must be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

(30) \$479,000 of the general fund—state appropriation for fiscal year 2022 and \$479,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the kinship navigator program in the Colville Indian reservation, Yakama Nation, and other tribal areas.

(31) Within available funds, the aging and long term support administration must maintain a unit within adult protective services that specializes in the investigation of financial abuse allegations and self-neglect allegations.

(32) \$1,344,000 of the general fund—state appropriation for fiscal year 2022 and \$1,344,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the kinship care support program.

(33) \$7,938,000 of the general fund—state appropriation for fiscal year 2022, \$13,412,000 of the general fund—state appropriation for fiscal year 2023, and \$22,456,000 of the general fund—federal appropriation are provided solely for nursing home services and emergent building costs at the transitional care center of Seattle. No later than December 1, 2022, the department must submit to the appropriate fiscal committees of the legislature a report that includes, but is not limited to:

(a) An itemization of the costs associated with providing direct care services to residents and managing and caring for the facility; and

(b) An examination of the impacts of this facility on clients and providers of the long-term care and medical care sectors of the state that includes, but is not limited to:

(i) An analysis of areas that have realized cost containment or savings as a result of this facility;

(ii) A comparison of individuals transitioned from hospitals to this facility compared to other skilled nursing facilities over the same period of time; and

(iii) Impacts of this facility on lengths of stay in acute care hospitals, other skilled nursing facility, and transitions to home and community-based settings.

(34) \$58,000 of the general fund—state appropriation for fiscal year 2022 and \$90,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5229 (health equity continuing education).

(35) \$50,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for fall prevention training. The department of social and health services will provide one-time grant funding to an association representing long-term care

facilities to develop and provide fall prevention training for long-term care facilities. The training must include information about environmental modifications to help reduce falls, tools to assess an individual's risk for falling, and evidence-based interventions for reducing falls amongst individuals with dementia or cognitive impairments. The training must be offered at no cost and made available online for the general public to access at any time. The recipient of the grant funds must work with the department of social and health services and the department of health on developing and promoting the training.

(36) \$4,504,000 of the general fund—state appropriation for fiscal year 2022, \$9,072,000 of the general fund—state appropriation for fiscal year 2023, and \$452,000 of the general fund—federal appropriation are provided solely for behavioral health personal care services for individuals with exceptional care needs due to their psychiatric diagnosis as determined through the department's CARE assessment and for three full-time positions to coordinate with the health care authority and medicaid managed care organizations for the care of these individuals. Future caseload and per capita changes for behavioral health personal care services will be incorporated into the department's medicaid forecast. The department shall coordinate with the authority for purposes of developing and submitting to the centers for medicare and medicaid, a 1915(i) state plan.

(37) Within existing appropriations, and no later than December 31, 2021, the department of social and health services must work with stakeholders to consider modifications to current practices that address the current challenges adult family homes are facing with acquiring and maintaining liability insurance coverage. In consultation with stakeholders, the department of social and health services must:

(a) Transition language contained in citation and enforcement actions to plain talk language that helps insurers and consumers understand the nature of the regulatory citations; and

(b) Display the severity and resolution of citation and enforcement actions in plain talk language for consumers and insurers to better understand the nature of the situation.

(38) \$435,000 of the general fund—state appropriation for fiscal year 2022 and \$435,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to continue the current pilot project in Pierce county to provide personal care services to homeless seniors and people with disabilities from the time the person presents at a shelter to the time they become eligible for medicaid and to establish two new pilot project sites in King county, one site in Clark county, and one site in Spokane county. The department of social and health services shall submit a report by December 1, 2022, to the governor and appropriate legislative committees that addresses the following for each site:

(a) The number of people served in the pilot;

(b) The number of people served in the pilot who transitioned to medicaid personal care;

(c) The number of people served in the pilot who found stable housing; and

(d) Any additional information or data deemed relevant by the contractors or the department of social and health services.

(39) \$3,063,000 of the general fund—state appropriation for fiscal year 2022 and \$4,517,000 of the general fund—federal appropriation is provided solely to offset COVID-19 related cost impacts on the in-home medicaid long-term care case management program operated by area agencies on aging.

(40) Appropriations provided in this section are sufficient to implement Substitute Senate Bill No. 5258 (consumer directed employers).

(41) \$69,000 of the general fund—state appropriation for fiscal year 2022, \$65,000 of the general fund—state appropriation for

fiscal year 2023, and \$98,000 of the general fund—federal appropriation are provided solely to implement Engrossed Second Substitute Senate Bill No. 5163 (conditionally released sexually violent predators).

(42) \$75,000 of the general fund—state appropriation for fiscal year 2022, \$54,000 of the general fund—state appropriation for fiscal year 2023, and \$130,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1411 (health care workforce).

(43) \$15,000 of the general fund—state appropriation for fiscal year 2022, \$111,000 of the general fund—state appropriation for fiscal year 2023, and \$61,000 of the general fund—federal appropriation are provided solely for a cost of living adjustment to the personal needs allowance pursuant to RCW 74.09.340.

(44) \$12,890,000 of the general fund—state appropriation for fiscal year 2023 and \$12,891,000 of the general fund—federal appropriation are provided solely to adjust the minimum occupancy assumption used to calculate the indirect care median to 75 percent.

(45) \$38,265,000 of the general fund—state appropriation for fiscal year 2023 and \$48,666,000 of the general fund—federal appropriation are provided solely for the purposes of settling all claims in the two related cases *Liang et al v. Washington DSHS et al*, Thurston county superior court case no. 20-2-02506-34 and *SEIU 775 v. Washington DSHS et al*, Thurston county superior court case no. 18-2-05584-34, Washington supreme court case no. 99658-8. The expenditure of these amounts is contingent upon the release of all claims in both cited cases, and total settlement costs shall not exceed the amounts provided in this subsection and section 203(1)(y) of this act. If the settlement agreement is not fully executed and approved by the Thurston county superior court by June 30, 2023, the amounts provided in this subsection shall lapse.

(46) \$799,000 of the general fund—state appropriation for fiscal year 2023 and \$1,016,000 of the general fund—federal appropriation are provided solely to make up for a gap in the employer tax rates paid to agency providers. Funds must be used to ensure wages and benefits of home care agency workers who provide direct care are increased to satisfy wage parity requirements set forth in RCW 74.39A.310, except in situations where agency providers covered the gap in the tax rate by reducing agency administrative expenses.

(47) \$133,000 of the general fund—state appropriation for fiscal year 2022, \$181,000 of the general fund—state appropriation for fiscal year 2023, and \$313,000 of the general fund—federal appropriation are provided solely to continue the overpayment resolution team through the 2021-2023 fiscal biennium. No later than June 30, 2023, the department shall submit to the appropriate committees of the legislature a report describing the work undertaken by this team and the associated outcomes.

(48) \$1,081,000 of the general fund—state appropriation for fiscal year 2023 and \$1,200,000 of the general fund—federal appropriation are provided solely to increase rates by 20 percent for in-home private duty nursing agencies and to increase rates by 10 percent for private duty nursing adult family homes effective July 1, 2022.

(49) \$1,750,000 of the general fund—state appropriation for fiscal year 2023 and \$350,000 of the general fund—federal appropriation are provided solely for area agency on aging care coordinators stationed in acute care hospitals to help transition clients ready for hospital discharge into home and community-based settings. Care coordinators shall keep data on numbers of patients discharged and readmission impacts and report that information to the department of social and health services.

(50) \$23,000 of the general fund—state appropriation for fiscal year 2022, \$15,879,000 of the general fund—state appropriation for fiscal year 2023, and \$17,378,000 of the general fund—federal appropriation are provided solely to increase funding of the assisted living medicaid methodology established in RCW 74.39A.032 and of the specialized dementia care rate methodology to 68 percent of full methodology funding, effective July 1, 2022.

(a) Of the amounts provided in this subsection, \$23,000 of the general fund—state appropriation for fiscal year 2022, \$39,000 of the general fund—state appropriation for fiscal year 2023, and \$62,000 of the general fund—federal appropriation are provided solely for a one-time project staff position at the department to develop and submit a report to the governor and appropriate legislative committees no later than December 30, 2022. The report must include a review and summary of discharge regulations and notification requirements for assisted living providers and include recommendations related to disclosure of providers' terms and conditions for medicaid acceptance.

(b) Following the submission of the report in (a) of this subsection and through the end of the 2021-2023 fiscal biennium, the department shall regularly review and report on medicaid resident utilization of and access to assisted living facilities.

(51) \$12,000,000 of the general fund—state appropriation for fiscal year 2023 and \$12,000,000 of the general fund—federal appropriation are provided solely to increase the rate paid for area agency on aging case management services by 23 percent.

(52) \$68,000 of the general fund—state appropriation for fiscal year 2023 and \$67,000 of the general fund—federal appropriation are provided solely for implementation of Senate Bill No. 5866 (medicaid LTSS/tribes). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(53) \$24,138,000 of the general fund—state appropriation for fiscal year 2023 and \$24,138,000 of the general fund—federal appropriation are provided solely to increase skilled nursing facility medicaid rates in order to increase low-wage direct and indirect care worker wages by up to four dollars per hour effective July 1, 2022. Funding provided in this subsection is provided for purposes of wage equity.

(a) Of the amounts provided in this subsection, \$21,910,000 of the general fund—state appropriation for fiscal year 2023 and \$21,910,000 of the general fund—federal appropriation are provided solely to increase the fixed rate paid for direct care to no less than 111 percent of statewide case mix neutral median costs to increase low-wage direct care worker wages by up to four dollars per hour effective July 1, 2022. For the purpose of this subsection, "low-wage direct care workers" means certified nursing assistants, dietary workers, laundry workers, and other workers who provide direct care to patients and who have no managerial roles. The department shall determine each facility-specific wage equity funding amount in the direct care rate component by comparing the rate at 105 percent of the direct care median to the rate at 111 percent of the direct care median, and by multiplying the rate difference by the actual paid medicaid days over the July 1, 2022, through June 30, 2023 period.

(b) Of the amounts provided in this subsection, \$2,229,000 of the general fund—state appropriation for fiscal year 2023 and \$2,228,000 of the general fund—federal appropriation are provided solely to increase the fixed rate paid for indirect care to no less than 92 percent of statewide median costs to increase low-wage indirect care worker wages by up to four dollars per hour effective July 1, 2022. For the purpose of this subsection, "low-wage indirect care workers" means central supply workers and housekeeping workers. The department shall determine each facility-specific wage equity funding amount for the indirect care

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rate component by comparing the rate at 90 percent of the indirect care median to the rate at 92 percent of the indirect care median, and by multiplying the rate difference by the actual paid medicaid days over the July 1, 2022, through June 30, 2023 period.

(c) Working with stakeholders, the department shall develop and adopt rules to establish a verification process for each skilled nursing facility provider to demonstrate how the provider has used its wage equity funding to increase wages for low-wage workers by up to four dollars per hour, and for the department to recover any funding difference between each provider's wage equity funding and the amount of wage equity funding that the provider utilizes to increase low-wage worker wages. The verification process must use wages paid as of December 31, 2021, as the base wage to compare providers' wage spending in the designated job categories to the facility-specific amounts of wage equity funding provided in (a) and (b) of this subsection, excluding any amounts adjusted by settlement. The verification and recovery process in this subsection is a distinct and separate process from the settlement process described in RCW 74.46.022.

(d) It is the intent of the legislature that wage equity funding provided in this subsection be carried forward into the department's appropriation for the 2023-2025 fiscal biennium.

(54) \$350,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a study of the feasibility of placing individuals under the jurisdiction of the department of corrections in nursing home facilities licensed or to be licensed by the department to better meet the client's care needs. By October 1, 2022, in collaboration with the department of corrections and the health care authority, the department must submit a preliminary report to the governor and the relevant fiscal and policy committees of the legislature. At a minimum, the preliminary report must review the medical, behavioral health, and long-term care needs of the individuals and assess whether the state could obtain and be eligible for federal funding for providing health care and long-term care services for individuals under the jurisdiction of the department of corrections placed in nursing home facilities. By June 30, 2023, the department, in collaboration with the department of corrections, must submit a final report to the governor and the relevant fiscal and policy committees of the legislature. The final report shall:

(a) Assess the relevant characteristics and needs of the potential patient population;

(b) Assess the feasibility, daily operating costs, staffing needs, and other relevant factors of potential locations or contractors, including the Maple Lane corrections center, for placement of long-term care individuals under the jurisdiction of the department of corrections for a potential nursing home facility to be licensed by the department;

(c) A cost-benefit analysis of placing individuals under the jurisdiction of department of corrections clients in potential facilities identified in subsection (b) of this subsection, including the possibility or absence of federal funding for operations. The department of corrections must provide daily operating costs of prisons where these individuals may be coming from, the fiscal year 2021 daily costs per incarcerated individual assigned to the sage living unit, and the costs associated with electronic home monitoring costs per individual. This analysis shall take into account both state-run and privately contracted options;

(d) Assess the ability of potential facilities identified in subsection (b) of this subsection to better meet clients' medical and personal needs; and

(e) Assess the ability to provide medicaid funded services to meet the health care needs of these individuals.

(55) \$438,000 of the general fund—state appropriation for fiscal year 2023 and \$558,000 of the general fund—federal

appropriation are provided solely to increase the rates paid for adult day health and adult day care providers effective July 1, 2022, by the amount of the temporary rate add-on in effect through June 30, 2022.

(56) \$900,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to expand the availability of home-delivered meals for eligible long-term care clients.

(57) \$82,000 of the general fund—state appropriation for fiscal year 2023 and \$82,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1980 (concurrent services). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(58) The long-term services and supports trust commission established in RCW 50B.04.030 must submit the results of the following activities, including any legislative recommendations, to the governor and appropriate legislative committees no later than January 1, 2023:

(a) The commission shall develop options for allowing persons who become qualified individuals and subsequently move outside of Washington to access benefits in another state if they meet the minimum assistance requirements to become an eligible beneficiary. The commission must include consideration of options for conducting eligibility determinations for qualified individuals who subsequently move outside of Washington, alternative forms of benefits for out-of-state eligible beneficiaries, methods of cross-state coordination on long-term services and supports providers, and timing implications of extending benefits to out-of-state eligible beneficiaries with respect to short-term program implementation and long-term collaboration with other states establishing similar programs.

(b) The commission shall develop options for requiring the ongoing verification of the maintenance of long-term care insurance coverage by persons who have received an exemption under RCW 50B.04.085, including consideration of procedures that minimize administrative burden, minimize negative impact on long-term services and supports trust account solvency, and incentivize maintenance of coverage.

(c) The commission shall develop options for providing workers who have received exemptions based on having private long-term care insurance pursuant to RCW 50B.04.085 an opportunity to rescind their exemption and permanently reenter the long-term services and supports trust program.

**Sec. 1205.** 2022 c 297 s 205 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ECONOMIC SERVICES PROGRAM**

General Fund—State Appropriation (FY 2022) ..	\$393,972,000
General Fund—State Appropriation (FY 2023)	
.....	<del>(\$511,507,000)</del>
.....	\$552,937,000
General Fund—Federal Appropriation.....	<del>(\$1,658,341,000)</del>
.....	\$1,759,106,000
General Fund—Private/Local Appropriation .....	\$5,274,000
Domestic Violence Prevention Account—State	
Appropriation .....	\$2,404,000
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation .....	<del>(\$345,399,000)</del>
.....	\$355,870,000
TOTAL APPROPRIATION .....	<del>(\$2,916,897,000)</del>
.....	\$3,069,563,000

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

(1)(a) \$69,453,000 of the general fund—state appropriation for fiscal year 2022, ~~(\$122,583,000)~~ \$129,548,000 of the general fund—state appropriation for fiscal year 2023, and

~~(\$860,217,000)~~ \$855,217,000 of the general fund—federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. The department must create a WorkFirst budget structure that allows for transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure must include budget units for the following: Cash assistance, child care, WorkFirst activities, and administration of the program. Within these budget units, the department must develop program index codes for specific activities and develop allotments and track expenditures using these codes. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature prior to adopting a structure change.

(b) ~~(\$366,071,000)~~ \$394,373,000 of the amounts in (a) of this subsection is for assistance to clients, including grants, diversion cash assistance, and additional diversion emergency assistance including but not limited to assistance authorized under RCW 74.08A.210. The department may use state funds to provide support to working families that are eligible for temporary assistance for needy families but otherwise not receiving cash assistance. Of the amounts provided in this subsection (1)(b):

(i) \$7,776,000 of the general fund—state appropriation for fiscal year 2022, \$9,729,000 of the general fund—state appropriation for fiscal year 2023, and \$27,226,000 of the general fund—federal appropriation are provided solely for the department to increase the temporary assistance for needy family grant standard by 15 percent, effective July 1, 2021.

(ii) \$10,744,000 of the general fund—federal appropriation of the amounts in (a) of this subsection are provided solely for the department to provide cash assistance to households who have exceeded the 60 month time limit in the temporary assistance for needy families program, pursuant to RCW 74.08A.010(5), through June 30, 2022. Because funding for this specific purpose is provided only through fiscal year 2022, pursuant to section 4 of Second Substitute Senate Bill No. 5214, the bill takes effect 90 days after final adjournment of the legislative session in which it is enacted.

(iii) \$9,950,000 of the general fund—state appropriation for fiscal year 2023 and \$2,126,000 of the general fund—federal appropriation are provided solely for the department to provide cash assistance to households who have exceeded the 60 month time limit in the temporary assistance for needy families program, pursuant to RCW 74.08A.010(5), through June 30, 2023.

(iv) \$217,000 of the general fund—state appropriation for fiscal year 2022 and \$863,000 of the general fund—federal appropriation are provided solely for costs in state fiscal year 2022 that are associated with the temporary suspension of the mid-certification review and extension of the eligibility review between November 2020 and June 2021 for the temporary assistance for needy families program.

(v) \$50,000 of the general fund—federal appropriation is provided solely to increase the monthly payment standard for households with nine or more assistance unit members that are receiving temporary assistance for needy families or state family assistance benefits, effective July 1, 2022.

(c) ~~(\$176,446,000)~~ \$161,855,000 of the amounts in (a) of this subsection is for WorkFirst job search, education and training activities, barrier removal services, limited English proficiency services, and tribal assistance under RCW 74.08A.040. The department must allocate this funding based on client outcomes and cost effectiveness measures. Within amounts provided in this

subsection (1)(c), the department shall implement the working family support program.

(i) \$5,952,000 of the general fund—state appropriation for fiscal year 2022 and \$157,000 of the general fund—federal appropriation of the amounts in (a) of this subsection are provided solely for the WorkFirst services costs associated with the expansion of the 60 month time limit in the temporary assistance for needy families program for households described in RCW 74.08A.010(5).

(ii) \$2,474,000 of the amounts provided in this subsection (1)(c) is for enhanced transportation assistance. The department must prioritize the use of these funds for the recipients most in need of financial assistance to facilitate their return to work. The department must not utilize these funds to supplant repayment arrangements that are currently in place to facilitate the reinstatement of drivers' licenses.

(iii) \$378,000 of the general fund—state appropriation for fiscal year 2022 and \$568,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for WorkFirst services costs associated with the implementation of chapter 320, Laws of 2020 (revising economic assistance programs).

(iv) \$748,000 of the general fund—state appropriation for fiscal year 2022, \$760,000 of the general fund—state appropriation for fiscal year 2023, and \$1,706,000 of the general fund—federal appropriation are provided solely for WorkFirst services costs associated with the implementation of chapter 338, Laws of 2020 (improving access to temporary assistance for needy families).

(v) \$7,230,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the WorkFirst costs associated with the extension of the 60 month time limit through June 30, 2023.

(d) Of the amounts in (a) of this subsection, ~~(\$318,402,000)~~ \$307,083,000 of the general fund—federal appropriation is for the working connections child care program under RCW 43.216.020 within the department of children, youth, and families. The department is the lead agency for and recipient of the federal temporary assistance for needy families grant. A portion of this grant must be used to fund child care subsidies expenditures at the department of children, youth, and families.

(i) The department of social and health services shall work in collaboration with the department of children, youth, and families to determine the appropriate amount of state expenditures for the working connections child care program to claim towards the state's maintenance of effort for the temporary assistance for needy families program. The departments will also collaborate to track the average monthly child care subsidy caseload and expenditures by fund type, including child care development fund, general fund—state appropriation, and temporary assistance for needy families for the purpose of estimating the annual temporary assistance for needy families reimbursement from the department of social and health services to the department of children, youth, and families.

(ii) Effective September 30, 2022, and annually thereafter, the department of children, youth, and families must report to the governor and the appropriate fiscal and policy committees of the legislature the total state contribution for the working connections child care program claimed the previous fiscal year towards the state's maintenance of effort for the temporary assistance for needy families program and the total temporary assistance for needy families reimbursement from the department of social and health services for the previous fiscal year.

(e) Of the amounts in (a) of this subsection, \$68,496,000 of the general fund—federal appropriation is for child welfare services

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within the department of children, youth, and families.

(f) Of the amounts in (a) of this subsection, ~~(((\$122,836,000))~~ \$122,409,000 is for WorkFirst administration and overhead. Of the amounts provided in this subsection (1)(f):

(i) \$399,000 of the general fund—state appropriation for fiscal year 2022 and \$805,000 of the general fund—state appropriation for fiscal year 2023 of the amounts in (a) of this subsection are provided solely for administrative and overhead costs associated with the expansion of the 60 month time limit through June 30, 2023 in the temporary assistance for needy families program for households described in RCW 74.08A.010(5).

(ii) \$43,000 of the general fund—state appropriation in fiscal year 2022 and \$43,000 of the general fund—state appropriation in fiscal year 2023 are provided solely for administrative and overhead costs associated with the implementation of chapter 320, Laws of 2020 (revising economic assistance programs).

(iii) \$1,215,000 of the general fund—federal appropriation is provided solely for administrative and overhead costs associated with the implementation of chapter 338, Laws of 2020 (improving access to temporary assistance for needy families).

(iv) \$512,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for administrative and overhead costs associated with the implementation of Second Substitute Senate Bill No. 5214 (economic assistance programs). The department is directed to use the funding provided in this subsection to make information technology changes necessary to provide the high-unemployment time-limit extension approved under the bill beginning July 1, 2022.

(v) \$489,000 of the general fund—federal appropriation is provided solely for administrative and overhead costs associated with the implementation of Substitute Senate Bill No. 5838 (diaper subsidy/TANF). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(g)(i) The department shall submit quarterly expenditure reports to the governor, the fiscal committees of the legislature, and the legislative WorkFirst poverty reduction oversight task force under RCW 74.08A.341. In addition to these requirements, the department must detail any fund transfers across budget units identified in (a) through (e) of this subsection. The department shall not initiate any services that require expenditure of state general fund moneys that are not consistent with policies established by the legislature.

(ii) The department may transfer up to ten percent of funding between budget units identified in (b) through (f) of this subsection. The department shall provide notification prior to any transfer to the office of financial management and to the appropriate legislative committees and the legislative-executive WorkFirst poverty reduction oversight task force. The approval of the director of financial management is required prior to any transfer under this subsection.

(h) Each calendar quarter, the department shall provide a maintenance of effort and participation rate tracking report for temporary assistance for needy families to the office of financial management, the appropriate policy and fiscal committees of the legislature, and the legislative-executive WorkFirst poverty reduction oversight task force. The report must detail the following information for temporary assistance for needy families:

(i) An overview of federal rules related to maintenance of effort, excess maintenance of effort, participation rates for temporary assistance for needy families, and the child care development fund as it pertains to maintenance of effort and participation rates;

(ii) Countable maintenance of effort and excess maintenance of effort, by source, provided for the previous federal fiscal year;

(iii) Countable maintenance of effort and excess maintenance of effort, by source, for the current fiscal year, including changes in countable maintenance of effort from the previous year;

(iv) The status of reportable federal participation rate requirements, including any impact of excess maintenance of effort on participation targets;

(v) Potential new sources of maintenance of effort and progress to obtain additional maintenance of effort;

(vi) A two-year projection for meeting federal block grant and contingency fund maintenance of effort, participation targets, and future reportable federal participation rate requirements; and

(vii) Proposed and enacted federal law changes affecting maintenance of effort or the participation rate, what impact these changes have on Washington's temporary assistance for needy families program, and the department's plan to comply with these changes.

(i) In the 2021-2023 fiscal biennium, it is the intent of the legislature to provide appropriations from the state general fund for the purposes of (a) of this subsection if the department does not receive additional federal temporary assistance for needy families contingency funds in each fiscal year as assumed in the budget outlook.

(2) \$2,545,000 of the general fund—state appropriation for fiscal year 2022 and \$2,546,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for naturalization services.

(3) \$2,366,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services; and \$2,366,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services.

(4) On January 1, 2022, and January 1, 2023, the department must report to the governor and the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(5) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be one hundred percent of the federal supplemental nutrition assistance program benefit amount.

(6) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(7) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(8) \$1,500,000 of the general fund—state appropriation for fiscal year 2022 and \$1,500,000 of the general fund—state



appropriation for fiscal year 2023 are provided solely for operational support of the Washington information network 211 organization.

(9) \$609,000 of the general fund—state appropriation for fiscal year 2022 and \$380,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of section 2, chapter 9, Laws of 2021 (SHB 1151) (public assistance), a state-funded cash benefit program and transitional food assistance program for households with children that are recipients of the supplemental nutrition assistance program of the food assistance program but are not recipients of the temporary assistance for needy families program.

(10) \$377,000 of the general fund—state appropriation for fiscal year 2022 and \$377,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the consolidated emergency assistance program.

(11) \$77,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to conduct a study, jointly with the poverty reduction work group, on the feasibility of implementing a universal basic income pilot program. The study must include research of other universal basic income programs, recommendations for a pilot in Washington, a cost-benefit analysis, operational costs, and an implementation plan that includes a strategy to ensure pilot participants who voluntarily quit a public assistance program to enroll in the universal basic income pilot will not experience gaps in service upon completion of the pilot. The department shall submit recommendations required by this section to the governor and appropriate legislative committees no later than June 1, 2022.

(12) \$251,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for costs in state fiscal year 2022 that are associated with the temporary suspension of mid-certification reviews and extension of the eligibility review between November 2020 and June 2021 for the aged, blind, or disabled program.

(13) \$388,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for costs in fiscal year 2022 that are associated with the temporary suspension of mid-certification reviews and extension of the eligibility review between November 2020 and June 2021 for the food assistance program.

(14) ~~(\$5,399,000)~~ \$487,000 of the general fund—state appropriation for fiscal year 2023 and \$15,870,000 of the coronavirus state fiscal recovery account—federal appropriation is provided solely for the department to increase benefits for the food assistance program to maintain parity with benefits provided under the supplemental nutrition assistance program, for the period of July 1, 2021, through ~~(January 31, 2022)~~ February 28, 2023.

(15) \$340,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the Washington immigrant relief fund, a disaster assistance program to provide grants to eligible persons. Administrative costs may not exceed 10 percent of the funding in this subsection.

(a) A person is eligible for a grant who:

(i) Lives in Washington state;

(ii) Is at least 18 years of age;

(iii) After January 1, 2021, and before June 30, 2023, has been significantly affected by the coronavirus pandemic, such as loss of employment or significant reduction in work hours, contracting the coronavirus, having to self-quarantine as a result of exposure to the coronavirus, caring for a family member who contracted the coronavirus, or being unable to access childcare for children impacted by school or childcare closures; and

(iv) Is not eligible to receive federal economic impact

(stimulus) payments or unemployment insurance benefits due to the person's immigration status.

(b) The department may not deny a grant to a person on the basis that another adult in the household is eligible for federal economic impact (stimulus) payments or unemployment insurance benefits or that the person previously received a grant under the program. However, a person may not receive more than three grants.

(c) The department's duty to provide grants is subject to the availability of the amounts specified in this subsection, and the department must prioritize grants to persons who are most in need of financial assistance using factors that include, but are not limited to: (i) Having an income at or below 250 percent of the federal poverty level; (ii) being the primary or sole income earner of household; (iii) experiencing housing instability; and (iv) having contracted or being at high risk of contracting the coronavirus.

(d) The department may contract with one or more entities to administer the program. If the department engages in a competitive contracting process for administration of the program, experience in administering similar programs must be given weight in the selection process to expedite the delivery of benefits to eligible applicants.

(16) \$204,000 of the general fund—state appropriation for fiscal year 2022 and \$22,766,000 of the general fund—federal appropriation (ARPA) are provided solely for the department to provide a one-time or short-term cash benefit to families eligible for pandemic emergency assistance under section 9201 of the American rescue plan act of 2021, P.L. 117-2, and to offer an equivalent benefit to eligible state family assistance or food assistance program recipients.

(17) \$88,000 of the general fund—state appropriation for fiscal year 2022 and \$89,000 of the general fund—federal appropriation are provided solely for the implementation of chapter 90, Laws of 2021 (SSB 5068) (postpartum period/Medicaid).

(18) \$41,000 of the general fund—state appropriation for fiscal year 2022, \$81,000 of the general fund—state appropriation for fiscal year 2023, and \$237,000 of the general fund—federal appropriation are provided solely for implementation of Substitute House Bill No. 1416 (insurers/child support coll.).

(19) \$11,884,000 of the general fund—state appropriation for fiscal year 2022 and \$15,248,000 of the general fund—federal appropriation are provided solely to cover the variance in total child support arrears collected in fiscal year 2022 compared to the total arrears collected in fiscal year 2021.

(20) \$36,860,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to increase the grant standard for the aged, blind, or disabled program to a maximum of \$417 per month for a one-person grant and \$528 for a two-person grant effective September 1, 2022.

(21) \$513,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to eliminate the mid-certification review for blind or disabled participants in the aged, blind, or disabled program, effective July 1, 2022.

(22) \$195,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to expand the aged, blind, or disabled program's clothing, personal maintenance, and necessary incidentals grant to individuals between the ages of 21 and 64 who are residing in a public mental institution, effective September 1, 2022.

(23) \$207,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to implement House Bill No. 1748 (human trafficking/ABD prog.). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(24) \$560,000 of the general fund—state appropriation for

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fiscal year 2023 is provided solely to implement a state-funded employment and training program for recipients of the state's food assistance program, effective July 1, 2022.

(25) \$219,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to implement Substitute Senate Bill No. 5785 (transitional food assistance). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(26) \$95,000 of the general fund—state appropriation for fiscal year 2023 and \$61,000 of the general fund—federal appropriation are provided solely to remove the asset limit test for the medicare savings plan program in collaboration with the health care authority, effective January 1, 2023.

(27) \$207,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for system upgrades necessary for the anticipated expansion of medicaid equivalent health care coverage to uninsured adults with income up to 138 percent of the federal poverty level regardless of immigration status in collaboration with the health care authority. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(28) \$8,489,000 of the general fund—state appropriation for fiscal year 2022 and \$19,909,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with nonprofit organizations to provide services to refugees and immigrants that have arrived in Washington state on or after July 1, 2021, and are eligible for federal refugee resettlement services, including those from Afghanistan and Ukraine. The services shall include, but are not limited to, emergency, temporary, and long-term housing and assistance with food, transportation, accessing childhood education services, applying for benefits and immigrant services, education and employment support, and social services navigation.

(29) \$750,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide funding to domestic violence services providers in Washington state that receive funding through the domestic violence services program and provide shelter services. The funding to each entity shall be proportionate, based upon bed capacity. This funding shall be in addition to any other funds previously provided to or scheduled to be provided under a contract with the domestic violence services program in the 2021-2023 fiscal biennium.

(30) \$1,000 of the general fund—state appropriation for fiscal year 2023 is for the implementation of Engrossed Second Substitute House Bill No. 2075 (DSHS service requirements).

(31) \$211,000 of the general fund—state appropriation for fiscal year 2022, \$5,727,000 of the general fund—state appropriation for fiscal year 2023, and \$13,762,000 of the general fund—federal appropriation are provided solely for the integrated eligibility and enrollment modernization project to create a comprehensive application and benefit status tracker for multiple programs and to establish a foundational platform. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(32) \$27,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5729 (hearing deadlines/good cause). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1206.** 2022 c 297 s 206 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM**

General Fund—State Appropriation (FY 2022) ....	\$17,363,000
General Fund—State Appropriation (FY 2023)	
.....	(\$24,443,000)
.....	\$24,449,000
General Fund—Federal Appropriation.....	(\$109,830,000)
.....	\$109,821,000
TOTAL APPROPRIATION .....	(\$151,636,000)
.....	\$151,633,000

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

(1) \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$40,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1061 (child welfare/dev disability).

(2) \$5,087,000 of the general fund—state appropriation for fiscal year 2023 and \$235,000 of the general fund—federal appropriation are provided solely for implementation of Substitute Senate Bill No. 5790 (community support services). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

**Sec. 1207.** 2022 c 297 s 207 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—SPECIAL COMMITMENT PROGRAM**

General Fund—State Appropriation (FY 2022) ....	\$65,051,000
General Fund—State Appropriation (FY 2023)	
.....	(\$69,743,000)
.....	\$75,012,000
TOTAL APPROPRIATION .....	(\$134,794,000)
.....	\$140,063,000

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

(1) The special commitment center may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(2) \$1,204,000 of the general fund—state appropriation for fiscal year 2022 and \$1,079,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for specialized equipment and additional medical staff to provide more capacity to deliver care to individuals housed at the total confinement facility. No later than November 1, 2023, the department shall report to the legislature on the number of individuals treated on the island that previously would have been transported off the island for treatment.

(3) \$16,000 of the general fund—state appropriation for fiscal year 2022 and \$15,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the increased costs for personal computers leased through the department of enterprise services.

(4) \$6,768,000 of the general fund—state appropriation for fiscal year 2022 and \$4,496,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5163 (conditionally released SVPs).

**Sec. 1208.** 2022 c 297 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund—State Appropriation (FY 2022) ....	\$41,169,000
General Fund—State Appropriation (FY 2023)	
.....	(\$45,628,000)
.....	\$46,566,000
General Fund—Federal Appropriation.....	(\$53,582,000)

.....	<u>\$60,088,000</u>
TOTAL APPROPRIATION.....	<u>(\$140,379,000)</u>
.....	<u>\$147,823,000</u>

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

(1) Within amounts appropriated in this section, the department shall provide to the department of health, where available, the following data for all nutrition assistance programs funded by the United States department of agriculture and administered by the department. The department must provide the report for the preceding federal fiscal year by February 1, 2022, and February 1, 2023. The report must provide:

- (a) The number of people in Washington who are eligible for the program;
- (b) The number of people in Washington who participated in the program;
- (c) The average annual participation rate in the program;
- (d) Participation rates by geographic distribution; and
- (e) The annual federal funding of the program in Washington.

(2)(a) \$3,000 of the general fund—state appropriation for fiscal year 2022, \$5,000 of the general fund—state appropriation for fiscal year 2023, and \$8,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium.

(b) \$20,000 of the general fund—state appropriation for fiscal year 2023 and \$11,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for fiscal year 2023 as provided in section 938 of this act.

(3) By October 1, 2021, the department must submit a report to the fiscal committees of the legislature detailing shortcomings of the previously funded electronic health records system and contract, the clinical validity of existing software, approaches to mitigate the shortcomings of previously funded system, and a recommended approach to establishing a comprehensive electronic health records system at state facilities in the future.

(4) \$39,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to implement Substitute House Bill No. 1411 (health care workforce).

(5) \$364,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the creation of a program director position and a project manager position tasked with ensuring an enterprise-wide approach to poverty reduction across Washington. These positions will convene and facilitate the poverty reduction subcabinet, track agency progress on poverty reduction efforts to build a stronger continuum of care, coordinate budget and policy proposals, and ensure that recommendations incorporate data prepared by the poverty reduction technical advisory group.

(6) \$461,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to create a poverty reduction technical advisory group that is tasked with developing a statewide measurement and data framework that can help inform future budget and policy decisions. This group must also track the state's progress towards creating a just and equitable future. This group must collaborate with communities experiencing poverty and the state office of equity to ensure their input is factored into the analysis of data.

(7) \$75,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department, in collaboration

with the Washington state health care authority, to study the cost and benefit of adopting available options to expand medicare savings programs and classic medicaid programs, including categorically needy and medically needy, to promote affordable care, premiums, and cost-sharing for medicare enrollees. The cost analysis must identify available federal funding for each option. The department shall consider options that create affordability comparable to affordable care act programs available to adults without medicare, as well as intermediate options that move toward comparability. The study must analyze equity impacts of each option, considering gender, race, and ethnicity. The department shall submit the study and recommendations to the fiscal and health care committees of the legislature, as well as the joint legislative-executive committee on planning for aging and disability issues, by November 1, 2022.

(8) \$75,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to design and conduct a study describing the service experiences and characteristics of persons receiving medicaid-funded long-term services and supports and persons receiving services related to developmental or intellectual disabilities, and associated social and health services expenditures. Where feasible, this analysis shall include service experiences and expenditures of these populations within and across medicaid-funded long-term services and supports, medicaid-funded medical programs, medicaid-funded behavioral health programs, and medicare programs in Washington state. The department analysis shall be developed in consultation with relevant stakeholders, including but not limited to the Washington state health care authority. The department shall submit a final study report to the governor and appropriate committees of the legislature by December 31, 2022.

(9) \$65,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to prepare an annual report in consultation with the department of commerce on the projected demand for permanent supportive housing. This report is to be submitted to the appropriate committees of the legislature by December 1, 2022.

**Sec. 1209.** 2022 c 297 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund—State Appropriation (FY 2022) .....	\$68,048,000
General Fund—State Appropriation (FY 2023)	.....
.....	<u>(\$60,750,000)</u>
.....	<u>\$57,643,000</u>
General Fund—Federal Appropriation.....	<u>(\$55,969,000)</u>
.....	<u>\$55,802,000</u>
TOTAL APPROPRIATION .....	<u>(\$184,767,000)</u>
.....	<u>\$181,493,000</u>

The appropriations in this section are subject to the following conditions and limitations: Within the amounts appropriated in this section, the department must extend master property insurance to all buildings owned by the department valued over \$250,000 and to all locations leased by the department with contents valued over \$250,000.

**Sec. 1210.** 2022 c 297 s 210 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY**

(1)(a) During the 2021-2023 fiscal biennium, the health care authority shall provide support and data as required by the office of the state actuary in providing the legislature with health care actuarial analysis, including providing any information in the possession of the health care authority or available to the health care authority through contracts with providers, plans, insurers,

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consultants, or any other entities contracting with the health care authority.

(b) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the health care authority are subject to technical oversight by the office of the chief information officer.

(2) The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources, supports the adoption of a cohesive technology and data architecture, and maximizes federal financial participation. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.

(b) The health care authority must submit a report on November 1, 2021, and annually thereafter, to the fiscal committees of the legislature. The report must include, at a minimum:

(i) A list of active coalition projects as of July 1st of the fiscal year. This must include all current and ongoing coalition projects, which coalition agencies are involved in these projects, and the funding being expended on each project, including in-kind funding. For each project, the report must include which federal requirements each coalition project is working to satisfy, and when each project is anticipated to satisfy those requirements; and

(ii) A list of coalition projects that are planned in the current and following fiscal year. This must include which coalition agencies are involved in these projects, including the anticipated in-kind funding by agency, and if a budget request will be submitted for funding. This must reflect all funding required by fiscal year and by fund source and include the budget outlook period.

(4) The appropriations to the health care authority in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, ((2022)) 2023, unless prohibited by this act, the authority may transfer general fund—

state appropriations for fiscal year 2022 among programs after approval by the director of the office of financial management. The authority must notify the fiscal committees of the legislature prior to receiving approval from the director of the office of financial management. To the extent that appropriations in sections 211 through 215 of this act are insufficient to fund actual expenditures in excess of caseload forecast and utilization assumptions or for expenses in response to the COVID-19 pandemic, the authority may transfer general fund—state appropriations for fiscal year ((2022)) 2023 that are provided solely for a specified purpose. The authority may not transfer funds, including for expenses in response to the COVID-19 pandemic in fiscal year ((2022)) 2023, 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. 1211. 2022 c 297 s 211 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—  
MEDICAL ASSISTANCE**

General Fund—State Appropriation (FY 2022)	\$2,391,518,000
General Fund—State Appropriation (FY 2023)	(( <del>\$2,600,611,000</del> ))
	<u>\$2,757,521,000</u>
General Fund—Federal Appropriation.....	(( <del>\$13,934,556,000</del> ))
	<u>\$15,566,628,000</u>
General Fund—Private/Local Appropriation (( <del>\$465,890,000</del> ))	<u>\$452,226,000</u>
Emergency Medical Services and Trauma Care Systems Trust Account—State Appropriation.....	\$15,086,000
Hospital Safety Net Assessment Account—State Appropriation .....	(( <del>\$685,383,000</del> ))
	<u>\$685,724,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2022).....	\$26,063,000
Dedicated Marijuana Account—State Appropriation (FY 2023).....	(( <del>\$27,241,000</del> ))
	<u>\$21,078,000</u>
Medical Aid Account—State Appropriation .....	\$540,000
Telebehavioral Health Access Account—State Appropriation .....	\$8,034,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation .....	\$59,600,000
Ambulance Transport Fund—State Appropriation	\$14,317,000
TOTAL APPROPRIATION .....	(( <del>\$20,228,839,000</del> ))
	<u>\$21,998,335,000</u>

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

(1) The authority shall not accept or expend any federal funds received under a medicaid transformation waiver under healthier Washington except as described in subsections (2), (3), and (4) of this section until specifically approved and appropriated by the legislature. To ensure compliance with legislative directive budget requirements and terms and conditions of the waiver, the authority shall implement the waiver and reporting requirements with oversight from the office of financial management. The legislature finds that appropriate management of the innovation

waiver requires better analytic capability, transparency, consistency, timeliness, accuracy, and lack of redundancy with other established measures and that the patient must be considered first and foremost in the implementation and execution of the demonstration waiver. In order to effectuate these goals, the authority shall: (a) Require the Dr. Robert Bree collaborative and the health technology assessment program to reduce the administrative burden upon providers by only requiring performance measures that are nonduplicative of other nationally established measures. The joint select committee on health care oversight will evaluate the measures chosen by the collaborative and the health technology assessment program for effectiveness and appropriateness; (b) develop a patient satisfaction survey with the goal to gather information about whether it was beneficial for the patient to use the center of excellence location in exchange for additional out-of-pocket savings; (c) ensure patients and health care providers have significant input into the implementation of the demonstration waiver, in order to ensure improved patient health outcomes; and (d) in cooperation with the department of social and health services, consult with and provide notification of work on applications for federal waivers, including details on waiver duration, financial implications, and potential future impacts on the state budget, to the joint select committee on health care oversight prior to submitting waivers for federal approval. The authority shall submit an application to the centers for medicaid and medicare services to extend the duration of the medicaid transformation waiver under healthier Washington as described in subsections (2), (3), and (4) of this section by one year. If not extended, by federal standard, the medicaid transformation demonstration waiver shall not exceed the duration originally granted by the centers for medicare and medicaid services and any programs created or funded by this waiver do not create an entitlement. The demonstration period for the waiver as described in subsections (2), (3), and (4) of this section concludes ~~(December 31, 2022)~~ June 30, 2023.

(2)(a) No more than ~~((\$78,409,000))~~ \$93,107,000 of the general fund—federal appropriation and no more than ~~((\$66,264,000))~~ \$88,826,000 of the general fund—local appropriation may be expended for transformation through accountable communities of health described in initiative 1 of the medicaid transformation demonstration wavier under healthier Washington, including preventing youth drug use, opioid prevention and treatment, and physical and behavioral health integration. Under this initiative, the authority shall take into account local input regarding community needs. In order to ensure transparency to the appropriate fiscal committees of the legislature, the authority shall provide fiscal staff of the legislature query ability into any database of the fiscal intermediary that authority staff would be authorized to access. The authority shall not increase general fund—state expenditures under this initiative. The director shall also report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) No more than ~~((\$198,909,000))~~ \$315,678,000 of the general fund—federal appropriation and no more than ~~((\$81,245,000))~~ \$128,939,000 of the general fund—private/local appropriation may be expended for the medicaid quality improvement program. Under federal regulations, the medicaid quality improvement program is authorized and allows states to design quality improvement programs for the medicaid population in ways that support the state's quality goals. Medicaid quality improvement program payments will not count against the medicaid transformation demonstration waiver spending limits and are

excluded from the waiver's budget neutrality calculation. Apple health managed care organizations and their partnering providers will receive medicaid quality improvement program payments as they meet designated milestones. Partnering providers and apple health managed care organizations will work together to achieve medicaid quality improvement program goals according to the performance period timelines and reporting deadlines as set forth by the authority. The authority shall only utilize the medicaid quality improvement program to support the transformation waiver and shall not pursue its use for other purposes. Any programs created or funded by the medicaid quality improvement program does not create an entitlement. The authority shall not increase general fund—state, federal, or private/local expenditures under this program. The director shall report to the joint select committee on health care oversight not less than quarterly on financial and health outcomes. The director shall report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(3) No more than ~~((\$26,837,000))~~ \$46,739,000 of the general fund—federal appropriation and ~~((\$26,839,000))~~ \$46,742,000 of the general fund—local appropriation may be expended for tailored support for older adults and medicaid alternative care described in initiative 2 of the medicaid transformation demonstration waiver under healthier Washington as well as administrative expenses for initiative 3. The authority shall contract and provide funding to the department of social and health services to administer initiative 2. The director in cooperation with the secretary of the department of social and health services shall report to the office of financial management all of the expenditures of this section and shall provide such fiscal data in the time, manner, and form requested. The authority shall not increase general fund—state expenditures on this initiative.

(4) No more than ~~((\$28,680,000))~~ \$41,915,000 of the general fund—federal appropriation and no more than ~~((\$12,992,000))~~ \$20,310,000 of the general fund—local appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its third party administrator. The authority shall not increase general fund—state expenditures under this initiative. The director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(5) The authority shall submit an application to the centers for medicare and medicaid services to renew the 1115 demonstration waiver for an additional five years as described in subsections (2), (3), and (4) of this section. The authority may not accept or expend any federal funds received under an 1115 demonstration waiver except as described in this section unless the legislature has appropriated the federal funding. To ensure compliance with legislative requirements and terms and conditions of the waiver, the authority shall implement the renewal of the 1115 demonstration waiver and reporting requirements with oversight from the office of financial management. The legislature finds that appropriate management of the renewal of the 1115 demonstration waiver ~~((as set forth in subsections (6), (7), and (8) of this section))~~ requires sound, consistent, timely, and

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transparent oversight and analytic review in addition to lack of redundancy with other established measures. The patient must be considered first and foremost in the implementation and execution of the demonstration waiver. To accomplish these goals, the authority shall develop consistent performance measures that focus on population health and health outcomes. The authority shall limit the number of projects that accountable communities of health may participate in under initiative 1 to a maximum of six and shall seek to develop common performance measures when possible. The joint select committee on health care oversight will evaluate the measures chosen: (a) For effectiveness and appropriateness; and (b) to provide patients and health care providers with significant input into the implementation of the demonstration waiver to promote improved population health and patient health outcomes. In cooperation with the department of social and health services, the authority shall consult with and provide notification of work on applications for federal waivers, including details on waiver duration, financial implications, and potential future impacts on the state budget to the joint select committee on health care oversight prior to submitting these waivers for federal approval. Prior to final approval or acceptance of funds by the authority, the authority shall submit the special terms and conditions as submitted to the centers for medicare and medicaid services and the anticipated budget for the duration of the renewed waiver to the governor, the joint select committee on health care, and the fiscal committees of the legislature. By federal standard any programs created or funded by this waiver do not create an entitlement. The demonstration period for the waiver ((as described in subsections (6), (7), and (8) of this section)) renewal begins ((January)) July 1, 2023.

~~(6)((a) \$32,432,000 of the general fund federal appropriation and \$40,296,000 of the general fund local appropriation are provided solely for accountable communities of health described in initiative 1 of the 1115 demonstration waiver and this is the maximum amount that may be expended for this purpose. In renewing this initiative, the authority shall consider local input regarding community needs and shall limit total local projects to no more than six. To provide transparency to the appropriate fiscal committees of the legislature, the authority shall provide fiscal staff of the legislature query ability into any database of the fiscal intermediary that authority staff would be authorized to access. The authority shall not supplement the amounts provided in this subsection with any general fund state moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section. The director shall report to the fiscal committees of the legislature all expenditures under this subsection and provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.~~

~~(b) \$110,778,000 of the general fund federal appropriation and \$45,248,000 of the general fund private/local appropriation are provided solely for the medicaid quality improvement program and this is the maximum amount that may be expended for this purpose. Medicaid quality improvement program payments do not count against the 1115 demonstration waiver spending limits and are excluded from the waiver's budget neutrality calculation. The authority may provide medicaid quality improvement program payments to apple health managed care organizations and their partnering providers as they meet designated milestones. Partnering providers and apple health managed care organizations must work together to achieve medicaid quality improvement program goals according to the performance period timelines and reporting deadlines as set forth by the authority. The authority may only use the medicaid quality~~

~~improvement program to support initiatives 1, 2, and 3 as described in the 1115 demonstration waiver and may not pursue its use for other purposes. Any programs created or funded by the medicaid quality improvement program do not constitute an entitlement for clients or providers. The authority shall not supplement the amounts provided in this subsection with any general fund state, general fund federal, or general fund local moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section. The director shall report to the joint select committee on health care oversight not less than quarterly on financial and health outcomes. The director shall report to the fiscal committees of the legislature all expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.~~

~~(e) In collaboration with the accountable communities of health, the authority will submit a report to the governor and the joint select committee on health care oversight describing how each of the accountable community of health's work aligns with the community needs assessment no later than December 1, 2022.~~

~~(d) Performance measures and payments for accountable communities of health shall reflect accountability measures that demonstrate progress toward transparent, measurable, and meaningful goals that have an impact on improved population health and improved health outcomes, including a path to financial sustainability. While these goals may have variation to account for unique community demographics, measures should be standardized when possible.~~

~~(7) \$19,902,000 of the general fund federal appropriation and \$19,903,000 of the general fund local appropriation are provided solely for long term support services as described in initiative 2 of the 1115 demonstration waiver as well as administrative expenses for initiative 3 and this is the maximum amount that may be expended for this purpose. The authority shall contract with and provide funding to the department of social and health services to administer initiative 2. The director in cooperation with the secretary of the department of social and health services shall report to the office of financial management all of the expenditures of this section and shall provide such fiscal data in the time, manner, and form requested. The authority shall not supplement the amounts provided in this subsection with any general fund state moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section.~~

~~(8)(a) \$13,235,000 of the general fund federal appropriation and \$7,318,000 of the general fund local appropriation are provided solely for supported housing and employment services described in initiative 3a and 3b of the 1115 demonstration waiver and this is the maximum amount that may be expended for this purpose. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its third party administrator. The authority and the department, in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not supplement the amounts provided in this subsection with any general fund state moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section. The director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the~~

~~legislative fiscal committees.~~

~~(b) The authority and the department shall seek additional flexibilities for housing supports through the centers for medicare and medicaid services and shall coordinate with the office of financial management and the department of commerce to ensure that services are not duplicated.~~

~~(c) The director shall report to the joint select committee on health care oversight no less than quarterly on utilization and caseload statistics for both supportive housing and employment services and its progress toward increasing uptake and availability for these services.~~

(9)) \$202,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for supported employment services and \$208,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for supported housing services, similar to the services described in initiatives 3a and 3b of the 1115 demonstration waiver to individuals who are ineligible for medicaid. Under these initiatives, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the authority or its third-party administrator. Before authorizing services, eligibility for initiative 3a or 3b of the 1115 demonstration waiver must first be determined.

((40)) (7) The authority shall submit a plan to preserve the waiver that allows for the full cost of stays in institutions for mental diseases to be included in managed care rates by November 1, 2021, to the appropriate committees of the legislature.

((44)) (8) The authority shall submit a plan to preserve the waiver allowing for full federal financial participation for medical clients in mental health facilities classified as institutions for mental diseases by November 1, 2021, to the appropriate committees of the legislature.

((42)) (9) 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).

((43)) (10) 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.

((44)) (11) 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.

((45)) (12) 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.

((46)) (13) 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.

((47)) (14) 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.

((48)) (15) \$3,733,000 of the general fund—state appropriation for fiscal year 2022, (((\$4,261,000)) \$3,785,000 of the general fund—state appropriation for fiscal year 2023, and (((\$9,050,000)) \$9,553,000 of the general fund—federal appropriation are provided solely for low-income disproportionate share hospital payments.

((49)) (16) 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.

((20)) (17) \$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 medicaid 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 medicaid upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicaid upper payment limit.

((24)) (18) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2021-2023 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2021, and by November 1, 2022, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2022 and fiscal year 2023, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. For the purpose of determining the amount of any state grant under this subsection, payments will include the federal portion of medicaid program supplemental payments received by the hospitals. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will

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be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2021-2023 biennial operating appropriations act and in effect on July 1, 2015, (b) one-half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2019-2021 fiscal biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. \$425,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$391,000)~~ \$273,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for state grants for the participating hospitals.

~~((22))~~ (19) 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.

~~((23))~~ (20) 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.

~~((24))~~ (21) The authority shall submit reports to the governor and the legislature by September 15, 2021, and no later than September 15, 2022, that delineate the number of individuals in medicaid managed care, by carrier, age, gender, and eligibility category, receiving preventative services and vaccinations. The reports should include baseline and benchmark information from the previous two fiscal years and should be inclusive of, but not limited to, services recommended under the United States preventative services task force, advisory committee on immunization practices, early and periodic screening, diagnostic, and treatment (EPSDT) guidelines, and other relevant preventative and vaccination medicaid guidelines and requirements.

~~((25))~~ (22) 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.

~~((26))~~ (23) Sufficient amounts are appropriated in this section for the authority to provide an adult dental benefit.

~~((27))~~ (24) 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.

~~((28))~~ (25) 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.

~~((29))~~ (26) \$90,000 of the general fund—state appropriation for fiscal year 2022, \$90,000 of the general fund—state appropriation for fiscal year 2023, and \$180,000 of the general fund—federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program. By November 15, 2022, the authority shall submit a report to the appropriate committees to the legislature that provides, at a minimum, information about the number of calls received by the nonprofit organization in the previous year, the amount of time spent on each call, comparisons to previous years, where available, and information about what data is collected related to this service.

~~((30))~~ (27) Within the amounts appropriated in this section, the authority shall reimburse for primary care services provided by naturopathic physicians.

~~((31))~~ (28) 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.

~~((32))~~ (29) 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.

~~((33))~~ (30) The authority shall use revenue appropriated from the dedicated ~~(marijuana fund)~~ cannabis account 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.

~~((34))~~ (31) 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.

~~((35))~~ (32) 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.

~~((36))~~ (33) During the 2021-2023 fiscal biennium, sufficient



amounts are provided in this section for the authority to provide services identical to those services covered by the Washington state family planning waiver program as of August 2018 to individuals who:

- (a) Are over nineteen years of age;
- (b) Are at or below two hundred and sixty percent of the federal poverty level as established in WAC 182-505-0100;
- (c) Are not covered by other public or private insurance; and
- (d) Need family planning services and are not currently covered by or eligible for another medical assistance program for family planning.

~~((37))~~ (34) Sufficient amounts are appropriated within this section for the authority to incorporate the expected outcomes and criteria to measure the performance of service coordination organizations as provided in chapter 70.320 RCW into contracts with managed care organizations that provide services to clients. The authority is directed to:

(a) Contract with an external quality improvement organization to annually analyze the performance of managed care organizations providing services to clients under this chapter based on seven performance measures. The analysis required under this subsection must:

(i) Measure managed care performance in four common measures across each managed care organization, including:

(A) At least one common measure must be weighted towards having the potential to impact managed care costs; and

(B) At least one common measure must be weighted towards population health management, as defined by the measure; and

(ii) Measure managed care performance in an additional three quality focus performance measures specific to a managed care organization. Quality focus performance measures chosen by the authority must:

- (A) Be chosen from the statewide common measure set;
- (B) Reflect specific measures where a managed care organization has poor performance; and
- (C) Be substantive and clinically meaningful in promoting health status.

(b) The authority shall set the four common measures to be analyzed across all managed care organizations.

(c) The authority shall set three quality focus performance measures specific to each managed care organization. The authority must determine performance measures for each managed care organization based on the criteria established in (a)(ii) of this subsection.

(d) By September 15, 2021, and annually thereafter, the authority shall notify each managed care organization of the performance measures for the organization for the subsequent plan year.

(e) Two percent of the total plan year funding appropriated to each managed care organization that provides services to clients under chapter 70.320 RCW shall be withheld. At least seventy-five percent of the withhold shall be held contingent on each managed care organization's performance on the seven performance measures identified in this section. Each managed care organization may earn back the annual withhold if the external quality improvement organization finds that the managed care organization:

- (i) Made statistically significant improvement in the seven performance measures as compared to the preceding plan year; or
- (ii) Scored in the top national medicaid quartile of the performance measures.

(f) The amount of withhold annually paid to each managed care organization shall be proportional to findings of statistically significant improvement or top national medicaid quartile scoring by a managed care organization.

(g) For no more than two of the four quality focus performance measures, the authority may use an alternate methodology to approximate top national medicaid quartile performance where top quartile performance data is unavailable.

(h) For the purposes of this subsection, "external quality improvement organization" means an organization that meets the competence and independence requirements under 42 C.F.R. Sec. 438.354, as it existed on the effective date of this section.

~~((38))~~ (35)(a) The authority shall ensure that appropriate resources are dedicated to implementing the recommendations of the centers for medicare and medicaid services center for program integrity as provided to the authority in the January 2019 Washington focused program integrity review final report. Additionally, the authority shall:

(i) Work to ensure the efficient operations of the managed care plans, including but not limited to, a deconflicting process for audits with and among the managed care plans and the medicaid fraud division at the attorney general's office, to ensure the authority staff perform central audits of cases that appear across multiple managed care plans, versus the audits performed by the individual managed care plans or the fraud division; and

(ii) Remain accountable for operating in an effective and efficient manner, including performing program integrity activities that ensure high value in the medical assistance program in general and in medicaid managed care specifically;

(A) Work with its contracted actuary and the medicaid forecast work group to develop methods and metrics related to managed care program integrity activity that shall be incorporated into annual rate setting; and

(B) Work with the medicaid forecast work group to ensure the results of program integrity activity are incorporated into the rate setting process in a transparent, timely, measurable, quantifiable manner.

(b) The authority shall submit a report to the governor and appropriate committees of the legislature by October 1, 2021, that includes, but is not limited to:

(i) Specific, quantified actions that have been taken, to date, related to the recommendations of the centers for medicare and medicaid services center for program integrity as provided to the authority in the January 2019 Washington focused program integrity review final report; and

(ii) Specific, quantified information regarding the steps taken toward (a)(i), (iii), and (iv) of this subsection.

~~((39))~~ (36) No later than December 31, 2021, the health care authority, in partnership with the department of social and health services as described in section 204(16) of this act, shall submit a waiver request to the federal department of health and human services to authorize presumptive medicaid eligibility determinations for clients preparing for acute care hospital discharge who may need long-term services and supports. The department and the authority shall hold stakeholder discussions, including opportunities for public review and comment, during development of the waiver request. Upon submission of the waiver request, the department and the authority shall submit a report to the governor and the appropriate legislative committees that describes the request and identifies any statutory changes that may be necessary if the federal government approves the request.

~~((40))~~ (37) \$2,786,000 of the general fund—state appropriation for fiscal year 2022, \$3,714,000 of the general fund—state appropriation for fiscal year 2023, and \$11,009,000 of the general fund—federal appropriation are provided solely to maintain and increase access for behavioral health services through increased provider rates. The rate increases are effective October 1, 2021, and must be applied to the following codes for children and adults enrolled in the medicaid program: 90832,

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90833, 90834, 90837, H0004, H0036, H2015, H2021, H0023, 90836, 90838, 96156, 96158, 96159, 96164, 96165, 96167, 96168, 96170, 96171, 90845, 90846, 90847, 90849, 90853, 90785, and 90791. The authority may use a substitute code in the event that any of the codes identified in this subsection are discontinued and replaced with an updated code covering the same service. Within the amounts provided in this subsection the authority must:

(a) Implement this rate increase in accordance with the process established in chapter 285, Laws of 2020 (EHB 2584) (behavioral health rates);

(b) Raise the state fee-for-service rates for these codes by up to 15 percent, except that the state medicaid rate may not exceed the published medicare rate or an equivalent relative value unit rate if a published medicare rate is not available;

(c) Require in contracts with managed care organizations that, beginning October 2021, managed care organizations pay no lower than the fee-for-service rate for these codes, and adjust managed care capitation rates accordingly; and

(d) Not duplicate rate increases provided in subsections (~~((41))~~ ~~and~~ ~~(42))~~ (38) and (39) of this section.

~~((41))~~ (38) \$19,664,000 of the general fund—state appropriation for fiscal year 2022, \$26,218,000 of the general fund—state appropriation for fiscal year 2023, and \$77,996,000 of the general fund—federal appropriation are provided solely to maintain and increase access for primary care services for medicaid-enrolled patients through increased provider rates beginning October 1, 2021. Within the amounts provided in this subsection the authority must:

(a) Increase the medical assistance rates for adult primary care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least 15 percent above medical assistance rates in effect on January 1, 2019;

(b) Increase the medical assistance rates for pediatric primary care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least 21 percent above medical assistance rates in effect on January 1, 2019;

(c) Increase the medical assistance rates for pediatric critical care, neonatal critical care, and neonatal intensive care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least 21 percent above medical assistance rates in effect on January 1, 2019;

(d) Apply reimbursement rates required under this subsection to payment codes in a manner consistent with the temporary increase in medicaid reimbursement rates under federal rules and guidance in effect on January 1, 2014, implementing the patient protection and affordable care act, except that the authority may not require provider attestations;

(e) Pursue state plan amendments to require medicaid managed care organizations to increase rates under this subsection through adoption of a uniform percentage increase for network providers pursuant to 42 C.F.R. Sec. 438.6(c)(1)(iii)(B), as existing on January 1, 2019; and

(f) Not duplicate rate increases provided in subsections (~~((40))~~ ~~and~~ ~~(42))~~ (37) and (39) of this section.

~~((42))~~ (39) \$2,233,000 of the general fund—state appropriation for fiscal year 2022, \$2,977,000 of the general fund—state appropriation for fiscal year 2023, and \$10,871,000 of the general fund—federal appropriation are provided solely to increase provider rates to maintain and increase access for family planning services for patients seeking services through department of health sexual and reproductive health program

family planning providers. The rate increases are effective October 1, 2021, and must be applied to the following codes for eligible apple health and family planning only clients seeking services through department of health sexual and reproductive health program providers: 36415, 36416, 55250, 57170, 58340, 58600, 58605, 58611, 58615, 58670, 58671, 59840, 59841, 59850, 59851, 59852, 59855, 59856, 59857, 76817, 81025, 84702, 84703, 86631, 86632, 86901, 87110, 87270, 87320, 87490, 87491, 87590, 87591, 87624, 87625, 87800, 87810, 88141, 88142, 88143, 88147, 88148, 88150, 88152, 88153, 88164, 88165, 88166, 88167, 88174, 88175, 96372, 99071, 99201, 99202, 99203, 99204, 99211, 99212, 99213, 99214, 99384, 99385, 99386, 99394, 99395, 99396, 99401, and S0199. The authority may use a substitute code if any of the codes identified in this subsection are discontinued and replaced with an updated code covering the same service. Within the amounts provided in this subsection the authority must:

(a) Increase the family planning rates for services that are included on and reimbursed solely at the existing family planning fee schedule on a fee-for-service basis, as well as through managed care plans, by at least 162 percent above family planning fee schedule rates in effect on January 1, 2021;

(b) Pursue state plan amendments to require medicaid managed care organizations to increase rates under this subsection through adoption of a uniform percentage increase for network providers pursuant to 42 C.F.R. Sec. 438.6(c)(1)(iii)(B), as existing on January 1, 2021; and

(c) Not duplicate rate increases provided in subsections (~~((40))~~ ~~and~~ ~~(41))~~ (37) and (38) of this section.

~~((43))~~ (40)(a) Beginning with fiscal year 2020, and for each subsequent year thereafter, the authority shall reconcile on an annual basis with rural health clinics.

(b) Beginning with fiscal year 2020, and for each subsequent year thereafter, the authority shall properly accrue for any anticipated reconciliations with rural health clinics during the fiscal year close process following generally accepted accounting practices.

~~((44))~~ (41)(a) The authority in collaboration with the office of financial management and representatives from fiscal committees of the legislature shall conduct an evaluation of the APM4 model to determine its cost effectiveness and impact on patient outcomes and report its findings and recommendations to the appropriate committees of the legislature by November 15, 2022.

(b) The authority shall not enter into any future value-based arrangements with federally qualified health centers or rural health clinics prior to receiving approval from the office of financial management and the appropriate committees of the legislature.

(c) The authority shall not modify the reconciliation process or the APM4 program with federally qualified health centers or rural health clinics without notification to and the opportunity to comment from the office of financial management.

(d) The authority shall require all managed care organizations to provide information to the authority to account for all payments to federally qualified health centers to include how payments are made, including any additional payments and whether there is a sub-capitation arrangement or value-based purchasing arrangement.

(e) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall reconcile on an annual basis with federally qualified health centers contracting under APM4.

(f) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall properly accrue for any anticipated reconciliations with federally qualified health centers

contracting under APM4 during the fiscal year close process following generally accepted accounting practices.

~~((45))~~ (42) Within the amounts appropriated in this section, the authority is to include allergen control bed and pillow covers as part of the durable medical equipment benefit for children with an asthma diagnosis enrolled in medical assistance programs.

~~((46))~~ (43) Within the amounts appropriated in this section, the authority shall reimburse for maternity services provided by doulas.

~~((47))~~ (44) \$60,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—federal appropriation are provided solely for evaluation of the Washington rural health access preservation pilot program.

~~((48))~~ (45) \$160,000 of the general fund—state appropriation for fiscal year 2022 and \$1,440,000 of the general fund—federal appropriation are provided solely for health care interoperability costs and are subject to the conditions, limitations, and review provided in section 701 of this act.

~~((49))~~ (46) \$275,000 of the general fund—state appropriation for fiscal year 2022, ~~(\$160,000)~~ \$605,000 of the general fund—state appropriation for fiscal year 2023, and ~~(\$3,913,000)~~ \$7,608,000 of the general fund—federal appropriation are provided solely for modular replacement costs of the ProviderOne pharmacy point of sale system and are subject to the conditions, limitations, and review provided in section 701 of this act.

~~((50))~~ (47) \$484,000 of the general fund—state appropriation for fiscal year 2022 and \$466,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Engrossed Second Substitute Senate Bill No. 5399 (universal health care commission).

~~((51))~~ (48) \$654,000 of the general fund—state appropriation for fiscal year 2022, \$655,000 of the general fund—state appropriation for fiscal year 2023, and \$2,154,000 of the general fund—federal appropriation are provided solely for the authority to increase the nonemergency medical transportation broker administrative rate to ensure access to health care services for medicaid patients.

~~((52))~~ (49) \$1,715,000 of the general fund—state appropriation for fiscal year 2022, \$1,804,000 of the general fund—state appropriation for fiscal year 2023, and \$6,647,000 of the general fund—federal appropriation are provided solely to increase the rates paid to rural hospitals that meet the criteria in (a) through (e) of this subsection. Payments for state and federal medical assistance programs for services provided by such a hospital, regardless of the beneficiary's managed care enrollment status, must be increased to 150 percent of the hospital's fee-for-service rates. The authority must discontinue this rate increase after June 30, 2023, and return to the payment levels and methodology for these hospitals that were in place as of January 1, 2018. Hospitals participating in the certified public expenditures program may not receive increased reimbursement for inpatient services. Hospitals qualifying for this rate increase must:

(a) Be certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013;

(b) Have had less than 150 acute care licensed beds in fiscal year 2011;

(c) Have a level III adult trauma service designation from the department of health as of January 1, 2014;

(d) Be owned and operated by the state or a political subdivision; and

(e) Accept single bed certification patients pursuant to RCW 71.05.745 by July 1, 2022. If the hospitals qualifying for this rate increase do not accept single bed certification patients by July 1, 2022, the authority must discontinue this rate increase after

October 1, 2022, and must return to the payment levels and methodology for these hospitals that were in place as of January 1, 2018.

~~((53))~~ (50) \$100,000 of the general fund—state appropriation for fiscal year 2022, \$100,000 of the general fund—state appropriation for fiscal year 2023, and \$200,000 of the general fund—federal appropriation are provided solely for pass through funding for a citizens of the compact of free association (COFA) community member led organization through a Washington state based organization contract as outlined in RCW 43.71A.030 to provide additional supports to COFA community members statewide who are seeking access to health coverage and health care services. The amounts provided in this subsection for fiscal year 2022 must be distributed no later than October 1, 2021. The amounts provided in this subsection for fiscal year 2023 must be distributed no later than October 1, 2022.

~~((54))~~ (51) The authority shall collaborate with the Washington state LGBTQ commission, the department of health, advocates for people living with HIV in Washington, consumers, and medical professionals with expertise in serving the medicaid population living with HIV, to consider and develop recommendations regarding:

(a) Access to HIV antiretroviral drugs on the medicaid drug formulary, including short- and long-term fiscal implications of eliminating current prior authorization and fail-first requirements;

(b) Impact of drug access on public health and the statewide goal of reducing HIV transmissions; and

(c) Maximizing pharmaceutical drug rebates for HIV antiretroviral drugs.

~~((55))~~ (52) \$22,000 of the general fund—state appropriation for fiscal year 2022, \$22,000 of the general fund—state appropriation for fiscal year 2023, and \$134,000 of the general fund—federal appropriation are provided solely to implement Substitute Senate Bill No. 5157 (behavioral disorders/justice).

~~((56))~~ (53) Within the amounts appropriated in this section, the authority shall extend the oral health connections pilot project in Spokane, Thurston, and Cowlitz counties. The authority shall continue to work in collaboration with a state-based oral health foundation to jointly develop and implement the program. The purpose of the pilot is to test the effect that enhanced dental benefits for medicaid clients with diabetes and pregnant clients have on access to dental care, health outcomes, and medical care costs. The pilot program must continue to include enhanced reimbursement rates for participating dental providers, including denturists licensed under chapter 18.30 RCW, and an increase in the allowable number of periodontal treatments to up to four per calendar year. The authority has the option of extending pilot program eligibility to dually eligible medicaid clients who are diabetic or pregnant and to pregnant medicaid clients under the age of 20. The authority has the option of adjusting the pilot program benefit design and fee schedule based on previous findings, within amounts appropriated in this section. Diabetic or pregnant medicaid clients who are receiving dental care within the pilot regions, regardless of location of the service within the pilot regions, are eligible for the increased number of periodontal treatments. The state-based oral health foundation shall continue to partner with the authority and provide wraparound services to link patients to care. The authority and foundation shall provide a joint report to the appropriate committees of the legislature on October 1, 2021, outlining the findings of the original three-year pilot program, and on December 1, 2022, outlining the progress of the extended pilot program.

~~((57))~~ (54)(a) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—federal appropriation are provided solely for contracting

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with the office of equity to implement chapter 293, Laws of 2020 (baby, child dentistry access). By November 15, 2021, the authority shall submit a report to the appropriate committees to the legislature describing its progress implementing chapter 293, Laws of 2020 (baby, child dentistry access) and chapter 242, Laws of 2020 (access to baby and child dentistry for children with disabilities).

(b) \$200,000 of the general fund—state appropriation for fiscal year 2023 and \$200,000 of the general fund—federal appropriation are provided solely for the authority to contract with access to baby and child dentistry local programs for the purpose of maintaining and expanding capacity for local program coordinators. The goals of this contracting include, but are not limited to, reducing racial and ethnic disparities in access to care and oral health outcomes, increasing the percentage of medicaid-enrolled children under the age of two accessing dental care, and continued provider engagement and outreach. The authority may contract with the office of equity and other statewide and local equity partners to provide training and identify activities and deliverables.

~~((58))~~ (55) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—federal appropriation are provided solely for contracting by the health care authority to further the development and implementation of its Washington primary care transformation initiative, intended to increase team-based primary care and the percentage of overall health care spending in the state devoted to primary care. By October 1, 2021, the authority must update the legislature on the status of the initiative, including any fiscal impacts of this initiative, potential implementation barriers, and needed legislation.

~~((59))~~ (56) Sufficient funds are provided to continue reimbursing dental health aid therapists for services performed in tribal facilities for medicaid clients. The authority must leverage any federal funding that may become available as a result of appeal decisions from the centers for medicare and medicaid services or the United States court of appeals for the ninth circuit.

~~((60))~~ (57) \$149,000 of the general fund—state appropriation for fiscal year 2022 and \$140,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans).

~~((61))~~ (58) Within the amount appropriated within this section, the authority shall implement the requirements of Substitute Senate Bill No. 5068 (postpartum period/medicaid) and the American rescue plan act of 2021, P.L. 117-2, in extending health care coverage during the postpartum period. The authority shall make every effort to expedite and complete eligibility determinations for individuals who are likely eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act to ensure the state is receiving maximum federal match. This includes, but is not limited to, working with managed care organizations to provide continuous outreach in various modalities until the individual's eligibility determination is completed. Beginning June 1, 2022, the authority must submit quarterly reports to the caseload forecast work group on the number of individuals who are likely eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act but are waiting for the authority to complete eligibility determination, the number of individuals who were likely eligible but are now receiving health care coverage with the maximum federal match under Title XIX or Title XXI of the federal social security act, and outreach activities including the work with managed care organizations.

~~((62))~~ (59) \$10,695,000 of the general fund—state

appropriation for fiscal year 2022, \$10,695,000 of the general fund—state appropriation for fiscal year 2023, and \$54,656,000 of the general fund—federal appropriation are provided solely to maintain and increase access for adult dental services for medicaid enrolled patients through increased provider rates beginning July 1, 2021. Within the amounts provided in this subsection, the authority must increase the medical assistance rates for adult dental services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis up to 100 percent above medical assistance rates in effect on January 1, 2019.

~~((63))~~ (60) \$551,000 of the general fund—state appropriation for fiscal year 2022, \$770,000 of the general fund—state appropriation for fiscal year 2023, and \$3,288,000 of the general fund—federal appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 5195 (opioid overdose medication).

~~((64))~~ (61) The authority must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in the LEAP omnibus document HCBS-2021.

~~((65))~~ (62) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to continue a public-private partnership with a state-based oral health foundation to connect medicaid patients to dental services and reduce barriers to accessing care. The authority shall submit a progress report to the appropriate committees of the legislature by June 30, 2022.

~~((66))~~ (63)(a) \$35,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the authority to distribute grants for the provision of health care services for uninsured and underinsured individuals, regardless of immigration status. Grants provided under this subsection must be used for the direct care of uninsured and underinsured individuals under 200 percent of the federal poverty level, including on-site care as well as referrals to and payment for services provided off-site, for:

(i) The testing, assessment, or treatment of the severe acute respiratory syndrome coronavirus 2 (COVID-19), including facility and provider fees;

(ii) Primary and preventive care;

(iii) Behavioral health services;

(iv) Oral health care;

(v) Assessment, treatment, and management of acute or chronic conditions, including but not limited to the cost of laboratory, prescription medications, specialty care, therapies, radiology, and other diagnostics; and

(vi) Outreach and education needed to inform patients and prospective patients that care is available free of charge.

(b) To be eligible for a grant under this subsection, a federally qualified health center, rural health clinic, free clinic, public hospital district, behavioral health provider or facility, behavioral health administrative service organization, or community-based organization must apply for a grant and agree to not:

(i) Bill individuals for any portion of the services provided that involve the use of amounts appropriated in this section; or

(ii) Use the amounts provided in this subsection for services for which other funds are available, such as federal funds from the families first coronavirus response act and the American rescue plan act.

(c) Grants provided under this subsection may be used to

provide on-site care, care delivered via telehealth, and referrals to and payments for services provided off-site. Recipients may use funds distributed in this subsection to reimburse other providers or facilities for the cost of care. Only free clinics may use grants provided under this subsection to cover general operating costs, including staffing, supplies, and equipment purchases.

(d) The agency shall employ fund allocation approaches that engage community residents, organizations, and leaders in identifying priorities and implementing projects and initiatives that reflect community values and priorities. At a minimum, this must include consultation with community health boards and organizations that advocate for access to health care for uninsured state residents.

(e) Recipients of the amounts provided in this subsection must submit reports to the authority on the use of grant funds, including data about utilization of services. The authority shall prepare and post on its website an annual report detailing the amount of funds disbursed and aggregating information submitted by recipients.

(f) The authority may retain no more than three percent of the amounts provided in this subsection for administrative costs.

(g) As used in this subsection, "free clinics" mean private, nonprofit, community, or faith-based organizations that provide medical, dental, and mental health services at little or no cost to uninsured and underinsured people through the use of volunteer health professionals, community volunteers, and partnerships with other health providers.

~~((67))~~ (64) \$123,000 of the general fund—state appropriation for fiscal year 2022, \$46,000 of the general fund—state appropriation for fiscal year 2023, and \$743,000 of the general fund—federal appropriation are provided solely for the implementation of Substitute House Bill No. 1348 (incarcerated persons/medical).

~~((68))~~ (65) \$1,350,000 of the general fund—state appropriation for fiscal year 2023 and \$2,570,000 of the general fund—federal appropriation are provided solely for the implementation of House Bill No. 1096 (nonmedicare plans).

~~((69))~~ (66) Within the amounts provided in this section, sufficient funding is provided for the authority to implement Second Substitute House Bill No. 1325 (behavioral health/youth).

~~((70))~~ (67) \$184,000 of the general fund—state appropriation for fiscal year 2022 and \$175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1196 (audio-only telemedicine).

~~((71))~~ (68) \$232,000 of the general fund—state appropriation for fiscal year 2022, \$300,000 of the general fund—state appropriation for fiscal year 2023, and \$599,000 of the general fund—federal appropriation are provided solely for reimbursement for a social worker as part of the medical assistance home health benefit.

~~((72))~~ (69) \$1,303,000 of the general fund—state appropriation for fiscal year 2022 and \$285,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5203 (generic prescription drugs).

~~((73))~~ (70) \$18,669,000 from the Indian health improvement reinvestment account is provided solely for Indian health improvement advisory plan projects, programs, and activities authorized by RCW 43.71B.030.

~~((74))~~ (71) \$434,000 of the general fund—state appropriation for fiscal year 2022 and \$489,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to partner with the department of social and health services to create surge capacity in acute care hospitals by supporting non-citizens who are both in acute care hospitals

awaiting discharge and on the department of social and health services waitlist for services. The amounts provided in this subsection are for the authority to cover the cost of medical assistance for 20 new non-citizen clients.

~~((75))~~ (72) \$25,000 of the general fund—state appropriation for fiscal year 2022 and \$25,000 of the general fund—federal appropriation are provided solely for the authority to develop an implementation plan to incorporate medical and psychiatric respite care as statewide medicaid benefits. The plan must include an analysis of the cost effectiveness of providing medical and psychiatric respite care benefits for medicaid enrollees. In developing the plan, the authority shall consult with interested stakeholders, including medicaid managed care organizations, community health centers, organizations providing respite care, and hospitals. Amounts provided in this subsection may be used for staff support and one-time contracting. No later than January 15, 2022, the authority shall report its findings to the relevant committees of the legislature, the office of the governor, and the office of financial management.

~~((76))~~ (73) \$281,000 of the general fund—state appropriation for fiscal year 2022, \$192,000 of the general fund—state appropriation for fiscal year 2023, and \$803,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5304 (reentry services).

~~((77))~~ (74)(a) The authority shall assess the feasibility and fiscal impacts of an 1115 medicaid waiver to extend continuous eligibility for apple health covered children ages zero through five as a component of school readiness. The authority may seek support for the analysis. Prior to submitting the waiver application, the authority shall provide a status update no later than September 30, 2021, to the governor and fiscal committees of the legislature.

(b) \$6,090,000 of the general fund—state appropriation for fiscal year 2023 and \$6,125,000 of the general fund—federal appropriation are provided solely for the authority to extend continuous eligibility for apple health to children ages zero to six with income at or below 215 percent of the federal poverty level. The centers for medicare and medicaid services must approve the 1115 medicaid waiver prior to the implementation of this policy.

~~((78))~~ (75) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the perinatal support warm line to provide peer support, resources, and referrals to new and expectant parents and people in the emotional transition to parenthood experiencing, or at risk of, postpartum depression or other mental health issues.

~~((79))~~ (76) Sufficient funding is provided to remove the asset test from the medicare savings program review process.

~~((80))~~ (77) \$77,000 of the general fund—state appropriation for fiscal year 2022 and \$286,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1728 (insulin work group reauth.). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

~~((81))~~ (78) Sufficient funding is provided to eliminate the mid-certification review process for the aged, blind, or disabled and housing and essential needs referral programs.

~~((82))~~ (79) \$103,000 of the general fund—state appropriation for fiscal year 2022, \$253,000 of the general fund—state appropriation for fiscal year 2023, and \$2,724,000 of the general fund—federal appropriation are provided solely for the authority to procure an electronic consent management solution for patients and health care providers to exchange health-related information and are subject to the conditions, limitations, and review requirements of section 701 of this act.

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~~((83))~~ (80) \$1,788,000 of the general fund—state appropriation for fiscal year 2022, \$1,788,000 of the general fund—state appropriation for fiscal year 2023, and \$994,000 of the general fund—federal appropriation are provided solely for electronic health record expansion that must be based on the operational and technical needs necessary to implement the national 988 system and are subject to the conditions, limitations, and review requirements of section 701 of this act. As a condition of funding under this subsection, the authority must complete all reporting required under RCW 71.24.898.

~~((84))~~ (81) \$3,250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to make information technology system and provider network upgrades necessary for the anticipated expansion of medicaid equivalent health care coverage for uninsured adults with incomes up to 138 percent of the federal poverty level regardless of immigration status ~~((in collaboration with the department of social and health services and is subject to the conditions, limitations, and review provided in section 701 of this act)).~~

~~((85))~~ (82) \$10,406,000 of the general fund—state appropriation for fiscal year 2023 and \$10,715,000 of the general fund—federal appropriation are provided solely to maintain and increase access for children's dental services for medicaid enrolled patients through increased provider rates beginning January 1, 2023. Within the amounts provided in this subsection, the authority must increase the medical assistance rates for children's dental services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis as follows:

(a) Increase the rates for codes for the access to baby and child dentistry (ABCD) program by 40 percent;

(b) Increase the rates for codes for children's dental program rates for persons aged zero to 20 years old that have a corresponding ABCD code to the current ABCD code rate, plus an additional 10 percent rate increase; and

(c) Increase the rates for codes for children's dental program rates for persons aged zero to 20 years old without a corresponding ABCD code to 70 percent of the medical assistance rates on a fee-for-service basis for adult dental services in effect on January 1, 2022. This increase does not apply to codes with rates already greater than 70 percent of the adult dental services rate.

~~((86))~~ (83) \$250,000 of the general fund—state appropriation for fiscal year 2023 and \$250,000 of the general fund—federal appropriation are provided solely for the authority to conduct a feasibility study for planning, design, implementation, and administration of a case management solution that supports acquisition, storage, and retrieval of data and data analysis pursuant to *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States district court for the western district of Washington, cause no. 14-cv-00178-MJP.

~~((87))~~ (84) \$56,000 of the general fund—state appropriation for fiscal year 2022 and \$1,548,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for health information technology and evaluations necessary to support the 1115 demonstration waiver as it relates to institutions for mental diseases and are subject to the conditions, limitations, and review requirements of section 701 of this act.

~~((88))~~ (85) \$272,000 of the general fund—state appropriation for fiscal year 2023 and \$149,000 of the general fund—federal appropriation are provided solely to align services provided through both fee-for-service and managed care to the bright futures guidelines, or a comparable schedule, for early and periodic screening, diagnosis, and treatment beginning January 1, 2023.

~~((89))~~ (86) \$3,174,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5745 (personal needs allowance). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((90))~~ (87) \$297,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5589 (primary care spending). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((91))~~ (88) \$1,460,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute Senate Bill No. 5532 (Rx drug affordability board). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((92))~~ (89) \$61,000 of the general fund—state appropriation for fiscal year 2023 and \$183,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute Senate Bill No. 5736 (minors/behavioral health). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

~~((93))~~ (90) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to design a standardized payment methodology for a palliative care benefit for the state medicaid program and the employee and retiree benefits programs. The authority may contract with a third party to design the palliative care model and complete the work required in this subsection.

~~((94))~~ (91) Within the amounts appropriated in this section, the authority shall develop a state plan amendment, rules, and payment policies; complete necessary system changes related to payment processing and provider enrollment; and update managed care contracts and provider communications in anticipation of providing an adult acupuncture benefit.

~~((95))~~ (92) Within the amounts appropriated in this section, the authority shall develop a state plan amendment, rules, and payment policies; complete necessary system changes related to payment processing and provider enrollment; and update managed care contracts and provider communications in anticipation of providing an adult chiropractic benefit.

~~((96))~~ (93) \$640,000 of the general fund—state appropriation for fiscal year 2023 and \$655,000 of the general fund—federal appropriation are provided solely for a 20 percent rate increase, effective January 1, 2023, for in-home private duty nursing agencies.

~~((97))~~ (94) \$180,000 of the general fund—state appropriation for fiscal year 2023 and \$187,000 of the general fund—federal appropriation are provided solely for a 10 percent rate increase, effective January 1, 2023, for private duty nursing in medically intensive children's group home settings.

~~((98))~~ (95) \$140,000 of the general fund—state appropriation for fiscal year 2023 and \$266,000 of the general fund—federal appropriation are provided solely for a 10 percent rate increase, effective January 1, 2023, for home health services.

~~((99))~~ (96)(a) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to provide a report on psilocybin services wellness and opportunities in consultation with stakeholders as described in this subsection.

(b) The director of the authority, or the director's designee, must chair the stakeholder group.

(c) The stakeholder group must include, but not be limited to, the following members:

(i) The secretary of the department of health or the secretary's

designee;

(ii) The director of the liquor and cannabis board or the director's designee;

(iii) The director of the department of agriculture or the director's designee; and

(iv) As appointed by the director of the authority, or the director's designee:

(A) A military veteran, or representative of an organization that advocates on behalf of military veterans, with knowledge of psilocybin;

(B) Up to two recognized indigenous practitioners with knowledge of the use of psilocybin or other psychedelic compounds in their communities;

(C) An individual with expertise in disability rights advocacy;

(D) A member of the nursing profession with knowledge of psilocybin;

(E) A psychologist with knowledge of psilocybin;

(F) A mental health counselor, marriage and family therapist, or social worker with knowledge of psilocybin;

(G) A physician with knowledge of psilocybin;

(H) A health researcher with expertise in health equity;

(I) A representative of the cannabis industry with knowledge of regulation of cannabis businesses in Washington;

(J) An advocate from the LGBTQIA community with knowledge of the experience of behavioral health issues within that community;

(K) A member of the psychedelic medicine alliance of Washington; and

(L) Up to two members with lived experience of utilizing psilocybin.

(d) The authority must convene the first meeting of the stakeholder group no later than June 30, 2022.

(e) The authority must provide a preliminary brief report to the governor and appropriate committees of the legislature by December 1, 2022, focusing on (f)(i), (ii), and (iii) of this subsection, and a final report by December 1, 2023. The authority may form subcommittees within the stakeholder group and adopt procedures necessary to facilitate its work.

(f) The duties of the authority in consultation with the stakeholder group shall include, but not be limited to, the following activities:

(i) Review the Oregon health authority's proposed rules for the regulation of psilocybin and assess the impact the adoption of substantially similar laws and rules or Senate Bill No. 5660 would have in Washington state, and identify specific areas where a different approach may be necessary or desirable;

(ii) Review systems and procedures established by the liquor and cannabis board to monitor manufacturing, testing, and tracking of cannabis to determine suitability and adaptations required for use with psilocybin if Washington adopts legislation substantially similar to the Oregon psilocybin services act or Senate Bill No. 5660;

(iii) Review the social opportunity program proposed in Senate Bill No. 5660 for the purpose of recommending improvements or enhancements to promote equitable access to a potential legal psilocybin industry within an operable administrative framework;

(iv) Assess functional requirements of Senate Bill No. 5660 that would exceed the expertise and capacity of the department of health and identify opportunities for development or collaboration with other state agencies and entities to meet the requirements; and

(v) Discuss options to integrate licensed behavioral health professionals into the practice of psilocybin therapy under the framework of Senate Bill No. 5660 where appropriate.

(g) The department of health, liquor and cannabis board, and

department of agriculture must provide subject matter expertise and support to stakeholder group and any subcommittee meetings of the stakeholder group. For the department of health, subject matter expertise includes an individual or individuals with knowledge and experience with rulemaking, with the regulation of health professionals, and with the regulation of health facilities.

(h) Meetings of the stakeholder group under this section shall be open to participation by members of the public.

(i) Stakeholder group members participating on behalf of an employer, governmental entity, or other organization are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

~~((400))~~ (97) \$24,600,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the authority to provide one-time funding to community health centers paid under either APM3 or APM4 that experienced overpayments because of COVID-19 service-related reductions or had funds withheld due to missing targeted benchmarks because of extraordinary community pandemic response needs in calendar year 2020.

~~((401))~~ (98) \$250,000 of the general fund—state appropriation for fiscal year 2023 and \$250,000 of the general fund—federal appropriation are provided solely for project management and contracting to assist the authority with post-eligibility review planning in anticipation of the end of the COVID-19 public health emergency.

~~((402))~~ (99) \$40,000 of the general fund—state appropriation for fiscal year 2022, \$40,000 of the general fund—state appropriation for fiscal year 2023, \$80,000 of the general fund—federal appropriation, and \$320,000 of the telebehavioral access account—state appropriation are provided solely for additional staff support for the mental health referral service for children and teens.

~~((403))~~ (100)(a) \$2,087,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to establish a two-year grant program for reimbursement for services to patients up to age 18 provided by community health workers in primary care clinics whose patients are significantly comprised of pediatric patients enrolled in medical assistance under chapter 74.09 RCW beginning January 1, 2023. Community health workers funded under this subsection may provide outreach, informal counseling, and social supports for health-related social needs. The authority shall seek a state plan amendment or federal demonstration waiver should they determine these services are eligible for federal matching funds. Within the amounts provided within this subsection, the authority will provide an initial report to the governor and appropriate committees of the legislature by January 1, 2024, and a final report by January 1, 2025. The report shall include, but not be limited to, the quantitative impacts of the grant program, how many community health workers are participating in the grant program, how many clinics these community health workers represent, how many clients are being served, and evaluation of any measurable health outcomes identified in the planning period prior to January 2023.

(b) In collaboration with key stakeholders including pediatric primary care clinics and medicaid managed care organizations, the authority shall explore longer term, sustainable reimbursement options for the integration of community health workers in primary care to address the health-related social needs of families, including approaches to incorporate federal funding.

~~((404))~~ (101)(a) No more than \$156,707,000 of the general

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fund—federal appropriation and no more than \$60,942,000 of the general fund—local appropriation may be expended for an outpatient directed payment program.

(b) The authority shall:

(i) Design the program to support the state's access and other quality of care goals and to not increase general fund—state expenditures;

(ii) Seek approval from the centers for medicare and medicaid services to create a medicaid outpatient directed payment program for hospital outpatient services provided to medicaid program managed care recipients by University of Washington medical center and harborview medical center;

(iii) Upon approval, direct managed care organizations to make payments to eligible providers at levels required to ensure enrollees have timely access to critical high-quality care as allowed under 42 C.F.R. 438.6(c); and

(iv) Increase medicaid payments for hospital outpatient services provided by University of Washington medical center and harborview medical center to the average payment received from commercial payers.

(c) Any incremental costs incurred by the authority in the development, implementation, and maintenance of this program shall be the responsibility of the participating hospitals.

(d) Participating hospitals shall retain the full amount of payments provided under this program.

(e) Participating hospitals will provide the local funds to fund the required nonfederal contribution.

(f) This program shall be effective as soon as administratively possible.

~~((106))~~ (102) \$16,000 of the general fund—state appropriation for fiscal year 2022, \$31,000 of the general fund—state appropriation for fiscal year 2023, and \$420,000 of the general fund—federal appropriation are provided solely for a technology solution for an authoritative client identifier, or master person index, for state programs within the health and human services coalition to uniformly identify clients across multiple service delivery systems. The coalition will clearly identify all state programs impacted by and all fund sources used in development and implementation of this project. This subsection is subject to the conditions, limitations, and review requirements of section 701 of this act.

~~((107))~~ (103) \$5,000 of the general fund—state appropriation for fiscal year 2022, \$22,000 of the general fund—state appropriation for fiscal year 2023, and \$75,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute Senate Bill No. 5664 (forensic competency hearings). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

~~((108))~~ (104)(a) \$3,735,000 of the general fund—state appropriation for fiscal year 2023 and \$14,075,000 of the general fund—federal appropriation are provided solely for the authority to provide coverage for all federal food and drug administration-approved HIV antiviral drugs without prior authorization beginning January 1, 2023.

(b) Beginning January 1, 2023, upon initiation or renewal of a contract with the authority to administer a medicaid managed care plan, a managed health care system shall provide coverage without prior authorization for all federal food and drug administration-approved HIV antiviral drugs.

(c) By December 1, 2022, and annually thereafter, the authority must submit to the fiscal committees of the legislature the projected and actual expenditures and percentage of medicaid clients who switch to a new drug class without prior authorization as described in (a) and (b) of this subsection.

~~((109))~~ (105)(a) \$200,000 of the general fund—state

appropriation for fiscal year 2023 is provided solely for the authority, in consultation with the office of the insurance commissioner, to complete an analysis of the cost to implement a fertility treatment benefit as described in the department of health's December 2021 mandated benefit sunrise review.

(b) The authority must contract with one or more consultants to:

(i) Obtain utilization and cost data from the state to provide an estimate of aggregate utilization and cost impacts of fertility treatment coverage for medicaid recipients, expressed as total annual cost and as a per member per month cost for plan years 2024 through 2027; and

(ii) Obtain utilization and cost data from the public employees benefits board and school employees benefits board programs to provide an estimate of aggregate utilization and cost impacts of fertility treatment coverage, expressed as total annual cost and as a per member per month cost for plan years 2024 through 2027.

(c) The analysis must include, but is not limited to, a utilization and cost analysis of each of the following services:

- (i) Infertility diagnosis;
- (ii) Fertility medications;
- (iii) Intrauterine insemination;
- (iv) In vitro fertilization; and
- (v) Egg freezing.

(d) The authority must report the findings of the analysis to the governor and appropriate committees of the legislature by June 30, 2023.

~~((110))~~ (106)(a) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for one-time grants for eligible clinics to establish behavioral health integration in primary care clinics for children and adolescents. The authority may award grants of up to \$200,000 per clinic.

(b) Recipients may use grants under this subsection for:

- (i) Training to create operational workflows that promote team-based care and evidence-based practices;
- (ii) System development to implement universal screening of patients using standardized assessment tools;
- (iii) Development of a registry to track patient outcomes;
- (iv) Behavioral health professional recruitment and retention;
- (v) Psychiatric supervision recruitment and retention for consultation services for the behavioral health integration program;
- (vi) Partnership development with community mental health centers for referral of patients with higher level needs;
- (vii) Information technology infrastructure, including electronic health record adjustments and registry creation; and
- (viii) Physical space modifications to accommodate additional staff.

(c) To be eligible for grants under this subsection, clinics must have:

- (i) At least 35 percent of their total patients enrolled in medicaid. Priority for funding must be given to clinics with the highest proportion of patients enrolled in medicaid;
- (ii) A primary care advocate or proponent of the behavioral health integration program;
- (iii) Support for the behavioral health integration program at the highest level of clinic leadership;
- (iv) An arrangement for psychiatric consultation and supervision;
- (v) A team-based approach to care, including the primary care provider, behavioral health professional, psychiatric consultant, patient, and patient's family; and
- (vi) A plan to:

(A) Hire a behavioral health professional to be located within the clinic;



(B) Create a registry that monitors patient engagement and symptom improvement;

(C) Implement universal screening for behavioral health needs;

(D) Provide care coordination with schools, emergency departments, hospitals, and other points of care; and

(E) Ensure closed-loop referrals to specialty behavioral health care when indicated, as well as engagement in specialty treatment as clinically indicated.

~~((114))~~ (107) \$55,000 of the general fund—state appropriation for fiscal year 2023 and \$122,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1860 (behavioral health discharge). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

~~((112))~~ (108) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Bree collaborative to support collaborative learning and targeted technical assistance for quality improvement initiatives.

~~((113))~~ (109)(a) \$500,000 of the general fund—state appropriation for fiscal year 2023 and \$1,500,000 of the general fund—federal appropriation are provided solely for the authority, in consultation with the health and human services enterprise coalition, community-based organizations, health plans, accountable communities of health, and safety net providers, to determine the cost and implementation impacts of a statewide community information exchange (CIE). A CIE platform must serve as a tool for addressing the social determinants of health, defined as nonclinical community and social factors such as housing, food security, transportation, financial strain, and interpersonal safety, that affect health, functioning, and quality-of-life outcomes.

(b) Prior to issuing a request for proposals or beginning this project, the authority must work with stakeholders in (a) of this subsection to determine which platforms already exist within the Washington public and private health care system to determine interoperability needs and fiscal impacts to both the state and impacted providers and organizations that will be using a single statewide community information exchange platform.

(c) This subsection is subject to the conditions, limitations, and review requirements of section 701 of this act.

~~((114))~~ (110) \$226,000 of the general fund—state appropriation for fiscal year 2023, \$1,072,000 of the general fund—private/local appropriation, and \$2,588,000 of the general fund—federal appropriation are provided solely to implement Engrossed Substitute House Bill No. 1866 (supportive housing). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

~~((115))~~ (111) \$8,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for one-time bridge grants to hospitals in financial distress. To qualify for these grants, a hospital must:

- (a) Be located in Washington;
- (b) Serve individuals enrolled in state and federal medical assistance programs;
- (c) Continue to maintain a medicaid population at similar utilization levels as in calendar year 2021;
- (d) Be necessary for an adequate provider network for the medicaid program;
- (e) Demonstrate a plan for long-term financial sustainability; and
- (f) Meet one of the following criteria:
  - (i) Lack adequate cash-on-hand to remain financially solvent;
  - (ii) Have experienced financial losses during hospital fiscal year 2021; or

(iii) Be at risk of bankruptcy.

~~((116))~~ (112) The authority shall consider evidence-based recommendations from the Oregon health evidence review commission when making coverage decisions for the treatment of pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute-onset neuropsychiatric syndrome.

**Sec. 1212.** 2022 c 297 s 214 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—HEALTH BENEFIT EXCHANGE**

General Fund—State Appropriation (FY 2022) .....	\$4,881,000
General Fund—State Appropriation (FY 2023) <del>((9,547,000))</del>	
.....	\$7,959,000
General Fund—Federal Appropriation.....	<del>((54,032,000))</del>
.....	\$54,371,000
Health Benefit Exchange Account—State Appropriation	
.....	<del>((80,860,000))</del>
.....	\$80,110,000
State Health Care Affordability Account—State	
Appropriation .....	<del>((55,000,000))</del>
.....	\$25,000,000
<b>TOTAL APPROPRIATION .....</b>	<del>((204,320,000))</del>
.....	\$172,321,000

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

(1) The receipt and use of medicaid funds provided to the health benefit exchange from the health care authority are subject to compliance with state and federal regulations and policies governing the Washington apple health programs, including timely and proper application, eligibility, and enrollment procedures.

(2)(a) By July 15th and January 15th of each year, the authority shall make a payment of one-half the general fund—state appropriation, one-half the health benefit exchange account—state appropriation, and one-half the health care affordability account—state appropriation to the exchange. By July 15, 2021, the authority shall make the payments of the general fund—federal appropriation (CRRSA) and the general fund—federal appropriation (ARPA) to the exchange.

(b) The exchange shall monitor actual to projected revenues and make necessary adjustments in expenditures or carrier assessments to ensure expenditures do not exceed actual revenues.

(c) Payments made from general fund—state appropriation and health benefit exchange account—state appropriation shall be available for expenditure for no longer than the period of the appropriation from which it was made. When the actual cost of materials and services have been fully determined, and in no event later than the lapsing of the appropriation, any unexpended balance of the payment shall be returned to the authority for credit to the fund or account from which it was made, and under no condition shall expenditures exceed actual revenue.

(3)(a) \$146,000 of the general fund—state appropriation for fiscal year 2022 and \$554,000 of the general fund—federal appropriation are provided solely for the exchange, in close consultation with the health and human services enterprise coalition (coalition), to develop a report on the next steps required for information technology solutions for an integrated health and human services eligibility solution. The report must include, but is not limited to a:

- (i) Technical approach and architecture;
- (ii) Roadmap and implementation plan for modernizing and integrating the information technology eligibility and enrollment system for including, but not limited to, medicaid, basic food,

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child care assistance, cash assistance, and other health and human service program benefits, beginning with classic medicaid; and

(iii) Discussion of how an integrated health and human services solution would:

- (A) Comply with federal requirements;
- (B) Maximize efficient use of staff time;
- (C) Support accurate and secure client eligibility information;
- (D) Improve the client enrollment experience; and
- (E) Provide other notable coalition agency impacts.

(b) The exchange, in coordination with the coalition, must submit the report to the governor and appropriate committees of the legislature by January 15, 2022.

(4) \$1,634,000 of the health benefit exchange account—state appropriation and \$592,000 of the general fund—federal appropriation are provided solely for healthplanfinder enhancement activities. These amounts are subject to the conditions, limitations, and review provided in section 701 of this act.

(5) \$1,324,000 of the health benefit exchange account—state appropriation and \$2,740,000 of the general fund—federal appropriation are provided solely for the modernizing healthplanfinder project. These amounts are subject to the conditions, limitations, and review provided in section 701 of this act.

(6) \$250,000 of the general fund—federal appropriation (CRRSA) and \$150,000 of the general fund—federal appropriation (ARPA) are provided solely for pass-through funding to one or more lead navigator organizations to promote access to health services through outreach and insurance plan enrollment assistance for employees working in a licensed child care facility.

(7)(a) \$1,171,000 of the general fund—federal appropriation (CRRSA) and \$2,595,000 of the general fund—federal appropriation (ARPA) are provided solely for the exchange to implement a health care insurance premium assistance program for employees who work in licensed child care facilities. The general fund—federal appropriation (CRRSA) must be expended by September 30, 2022.

(b) An individual is eligible for the child care premium assistance program for the remainder of the plan year if the individual:

- (i) Is an employee working in a licensed child care facility;
- (ii) Enrolls in a silver standardized health plan under RCW 43.71.095;
- (iii) Prior to January 1, 2024, has income that is less than 300 percent of the federal poverty level;
- (iv) Applies for and accepts all federal advance premium tax credits for which he or she may be eligible before receiving any state premium assistance;
- (v) Is ineligible for minimum essential coverage through medicare, a federal or state medical assistance program administered by the health care authority under chapter 74.09 RCW, or for premium assistance under RCW 43.71A.020; and
- (vi) Meets other eligibility criteria as established by the exchange.

(c) Subject to the availability of amounts provided in this subsection, the exchange shall pay the premium cost for a qualified health plan for an individual who is eligible for the child care premium assistance program under (b) of this subsection.

(d) The exchange may disqualify a participant from the program if the participant:

- (i) No longer meets the eligibility criteria in (b) of this subsection;
- (ii) Fails, without good cause, to comply with procedural or documentation requirements established by the exchange in

accordance with (e) of this subsection;

(iii) Fails, without good cause, to notify the exchange of a change of address in a timely manner;

(iv) Voluntarily withdraws from the program; or

(v) Performs an act, practice, or omission that constitutes fraud, and, as a result, an insurer rescinds the participant's policy for the qualified health plan.

(e) The exchange shall establish:

(i) Procedural requirements for eligibility and continued participation in any premium assistance program under this section, including participant documentation requirements that are necessary to administer the program; and

(ii) Procedural requirements for facilitating payments to and from carriers.

(f) The program must be implemented no later than November 1, 2021.

(g) No later than October 1, 2022, the exchange shall submit a report to the governor and appropriate committees of the legislature on the implementation of the child care premium assistance program including, but not limited to:

- (i) The number of individuals participating in the program to date; and
- (ii) The actual costs of the program to date, including agency administrative costs.

(h) Within the amounts provided in this subsection, the exchange may create an outreach program to help employees who work in licensed child care facilities enroll in the premium assistance program, beginning for plan year 2023, as established in chapter 246, Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5377) (standardized health plans).

(i) The health care insurance premium assistance program for employees who work in licensed child care facilities is effective through plan year 2023.

(8) \$136,000 of the general fund—state appropriation for fiscal year 2022, \$136,000 of the general fund—state appropriation for fiscal year 2023, \$254,000 of the health benefit exchange account—state appropriation, and \$274,000 of the general fund—federal appropriation are provided solely for pass through funding in the annual amount of \$100,000 for the lead navigator organization in the four regions with the highest concentration of COFA citizens to:

- (a) Support a staff position for someone from the COFA community to provide enrollment assistance to the COFA community beyond the scope of the current COFA program; and
- (b) Support COFA community led outreach and enrollment activities that help COFA citizens obtain and access health and dental coverage.

(9) \$142,000 of the general fund—state appropriation for fiscal year 2022 and \$538,000 of the general fund—federal appropriation are provided solely for the implementation of Substitute Senate Bill No. 5068 (postpartum period/medicaid) and section 9812 of the American rescue plan act of 2021.

(10) \$8,162,000 of the health benefit exchange account—state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans).

(11) ~~(\$50,000,000)~~ \$20,000,000 of the state health care affordability account—state appropriation is provided solely for the exchange to administer a premium assistance program, beginning for plan year 2023, as established in ~~((Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans)))~~ RCW 43.71.110, and this is the maximum amount the exchange may expend for this purpose. An individual is eligible for the premium assistance provided if the individual: (a) Has income up to 250 percent of the federal poverty level; and (b) meets other eligibility criteria as established in ~~((section 1(4)(a))~~

~~of Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans)) RCW 43.71.110.~~

(12)(a) Within amounts appropriated in this section, the exchange, in close consultation with the authority and the office of the insurance commissioner, shall explore opportunities to facilitate enrollment of Washington residents who do not qualify for non-emergency medicaid or federal affordability programs in a state-funded program no later than plan year 2024.

(b) If an opportunity to apply to the secretary of health and human services under 42 U.S.C. Sec. 18052 for a waiver is identified or other federal flexibilities are available, the exchange, in collaboration with the office of the insurance commissioner and the authority may develop an application to be submitted by the authority. If an application is submitted, the authority must notify the chairs and ranking minority members of the appropriate policy and fiscal committees of the legislature.

(c) Any application submitted under this subsection must meet all federal public notice and comment requirements under 42 U.S.C. Sec. 18052(a)(4)(B), including public hearings to ensure a meaningful level of public input.

(d) \$50,000 of the general fund—state appropriation for fiscal year 2022 and ~~((2,891,000))~~ \$1,891,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for system updates and community-led engagement activities necessary to implement the waiver.

(13) \$733,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for system upgrades necessary for the anticipated expansion of medicaid equivalent health care coverage to uninsured adults with income up to 138 percent of the federal poverty level regardless of immigration status in collaboration with the health care authority.

(14) ~~((1,000,000))~~ \$700,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for one-time activities to promote continuous coverage for individuals losing coverage through Washington apple health at the end of the COVID-19 public health emergency.

(15) \$20,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the exchange, in collaboration with the state board of community and technical colleges, the student achievement council, and the council of presidents, to provide educational resources and ongoing assister training to support the operations of a pilot program to help connect students, including those enrolled in state registered apprenticeship programs, with health care coverage.

(16) \$5,000,000 of the state health care affordability account—state appropriation is provided solely to provide premium assistance for ~~((customers))~~ individuals ineligible for federal premium tax credits who meet the eligibility criteria established in subsection (11)(a) of this section, and is contingent upon approval of the ~~((applicable))~~ waiver described in ~~((subsection (12)(b) of this section))~~ RCW 43.71.120.

**Sec. 1213.** 2022 c 297 s 215 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—  
COMMUNITY BEHAVIORAL HEALTH PROGRAM**

General Fund—State Appropriation (FY 2022)..	\$687,270,000
General Fund—State Appropriation (FY 2023)	
.....	<del>((914,234,000))</del>
.....	<u>\$886,627,000</u>
General Fund—Federal Appropriation .....	<del>((2,876,776,000))</del>
.....	<u>\$3,107,133,000</u>
General Fund—Private/Local Appropriation....	<del>((37,675,000))</del>
.....	<u>\$37,788,000</u>
Criminal Justice Treatment Account—State	
Appropriation.....	\$21,988,000

Problem Gambling Account—State Appropriation	\$2,113,000
Dedicated Marijuana Account—State Appropriation	
(FY 2022).....	\$28,493,000
Dedicated Marijuana Account—State Appropriation	
(FY 2023).....	\$28,493,000
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation .....	\$131,000,000
TOTAL APPROPRIATION .....	<del>((4,728,042,000))</del>
.....	<u>\$4,930,905,000</u>

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

(1) For the purposes of this section, "behavioral health entities" means managed care organizations and behavioral health administrative services organizations that reimburse providers for behavioral health services.

(2) Within the amounts appropriated in this section, funding is provided for implementation of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. In addition to amounts provided solely for implementation of the settlement agreement, class members must have access to supports and services funded throughout this section for which they meet eligibility and medical necessity requirements. The authority must include language in contracts that requires regional behavioral health entities to develop and implement plans for improving access to timely and appropriate treatment for individuals with behavioral health needs and current or prior criminal justice involvement who are eligible for services under these contracts.

(3) \$23,271,000 of the general fund—state appropriation for fiscal year 2022, \$30,514,000 of the general fund—state appropriation for fiscal year 2023, and \$11,503,000 of the general fund—federal appropriation are provided solely to continue the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The authority, in collaboration with the department of social and health services and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, crisis diversion and supports, education and training, and workforce development.

(4) \$10,000,000 of the general fund—state appropriation for fiscal year 2023 and \$219,000 of the general fund—federal appropriation are provided solely to continue diversion grant programs funded through contempt fines pursuant to *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The authority must consult with the plaintiffs and court monitor to determine, within the amounts provided, which of the programs will continue to receive funding through this appropriation. The programs shall use this funding to provide assessments, mental health treatment, substance use disorder treatment, case management, employment, and other social services. By June 30, 2023, the authority, in consultation with the plaintiffs and the court monitor, must submit a report to the office of financial management and the appropriate fiscal committees of the legislature which includes: Identification of the programs that receive funding through this subsection; a narrative description of each program model; the number of individuals being served by each program on a monthly basis; metrics or

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outcomes reported as part of the contracts; and recommendations related to further support of these programs in the 2023-2025 fiscal biennium.

(5) \$12,359,000 of the general fund—state appropriation for fiscal year 2022, \$12,359,000 of the general fund—state appropriation for fiscal year 2023, and \$23,444,000 of the general fund—federal appropriation are provided solely for the authority and behavioral health entities to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to behavioral health entities with PACT teams, the authority shall consider the differences between behavioral health entities in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The authority may allow behavioral health entities which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under subsection (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.

(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) \$95,822,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$116,633,000)~~) \$119,677,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of behavioral health entity spending must be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. These amounts must be distributed to behavioral health entities as follows:

(a) \$72,275,000 of the general fund—state appropriation for fiscal year 2022 and \$88,275,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract with behavioral health administrative service organizations for behavioral health treatment services not covered under the medicaid program. Within these amounts, behavioral health administrative service organizations must provide a two percent rate increase to providers receiving state funds for nonmedicaid services under this section effective July 1, 2021, and a seven percent rate increase effective January 1, 2023.

(b) \$23,547,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$28,358,000)~~) \$31,402,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract with medicaid managed care organizations for wraparound services to medicaid enrolled individuals that are not covered under the medicaid program and for the state share of costs for exceptional medicaid behavioral health personal care services. Within the amounts provided in this subsection:

(i) Medicaid managed care organizations must provide a two percent rate increase to providers receiving state funding for nonmedicaid services under this section effective July 1, 2021, and a seven percent rate increase effective January 1, 2023.

(ii) The authority shall assure that managed care organizations reimburse the department of social and health services aging and long term support administration for the general fund—state cost of exceptional behavioral health personal care services for

medicaid enrolled individuals who require these because of a psychiatric disability. Funding for the federal share of these services is separately appropriated to the department of social and health services.

(c) The authority shall coordinate with the department of social and health services to develop and submit to the centers for medicare and medicaid services an application to provide a 1915(i) state plan home and community-based services benefit. The application shall be developed to allow for the delivery of wraparound supportive behavioral health services for individuals with mental illnesses who also have a personal care need. The waiver shall be developed to standardize coverage and administration, improve the current benefit design, and clarify roles in administration of the behavioral health personal care services benefit. By December 1, 2021, the authority, in coordination with the department of social and health services, must submit a report to the office of financial management and the appropriate committees of the legislature which provides the following:

(i) A description of the new benefit design developed for the waiver, including a description of the services to be provided and the responsibility for payment under the waiver;

(ii) Estimates of the number of individuals to be served annually under the new waiver and the estimated state and federal fiscal costs for the managed care organizations and the department of social and health services;

(iii) A comparison estimate of the number of individuals to receive behavioral health personal care services annually under the current benefit structure and the estimated state and federal fiscal costs for the managed care organizations and the department of social and health services; and

(iv) A status update on the development and submission of the waiver with an estimated timeline for approval and implementation of the new wraparound services benefit.

(d) The authority must require behavioral health administrative service organizations to submit information related to reimbursements to counties made for involuntary treatment act judicial services and submit a report to the office of financial management and the appropriate committees of the legislature with complete fiscal year 2022 reimbursements by December 1, 2022.

(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 2022 and \$1,204,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting one hundred eighty-day commitment hearings at the state psychiatric hospitals.

(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 2022 and \$2,291,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for mental

health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The authority must collect information from the behavioral health entities on their plan for using these funds, the numbers of individuals served, and the types of services provided and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(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 administrative service organization contracts and include contract language that clearly states the requirements and limitations. The authority must monitor and ensure that behavioral health administrative service organization reserves do not exceed maximum levels. The authority must monitor revenue and expenditure reports and must require a behavioral health administrative service organization to submit a corrective action plan on how it will spend its excess reserves within a reasonable period of time, when its reported reserves exceed maximum levels established under the contract. The authority must review and approve such plans and monitor to ensure compliance. If the authority determines that a behavioral health administrative service organization has failed to provide an adequate excess reserve corrective action plan or is not complying with an approved plan, the authority must reduce payments to the entity in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the authority determines that the entity has come into substantial compliance with an approved excess reserve corrective action plan. By June 30, 2023, the authority must submit to the office of financial management and the appropriate committees of the legislature, the minimum and maximum reserve levels established in contract for each of the behavioral health administrative service organizations for fiscal year 2024.

(14) During the 2021-2023 fiscal biennium, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted directly between the authority and pregnant and parenting women case management providers.

(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 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). Funding from the criminal justice treatment account may be used to provide treatment and support services through the conclusion of an individual's treatment plan to individuals participating in a drug court program as of February 24, 2021, if that individual wishes to continue treatment following dismissal of charges they were facing under RCW 69.50.4013(1). Such participation is voluntary and contingent upon substantial compliance with drug court program requirements. The authority must provide a report to the office of financial management and the appropriate committees of the legislature which identifies the distribution of criminal justice treatment account funds by September 30, 2021.

(19) \$6,858,000 of the general fund—state appropriation for fiscal year 2022, \$6,858,000 of the general fund—state appropriation for fiscal year 2023, and \$8,046,000 of the general fund—federal appropriation are provided solely to maintain crisis triage or stabilization centers that were originally funded in the 2017-2019 fiscal biennium. Services in these facilities may include crisis stabilization and intervention, individual counseling, peer support, medication management, education, and referral assistance. The authority shall monitor each center's effectiveness at lowering the rate of state psychiatric hospital admissions.

(20) \$9,795,000 of the general fund—state appropriation for fiscal year 2022, \$10,015,000 of the general fund—state appropriation for fiscal year 2023, and \$15,025,000 of the general fund—federal appropriation are provided solely for the operation of secure withdrawal management and stabilization facilities. The authority may not use any of these amounts for services in facilities that are subject to federal funding restrictions that apply to institutions for mental diseases, unless they have received a waiver that allows for full federal participation in these facilities. Within these amounts, funding is provided to increase the fee for service rate for these facilities up to \$650 per day. The authority must require in contracts with behavioral health entities that, beginning in calendar year 2020, they pay no lower than the fee for service rate. The authority must coordinate with regional behavioral health entities to identify and implement purchasing strategies or regulatory changes that increase access to services for individuals with complex behavioral health needs at secure withdrawal management and stabilization facilities.

(21) \$23,090,000 of the general fund—state appropriation for fiscal year 2022, \$23,090,000 of the general fund—state appropriation for fiscal year 2023, and \$92,444,000 of the general fund—federal appropriation are provided solely to maintain the enhancement of community-based behavioral health services that

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was initially funded in fiscal year 2019. Twenty percent of the general fund—state appropriation amounts for each regional service area must be contracted to the behavioral health administrative services organizations and used to increase their nonmedicaid funding allocations and the remainder must be provided to the medicaid managed care organizations providing apple health integrated managed care. The medicaid funding is intended to maintain increased rates for behavioral health services provided by licensed and certified community behavioral health agencies as defined by the department of health. For the behavioral health administrative services organizations, this funding must be allocated to each region based upon the population of the region. For managed care organizations, this funding must be provided through the behavioral health portion of the medicaid integrated managed care capitation rates. The authority must require the managed care organizations to provide a report that details the methodology the managed care organization used to distribute this funding to their contracted behavioral health providers. The report submitted by behavioral health administrative service organizations and managed care organizations must identify mechanisms employed to disperse the funding as well as estimated impacts to behavioral health providers in the community. The authority must submit a report to the legislature by December 1st of each year of the biennium, summarizing the information regarding the distribution of the funding provided under this subsection.

(22) \$1,401,000 of the general fund—state appropriation for fiscal year 2022, \$1,401,000 of the general fund—state appropriation for fiscal year 2023, and \$3,210,000 of the general fund—federal appropriation are provided solely for the implementation of intensive behavioral health treatment facilities within the community behavioral health service system pursuant to chapter 324, Laws of 2019 (2SHB 1394).

(23)(a) \$12,878,000 of the dedicated marijuana account—state appropriation for fiscal year 2022 and \$12,878,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 are provided solely for:

(i) A memorandum of understanding with the department of children, youth, and families to provide substance abuse treatment programs;

(ii) A contract with the Washington state institute for public policy to conduct a cost-benefit evaluation of the implementations of chapter 3, Laws of 2013 (Initiative Measure No. 502);

(iii) Designing and administering the Washington state healthy youth survey and the Washington state young adult behavioral health survey;

(iv) Maintaining increased services to pregnant and parenting women provided through the parent child assistance program;

(v) Grants to the office of the superintendent of public instruction for life skills training to children and youth;

(vi) Maintaining increased prevention and treatment service provided by tribes and federally recognized American Indian organization to children and youth;

(vii) Maintaining increased residential treatment services for children and youth;

(viii) Training and technical assistance for the implementation of evidence-based, research based, and promising programs which prevent or reduce substance use disorder;

(ix) Expenditures into the home visiting services account; and

(x) Grants to community-based programs that provide prevention services or activities to youth.

(b) The authority must allocate the amounts provided in (a) of this subsection amongst the specific activities proportionate to the fiscal year 2021 allocation.

(24)(a) \$1,125,000 of the general fund—state appropriation for

fiscal year 2022 and \$1,125,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Spokane behavioral health entities to implement services to reduce utilization and the census at eastern state hospital. Such services must include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

(b) At least annually, the Spokane county behavioral health entities shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(25) \$1,850,000 of the general fund—state appropriation for fiscal year 2022, \$1,850,000 of the general fund—state appropriation for fiscal year 2023, and \$13,312,000 of the general fund—federal appropriation are provided solely for substance use disorder peer support services included in behavioral health capitation rates in accordance with section 213(5)(ss), chapter 299, Laws of 2018. The authority shall require managed care organizations to provide access to peer support services for individuals with substance use disorders transitioning from emergency departments, inpatient facilities, or receiving treatment as part of hub and spoke networks.

(26) \$1,256,000 of the general fund—state appropriation for fiscal year 2022, \$1,256,000 of the general fund—state appropriation for fiscal year 2023, and \$2,942,000 of the general fund—federal appropriation are provided solely for the authority to maintain an increase in the number of residential beds for pregnant and parenting women originally funded in the 2019-2021 fiscal biennium.

(27) \$1,423,000 of the general fund—state appropriation for fiscal year 2022, \$1,423,000 of the general fund—state appropriation for fiscal year 2023, and \$5,908,000 of the general fund—federal appropriation are provided solely for the authority to continue to implement discharge wraparound services for individuals with complex behavioral health conditions transitioning or being diverted from admission to psychiatric inpatient programs. The authority must coordinate with the department of social and health services in establishing the standards for these programs.

(28) \$350,000 of the general fund—federal appropriation is provided solely to contract with a nationally recognized recovery residence organization and to provide technical assistance to operators of recovery residences seeking certification in accordance with chapter 264, Laws of 2019 (2SHB 1528).

(29) \$500,000 of the general fund—state appropriation for fiscal year 2022, \$500,000 of the general fund—state appropriation for fiscal year 2023, and \$1,000,000 of the general fund—federal appropriation are provided solely for the authority to maintain a memorandum of understanding with the criminal justice training commission to provide funding for community grants pursuant to chapter 378, Laws of 2019 (2SHB 1767).

(30) \$3,396,000 of the general fund—state appropriation for fiscal year 2022, \$3,396,000 of the general fund—state appropriation for fiscal year 2023, and \$16,200,000 of the general fund—federal appropriation are provided solely for support of

and to continue to increase clubhouse programs across the state. The authority shall work with the centers for medicare and medicaid services to review opportunities to include clubhouse services as an optional "in lieu of" service in managed care organization contracts in order to maximize federal participation. The authority must provide a report to the office of financial management and the appropriate committees of the legislature on the status of efforts to implement clubhouse programs and receive federal approval for including these services in managed care organization contracts as an optional "in lieu of" service by December 1, 2022.

(31) \$947,000 of the general fund—state appropriation for fiscal year 2022, \$947,000 of the general fund—state appropriation for fiscal year 2023, and \$1,896,000 of the general fund—federal appropriation are provided solely for the authority to implement a statewide plan to implement evidence-based coordinated specialty care programs that provide early identification and intervention for psychosis in behavioral health agencies in accordance with chapter 360, Laws of 2019 (2SSB 5903).

(32) \$708,000 of the general fund—state appropriation for fiscal year 2022, \$708,000 of the general fund—state appropriation for fiscal year 2023, and \$1,598,000 of the general fund—federal appropriation are provided solely for implementing mental health peer respite centers and a pilot project to implement a mental health drop-in center in accordance with chapter 324, Laws of 2019 (2SHB 1394).

(33) \$800,000 of the general fund—state appropriation for fiscal year 2022, \$800,000 of the general fund—state appropriation for fiscal year 2023, and \$1,452,000 of the general fund—federal appropriation are provided solely for the authority to implement the recommendations of the state action alliance for suicide prevention, to include suicide assessments, treatment, and grant management.

(34) \$446,000 of the general fund—state appropriation for fiscal year 2022, \$446,000 of the general fund—state appropriation for fiscal year 2023, and \$178,000 of the general fund—federal appropriation are provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices. The institute must work with the authority to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds. The authority must collect information from the institute on the use of these funds and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(35) As an element of contractual network adequacy requirements and reporting, the authority shall direct managed care organizations to make all reasonable efforts to develop or maintain contracts with provider networks that leverage local, federal, or philanthropic funding to enhance effectiveness of medicaid-funded integrated care services. These networks must promote medicaid clients' access to a system of services that addresses additional social support services and social determinants of health as defined in RCW 43.20.025 in a manner that is integrated with the delivery of behavioral health and medical treatment services.

(36) \$500,000 of the problem gambling account—state appropriation is provided solely for the authority to contract for a problem gambling adult prevalence study. The prevalence study must review both statewide and regional results about beliefs and attitudes toward gambling, gambling behavior and preferences, and awareness of treatment services. The study should also estimate the level of risk for problem gambling and examine

correlations with broader behavioral and mental health measures. The health care authority shall submit results of the prevalence study to the problem gambling task force and the legislature by June 30, 2022.

(37) \$9,000,000 of the criminal justice treatment account—state appropriation is provided solely for the authority to maintain funding for new therapeutic courts created or expanded during fiscal year 2021, or to maintain the fiscal year 2021 expansion of services being provided to an already existing therapeutic court that engages in evidence-based practices, to include medication assisted treatment in jail settings pursuant to RCW 71.24.580. Funding provided under this subsection shall not supplant existing funds utilized for this purpose.

(38) In establishing, re-basing, enhancing, or otherwise updating medicaid rates for behavioral health services, the authority and contracted actuaries shall use a transparent process that provides an opportunity for medicaid managed care organizations, behavioral health administrative service organizations, and behavioral health provider agencies, and their representatives, to review and provide data and feedback on proposed rate changes within their region or regions of service operation. The authority and contracted actuaries shall transparently incorporate the information gained from this process and make adjustments allowable under federal law when appropriate.

(39) The authority shall seek input from representatives of the managed care organizations (MCOs), licensed community behavioral health agencies, and behavioral health administrative service organizations to develop specific metrics related to behavioral health outcomes under integrated managed care. These metrics must include, but are not limited to: (a) Revenues and expenditures for community behavioral health programs, including medicaid and nonmedicaid funding; (b) access to services, service denials, and utilization by state plan modality; (c) claims denials and record of timely payment to providers; (d) client demographics; and (e) social and recovery measures and managed care organization performance measures. The authority must work with managed care organizations and behavioral health administrative service organizations to integrate these metrics into an annual reporting structure designed to evaluate the performance of the behavioral health system in the state over time. The authority must submit a report by June 30, 2023, outlining the specific metrics implemented. Thereafter, the authority shall submit the report for the preceding calendar year to the governor and appropriate committees of the legislature on or before December 30th of each year detailing the implemented metrics and relevant performance outcomes for the prior calendar year.

(40) \$3,377,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$8,027,000)~~ \$4,952,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to implement 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

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following:

(i) Children and adolescents discharged from an inpatient hospital treatment program who require the level of services offered by the pilot programs in lieu of continued inpatient treatment;

(ii) Children and adolescents who require the level of services offered by the pilot programs in order to avoid inpatient hospitalization; and

(iii) Services may not be offered if there are less costly alternative community based services that can effectively meet the needs of an individual referred to the program.

(e) The authority must collect data on the pilot sites and work with the actuaries responsible for establishing managed care rates for medicaid enrollees to develop and submit a report to the office of financial management and the appropriate committees of the legislature. A preliminary report must be submitted by December 1, 2021, and a final report must be submitted by December 1, 2022. The reports must include the following information:

(i) A narrative description of the services provided at each pilot site and identification of any specific gaps the sites were able to fill in the current continuum of care;

(ii) Clinical outcomes and estimated reductions in psychiatric inpatient costs associated with each of the pilot sites;

(iii) Recommendations for whether either or both of the pilot models should be expanded statewide; whether modifications should be made to the models to better address gaps in the continuum identified through the pilot sites, whether the models could be expanded to community behavioral health providers, and whether statewide implementation should be achieved through a state plan amendment or some other mechanism for leveraging federal medicaid match; and

(iv) Actuarial projections on the statewide need for services related to the pilot sites and estimated costs of adding each of the services to the medicaid behavioral health benefit for children and adolescents and adults.

(f) Of the amounts provided in this subsection, \$2,850,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to expand the number of pilot sites to a third location. The criteria in (c) and (d) of this subsection shall also apply to this pilot site. Data from this pilot site must be incorporated into the final report required in (e) of this subsection.

(41)(a) \$100,000 of the general fund—federal appropriation is provided solely for the authority to convene a task force to examine impacts and changes proposed to the use of criminal background checks in employment in behavioral health settings, with the goal of reducing barriers to developing and retaining a robust behavioral health workforce, while maintaining patient safety measures. The task force membership must include representatives from:

(i) The office of the attorney general;

(ii) The department of health;

(iii) The department of social and health services;

(iv) The office of the governor; and

(v) Others appointed by the authority, including behavioral health employers and those with lived experience.

(b) The task force shall consider any relevant information and recommendations made available by the work group created under Substitute House Bill No. 1411 (health care workforce).

(c) By December 1, 2021, the authority must submit a report of the task force's recommendations to the governor and the appropriate committees of the legislature.

(42) \$6,042,000 of the general fund—state appropriation for fiscal year 2022, \$561,000 of the general fund—state appropriation for fiscal year 2023, and \$35,415,000 of the general fund—federal appropriation (CRSSA) are provided solely to

promote the recovery of individuals with substance use disorders through expansion of substance use disorder services. The authority shall implement this funding to promote integrated, whole-person care to individuals with opioid use disorders, stimulant use disorders, and other substance use disorders. The authority shall use this funding to support evidence-based and promising practices as follows:

(a) \$11,170,000 of the general fund—federal appropriation (CRSSA) is provided solely for treatment services to low-income individuals with substance use disorders who are not eligible for services under the medicaid program and for treatment services that are not covered under the medicaid program. A minimum of \$9,070,000 of this amount must be contracted through behavioral health administrative services organizations. The amounts in this subsection may be used for services including, but not limited to, outpatient treatment, residential treatment, mobile opioid use disorder treatment programs, law enforcement assisted diversion programs, contingency management interventions, modified assertive community treatment, trauma informed care, crisis respite, and for reimbursement of one-time start-up operating costs for opening new beds in withdrawal management treatment programs.

(b) \$2,407,000 of the general fund state—appropriation for fiscal year 2022, \$561,000 of the general fund—state appropriation for fiscal year 2023, and \$3,245,000 of the general fund—federal appropriation (CRSSA) are provided solely for outreach programs that link individuals with substance use disorders to treatment options to include medication for opioid use disorder. The authority must contract for these services with programs that use interdisciplinary teams, which include peer specialists, to engage and facilitate linkage to treatment for individuals in community settings such as homeless encampments, shelters, emergency rooms, harm reduction programs, churches, community service offices, food banks, libraries, legal offices, and other settings where individuals with substance use disorders may be engaged. The services must be coordinated with emergency housing assistance and other services administered by the authority to promote access to a full continuum of treatment and recovery support options.

(c) \$1,535,000 of the general fund—state appropriation for fiscal year 2022 and \$10,417,000 of the general fund—federal appropriation (CRSSA) are provided solely for substance use disorder recovery support services not covered by the medicaid program including, but not limited to, emergency housing, recovery housing vouchers, supported employment, skills training, peer support, peer drop-in centers, and other community supports.

(d) \$1,100,000 of the general fund—state appropriation for fiscal year 2022 and \$1,750,000 of the general fund—federal appropriation (CRSSA) are provided solely for efforts to support the recovery of American Indians and Alaska natives with substance use disorders. This funding may be used for grants to urban Indian organizations, tribal opioid prevention media campaigns, and support for government to government communication, planning, and implementation of opioid use disorder related projects.

(e) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a public awareness campaign to educate youth and young adults with opioid use disorders about harm reduction, secondary prevention, overdose awareness, fentanyl, and naloxone.

(f) \$7,083,000 of the general fund—federal appropriation (CRSSA) is provided solely for community services grants that support the implementation and evaluation of substance use disorder prevention services.



(g) Up to \$1,750,000 of the general fund—federal appropriation (CRSSA) may be used for the authority's administrative costs associated with services funded in this subsection (42).

(43) \$3,109,000 of the general fund—state appropriation for fiscal year 2022 and \$3,109,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for short-term rental subsidies for individuals with mental health or substance use disorders. This funding may be used for individuals enrolled in the foundational community support program while waiting for a longer term resource for rental support or for individuals transitioning from behavioral health treatment facilities or local jails. Individuals who would otherwise be eligible for the foundational community support program but are not eligible because of their citizenship status may also be served. By December 1, 2021, and December 1, 2022, the authority must submit a report identifying the expenditures and number of individuals receiving short-term rental supports through the agency budget during the prior fiscal year broken out by region, treatment need, and the demographics of those served, including but not limited to age, country of origin within racial/ethnic categories, gender, and immigration status.

(44) Within the amounts provided in this section, sufficient funding is provided for the authority to implement requirements to provide up to five sessions of intake and assessment pursuant to Second Substitute House Bill No. 1325 (behavioral health/youth).

(45) \$19,000,000 of the general fund—federal appropriation (CRSSA) and \$1,600,000 of the general fund—federal appropriation (ARPA) are provided solely to promote the recovery of individuals with mental health disorders through expansion of mental health services. The authority shall implement this funding to promote integrated, whole-person care through evidence based and promising practices as follows:

(a) \$7,303,000 of the general fund—federal appropriation (CRSSA) is provided solely for treatment services to low-income individuals with mental health disorders who are not eligible for services under the medicaid program and for treatment services that are not covered under the medicaid program. A minimum of \$6,150,000 of this amount must be contracted through behavioral health administrative services organizations. The amounts in this subsection may be used for services including, but not limited to, outpatient treatment, residential treatment, law enforcement assisted diversion programs, modified assertive community treatment, and trauma informed care.

(b) \$6,344,000 of the general fund—federal appropriation (CRSSA) is provided solely for mental health recovery support services not covered by the medicaid program including, but not limited to, supportive housing, emergency housing vouchers, supported employment, skills training, peer support, peer drop-in centers, and other community supports.

(c) \$961,000 of the general fund—federal appropriation (CRSSA) is provided solely for efforts to support the recovery of American Indians and Alaska natives with mental health disorders.

(d) \$1,346,000 of the general fund—federal appropriation (CRSSA) is provided solely to enhance crisis services and may be used for crisis respite care.

(e) \$2,307,000 of the general fund—federal appropriation (CRSSA) is provided solely for the expansion of first episode psychosis programs.

(f) Up to \$961,000 of the general fund—federal appropriation (CRSSA) may be used for the authority's administrative costs associated with services funded in this subsection.

(46) The authority must pursue opportunities for shifting state

costs to the state's unused allocation of federal institutions for mental disease disproportionate share hospital funding. The authority must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2021, which identifies any activities the authority has implemented or identified to shift state costs to the unused federal funds and an analysis of the fiscal impacts for these activities and options.

(47) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to implement one-time behavioral health workforce pilot programs and training support grants pursuant to Engrossed Second Substitute House Bill No. 1504 (workforce education development act). Of these amounts, \$440,000 of the general fund—state appropriation for fiscal year 2022 and \$440,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the three behavioral health workforce pilot programs and \$60,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for training support grants.

(48) \$1,400,000 of the general fund—state appropriation for fiscal year 2022 and \$3,600,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to expand efforts to provide opioid use disorder medication in city, county, regional, and tribal jails. The authority must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2021, on the allocation of the fiscal year 2021 funding within this subsection. The authority must provide a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, on the allocation of the fiscal year 2022 funding and the expenditures and number of individuals served in fiscal year 2021 by location.

(49) \$500,000 of the general fund—federal appropriation is provided solely to establish an emotional support network program for individuals employed as peer specialists. The authority must contract for these services which shall include, but not be limited to, facilitating support groups for peer specialists, support for the recovery journeys of the peer specialists themselves, and targeted support for the secondary trauma inherent in peer work.

(50) \$1,800,000 of the general fund—federal appropriation is provided solely for the authority to contract on a one-time basis with the University of Washington behavioral health institute to continue and enhance its efforts related to training and workforce development. The behavioral health institute shall develop and disseminate model programs and curricula to address the treatment needs of individuals with substance use disorders and cooccurring disorders. The behavioral health institute shall provide consultation and training to behavioral health agencies in order to improve the delivery of evidence-based and promising practices and overall quality of care. Training for providers may include technical assistance related to payment models, integration of peers, team-based care, utilization reviews, care transitions, and the infusion of recovery and resiliency into programming and culture. Additionally, the behavioral health institute shall provide continued access to telehealth training and support, including innovative digital health content. The behavioral health institute shall evaluate behavioral health inequities in Washington and create a center of excellence to address behavioral health inequity, including the need for a more diverse workforce. The behavioral health institute shall offer an annual conference on race, equity, and social justice and create a

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learning management system to provide access to training for publicly funded behavioral health providers across a range of topics. Specific curricula to be developed within the amounts provided in this subsection must include:

(a) A training for law enforcement officers focused on understanding substance use disorder and the recovery process and options and procedures for diversion from the criminal legal system for individuals with substance use disorder, to be developed in consultation with the criminal justice training commission; and

(b) A curriculum for correctional officers and community corrections officers focused on motivational interviewing, recovery coaching, and trauma informed care, developed in consultation with the department of corrections.

(51) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the north sound behavioral health administrative services organization to provide trauma-informed counseling services to children and youth in Whatcom county schools. The services must be provided by licensed behavioral health professionals who have training in the provision of trauma-informed care. The behavioral health administrative services organization must request, from the office of the superintendent of public instruction, a listing of the Whatcom county schools that are eligible for high-poverty allocations from the learning assistance program and prioritize services in these schools.

(52) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided on a one-time basis solely for the authority to contract with the north sound behavioral health administrative services organization to establish the Whatcom county crisis stabilization center as a pilot project for diversion from the criminal justice system to appropriate community based treatment. The pilot shall allow for police officers to place involuntary holds for up to 12 hours for persons placed at the facility in accordance with RCW 10.31.110. The amounts provided must be used to pay for the cost of services at the site not covered under the medicaid program. The authority must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, including the following information:

(a) The total number of individuals served in the crisis stabilization center broken out by those served on a voluntary basis versus those served under involuntary treatment holds placed pursuant to RCW 10.31.110;

(b) A summary of the outcomes for each of the groups identified in (a) of this subsection; and

(c) Identification of methods to incentivize or require managed care organizations to implement payment models for crisis stabilization providers that recognize the need for the facilities to operate at full staffing regardless of fluctuations in daily census.

(53) \$1,250,000 of the general fund—state appropriation for fiscal year 2022 and \$1,250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract with the King county behavioral health administrative services organization to maintain children's crisis outreach response system services that were previously funded through the department of children, youth, and families. The authority, in consultation with the behavioral health administrative services organization, medicaid managed care organizations, and the actuaries responsible for developing medicaid managed care rates, must work to maximize federal funding provided for the children's crisis outreach response system program and submit a report to the office of financial

management and the appropriate committees of the legislature by December 1, 2021, on the status of these efforts and the associated savings in state funds.

(54) \$881,000 of the general fund—state appropriation for fiscal year 2022 and \$881,000 of the general fund—state for fiscal year 2023 are provided on a one-time basis solely for maintaining and increasing resources for peer support programs and for the authority to contract with an organization to assist with the recruitment of individuals to work as behavioral health peers with a specific focus on black, indigenous, and people of color communities. The authority must submit a preliminary report to the office of financial management and the appropriate committees of the legislature on the status of these efforts by December 1, 2021, and a final report including identification of the number and demographics of individuals recruited into behavioral health peer positions by December 1, 2022.

(55) \$250,000 of the general fund—federal appropriation is provided solely for the authority to provide crisis response training to behavioral health peer specialists. The authority must use these amounts to contract for the development of a specialized 40 hour crisis response training curriculum for behavioral health peer specialists and to conduct a minimum of one statewide training session during fiscal year 2022 and one statewide training session during fiscal year 2023. The training shall focus on preparing behavioral health peer specialists to work with individuals in crisis, including providing peer services in emergency departments, as coresponders with law enforcement, and as part of mobile crisis teams. The training sessions must be offered free of charge to the participants and may be offered either virtually or in person as determined by the authority. By December 1, 2022, the authority must submit a report to the office of financial management and the appropriate committees of the legislature on the peer crisis response curriculum and the number of individuals that received training.

(56) \$500,000 of the general fund—federal appropriation is provided solely for the authority to contract on a one-time basis with the University of Washington alcohol and drug abuse institute to develop policy solutions in response to the public health challenges of high tetrahydrocannabinol potency cannabis. The institute must use this funding to: Conduct individual interviews with stakeholders and experts representing different perspectives, facilitate joint meetings with stakeholders to identify areas of common ground and consensus, and develop recommendations for state policies related to cannabis potency and mitigating detrimental health impacts. The authority must submit the following reports to the office of financial management and the appropriate committees of the legislature:

(a) An initial report must be submitted by December 31, 2021, and shall summarize progress made to date, preliminary policy recommendations, and next steps; and

(b) A final report must be submitted by December 31, 2022, and shall summarize the analysis conducted by the institute, the process and stakeholders involved, an inventory of relevant cannabis policies in other states, and recommendations for policy changes to reduce the negative impacts of high potency cannabis in Washington state.

(57) \$8,197,000 of the general fund—state appropriation for fiscal year 2022, \$8,819,000 of the general fund—state appropriation for fiscal year 2023, and \$38,025,000 of the general fund—federal appropriation are provided solely to continue in the 2021-2023 fiscal biennium the two percent increase to medicaid reimbursement for community behavioral health providers contracted through managed care organizations that was provided in April 2021. The authority must employ mechanisms such as directed payment or other options allowable under federal

medicaid law to assure the funding is used by the managed care organizations for a two percent provider rate increase as intended and verify this pursuant to the process established in chapter 285, Laws of 2020 (EHB 2584). The rate increase shall be implemented to all behavioral health inpatient, residential, and outpatient providers receiving payment for services under this section contracted through the medicaid managed care organizations.

(58) \$17,128,000 of the general fund—state appropriation for fiscal year 2023 and \$32,861,000 of the general fund—federal appropriation are provided solely to implement a 7 percent increase to medicaid reimbursement for community behavioral health providers contracted through managed care organizations to be effective January 1, 2023. The authority must employ mechanisms such as directed payment or other options allowable under federal medicaid law to assure the funding is used by the managed care organizations for a 7 percent provider rate increase as intended and verify this pursuant to the process established in chapter 285, Laws of 2020 (EHB 2584). The rate increase shall be implemented to all behavioral health inpatient, residential, and outpatient providers contracted through the medicaid managed care organizations. Providers receiving rate increases under other subsections of this section must be excluded from the rate increase directed in this subsection.

(59) \$1,307,000 of the general fund—state appropriation for fiscal year 2022, ~~(\$5,217,000)~~ \$1,838,000 of the general fund—state appropriation for fiscal year 2023, and ~~(\$6,524,000)~~ \$3,145,000 of the general fund—federal appropriation are provided solely to increase the number of beds and rates for community children's long-term inpatient program providers. The number of funded beds is increased on a phased in basis to ~~(62 beds by the end of fiscal year 2022 and to 72 beds)~~ 46 beds by the end of fiscal year 2023. The rates are increased ~~(by two percent effective July 1, 2021, and by an additional 4.5 percent effective January 1, 2023))~~ from a per diem rate of \$857 to \$1,030 for existing and new beds effective January 1, 2023.

(60) \$117,000 of the general fund—state appropriation for fiscal year 2022, \$251,000 of the general fund—state appropriation for fiscal year 2023, and \$265,000 of the general fund—federal appropriation are provided solely to increase rates for parent child assistance program providers by two percent effective July 1, 2021, and by an additional 4.5 percent effective January 1, 2023.

(61) \$205,000 of the general fund—state appropriation for fiscal year 2022 and \$205,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract with the Washington state behavioral health institute to engage consumers, the University of Washington evidence based practice institute, and other stakeholders to review current and emerging data and research and make recommendations regarding best practices for virtual behavioral health services to children from prenatal stages through age 25. This work shall focus on the development of services and supports that deliver clinically-effective outcomes for children and families and identify safeguards for "in-person," "audio-video," and "audio only" modes. The review conducted by the institute shall include the collection and analysis of data about clinical efficacy of behavioral health services and supports through virtual modes and methods for determining and maximizing the health benefits of the different modes. The authority shall submit data required for this research to the behavioral health institute in accordance with federal and state laws regarding client protected information. The department shall submit the following reports to the office of financial management and the appropriate committees of the legislature:

(a) A preliminary report on the 2022 workplan by December 31, 2021;

(b) An initial report with recommendations for standards of care and best practices for behavioral health services by June 30, 2022; and

(c) A final report with additional refined recommendations and a research agenda and proposed budget for fiscal year 2024 and beyond by December 31, 2022.

(62) The authority must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.

(63) \$150,000 of the general fund—federal appropriation is provided solely for training of behavioral health consumer advocates. Beginning in July 2022, the authority must enter into a memorandum of understanding with the department of commerce to provide support for training of behavioral health consumer advocates pursuant to Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers).

(64) \$5,000,000 of the general fund—federal appropriation is provided solely for the authority to maintain funding for grants to law enforcement assisted diversion programs outside of King county established pursuant to chapter 314, Laws of 2019 (SSB 5380). By December 1, 2023, the authority, in coordination with the law enforcement assisted diversion national support bureau, must collect information and submit a report to the office of financial management and the appropriate committees of the legislature on the grant program including a description of the program model or models used and the number, demographic information, and measurable outcomes of the individuals served with the funding provided under this subsection.

(65) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract with a statewide mental health nonprofit organization that provides free community and school-based mental health education and support programs for consumers and families. The contractor must use this funding to provide access to programs tailored to peers living with mental illness as well as family members of people with mental illness and the community at large. Services provided by the contracted program shall include education, support, and assistance to reduce isolation and help consumers and families understand the services available in their communities.

(66) \$13,374,000 of the general fund—state appropriation for fiscal year 2022, \$15,474,000 of the general fund—state appropriation for fiscal year 2023, and \$13,743,000 of the general fund—federal appropriation are provided solely for increasing local behavioral health mobile crisis response team capacity and ensuring each region has at least one adult and one children and youth mobile crisis team that is able to respond to calls coming into the 988 crisis hotline.

(a) In prioritizing this funding, the health care authority shall assure that a minimum of six new children and youth mobile crisis teams are created and that there is one children and youth mobile crisis team in each region by the end of fiscal year 2022.

(b) In implementing funding for adult and youth mobile crisis response teams, the authority must establish standards in contracts with managed care organizations and behavioral health administrative services organizations for the services provided by these teams.

(c) Of these amounts, \$3,000,000 of the general fund—state

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appropriation for fiscal year 2023 and \$1,012,000 of the general fund—federal appropriation are provided solely to increase capacity for mobile crisis services in King county. These amounts must supplement and not supplant funding to the county previously allocated by the authority under this subsection.

(67) \$29,671,000 of the general fund—state appropriation for fiscal year 2022, (~~(\$37,628,000)~~) \$38,835,000 of the general fund—state appropriation for fiscal year 2023, and (~~(\$44,606,000)~~) \$48,600,000 of the general fund—federal appropriation are provided solely for the authority to contract with community hospitals or freestanding evaluation and treatment centers to provide long-term inpatient care beds as defined in RCW 71.24.025. Within these amounts, the authority must meet the requirements for reimbursing counties for the judicial services for patients being served in these settings in accordance with RCW 71.05.730. The authority must coordinate with the department of social and health services in developing the contract requirements, selecting contractors, and establishing processes for identifying patients that will be admitted to these facilities. Of the amounts in this subsection, sufficient amounts are provided in fiscal year 2022 and fiscal year 2023 for the authority to reimburse community hospitals and nonhospital residential treatment centers serving clients in long-term inpatient care beds as defined in RCW 71.24.025 as follows:

(a) For a hospital licensed under chapter 70.41 RCW that requires a hospital specific medicaid inpatient psychiatric per diem payment rate for long-term civil commitment patients because the hospital has completed a medicare cost report, the authority shall analyze the most recent medicare cost report of the hospital after a minimum of 200 medicaid inpatient psychiatric days. The authority shall establish the inpatient psychiatric per diem payment rate for long-term civil commitment patients for the hospital at 100 percent of the allowable cost of care, based on the most recent medicare cost report of the hospital.

(b) For a hospital licensed under chapter 70.41 RCW that has not completed a medicare cost report with more than 200 medicaid inpatient psychiatric days, the authority shall establish the medicaid inpatient psychiatric per diem payment rate for long-term civil commitment patients for the hospital at the higher of the hospital's current medicaid inpatient psychiatric rate; or the annually updated statewide average of the medicaid inpatient psychiatric per diem payment rate of all acute care hospitals licensed under chapter 70.41 RCW providing long-term civil commitment services.

(c) For a hospital licensed under chapter 71.12 RCW and currently providing long-term civil commitment services, the authority shall establish the medicaid inpatient psychiatric per diem payment rate at \$940 plus adjustments that may be needed to capture costs associated with long-term psychiatric patients that are not allowable on the medicare cost report or reimbursed separately. The hospital may provide the authority with supplemental data to be considered and used to make appropriate adjustments to the medicaid inpatient psychiatric per diem payment rate of the hospital. Adjustment of costs may include:

(i) Costs associated with professional services and fees not accounted for in the hospital's medicare cost report or reimbursed separately;

(ii) Costs associated with the hospital providing the long-term psychiatric patient access to involuntary treatment court services that are not reimbursed separately; and

(iii) Other costs associated with caring for long-term psychiatric patients that are not reimbursed separately.

(d) For a hospital licensed under chapter 71.12 RCW that requires an initial medicaid inpatient psychiatric per diem payment rate for long-term civil commitment services because it

has not yet completed a medicare cost report, the authority shall establish the medicaid inpatient psychiatric per diem payment rate at the higher of:

(i) The hospital's current medicaid inpatient psychiatric rate; or

(ii) The annually updated statewide average of the medicaid long-term inpatient psychiatric per diem payment rate of all freestanding psychiatric hospitals licensed under chapter 71.12 RCW providing long-term civil commitment services.

(e) For nonhospital residential treatment centers certified to provide long-term inpatient care beds as defined in RCW 71.24.025, the authority shall increase the fiscal year 2021 rate by three percent each year of the biennium.

(f) Beginning in fiscal year 2023, provider payments for vacant bed days shall not exceed six percent of their annual contracted bed days.

(g) The legislature intends to recognize the additional costs associated with student teaching related to long-term civil commitment patients to be provided in a new teaching hospital expected to open during the 2023-2025 fiscal biennium.

(h) The authority, in coordination with the department of social and health services, the office of the governor, the office of financial management, and representatives from medicaid managed care organizations, behavioral health administrative service organizations, and community providers, must develop and implement a plan to continue the expansion of civil community long-term inpatient capacity. The plan shall identify gaps and barriers in the current array of community long-term inpatient beds in serving higher need individuals including those committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The plan shall identify strategies to overcome these barriers including, but not limited to, potential rate enhancements for high needs clients. The authority must submit its implementation plan to the office of financial management and the appropriate fiscal committees of the legislature by December 1, 2021, and submit a status update on the implementation plan by October 15, 2022.

(68)(a) \$31,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided on a one-time basis solely for the authority to provide assistance payments to behavioral health providers serving medicaid and state-funded clients. In prioritizing the allocation of this funding, the authority must take the following into account:

(i) The differential impact the pandemic has had on different types of providers;

(ii) Other state and federal relief funds providers have received or are eligible to apply for; and

(iii) Equitable distribution of assistance including consideration of geographic location and providers serving members of historically disadvantaged communities.

(b) To be eligible for assistance, the behavioral health providers must:

(i) Have experienced lost revenue or increased expenses that are a result of the COVID-19 public health emergency;

(ii) Self-attest that the lost revenue or expenses are not funded by any other government or private entity;

(iii) Agree to operate in accordance with the requirements of applicable federal, state, and local public health guidance and directives; and

(iv) Agree to comply with federal guidance on the use of coronavirus state and local fiscal recovery funds.

(c) Provider assistance is subject to the availability of amounts provided in this subsection.

(69)(a) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$375,000 of the general fund—state

appropriation for fiscal year 2023 are provided solely for a one-time grant to Island county to fund a pilot program to improve behavioral health outcomes for young people in rural communities. In administering the pilot program, Island county shall coordinate with school districts, community groups, and health care providers to increase access to behavioral health programs for children and youth aged birth to 24 years of age. The grant funds shall be used to coordinate and expand behavioral health services. The grant funding must not be used to supplant funding from existing programs. No more than 10 percent of the funds may be used for administrative costs incurred by Island county in administering the program. Services that may be provided with the grant funding include, but are not limited to:

- (i) Support for children and youth with significant behavioral health needs to address learning loss caused by COVID-19 and remote learning;
- (ii) School based behavioral health education, assessment, and brief treatment;
- (iii) Screening and referral of children and youth to long-term treatment services;
- (iv) Behavioral health supports provided by community agencies serving youth year-round;
- (v) Expansion of mental health first aid, a program designed to prepare adults who regularly interact with youth for how to help people in both crisis and noncrisis mental health situations;
- (vi) Peer support services; and
- (vii) Compensation for the incurred costs of clinical supervisors and internships.

(b) The authority, in coordination with Island county, must submit the following reports to the legislature:

- (i) By December 1, 2022, a report summarizing how the funding was used and providing the number of children and youth served by the pilot during fiscal year 2022; and
- (ii) By December 1, 2023, a report summarizing how the funding was used and providing the number of children and youth served by the pilot during fiscal year 2023.

(70) State general fund appropriations in this section and in sections 219 and 221 of this act are made to address the harms caused to the state and its citizens by the opioid epidemic, and these include appropriations of \$13,466,000 attributable to the settlement in *State v. McKinsey & Co., Inc.*

~~(71) ((\$260,000 of the general fund—state appropriation for fiscal year 2022, \$3,028,000 of the general fund—state appropriation for fiscal year 2023, and \$3,028,000 of the general fund—federal appropriation are provided solely for the authority to contract for a twelve-bed children's long-term inpatient program facility specializing in the provision of rehabilitative mental health services for children and youth with intellectual or developmental disabilities who have intensive behavioral health support needs. The authority must provide a report to the office of financial management and the appropriate committees of the legislature providing data on the demand and utilization of this facility by June 30, 2023.~~

~~(72))~~ \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to continue the University of Washington's project extension for community health care outcomes (ECHO) for:

- (a) Telecommunication consultation with local physicians to discuss medications appropriate to patients who have developmental disabilities and behavioral issues; and
- (b) Training to both behavioral health and developmental disabilities professionals to support individuals with both developmental disabilities and behavioral health needs.

~~((73) \$1,991,000)~~ (72) \$2,104,000 of the general fund—

federal appropriation and ~~(((\$1,147,000))~~ \$1,260,000 of the general fund—local appropriation are provided solely for supported housing and employment services described in initiative 3a and 3b of the 1115 demonstration waiver and this is the maximum amount that may be expended for this purpose. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the 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 above appropriated levels for this specific purpose. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

~~((74))~~ (73)(a) \$150,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the authority to convene a work group to develop a recommended teaching clinic enhancement rate for behavioral health agencies training and supervising students and those seeking their certification or license. This work should include: Developing standards for classifying a behavioral health agency as a teaching clinic; a cost methodology to determine a teaching clinic enhancement rate; and a timeline for implementation. The work group must include representatives from:

- (i) The department of health;
- (ii) The office of the governor;
- (iii) The Washington workforce training and education board;
- (iv) The Washington council for behavioral health;
- (v) Licensed and certified behavioral health agencies; and
- (vi) Higher education institutions.

(b) By October 15, 2021, the health care authority must submit a report of the work group's recommendations to the governor and the appropriate committees of the legislature.

~~((75))~~ (74) \$343,000 of the general fund—state appropriation for fiscal year 2022, \$344,000 of the general fund—state appropriation for fiscal year 2023, and \$687,000 of the general fund—federal appropriation are provided solely for increasing services to pregnant and parenting women provided through the parent child assistance program.

~~((76))~~ (75) \$130,000 of the general fund—state appropriation for fiscal year 2022 and \$130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for maintaining and increasing the capabilities of a tool to track medication assisted treatment provider capacity.

~~((77))~~ (76) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to support substance use disorder family navigators across the state.

~~((78))~~ (77) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to support recovery cafes across the state.

~~((79))~~ (78) \$69,000 of the general fund—state appropriation for fiscal year 2022, \$63,000 of the general fund—state appropriation for fiscal year 2023, and \$198,000 of the general fund—federal appropriation are provided solely for the

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implementation of Engrossed Second Substitute Senate Bill No. 5071 (civil commitment transition).

~~((80))~~ (79) \$200,000 of the general fund—state appropriation for fiscal year 2022, \$195,000 of the general fund—state appropriation for fiscal year 2023, and \$755,000 of the general fund—federal appropriation are provided solely for a grant program to award funding to fire departments in the state of Washington to implement safe station pilot programs. Programs that combine the safe station approach with fire department mobile integrated health programs such as the community assistance referral and education services program under RCW 35.21.930 are encouraged. Certified substance use disorder peer specialists may be employed in a safe station pilot program if the authority determines that a plan is in place to provide appropriate levels of supervision and technical support. Safe station pilot programs shall collaborate with behavioral health administrative services organizations, local crisis providers, and other stakeholders to develop a streamlined process for referring safe station clients to the appropriate level of care. Funding for pilot programs under this subsection shall be used for new or expanded programs and may not be used to supplant existing funding.

~~((81))~~ (80) \$71,000 of the general fund—state appropriation for fiscal year 2022, \$66,000 of the general fund—state appropriation for fiscal year 2023, and \$136,000 of the general fund—federal appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 5195 (opioid overdose medication).

~~((82))~~ (81) \$150,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the authority to evaluate options for a medicaid waiver to provide respite care for youth with behavioral health challenges while avoiding adverse impacts with respite waivers at the department of social and health services developmental disabilities administration and the department of children, youth, and families.

~~((83))~~ (82) \$2,000,000 of the general fund—federal appropriation is provided solely for grants to law enforcement and other first responders to include a mental health professional on the team of personnel responding to emergencies.

~~((84))~~ (83) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the city of Arlington in partnership with the North County regional fire authority for a mobile integrated health pilot project. The project shall provide mobile integrated health services for residents who cannot navigate resources through typical methods through brief therapeutic intervention, biopsychosocial assessment and referral, and community care coordination.

~~((85))~~ (84) \$26,000 of the general fund—state appropriation for fiscal year 2022, \$26,000 of the general fund—state appropriation for fiscal year 2023, and \$48,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Substitute House Bill No. 1196 (audio only telemedicine).

~~((86))~~ (85) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute Senate Bill No. 5073 (involuntary commitment).

~~((87))~~ (86) \$349,000 of the general fund—state appropriation for fiscal year 2022, \$1,849,000 of the general fund—state appropriation for fiscal year 2023, and \$942,000 of the general fund—federal appropriation are provided solely for the authority to contract for services at two distinct 16 bed programs in a facility located in Clark county to provide long-term inpatient care beds as defined in RCW 71.24.025. The beds must be used

to provide treatment services for individuals who have been involuntarily committed to long-term inpatient treatment pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The authority, in coordination with the department of social and health services, must develop and implement a protocol to assess the risk of patients being considered for placement in this facility and determine whether the level of security and treatment services is appropriate to meet the patient's needs. The department must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, providing a description of the protocol and a status update on progress toward opening the new facility.

~~((88))~~ (87) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$956,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for wraparound with intensive services for youth ineligible for medicaid as outlined in the settlement agreement under *AGC v. Washington State Health Care Authority*, Thurston county superior court no. 21-2-00479-34.

~~((89))~~ (88) \$38,230,000 of the general fund—state appropriation for fiscal year 2022 and \$18,188,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for claims for services rendered to medicaid eligible clients admitted to institutions of mental disease that were determined to be unallowable for federal reimbursement due to medicaid's institutions for mental disease exclusion rules. Of these amounts, \$20,042,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for belated claims for services that were rendered prior to fiscal year 2022.

~~((90))~~ (89) \$6,010,000 of the general fund—state appropriation for fiscal year 2023 and \$990,000 of the general fund—federal appropriation are provided solely for the authority, in coordination with the department of health, to deploy an opioid awareness campaign and to contract with syringe service programs and other service settings assisting people with substance use disorders to: Prevent and respond to overdoses; provide other harm reduction services and supplies, including but not limited to distributing naloxone, fentanyl, and other drug testing supplies; and for expanding contingency management services. The authority is encouraged to use these funds to leverage federal funding for this purpose to expand buying power. The authority should prioritize funds for naloxone distribution for programs or settings that are least likely to be able to bill medicaid. Of the amounts provided in this subsection, \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to deploy an opioid awareness campaign targeted at youth to increase the awareness of the dangers of fentanyl. Any moneys deposited into the general fund pursuant to section 126(41) of this act from the Purdue Pharma and Sackler family settlement must be used for the purposes of this subsection.

~~((91))~~ (90) \$2,382,000 of the general fund—state appropriation for fiscal year 2023 and \$6,438,000 of the general fund—federal appropriation are provided solely ~~((for a transition to bundled payment arrangement methodology for opioid treatment providers. Within these amounts, providers will receive a rate increase through the new methodology and the))~~ to increase rates for opioid treatment program services provided through medicaid managed care contracts. The authority must direct medicaid managed care organizations, to the extent allowed under federal medicaid law, to adopt a value based bundled payment methodology in contracts with opioid treatment providers. This increase is effective January 1, 2023.

~~((92))~~ (91) \$2,387,000 of the general fund—state

appropriation for fiscal year 2023 is provided solely to support the creation of a bridge period for individuals also enrolled in the foundational community supports initiative who are transitioning from benefits under RCW 74.04.805 due to increased income or other changes in eligibility. The authority, department of social and health services, and department of commerce shall collaborate on this effort.

~~((93))~~ (92) \$1,574,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to contract with a program to provide medical respite care for individuals with behavioral health needs. The program must serve individuals with significant behavioral health needs and medical issues who do not require hospitalization but are unable to provide adequate self-care for their medical conditions. The program must prioritize services to individuals with complex medical and behavioral health issues who are homeless or who were recently discharged from a hospital setting. The services must meet quality standards and best practices developed by the national health care for the homeless council and may include, but are not limited to, medical oversight and health education; care transitions; and discharge planning to and from primary care, inpatient hospital, emergency rooms, and supportive housing. In selecting the contractor, the authority must prioritize projects that demonstrate the active involvement of an established medical provider that is able to leverage federal medicaid funding in the provision of these services. The authority must work with the medicaid managed care organizations to encourage their participation and assist the plans and the contractor in identifying mechanisms for appropriate use of medicaid reimbursement in this setting.

~~((94))~~ (93) \$490,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to create a master leasing incentive program with specific emphasis on *Trueblood* programs. The authority shall also create a toolkit for use by landlords serving special populations. The authority and department of commerce shall collaborate on this effort.

~~((95))~~ (94) \$664,000 of the general fund—state appropriation for fiscal year 2023 and \$154,000 of the general fund—federal appropriation are provided solely for the authority to contract for three regional behavioral health mobile crisis response teams focused on supported housing to prevent individuals with behavioral health conditions at high risk of losing housing from becoming homeless, identify and prioritize serving the most vulnerable people experiencing homelessness, and increase alternative housing options to include short-term alternatives which may temporarily deescalate situations where there is high risk of a household from becoming homeless.

~~((96))~~ (95) \$6,027,000 of the general fund—state appropriation for fiscal year 2023 and \$2,009,000 of the general fund—federal appropriation are provided solely to create and expand access to no barrier, and low-barrier programs using a housing first model designed to assist and stabilize housing supports for adults with behavioral health conditions. Housing supports and services shall be made available with no requirement for treatment for their behavioral health condition and must be individualized to the needs of the individual. The authority and department of commerce shall collaborate on this effort. The authority and department of commerce shall collaborate on this effort and must submit a preliminary report to the office of financial management and the appropriate committees of the legislature by December 31, 2022.

~~((97))~~ (96) \$775,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to create a rental voucher and bridge program and implement strategies to reduce instances where an individual leaves a state operated behavioral or private

behavioral health facility directly into homelessness. The authority must prioritize this funding for individuals being discharged from state operated behavioral health facilities.

~~((98))~~ (97) \$200,000 of the general fund—state appropriation for fiscal year 2022, \$200,000 of the general fund—state appropriation for fiscal year 2023, and \$400,000 of the general fund—federal appropriation are provided solely for the authority to contract for a behavioral health comparison rate study. The study must be conducted to examine provider resources involved in developing individual covered behavioral health services and to establish benchmark payment rates that reflect the reasonable and necessary costs associated with the delivery of behavioral health services. The study must include an evaluation of actual medicaid managed care organization payment rates to the benchmark rates and summarize the results of this evaluation. The study must be conducted in a manner so that the benchmark comparison rates are incorporated into a full behavioral health fee schedule that can be used for assessing the costs associated with expansion of services, rate increases, and medicaid managed care plan state directed payments. The authority must provide a preliminary report on the study to the office of financial management and the appropriate committees of the legislature by June 30, 2023.

~~((99))~~ (98) \$382,000 of the general fund—state appropriation for fiscal year 2023 and \$254,000 of the general fund—federal appropriation are provided solely for the authority, in collaboration with the department of social and health services research and data analysis division, to implement community behavioral health service data into the existing executive management information system. Of these amounts, \$288,000 of the general fund—state appropriation for fiscal year 2023 and \$192,000 of the general fund—federal appropriation are provided solely for the authority to reimburse the research and data analysis division for staff costs associated with this project. The data elements shall be incorporated into the monthly executive management information system reports on a phased-in basis, allowing for elements which are readily available to be incorporated in the initial phase, and elements which require further definition and data collection changes to be incorporated in a later phase. The authority must collaborate with the research and data analysis division to ensure data elements are clearly defined and must include requirements in medicaid managed care organization and behavioral health administrative services organization contracts to provide the data in a consistent and timely manner for inclusion into the system. The community behavioral health executive management system information data elements must include, but are not limited to: Psychiatric inpatient bed days; evaluation and treatment center bed days; long-term involuntary community psychiatric inpatient bed days; children's long-term inpatient bed days; substance use disorder inpatient, residential, withdrawal evaluation and management, and secure withdrawal evaluation and management bed days; crisis triage and stabilization services bed days; mental health residential bed days; mental health and substance use disorder outpatient treatment services; opioid substitution and medication assisted treatment services; program of assertive treatment team services; wraparound with intensive services; mobile outreach crisis services; recovery navigator team services; foundational community supports housing and employment services; projects for assistance in transition from homelessness services; housing and recovery through peer services; other housing services administered by the authority; mental health and substance use disorder peer services; designated crisis responder investigations and outcomes; involuntary commitment hearings and outcomes; pregnant and parenting women case management services; and

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single bed certifications and no available bed reports. Wherever possible and practical, the data must include historical monthly counts and shall be broken out to distinguish services to medicaid and nonmedicaid individuals and children and adults. The authority and the research and data analysis division must consult with the office of financial management and staff from the fiscal committees of the legislature on the development and implementation of the community behavioral health data elements.

~~((400))~~ (99) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to contract with a consultant to develop a Washington state behavioral health service delivery guide. The guide must include, but is not limited to, information on the service modalities, facilities, and providers that make up Washington's behavioral health delivery system. The authority must consult with behavioral health stakeholders and is permitted to enter into a data sharing agreement necessary to facilitate the production of the guide. The authority must publish the guide for the public and submit the guide to the office of financial management and the appropriate committees of the legislature by December 1, 2023.

~~((401))~~ (100) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to conduct a study on involuntary treatment access barriers related to transportation issues. The study must assess: Challenges ambulance companies and emergency responders have in billing medicaid for involuntary transportation services; whether current transportation rates are a barrier to access and if so what type of increase is needed to address this; and the possibility of creating a specialized type of involuntary transportation provider. The authority must also modify the current unavailable detention facilities report to identify whether the reason a bed was not available was due to: Transportation issues; all beds being full at the facility; staffing shortages; inability of facilities with available beds to meet the behavioral needs of the patient; inability of facilities with available beds to meet the medical needs of the patient; or other specified reasons. The authority must submit a report to the office of financial management and the appropriate committees of the legislature with findings and recommendations from the study by December 31, 2022.

~~((402))~~ (101) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to increase contracts for recovery navigator services established in chapter 311, Laws of 2021 (ESB 5476). These amounts must be allocated to increase funding for recovery navigator services in King, Pierce, and Snohomish counties. These amounts must supplement and not supplant funding allocated, pursuant to section 22(1), chapter 311, Laws of 2021, to the regional behavioral health administrative services organizations serving those counties.

~~((403))~~ (102) \$4,213,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to support efforts by counties and cities to implement local response teams. Of these amounts:

(a) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to provide a grant to the association of Washington cities to assist cities with the costs of implementing alternative response teams. This funding must be used to reimburse cities for documented costs associated with creating co-responder teams within different alternative diversion models including law enforcement assisted diversion programs, community assistance referral and education programs, and as part of mobile crisis teams. Cities are encouraged to partner with each other to create a regional

response model. In awarding these funds, the association must prioritize applicants with demonstrated capacity for facility-based crisis triage and stabilization services. The association and authority must collect and report information regarding the number of facility-based crisis stabilization and triage beds available in the locations receiving funding through this subsection and submit a report to the office of financial management and the appropriate committees of the legislature with this information by December 1, 2022.

(b) \$2,213,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Whatcom county to establish an alternative response base station. Within these amounts: \$1,477,000 is provided solely for facility renovation and equipment; \$149,000 is provided solely for acquisition of an alternative response transport vehicle; and \$587,000 is provided solely for operating expenses, including personnel, maintenance, and utility expenses.

~~((404))~~ (103) \$100,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for, on a one-time basis, the authority to address behavioral health treatment access issues resulting from workforce shortages and impacts of the COVID-19 public health emergency. This funding must be used to provide one-time assistance payments to nonhospital-based community behavioral health treatment providers receiving payment for medicaid services contracted through the medicaid managed care organizations or behavioral health administrative service organizations. The authority shall begin distributing funding under this subsection as soon as possible, and shall complete the distribution of funds by October 1, 2022. The authority must distribute funding in accordance with the following requirements:

(a) The authority must enter into appropriate agreements with recipients to ensure that this stabilization funding is used for purposes of this subsection. Prior to the receipt of funds, providers must agree to expend these assistance payments by June 30, 2023.

(b) Allocation methodologies must be administratively efficient and based on previous medicaid utilization, modeled after prior nongrant-based allocations, so that funding can be distributed more timely than through grant or application-based allocations. The authority must consider individuals served through medicaid and behavioral health administrative service organizations contracts in its allocation methodology.

(c) Providers must use the funding for immediate workforce retention and recruitment needs or costs incurred due to the COVID-19 public health emergency. Funds may also be used to support other needed investments to help stabilize the community behavioral health workforce including, but not limited to, childcare stipends, student loan repayment, tuition assistance, relocation expenses, or other recruitment efforts to begin adding new staff and rebuilding lost capacity.

(d) By December 1, 2022, the authority must submit an accounting to the office of financial management and the appropriate committees of the legislature that includes a list of all recipients of funding under this subsection and the amount of funding received.

(e) Within the amounts appropriated in this subsection, the authority may utilize up to \$200,000 to conduct a qualitative analysis of how recipients utilized funds for workforce retention and recruitment, which may include hiring a consultant and a survey of selected recipients. The authority must report on the findings of the qualitative analysis to the office of financial management and the appropriate committees of the legislature by December 1, 2023.

~~((405))~~ (104) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the



authority to contract with the University of Washington addictions, drug, and alcohol institute. This funding must be used to develop, refine, and pilot a new, advanced, evidence-based training for law enforcement to improve interactions with individuals who use drugs. The training must be developed so it can be adapted and used statewide to decrease stigmatizing beliefs among law enforcement through positive contact with people who use drugs and improve officer well-being and effectiveness by providing skills and techniques to address the drug overdose epidemic. The institute must develop and refine this training, leveraging prior work, and in partnership with a steering committee that includes people with lived or living experience of substance use disorder and criminal legal involvement, researchers, clinicians, law enforcement officers, and others. The training must complement, but not duplicate, existing curricula already provided by the criminal justice training commission. The institute must pilot the advanced training in a subset of regional law enforcement agencies and evaluate its acceptability and feasibility through participant interviews and pretraining and posttraining ratings of stigmatizing beliefs. The institute must incorporate feedback from the pilot training sessions into a final training program that it must make available to law enforcement agencies across the state.

~~((106))~~ (105) \$300,000 of the general fund—state appropriation for fiscal year 2023 and \$300,000 of the general fund—federal appropriation are provided on a one-time basis solely for the authority to explore the development and implementation of a sustainable, alternative payment model for comprehensive community behavioral health services, including the certified community behavioral health clinic (CCBHC) model. Funding must be used to secure actuarial expertise; conduct research into national data and other state models, including obtaining resources and expertise from the national council for mental well-being CCBHC success center; and engage stakeholders, including representatives of licensed community behavioral health agencies and medicaid managed care organizations, in the process. The authority must provide a preliminary report to the office of financial management and the appropriate committees of the legislature with findings, recommendations, and preliminary cost estimates by December 31, 2022. The study must include:

- (a) Overviews of alternate payment models and options and considerations for implementing the certified community behavioral health clinic model within Washington state;
- (b) An analysis of the impact of expanding alternate payment models on the state's behavioral health systems;
- (c) Relevant federal regulations and options to implement alternate payment models under those regulations;
- (d) Options for payment rate designs;
- (e) An analysis of the benefits and potential challenges in integrating the CCBHC reimbursement model within an integrated managed care environment;
- (f) Actuarial analysis on the costs for implementing alternative payment model options, including opportunities for leveraging federal funding; and
- (g) Recommendations to the legislature on a pathway for statewide implementation.

~~((107))~~ (106) \$60,000 of the general fund—state appropriation for fiscal year 2023 is provided on a one-time basis solely for the authority to provide a grant to develop an integrative cultural healing model to be implemented and managed by the Confederated Tribes of the Colville Reservation. For the purposes of this subsection, "integrative cultural healing model" means a behavioral health model developed for and by tribal and urban-based Native American partners in eastern Washington. Grant

funds must be used for staff costs for implementing the model; acquisition of cultural tools, materials, and other group facilitation supplies; securing access to outdoor environments in traditional places of gathering foods, medicines, and materials; salaries for training time; and stipends, travel, and mileage reimbursement to support the participation of local elders or knowledge keepers.

~~((108))~~ \$1,135,000 of the general fund—state appropriation for fiscal year 2023 and \$568,000 of the general fund—federal appropriation are provided solely to develop and operate a 16-bed substance use disorder inpatient facility in Grays Harbor county that specializes in treating pregnant and parenting women using a family preservation model. The authority must contract for these services through behavioral health entities in a manner that allows leveraging of federal medicaid funds to pay for a portion of the costs. The authority must consult with the department of children, youth, and families in the implementation of this funding. The facility must allow families to reside together while a parent is receiving treatment. Of these amounts, \$568,000 may be used for documented startup costs including the recruitment, hiring, and training of staff.

~~((109))~~ (107) \$150,000 of the general fund—state appropriation for fiscal year 2023 is provided on a one-time basis solely for the authority to provide a grant to the city of Snoqualmie to pilot behavioral health emergency response and coordination services through a regional behavioral health coordinator. The regional behavioral health coordinator shall be a licensed mental health or substance use disorder professional who works directly with and accompanies law enforcement officers and fire and rescue first responders to help respond to crises involving persons with behavioral health needs. The coordinator shall plan, implement, and coordinate services related to crisis response and social service needs with the city of Snoqualmie, the city of North Bend, the Snoqualmie police and fire departments, and the eastside fire and rescue agency serving North Bend, and local community services, school districts, hospitals, and crisis response systems provided by King county for the region. The coordinator shall support the social services needs identified through police and fire response in the lower Snoqualmie valley and serve as a liaison between law enforcement, first responders, and persons accessing or requesting emergency services with social service needs. The authority shall collect information on the pilot project and, in coordination with the city of Snoqualmie, must submit a report to the office of financial management and the appropriate committees of the legislature by December 31, 2023, summarizing the services provided through the grant funds and identifying recommendations on how to implement effective, integrated, coordinated behavioral health emergency response and community care services. The authority must also provide the report to the criminal justice training commission, the Washington association of sheriffs and police chiefs, and the Washington fire commissioners association.

~~((110))~~ (108) \$50,000 of the general fund—state appropriation for fiscal year 2023 is provided on a one-time basis solely for the authority to conduct a study and provide data regarding challenges to receiving behavioral health services in rural communities. The study by the authority must review timely access to behavioral health services in rural areas including: (a) Designated crisis responder response times; (b) the availability of behavioral health inpatient and outpatient services; (c) wait times for hospital beds; and (d) the availability of adult and youth mobile crisis teams. The study must include recommendations on strategies to improve access to behavioral health services in rural areas in the short-term as the state works to develop and implement the recommendations of the crisis response

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improvement strategy committee established in chapter 302, Laws of 2021. The authority must submit a report to the office of financial management and the appropriate committees of the legislature with a summary of the data, findings, and recommendations by December 1, 2022.

~~((111))~~ (109) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to contract for services with a statewide recovery community organization. The authority must award this funding to an organization that: (a) Has experience building the capacity of the recovery community to advance substance use recovery and mental health wellness by catalyzing public understanding and shaping public policy; (b) is led and governed by representatives of local communities of recovery; (c) centers the voices of people with lived experience who are touched by addiction and mental health challenges, and harnesses the power of story to drive change in the mental health and addiction treatment systems; and (d) provides free community education, skills trainings, events, and a conference in order to increase the understanding of issues around behavioral health and recovery. Services provided by the contracted program must include education, support, and assistance to increase connection of the recovery community, recovery capital, and knowledge about recovery and mental health resources. In conducting this work, the contractor must engage diverse individuals in recovery, impacted families, and providers from all regions of the state and leverage the assistance of affiliated groups and organizations. The organization must also prioritize diversity, equity, and justice in their work to eradicate health disparities of marginalized communities.

~~((112))~~ (110) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to provide a one-time grant to a nonprofit organization to establish a program to provide pro bono counseling and behavioral health services to uninsured individuals with incomes below 300 percent of the federal poverty level. The grantee must have experience in leveraging local and philanthropic funding to coordinate pro bono health care services within Washington. The authority must provide the funding pursuant to an appropriate agreement for documented capacity-building to begin providing pro bono counseling and behavioral health services no later than April 1, 2023. The agreement must require the grantee to seek, document, and report to the authority on efforts to leverage local, federal, or philanthropic funding to provide sustained operational support for the program.

~~((113))~~ (111) \$2,148,000 of the general fund—state appropriation for fiscal year 2023 and \$499,000 of the general fund—federal appropriation are provided solely for the authority to contract for youth inpatient navigator services in four regions of the state. The services must be provided through clinical response teams that receive referrals for children and youth inpatient services and manage a process to coordinate placements and alternative community treatment plans. Of these amounts, \$445,000 of the general fund—state appropriation and \$79,000 of the general fund—federal appropriation are provided solely to contract for services through an existing program located in Pierce county.

~~((114))~~ (112) \$1,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a contract with a licensed youth residential psychiatric substance abuse and mental health agency located in Clark and Spokane counties for reopening evaluation and treatment units, increasing staff capacity, treating patients with cooccurring substance use and acute mental health disorders, and expanding outpatient services for young adults ages 18 through 24.

~~((115))~~ (113) \$4,377,000 of the general fund—state appropriation for fiscal year 2023 and \$919,000 of the general fund—federal appropriation are provided solely for implementation of Substitute House Bill No. 1773 (assisted outpatient treatment). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

~~((116))~~ (114) \$257,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1800 (behavioral health/minors). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((117))~~ (115) \$115,000 of the general fund—state appropriation for fiscal year 2023 and \$218,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1860 (behavioral health discharge). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

~~((118))~~ (116) \$563,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the children and youth behavioral health work group to consider and develop longer term strategies and recommendations regarding the delivery of behavioral health services for children, transitioning youth, and their caregivers and meet the requirements of Second Substitute House Bill No. 1890 (children behavioral health).

~~((119))~~ (117) \$427,000 of the general fund—state appropriation for fiscal year 2023 and \$183,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1905 (homelessness/youth discharge). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

~~((120))~~ (118) \$759,000 of the general fund—state appropriation for fiscal year 2023 and \$759,000 of the general fund—federal appropriation are provided solely for the authority to extend continuous eligibility for apple health to children ages zero to six with income at or below 215 percent of the federal poverty level. The centers for medicare and medicaid services must approve the 1115 medicaid waiver prior to the implementation of this policy.

~~((121))~~ (119) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to increase contingency management resources in accordance with chapter 311, Laws of 2021 (ESB 5476).

~~((122))~~ (120) \$79,000 of the general fund—state appropriation for fiscal year 2023 and \$78,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1866 (supportive housing). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

~~((123))~~ (121) \$5,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for bridge funding grants to community behavioral health agencies participating in federal certified community behavioral health clinic expansion grant programs to sustain their continued level of operations following expiration of federal grant funding during the planning process for adoption of the certified community behavioral health clinic model statewide.

~~((124))~~ (122) \$12,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute Senate Bill No. 5664 (forensic competency programs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((125))~~ (123) \$50,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to contract with worldbridgers for a peer workforce

expansion pilot project to increase certified peer support counselors in Clark county.

((126)) (124) \$48,000 of the general fund—state appropriation for fiscal year 2023 and \$49,000 of the general fund—federal appropriation are provided solely for the authority to create a short-term residential crisis stabilization program (RCSP) for youth with severe behavioral health diagnoses. It is the intent of the legislature to fund the contracted costs of these facilities beginning in the 2023-2025 fiscal biennium.

((127)) (125) \$50,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide information and support related to safe housing and support services for youth exiting inpatient mental health and/or substance use disorder facilities to stakeholders, inpatient treatment facilities, young people, and other community providers that serve unaccompanied youth and young adults.

((128)) (126) \$2,825,000 of the general fund—state appropriation for fiscal year 2023 and \$797,000 of the general fund—federal appropriation are provided solely for the authority to contract with opioid treatment providers to purchase five mobile methadone units and to contract for the operations of those units to fill treatment gaps statewide.

((129)) (127) \$3,990,000 of the general fund—state appropriation for fiscal year 2023 is provided solely with the downtown emergency service center to contract for three behavioral health response teams in King county. These teams must collaborate with regional outreach teams and agencies throughout King county and follow up with individuals after an acute crisis episode for up to three months to establish long-term community linkages and referrals to behavioral health treatment.

Sec. 1214. 2022 c 297 s 216 (uncodified) is amended to read as follows:

**FOR THE HUMAN RIGHTS COMMISSION**

General Fund—State Appropriation (FY 2022).....	\$3,220,000
General Fund—State Appropriation (FY 2023).(( <del>\$3,630,000</del> ))	
.....	<u>\$3,947,000</u>
General Fund—Federal Appropriation .....	\$2,706,000
TOTAL APPROPRIATION.....(( <del>\$9,556,000</del> ))	
.....	<u>\$9,873,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$1,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Senate Bill No. 5027 (television closed captions).

Sec. 1215. 2022 c 297 s 218 (uncodified) is amended to read as follows:

**FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

General Fund—State Appropriation (FY 2022)....	\$38,905,000
General Fund—State Appropriation (FY 2023)	
.....(( <del>\$51,034,000</del> ))	
.....	<u>\$50,695,000</u>
General Fund—Private/Local Appropriation.....	\$8,016,000
Death Investigations Account—State Appropriation	
.....	<u>\$1,598,000</u>
Municipal Criminal Justice Assistance Account—State	
Appropriation.....	\$460,000
Washington Auto Theft Prevention Authority Account—	
State Appropriation.....	\$10,667,000
Washington Internet Crimes Against Children Account—	
State Appropriation.....	\$2,270,000
24/7 Sobriety Account—State Appropriation.....	\$20,000
TOTAL APPROPRIATION.....(( <del>\$112,970,000</del> ))	
.....	<u>\$112,631,000</u>

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

(1) \$5,000,000 of the general fund—state appropriation for fiscal year 2022 and \$5,000,000 of the general fund—state appropriation for fiscal year 2023, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130.

(2) \$3,393,000 of the general fund—state appropriation for fiscal year 2022 and \$5,317,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for 75 percent of the costs of providing 9.5 additional statewide basic law enforcement trainings in fiscal year 2022 and 13.5 additional statewide basic law enforcement trainings in fiscal year 2023. This provides a total of 19.5 classes in fiscal year 2022 and 23.5 classes in fiscal year 2023. The criminal justice training commission must schedule its funded classes to minimize wait times throughout each fiscal year and meet statutory wait time requirements. The criminal justice training commission must track and report the average wait time for students at the beginning of each class and provide the findings in an annual report to the legislature due in December of each year. At least three classes must be held in Spokane each year.

(3) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(4) \$2,270,000 of the Washington internet crimes against children account—state appropriation is provided solely for the implementation of chapter 84, Laws of 2015.

(5) \$4,000,000 of the general fund—state appropriation for fiscal year 2022 and \$4,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the mental health field response team program administered by the Washington association of sheriffs and police chiefs. The association must distribute \$7,000,000 in grants to the phase one and phase two regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services, et. al.*, U.S. District Court-Western District, Cause No. 14-cv-01178-MJP. The association must submit an annual report to the Governor and appropriate committees of the legislature by September 1st of each year of the biennium. The report shall include best practice recommendations on law enforcement and behavioral health field response and include outcome measures on all grants awarded.

(6) \$899,000 of the general fund—state appropriation for fiscal year 2022 and \$899,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for crisis intervention training for the phase one regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services, et. al.*, U.S. District Court-Western District, Cause No. 14-cv-01178-MJP.

(7) \$1,598,000 of the death investigations account—state appropriation is provided solely for the commission to provide 240 hours of medicolegal forensic investigation training to coroners and medical examiners to meet the recommendations of the national commission on forensic science for certification and accreditation.

(8) \$13,000 of the general fund—state appropriation for fiscal year 2022, \$26,000 of the general fund—state appropriation for fiscal year 2023, and \$12,000 of the general fund—local appropriation are provided solely for an increase in vendor rates on the daily meals provided to basic law enforcement academy recruits during their training.

(9)(a) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to

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implement chapter 378, Laws of 2019 (alternatives to arrest/jail).

(b) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for evaluation of grant-funded programs under chapter 378, Laws of 2019 (alternatives to arrest/jail).

(10) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington association of sheriffs and police chiefs to administer the sexual assault kit initiative project under RCW 36.28A.430, to assist multidisciplinary community response teams seeking resolutions to cases tied to previously unsubmitted sexual assault kits, and to provide support to survivors of sexual assault offenses. The commission must report to the governor and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations by June 30, 2022, on the number of sexual assault kits that have been tested, the number of kits remaining to be tested, the number of sexual assault cases that had hits to other crimes, the number of cases that have been reinvestigated, the number of those cases that were reinvestigated using state funding under this appropriation, and the local jurisdictions that were a recipient of a grant under the sexual assault kit initiative project.

(11) \$20,000 of the general fund—state appropriation for fiscal year 2022 and \$20,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a helmet distribution program in order to reduce traumatic brain injuries throughout the state. Of these amounts:

(a) \$10,000 of the general fund—state appropriation for fiscal year 2022 and \$10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the Washington fire chiefs association to provide helmets to persons contacted by an official of a local fire department for not wearing a helmet while riding a skateboard or bicycle; and

(b) \$10,000 of the general fund—state appropriation for fiscal year 2022 and \$10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the Washington association of sheriffs and police chiefs to distribute to local law enforcement agencies to provide helmets to persons contacted by an official of a local law enforcement agency for not wearing a helmet while riding a skateboard or bicycle.

(12) \$307,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for chapter 294, Laws of 2020 (critical stress management programs).

(13) \$727,000 of the general fund—state appropriation for fiscal year 2022, \$727,000 of the general fund—state appropriation for fiscal year 2023, and \$248,000 of the general fund—local appropriation are provided solely for chapter 119, Laws of 2020 (correctional officer certification).

(14) \$406,000 of the general fund—state appropriation for fiscal year 2022 and \$408,000 of the general fund—state appropriation for fiscal year 2023 are provided to the Washington association of sheriffs and police chiefs solely to establish a behavioral health support and suicide prevention program for law enforcement officers. The program will begin with grants to three pilot locations and will leverage access to mental health professionals, critical stress management, and resiliency training.

(15) \$1,883,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$1,986,000)~~ \$2,051,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5051 (peace officer oversight).

(16) \$474,000 of the general fund—state appropriation for fiscal year 2022 and \$446,000 of the general fund—state

appropriation for fiscal year 2023 are provided solely for implementation of Substitute Senate Bill No. 5066 (officer duty to intervene).

(17) \$151,000 of the general fund—state appropriation for fiscal year 2022 and \$148,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to support the participation of the Washington association of sheriffs and police chiefs in the joint legislative task force on jail standards created in section 957 of this act.

(18) \$374,000 of the general fund—state appropriation for fiscal year 2022 and \$296,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1267 (office of independent investigations).

(19) \$31,000 of the general fund—state appropriation for fiscal year 2022 and \$31,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute House Bill No. 1088 (impeachment disclosures).

(20) \$269,000 of the general fund—state appropriation for fiscal year 2022 and \$261,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of House Bill No. 1001 (law enforcement professional development).

(21) \$25,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Substitute House Bill No. 1054 (peace officer tactics and equipment).

(22) \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$40,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1310 (use of force).

(23) \$25,000 of the general fund—state appropriation for fiscal year 2022 and \$25,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1109 (victims of sexual assault).

(24) \$30,000 of the general fund—state appropriation for fiscal year 2022 and \$30,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for additional grants to local jurisdictions to investigate instances where a purchase or transfer of a firearm was attempted by an individual who is prohibited from owning or possessing a firearm.

(25) \$2,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the criminal justice training commission to provide grant funding to local law enforcement agencies to support law enforcement wellness programs. Of the amount provided in this subsection:

(a) \$1,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the commission to provide grants to local law enforcement agencies for the purpose of establishing officer wellness programs. Grants provided under this subsection may be used for, but not limited to building resilience, injury prevention, peer support programs, physical fitness, proper nutrition, stress management, suicide prevention, and physical or behavioral health services. The commission must consult with a representative from the Washington association of sheriffs and police chiefs and a representative of the Washington state fraternal order of police and the Washington council of police and sheriffs in the development of the grant program.

(b) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington association of sheriffs and police chiefs to establish and coordinate an online or mobile-based application for any Washington law enforcement officer; 911 operator or dispatcher; and any other current or retired employee of a Washington law enforcement agency, and

their families, to anonymously access on-demand wellness techniques, suicide prevention, resilience, physical fitness, nutrition, and other behavioral health and wellness supports.

(26) \$290,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for academy training for limited authority Washington peace officers employed by the Washington state gambling commission, Washington state liquor and cannabis board, Washington state parks and recreation commission, department of natural resources, and the office of the insurance commissioner.

(a) Up to 30 officers must be admitted to attend the basic law enforcement academy and up to 30 officers must be admitted to attend basic law enforcement equivalency academy.

(b) Allocation of the training slots amongst the agencies must be based on the earliest application date to the commission. Training does not need to commence within six months of employment.

(c) The state agencies must reimburse the commission for the actual cost of training.

(27) \$1,575,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the Washington association of sheriffs and police chiefs to distribute to local law enforcement agencies for training of chapter 324, Laws of 2021 (permissible uses of force).

(28) \$2,150,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the Washington association of sheriffs and police chiefs to distribute to local law enforcement agencies for training of chapter 321, Laws of 2021 (duty to intervene).

(29) \$525,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the Washington association of sheriffs and police chiefs to distribute to local law enforcement agencies for training required under Substitute House Bill No. 1735 (use of force by peace officers). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(30) \$1,050,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the Washington association of sheriffs and police chiefs to distribute to local law enforcement agencies for training required under Engrossed Substitute House Bill No. 2037 (use of force by peace officers). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

~~((32))~~ (31) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for body camera grant funding to local law enforcement agencies.

(a) The Washington association of sheriffs and police chiefs shall develop and implement a body-worn camera grant program. The purpose of the program is to assist law enforcement agencies to establish and expand body-worn camera programs.

(b) Law enforcement agencies may use the grants for: (i) The initial purchase, maintenance, and replacement of body-worn cameras; (ii) ongoing costs related to the maintenance and storage of data recorded by body-worn cameras; (iii) costs associated with public records requests for body-worn camera footage; and (iv) hiring of personnel necessary to operate a body-worn camera program.

(c) The Washington association of sheriffs and police chiefs shall develop and implement a grant application process and review applications from agencies based on locally developed proposals to establish or expand body-worn camera programs.

(d) Law enforcement agencies that are awarded grants must:

(i) Comply with the provisions of chapter 10.109 RCW;

(ii) Demonstrate the ability to redact body-worn camera footage consistent with RCW 42.56.240 and other applicable

provisions;

(iii) Provide training to officers who will wear body-worn cameras and other personnel associated with implementation of the body-worn camera program; and

(iv) Agree to comply with any data collection and reporting requirements that are established by the Washington association of sheriffs and police chiefs.

(e) The Washington association of sheriffs and police chiefs must submit an annual report regarding the grant program to the governor and appropriate committees of the legislature by December 1st of each year the program is funded. The report must be submitted in compliance with RCW 43.01.036.

~~((33))~~ (32) \$150,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the criminal justice training commission to support an instructor to teach a model use of force and deescalation tactics training to local peace officers across the state. The goal is to establish and disseminate a standard use of force training program that is uniform throughout the state for currently employed peace officers.

Sec. 1216. 2022 c 297 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund—State Appropriation (FY 2022) .....	\$12,070,000
General Fund—State Appropriation (FY 2023)	
.....	<del>(\$27,358,000)</del>
.....	\$26,304,000
General Fund—Federal Appropriation .....	\$20,839,000
Asbestos Account—State Appropriation .....	\$598,000
Electrical License Account—State Appropriation	
.....	<del>(\$59,225,000)</del>
.....	\$59,298,000
Farm Labor Contractor Account—State Appropriation	
.....	\$28,000
Worker and Community Right to Know Fund—State	
Appropriation .....	\$1,062,000
Construction Registration Inspection Account—State	
Appropriation .....	<del>(\$30,231,000)</del>
.....	\$28,869,000
Public Works Administration Account—State	
Appropriation .....	<del>(\$11,420,000)</del>
.....	\$11,422,000
Manufactured Home Installation Training Account—	
State Appropriation .....	<del>(\$424,000)</del>
.....	\$425,000
Accident Account—State Appropriation .....	<del>(\$383,862,000)</del>
.....	\$385,405,000
Accident Account—Federal Appropriation .....	\$16,071,000
Medical Aid Account—State Appropriation .	
.....	<del>(\$383,187,000)</del>
.....	\$383,255,000
Medical Aid Account—Federal Appropriation .....	\$3,617,000
Plumbing Certificate Account—State Appropriation	
.....	<del>(\$3,481,000)</del>
.....	\$3,484,000
Pressure Systems Safety Account—State Appropriation	
.....	<del>(\$4,800,000)</del>
.....	\$4,805,000
TOTAL APPROPRIATION .....	<del>(\$958,273,000)</del>
.....	\$957,552,000

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

(1) \$4,363,000 of the accident account—state appropriation and \$4,363,000 of the medical aid account—state appropriation are provided solely for the labor and industries workers' compensation information system replacement project. This

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subsection is subject to the conditions, limitations, and review provided in section 701 of this act. The department must:

(a) Submit a report by August 1, 2021, on the quantifiable deliverables accomplished in fiscal years 2020 and 2021 and the amount spent by each deliverable in each of the following subprojects:

- (i) Business readiness;
- (ii) Change readiness;
- (iii) Commercial off the shelf procurement;
- (iv) Customer access;
- (v) Program foundations;
- (vi) Independent assessment; and
- (vii) In total by fiscal year;

(b) Submit quarterly data within 30 calendar days of the end of each quarter, effective July 1, 2021, on:

(i) All of the quantifiable deliverables accomplished by subprojects identified in (a)(i) through (vi) of this subsection and in total and the associated expenditures by each deliverable by fiscal month;

(ii) The contract full time equivalent charged by subprojects identified in (a)(i) through (vi) of this subsection, and in total, compared to the budget spending plan by month for each contracted vendor and what the ensuing contract equivalent budget spending plan by subprojects identified in (a)(i) through (vi) of this subsection, and in total, assumes by fiscal month;

(iii) The performance metrics by subprojects identified in (a)(i) through (vi) of this subsection, and in total, that are currently used, including monthly performance data; and

(iv) The risks identified independently by at least the quality assurance vendor and the office of the chief information officer, and how the project:

(A) Has mitigated each risk; and

(B) Is working to mitigate each risk, and when it will be mitigated;

(c) Submit the reports in (a) and (b) of this subsection to fiscal and policy committees of the legislature; and

(d) Receive an additional gated project sign off by the office of financial management, effective September 1, 2021. Prior to spending any project funding in this subsection each quarter, there is an additional gate of approval required for this project. The director of financial management must agree that the project shows accountability, effective and appropriate use of the funding, and that risks are being mitigated to the spending and sign off on the spending for the ensuing quarter.

(2) \$250,000 of the medical aid account—state appropriation and \$250,000 of the accident account—state appropriation are provided solely for the department of labor and industries safety and health assessment and research for prevention program to conduct research to address the high injury rates of the janitorial workforce. The research must quantify the physical demands of common janitorial work tasks and assess the safety and health needs of janitorial workers. The research must also identify potential risk factors associated with increased risk of injury in the janitorial workforce and measure workload based on the strain janitorial work tasks place on janitors' bodies. The department must conduct interviews with janitors and their employers to collect information on risk factors, identify the tools, technologies, and methodologies used to complete work, and understand the safety culture and climate of the industry. The department must produce annual progress reports through the year 2022 or until the tools are fully developed and deployed. The annual progress report must be submitted to the governor and legislature by December 1st of each year such report is due.

(3) \$258,000 of the accident account—state appropriation and \$258,000 of the medical aid account—state appropriation are

provided solely for the department of labor and industries safety and health assessment research for prevention program to conduct research to prevent the types of work-related injuries that require immediate hospitalization. The department will develop and maintain a tracking system to identify and respond to all immediate in-patient hospitalizations and will examine incidents in defined high-priority areas, as determined from historical data and public priorities. The research must identify and characterize hazardous situations and contributing factors using epidemiological, safety-engineering, and human factors/ergonomics methods. The research must also identify common factors in certain types of workplace injuries that lead to hospitalization. The department must submit a report to the governor and appropriate legislative committees by August 30, 2021, and annually thereafter, summarizing work-related immediate hospitalizations and prevention opportunities, actions that employers and workers can take to make workplaces safer, and ways to avoid severe injuries.

(4)(a) \$2,000,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to promote workforce development in aerospace and aerospace related supply chain industries by: Expanding the number of registered apprenticeships, preapprenticeships, and aerospace-related programs; and providing support for registered apprenticeships or programs in aerospace and aerospace-related supply chain industries.

(b) Grants awarded under this section may be used for:

(i) Equipment upgrades or new equipment purchases for training purposes;

(ii) New training space and lab locations to support capacity needs and expansion of training to veterans and veteran spouses, and underserved populations;

(iii) Curriculum development and instructor training for industry experts;

(iv) Tuition assistance for degrees in engineering and high-demand degrees that support the aerospace industry; and

(v) Funding to increase capacity and availability of child care options for shift work schedules.

(c) An entity is eligible to receive a grant under this subsection if it is a nonprofit, nongovernmental, or institution of higher education that provides training opportunities, including apprenticeships, preapprenticeships, preemployment training, aerospace-related degree programs, or incumbent worker training to prepare workers for the aerospace and aerospace-related supply chain industries.

(d) The department may use up to 5 percent of these funds for administration of these grants.

(5) \$3,632,000 of the accident account—state appropriation and \$876,000 of the medical aid account—state appropriation are provided solely for the creation of an agriculture compliance unit within the division of occupational safety and health. The compliance unit will perform compliance inspections and provide bilingual outreach to agricultural workers and employers.

(6) (~~(\$2,849,000)~~) \$1,467,000 of the construction registration inspection account—state appropriation, (~~(\$152,000)~~) \$78,000 of the accident account—state appropriation, and (~~(\$31,000)~~) \$16,000 of the medical aid account—state appropriation are provided solely for the conveyance management system replacement project and are subject to the conditions, limitations, and review provided in section 701 of this act.

(7) (a) \$4,044,000 of the medical aid account—state appropriation is provided solely for the implementation of the provider credentialing system project and is subject to the conditions, limitations, and review provided in section 701 of this

act.

(b) \$336,000 of the medical aid account—state appropriation is provided solely for the maintenance and operation of the provider credentialing project.

(8) \$530,000 of the accident account—state appropriation and \$94,000 of the medical aid account—state appropriation are provided solely for the department to conduct infectious disease rule making to ensure the state has general guidelines to follow in the case of an infectious disease outbreak and to provide education and outreach.

(9) \$334,000 of the accident account—state appropriation and \$60,000 of the medical aid account—state appropriation are provided solely for the maintenance and operating costs of the isolated worker protection information technology project.

(10) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to analyze patients who are maintained on chronic opioids. The department must submit a report of its findings to the governor and the appropriate committees of the legislature no later than October 1, 2023. The report shall include analysis of patient data, describing the characteristics of patients who are maintained on chronic opioids and their clinical needs, and a preliminary evaluation of potential interventions to improve care and reduce harms in this population.

(11) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to an organization in Pierce county experienced in providing peer-to-peer training, in order to develop and implement a program aimed at reducing workplace sexual harassment in the agricultural sector, with the following deliverables:

(a) Peer-to-peer training and evaluation of sexual harassment training curriculum; and

(b) The building of a statewide network of peer trainers as farmworker leaders whose primary purpose is to prevent workplace sexual harassment and assault through leadership, education, and other tools.

(12) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a work group to investigate how to make Washington's industrial insurance system easier to access for employers and hiring entities to provide industrial insurance coverage for domestic workers.

(a) Domestic workers include, but are not limited to: Housecleaners, nannies, gardeners, and day laborers, including but not limited to those who may perform maintenance or repair work in or about the private home of the employer or hiring entity.

(b) The work group shall make recommendations to the governor and appropriate legislative committees on legislative, regulatory, or other changes that would make the industrial insurance system easier for day laborers and their employers to access. This work group will also explore the possible role of intermediary nonprofit organizations that assist and refer domestic workers and day laborers.

(c) The work group shall be comprised of the following representatives, to be appointed by the governor by July 1, 2021:

(i) Two representatives who are directly impacted domestic workers who work for private home employers or hiring entities;

(ii) Two representatives who are directly impacted day laborers who work for private home employers or hiring entities;

(iii) Two representatives from unions, workers' centers, or intermediary nonprofit organizations that assist and/or refer such directly impacted workers;

(iv) Two employer or hiring entity representatives who directly employ or hire single domestic workers in private homes;

(v) One employer or hiring entity representative who directly employs or hires day laborers in a private home;

(vi) One representative from a nonprofit organization that educates and organizes household employers; and

(vii) Representatives from the department, serving in an ex officio capacity.

(d) The department shall convene the work group by August 1, 2021, and shall meet at least once every two months and may meet remotely in order to accommodate the involvement of domestic worker and day laborer representatives.

(e) The work group shall deliver its report and recommendations to the governor and the appropriate committees of the legislature no later than November 4, 2022.

(13) \$237,000 of the accident account—state appropriation and \$184,000 of the medical aid account—state appropriation are provided solely for costs associated with the implementation of Engrossed Substitute Senate Bill No. 5115 (health emergency/labor).

(14) \$1,228,000 of the accident account—state appropriation and \$217,000 of the medical aid account—state appropriation are provided solely for costs associated with the implementation of Engrossed Substitute Senate Bill No. 5172 (agricultural overtime).

(15) \$760,000 of the general fund—state appropriation for fiscal year 2022 and \$1,393,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5183 (nonfatal strangulation).

(16) (~~(\$367,000)~~) \$2,000 of the accident account—state appropriation and (~~(\$366,000)~~) \$3,000 of the medical aid account—state appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5190 (health care workers/benefits).

(17) \$1,626,000 of the accident account—state appropriation and \$288,000 of the medical aid account—state appropriation are provided solely for the purpose of providing a temporary 7.5 percent increase to the base rate of pay for the compliance field positions in the following job classifications: Safety and health specialist 3, safety and health specialist 4, industrial hygienist 3, and industrial hygienist 4, who are responsible for inspections, investigations, and enforcement related to the COVID-19 pandemic, not including consultation staff within these classifications. The increase shall be effective July 1, 2021, until June 30, 2023. Expenditure of the amount provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this subsection.

(18) \$298,000 of the accident account—state appropriation and \$53,000 of the medical aid account—state appropriation are provided solely for the implementation of Engrossed Substitute House Bill No. 1097 (increasing worker protections).

(19) \$1,360,000 of the accident account—state appropriation and \$240,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries, in coordination with the Washington state apprenticeship training council, to establish behavioral health apprenticeship programs. The behavioral health apprenticeship programs shall be administered by the Washington state apprenticeship training council. The amounts provided in this subsection must be used to compensate behavioral health providers for the incurred operating costs associated with the apprenticeship program, including apprentice compensation, staff support and supervision of

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apprentices, development of on-the-job training catalogs for apprentices, and provider incentives for implementing a behavioral health apprenticeship program. In awarding this funding, special preference must be given to small or rural behavioral health providers and those that serve higher percentages of individuals from black, indigenous, and people of color communities.

(20) \$65,000 of the accident account—state appropriation and \$66,000 of the medical aid account—state appropriation are provided solely for the implementation of Substitute House Bill No. 1455 (social security/L&I & ESD).

(21) \$584,000 of the accident account—state appropriation and \$584,000 of the medical aid account—state appropriation are provided solely for costs associated with staff overtime affiliated with the state emergency operations center. Prior to utilizing these funds, the department of labor and industries must collaborate with the military department to determine if any overtime costs may be eligible for reimbursement from the federal emergency management agency.

(22) \$961,000 of the accident account—state appropriation and \$169,000 of the medical aid account—state appropriation are provided solely for enhancements to the apprenticeship registration and tracking computer system to align data collection with federal regulations and to create functionality that allows for web-based document uploading. This project is subject to the conditions, limitations, and review provided in section 701 of this act.

(23) \$350,000 of the accident account—state appropriation and \$350,000 of the medical aid account—state appropriation are provided solely for the completion of the licensing and certification administrators IT project to meet the implementation requirements of chapter 277, Laws of 2020 (SHB 2409). This project is subject to the conditions, limitations, and review provided in section 701 of this act.

(24) \$897,000 of the medical aid account—state appropriation is provided solely to cover the overhead rent costs to increase the number of labor and industry vocational specialists embedded in WorkSource offices and to implement a comprehensive quality-assurance team to ensure the continuous improvement of vocational services for injured workers through the workers' compensation program.

(25) \$821,000 of the public works administration account—state appropriation is provided solely to expand capacity to investigate and enforce prevailing-wage complaints.

(26) \$794,000 of the public works administration account—state appropriation is provided solely for planning and requirements gathering to make system improvements to the prevailing wage program information technology system. Of the amount in this subsection, \$300,000 is for two permanent information technology developers to maintain the system. This project is subject to the conditions, limitations, and review provided in section 701 of this act.

(27) \$2,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to create and administer a grant program intended to modernize the technology and remote learning infrastructure within existing state registered apprenticeship programs as provided in Engrossed Second Substitute Senate Bill No. 5600 (apprenticeship programs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse. Grant applications must include a plan to sustain the investment over time. Up to five percent of the total amount provided in this subsection can be used to cover administrative expenses.

(28) \$4,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to create and administer a grant

program intended to upgrade apprenticeship program equipment to better replicate conditions on the job during the training of apprentices as provided in Engrossed Second Substitute Senate Bill No. 5600 (apprenticeship programs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse. The grant program is limited to state registered apprenticeship programs. Up to five percent of the total within this subsection can be used to cover administrative expenses.

(29) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to create and administer a grant program intended to provide wraparound support services to mitigate barriers to beginning or participating in state registered apprenticeship programs as provided in Engrossed Second Substitute Senate Bill No. 5600 (apprenticeship programs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse. Up to five percent of the amount provided in this subsection may be used to cover administrative expenses.

(30) \$12,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for vouchers to cover the cost of driver's education courses for minors enrolled in a state registered apprenticeship program as provided in Engrossed Second Substitute Senate Bill No. 5600 (apprenticeship programs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(31) \$205,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to start conducting a four-year retention study of state registered apprentices as provided in Engrossed Second Substitute Senate Bill No. 5600 (apprenticeship programs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse. The study shall include the collection of data from all apprentices three months into their apprenticeship to understand challenges and barriers they face towards program participation. The aggregate data by trade must be displayed on a publicly available dashboard. Study data must be provided with apprenticeship coordinators to implement an early response to connect apprentices with needed supports. The department shall submit an annual report to the governor and appropriate legislative committees beginning June 30, 2023.

(32) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to explore requirements needed to create a centralized technical support system for new nontraditional apprenticeship programs to help applicants navigate and start the process.

(33) \$207,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5814 (child abuse/medical evaluation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(34) \$191,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5600 (apprenticeship programs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(35) \$454,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5714 (solar canopies tax deferral). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(36) ~~(\$412,000)~~ \$350,000 of the accident account—state appropriation and ~~(\$73,000)~~ \$61,000 of the medical aid account—state appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5761 (wage and salary information). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.



(37) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization that will support development, outreach, and recruitment to provide job readiness skills and apprenticeship training to public school paraeducators to support college degree attainment to become certified teachers. The grant recipient must be a nonprofit organization serving classified public school employees statewide.

(38) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to create a certified nursing assistant model joint labor-management apprenticeship program to address the certified nursing assistant staffing crisis in skilled nursing facilities by improving workforce recruitment and retention, reducing barriers to entry, and restoring the pipeline of entry level health care professionals into skilled nursing facilities.

(39) \$2,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the crime victims' compensation program to pay for medical exams for suspected victims of domestic violence. Neither the hospital, medical facility, nor victim is to pay for the cost of the medical exam. This funding must not supplant existing funding for sexual assault medical exams. If the cost of medical exams exceeds the funding provided in this subsection, the program shall not reduce the reimbursement rates for medical providers seeking reimbursement for other claimants, and instead the program shall return to paying for domestic violence medical exams after insurance.

(40) \$454,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1988 (clean tech. tax deferrals). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(41) \$6,000,000 of the driver resource center fund nonappropriated account—state appropriation, (~~(\$313,000)~~) \$2,177,000 of the accident account—state appropriation, and (~~(\$57,000)~~) \$386,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 2076 (transp. network companies). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

**Sec. 1217.** 2022 c 297 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

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

(a) The department of veterans affairs shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys that are unrelated to the coronavirus response and not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys that are unrelated to the coronavirus response, those moneys must be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(b) Each year, there is fluctuation in the revenue collected to

support the operation of the state veteran homes. When the department has foreknowledge that revenue will decrease, such as from a loss of census or from the elimination of a program, the legislature expects the department to make reasonable efforts to reduce expenditures in a commensurate manner and to demonstrate that it has made such efforts. In response to any request by the department for general fund—state appropriation to backfill a loss of revenue, the legislature shall consider the department's efforts in reducing its expenditures in light of known or anticipated decreases to revenues.

(2) HEADQUARTERS

General Fund—State Appropriation (FY 2022) .....	\$4,094,000
General Fund—State Appropriation (FY 2023) .....	\$4,199,000
Charitable, Educational, Penal, and Reformatory Institutions Account—State Appropriation .....	\$10,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$8,303,000</b>

(3) FIELD SERVICES

General Fund—State Appropriation (FY 2022) .....	\$8,200,000
General Fund—State Appropriation (FY 2023) .....	\$9,313,000
General Fund—Federal Appropriation .....	\$9,116,000
General Fund—Private/Local Appropriation .....	\$6,730,000
Veteran Estate Management Account—Private/Local Appropriation .....	\$717,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$34,076,000</b>

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

(a) \$449,000 of the general fund—state appropriation for fiscal year 2022 and \$449,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for supporting the statewide plan to reduce suicide among service members, veterans, and their families. No later than December 1, 2022, the department must submit to the appropriate fiscal committees of the legislature a report that describes how the funding provided in this subsection was spent, including the numbers of individuals served and the types of services provided.

(b) \$233,000 of the general fund—state appropriation for fiscal year 2022 and \$233,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the traumatic brain injury program to reduce homelessness, domestic violence, and intimate partner violence impacts to the behavioral health system and justice system. No later than December 1, 2022, the department must submit to the appropriate fiscal committees of the legislature a report that describes how the funding provided in this subsection was spent, including the numbers of individuals served and the types of services provided.

(c) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$600,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for two veterans service officers, one located in eastern Washington and one located in western Washington, in fiscal year 2022 and for four veterans service officers in fiscal year 2023. In fiscal year 2023, two veterans service officers must be located in eastern Washington and two veterans service officers must be located in western Washington.

(d) \$677,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (veterans & military suicide). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(e) \$57,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with an entity that provides accredited peer support training for both veterans and community service members. The funding provided in this subsection is in addition to the

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department's existing appropriation for its in-house peer support program. No later than June 30, 2023, the department must report to the legislature regarding the number of peer supporters trained pursuant to the contract under this subsection.

(4) STATE VETERANS HOMES PROGRAM

General Fund—State Appropriation (FY 2022).....	\$16,346,000
General Fund—State Appropriation (FY 2023)	
.....	<del>(\$23,581,000)</del>
.....	<u>\$25,321,000</u>
General Fund—Federal Appropriation .....	<del>(\$110,588,000)</del>
.....	<u>\$111,151,000</u>
General Fund—Private/Local Appropriation.....	\$18,635,000
TOTAL APPROPRIATION.....	<del>(\$169,150,000)</del>
.....	<u>\$171,453,000</u>

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

(a) If the department receives additional unanticipated federal resources that are unrelated to the coronavirus response at any point during the remainder of the 2021-2023 fiscal biennium, an equal amount of general fund—state must be placed in unallotted status so as not to exceed the total appropriation level specified in this subsection. The department may submit as part of the policy level budget submittal documentation required by RCW 43.88.030 a request to maintain the general fund—state resources that were unallotted as required by this subsection.

(b) \$234,000 of the general fund—state appropriation for fiscal year 2022 and \$222,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Substitute House Bill No. 1218 (long-term care residents).

(5) CEMETERY SERVICES

General Fund—State Appropriation (FY 2022).....	\$85,000
General Fund—State Appropriation (FY 2023).....	\$124,000
General Fund—Federal Appropriation .....	\$710,000
TOTAL APPROPRIATION.....	\$919,000

**Sec. 1218.** 2022 c 297 s 222 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

General Fund—State Appropriation (FY 2022)..	\$112,474,000
General Fund—State Appropriation (FY 2023)	
.....	<del>(\$133,094,000)</del>
.....	<u>\$189,133,000</u>
General Fund—Federal Appropriation .....	<del>(\$577,500,000)</del>
.....	<u>\$576,177,000</u>
General Fund—Private/Local Appropriation. <del>(\$248,316,000)</del>	
.....	<u>\$248,332,000</u>
Hospital Data Collection Account—State Appropriation	
.....	\$472,000
Health Professions Account—State Appropriation	
.....	<del>(\$157,658,000)</del>
.....	<u>\$159,886,000</u>
Aquatic Lands Enhancement Account—State	
Appropriation.....	\$637,000
Emergency Medical Services and Trauma Care Systems	
Trust Account—State Appropriation.....	\$10,105,000
Safe Drinking Water Account—State Appropriation	
.....	\$7,237,000
Drinking Water Assistance Account—Federal	
Appropriation.....	\$20,908,000
Waterworks Operator Certification Account—State	
Appropriation.....	\$2,006,000
Drinking Water Assistance Administrative Account—	
State Appropriation.....	\$1,634,000
Site Closure Account—State Appropriation.....	\$186,000
Biotxin Account—State Appropriation.....	\$1,727,000
Model Toxics Control Operating Account—State	

Appropriation .....	<del>(\$7,750,000)</del>
.....	<u>\$7,823,000</u>
Medical Test Site Licensure Account—State	
Appropriation .....	\$3,275,000
Secure Drug Take-Back Program Account—State	
Appropriation .....	\$1,435,000
Youth Tobacco and Vapor Products Prevention Account—	
State Appropriation .....	\$3,242,000
Dedicated Marijuana Account—State Appropriation	
(FY 2022).....	\$10,584,000
Dedicated Marijuana Account—State Appropriation	
(FY 2023).....	\$11,800,000
Public Health Supplemental Account—Private/Local	
Appropriation .....	\$3,702,000
Accident Account—State Appropriation.....	\$368,000
Medical Aid Account—State Appropriation .....	\$57,000
Statewide 988 Behavioral Health Crisis Response Line	
Account—State Appropriation.....	<del>(\$10,280,000)</del>
.....	<u>\$5,056,000</u>
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation .....	\$144,364,000
TOTAL APPROPRIATION .....	<del>(\$1,470,811,000)</del>
.....	<u>\$1,522,620,000</u>

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

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) During the 2021-2023 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to twenty-five dollars annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(3) In accordance with RCW 43.70.110 and 71.24.037, the department is authorized to adopt license and certification fees in fiscal years 2022 and 2023 to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of

accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(4) Within the amounts appropriated in this section, and in accordance with RCW 70.41.100, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 70.41.080.

(5) In accordance with RCW 43.70.110 and 71.24.037, the department is authorized to adopt fees for the review and approval of mental health and substance use disorder treatment programs in fiscal years 2022 and 2023 as necessary to support the costs of the regulatory program. The department's fee schedule must have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(6) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources, supports the adoption of a cohesive technology and data architecture, and maximizes federal financial participation. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.

(7) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the midwifery licensure and regulatory program to supplement revenue from fees. The department shall charge no more than five hundred twenty-five dollars annually for new or renewed licenses for the midwifery program.

(8) Within the amounts appropriated in this section, and in accordance with RCW 43.70.110 and 71.12.470, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 71.12.485.

(9) \$26,855,000 of the general fund—local appropriation is provided solely for the department to provide core medical services, case management, and support services for individuals living with human immunodeficiency virus.

(10) \$17,000 of the health professions account—state appropriation is provided solely for the implementation of Senate Bill No. 5018 (acupuncture and eastern med.)

(11) \$703,000 of the general fund—state appropriation for fiscal year 2022 and \$703,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5052 (health equity zones).

(12) \$79,000 of the general fund—state appropriation for fiscal year 2022 and \$76,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of

Engrossed Substitute Senate Bill No. 5119 (individuals in custody).

(13) \$873,000 of the general fund—state appropriation for fiscal year 2022 and \$1,577,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5141 (env. justice task force recs).

(14) \$13,000 of the general fund—state appropriation for fiscal year 2022 and \$13,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5195 (opioid overdose medication).

(15) \$187,000 of the health professions account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5229 (health equity continuing ed.).

(16) \$50,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to the Pierce county center for dispute resolution to convene a task force, staffed by the Pierce county center for dispute resolution, to review and make recommendations on bringing the current practice of dental therapy on tribal lands to a statewide scale, and on the practice, supervision, and practice settings needed to maximize the effectiveness of dental therapy. The Pierce county center for dispute resolution must submit a report to the legislature by December 1, 2021.

(a) Members of the task force must include:

(i) Three representatives from different organizations that represent individuals or underserved communities, including but not limited to children, seniors, African Americans, Latino Americans, Native Americans, Pacific Islander Americans, and low income and rural communities;

(ii) One member of the dental quality assurance commission;

(iii) One representative from the University of Washington school of dentistry;

(iv) One member from the Washington state dental association;

(v) One member from the Washington state dental hygienists' association;

(vi) One dental therapist;

(vii) One dentist who has or is currently supervising a dental therapist or therapists;

(viii) One representative from a dental only integrated delivery system;

(ix) One representative from an urban Indian health clinic;

(x) One representative from a federally qualified health center or the Washington association for community health;

(xi) One representative from a dental therapy education program;

(xii) One representative from a Washington tribe that currently employs dental therapists; and

(xiii) One representative from a labor union representing care providers that has experience providing dental coverage and promoting dental care among their members.

(b) In addition, members of the task force may include members from the legislature as follows:

(i) The president of the senate may appoint one member from each of the two largest caucuses of the senate; and

(ii) The speaker of the house of representatives may appoint one member from each of the two largest caucuses of the house of representatives.

(17) \$492,000 of the general fund—state appropriation for fiscal year 2022 and \$492,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to coordinate with local health jurisdictions to establish and maintain comprehensive group B programs to

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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.

(18) \$96,000 of the general fund—state appropriation for fiscal year 2022 and \$92,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for community outreach to prepare culturally and linguistically appropriate hepatitis B information in a digital format to be distributed to ethnic and cultural leaders and organizations to share with foreign-born and limited or non-English speaking community networks.

(19) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to continue the collaboration between the local public health jurisdiction, related accountable communities of health, and health care providers to reduce potentially preventable hospitalizations in Pierce county. This collaboration will build from the first three years of the project, planning to align care coordination efforts across health care systems and support the related accountable communities of health initiatives, including innovative, collaborative models of care. Strategies to reduce costly hospitalizations include the following: (a) Working with partners to prevent chronic disease; (b) improving heart failure rates; (c) incorporating community health workers as part of the health care team and improving care coordination; (d) supporting the COVID-19 response with improved access to immunizations; and (e) the use of community health workers to provide necessary resources to prevent hospitalization of people who are in isolation and quarantine. By December 15, 2022, the members of the collaboration shall report to the legislature regarding the effectiveness of each of the strategies identified in this subsection. In addition, the report shall describe the most significant challenges and make further recommendations for reducing costly hospitalizations.

(20)(a) \$65,000 of the general fund—state appropriation for fiscal year 2022 and \$135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a task force, chaired by the secretary of the department, implemented by August 1, 2021, to assist with the development of a "parks Rx" health and wellness pilot program that can be implemented in the Puget Sound, eastern Washington, and southwest Washington regions of Washington state.

(b) Members of the task force must include:

(i) The secretary of health, or the secretary's designee;

(ii) The following members to be appointed by the secretary of health:

(A) Two representatives of local parks and recreation agencies, from recommendations by the Washington recreation and park association;

(B) Two representatives of health care providers and community health workers, from recommendations by the association of Washington healthcare plans from recommendations by the department community health worker training program;

(C) Two representatives from drug-free health care professions, one representing the interests of state associations representing chiropractors and one representing the interests of physical therapists and athletic trainers from recommendations by their respective state associations;

(D) Two representatives from hospital and health systems, from recommendations by the Washington state hospital association;

(E) Two representatives of local public health agencies, from recommendations by the Washington state association of local

public health officials; and

(F) Two representatives representing health carriers, from recommendations from the association of Washington healthcare plans; and

(iii) A representative from the Washington state parks, as designated by the Washington state parks and recreation commission.

(c) The secretary of health or the secretary's designee must chair the task force created in this subsection. Staff support for the task force must be provided by the department of health.

(d) The task force shall establish an ad hoc advisory committee in each of the three pilot regions for purposes of soliciting input on the design and scope of the parks Rx program. Advisory committee membership may not exceed 16 persons and must include diverse representation from the pilot regions, including those experiencing significant health disparities.

(e) The task force must meet at least once bimonthly through June 2022.

(f) The duties of the task force are to advise the department of health on issues including but not limited to developing:

(i) A process to establish the pilot program described in this subsection around the state with a focused emphasis on diverse communities and where systematic inequities and discrimination have negatively affected health outcomes;

(ii) Model agreements that would enable insurers to offer incentives to public, nonprofit, and private employers to create wellness programs that offer employees a discount on health insurance in exchange for a certain usage level of outdoor parks and trails for recreation and physical activity; and

(iii) Recommendations on ways in which a public-private partnership approach may be utilized to fund the implementation of the pilot program described in this subsection.

(g) The members of the task force are encouraged to consider grant funding and outside funding options that can be used toward the pilot program.

(h) The department of health must report findings and recommendations of the task force to the governor and relevant committees of the legislature in compliance with RCW 43.01.036 by September 1, 2022.

(21) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a work group to make recommendations concerning funding and policy initiatives to address the spread of sexually transmitted infections in Washington.

(a) The work group membership must include, but is not limited to, the following members appointed by the governor:

(i) A representative from the department of health office of infectious disease;

(ii) A representative from the pharmacy quality assurance commission;

(iii) A representative from the Washington medical commission;

(iv) A representative from an organization representing health care providers;

(v) A representative from a local health jurisdiction located east of the crest of the Cascade mountains;

(vi) A representative from a local health jurisdiction located west of the crest of the Cascade mountains;

(vii) At least one representative from an organization working to address health care access barriers for LGBTQ populations;

(viii) At least one representative from an organization working to address health care access barriers for communities of color; and

(ix) At least one representative from an organization working

to address health care access barriers for justice involved individuals.

(b) Staff support for the work group shall be provided by the department of health.

(c) The work group shall submit a report to the legislature by December 1, 2022, that includes recommendations to: (i) Eradicate congenital syphilis and hepatitis B by 2030; (ii) control the spread of gonorrhea, syphilis, and chlamydia; (iii) end the need for confirmatory syphilis testing by the public health laboratory; and (d) expand access to PrEP and PEP.

(d) Recommendations provided by the work group must be prioritized based on need and available funding.

(22) \$236,000 of the general fund—state appropriation for fiscal year 2022 and \$236,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Engrossed Second Substitute House Bill No. 1152 (comprehensive public health districts).

(23) \$332,000 of the general fund—state appropriation for fiscal year 2022 and \$1,885,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to establish and operate regional shared service centers, regional health officers, and regional coordinators, as follows:

(a) The role and duties of the regional shared service centers shall be determined by the department and may include the coordination and facilitation of shared delivery of services under the foundational public health services, the implementation of Engrossed Second Substitute Senate Bill No. 5052 (health equity zones), and the development of relationships with other regional bodies, such as accountable communities of health.

(b) Regional health officers and regional coordinators must be employees of the department. The department may seek to collocate these employees with local health jurisdictions or other government agencies.

(c) The regional health officers shall be deputies of the state health officer. Regional health officers may: (i) Work in partnership with local health jurisdictions, the department, the state board of health, and federally recognized Indian tribes to provide coordination across counties; (ii) provide support to local health officers and serve as an alternative for local health officers during vacations and other absences, emergencies, and vacancies; and (iii) provide mentorship and training to new local health officers.

(d) A regional health officer must meet the same qualifications as local health officers provided in RCW 70.05.050.

(24) \$34,000 of the general fund—state appropriation for fiscal year 2022 and \$58,000 of the general fund—local appropriation are provided solely for implementation of Second Substitute House Bill No. 1148 (acute care hospitals).

(25) \$832,000 of the general fund—local appropriation and \$554,000 of the health professions account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers).

(26) \$21,000 of the health professions account—state appropriation is provided solely for implementation of House Bill No. 1063 (behav. health credentials).

(27) \$374,000 of the general fund—state appropriation for fiscal year 2022 and \$362,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1443 (cannabis industry/equity).

(28) \$97,000 of the general fund—local appropriation is provided solely for implementation of House Bill No. 1031 (birth cert., stillbirth).

(29) \$17,000 of the health professions account—state

appropriation is provided solely for implementation of Substitute House Bill No. 1007 (supervised exp./distance).

(30) \$1,188,000 of the general fund—state appropriation for fiscal year 2022, \$2,488,000 of the general fund—state appropriation for fiscal year 2023, and \$64,000 of the hospital data collection account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1272 (health system transparency). Of the amounts provided in this subsection, \$2,000,000 of general fund—state appropriation is for assistance to 37 rural hospitals that are required to comply with the provisions under the bill.

(31) \$71,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1129 (international medical grads).

(32) \$2,809,000 of the model toxics control operating account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1139 (lead in drinking water).

(33) \$17,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Substitute House Bill No. 1383 (respiratory care).

(34) \$92,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1184 (risk-based water standards).

(35) \$516,000 of the general fund—state appropriation for fiscal year 2022 and \$1,873,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1225 (school-based health centers).

(36) \$301,000 of the secure drug take-back program account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1161 (drug take-back programs).

(37) \$22,000 of the general fund—state appropriation for fiscal year 2022 and \$78,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed House Bill No. 1311 (SUD apprenticeships/certs).

(38) \$17,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of House Bill No. 1378 (medical assistants).

(39) Within amounts appropriated in this section from the health professions account, the Washington nursing commission shall contract with the state auditor's office to conduct a performance audit, specifically addressing the length of time required to license individuals who come from other states. The audit should address the obstacles contributing to any delay and make recommendations for improvement.

(40) Within amounts appropriated in this section from the health professions account, the Washington medical commission shall contract with the state auditor's office to conduct a performance audit, which must address the length of time required to license individuals and comparatively analyze disciplinary processes with those of other states. The audit should address the obstacles contributing to inefficiencies and make recommendations for improvement.

(41) Within amounts appropriated in this section, the Washington nursing commission must hire sufficient staff to process applications for nursing licenses so that the time required for processing does not exceed seven days.

(42) \$600,000 of the general fund—state appropriation for fiscal year 2022 and \$600,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a community-based nonprofit organization located in Yakima Valley to develop a Spanish language public radio media campaign aimed at providing

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education on the COVID-19 pandemic through an outreach program. The goal of the radio media campaign is to reach residents considered "essential workers," including but not limited to farmworkers, and provide information on best practices for limiting exposure, preventing transmission, and seeking treatment for COVID-19. The nonprofit organization must coordinate with medical professionals and other stakeholders on the content of the radio media campaign. The department, in coordination with the nonprofit, must provide a preliminary report to the legislature no later than December 31, 2021. A final report to the legislature must be submitted no later than June 30, 2023. Both reports must include: (a) A description of the outreach program and its implementation; (b) the number of individuals reached through the outreach program; and (c) any relevant demographic data regarding those individuals.

(43) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$725,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington poison center. This funding is provided in addition to funding pursuant to RCW 69.50.540.

(44) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a community-based nonprofit organization located in Yakima Valley to develop a Spanish-language public radio media campaign aimed at preventing opioid use disorders through education outreach programs. The goal of the radio media campaign is reaching underserved populations, who may have limited literacy and who may experience cultural and informational isolation, to address prevention, education and treatment for opioid users or those at risk for opioid use. The nonprofit organization must coordinate with stakeholders who are engaged in promoting healthy and educated choices about drug use and abuse to host four workshops and two conferences that present the latest research and best practices. The department, in coordination with the nonprofit, must provide a preliminary report to the legislature no later than December 31, 2022. A final report must be submitted to the legislature no later than June 30, 2023. Both reports must include: (a) A description of the outreach programs and their implementation; (b) a description of the workshops and conferences held; (c) the number of individuals who participated in or received services in relation to the outreach programs; and (d) any relevant demographic data regarding those individuals.

(45) \$2,122,000 of the general fund—state appropriation for fiscal year 2022 and \$2,122,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the ongoing operations and maintenance of the prescription monitoring program maintained by the department.

(46) \$2,325,000 of the general fund—state appropriation for fiscal year 2022 and \$2,625,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for:

(a) Staffing by the department, the department of veterans affairs, and the department of corrections to expand statewide suicide prevention efforts, which efforts include suicide prevention efforts for military service members and veterans and incarcerated persons;

(b) A suicide prevention public awareness campaign to provide education regarding the signs of suicide, interventions, and resources for support;

(c) Additional staffing for call centers to support the increased volume of calls to suicide hotlines;

(d) Training for first responders to identify and respond to individuals experiencing suicidal ideation;

(e) Support for tribal suicide prevention efforts;

(f) Strengthening behavioral health and suicide prevention efforts in the agricultural sector;

(g) Support for the three priority areas of the governor's challenge regarding identifying suicide risk among service members and their families, increasing the awareness of resources available to service members and their families, and lethal means safety planning;

(h) Expansion of training for community health workers to include culturally informed training for suicide prevention;

(i) Coordination with the office of the superintendent of public instruction; and

(j) Support for the suicide prevention initiative housed in the University of Washington.

(47) \$1,500,000 of the general fund—state appropriation for fiscal year 2022 and \$1,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the fruit and vegetable incentive program.

(48) \$474,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to implement Substitute House Bill No. 1218 (long-term care residents).

(49) \$1,779,000 of the health professions account—state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 1504 (workforce education development act).

(50) \$627,000 of the general fund—state appropriation for fiscal year 2022 and \$627,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement the recommendations from the community health workers task force to provide statewide leadership, training, and integration of community health workers with insurers, health care providers, and public health systems.

(51) \$250,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for one-time grants to family planning clinics that are at risk of imminent closure, did not receive a paycheck protection program loan, and are ineligible for funding through the coronavirus aid, relief, and economic security (CARES) act or the coronavirus response and relief supplemental appropriations act of 2021 (CRRSA).

(52) \$450,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the nursing care quality assurance commission, in collaboration with the workforce training and education coordinating board and the department of labor and industries, to plan a home care aide to nursing assistant certified to licensed practical nurse (HCA-NAC-LPN) apprenticeship pathway. The plan must provide the necessary groundwork for the launch of at least three licensed practical nurse apprenticeship programs in the next phase of work. The plan for the apprenticeship programs must include programs in at least three geographically disparate areas of the state experiencing high levels of long-term care workforce shortages for corresponding health professions and incorporate the participation of local workforce development councils for implementation.

(53) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$23,000 of the health professions account—state appropriation are provided solely to implement Senate Bill No. 5124 (colon hydrotherapy).

(54) \$3,000,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$3,000,000)~~ \$6,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington nursing commission to manage a grant process to incentivize nurses to supervise nursing students in health care settings. The goal of the grant program is to create more clinical placements for nursing students to complete required clinical hours to earn their nursing degree and related

licensure.

((55)) (55) \$761,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington nursing commission to continue to implement virtual nursing assistant training and testing modalities, create an apprenticeship pathway into nursing for nursing assistants, implement rule changes to support a career path for nursing assistants, and collaborate with the workforce training and educational coordinating board on a pilot project to transform the culture and practice in long term care settings. The goal of these activities is to expand the nursing workforce for long term care settings.

((57)) (56) \$212,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5821 (cardiac & stroke response). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

((58)) (57) \$41,000 of the general fund—state appropriation for fiscal year 2022 and \$777,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of House Bill No. 1859 (cannabis analysis labs). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

((59)) (58) \$223,000 of the general fund—state appropriation for fiscal year 2022 and \$186,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to test for lead in child care facilities to prevent child lead exposure and to research, identify, and connect facilities to financial resources available for remediation costs.

((60)) (59) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide a grant to a statewide community based environmental justice organization to establish an environmental justice community participation fund. The participation fund must allocate the funding as grants to community-based organizations serving vulnerable populations in highly impacted communities in rural and urban areas for the purpose of supporting their communities' access, understanding, and participation in environmental justice council deliberations and the implementation of chapter 70A.02 RCW.

((61)) (60) \$2,488,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for additional resources for the department to issue provider credentials within seven calendar days of receiving a complete application.

((62)) (61) \$532,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to create a program within the office of drinking water to offer engineering assistance to nonfluoridated water systems with over 5,000 connections. The program will assist water systems to plan for future community water fluoridation.

((63)) (62) \$74,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute House Bill No. 1881 (birth doulas). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

((64)) (63) \$121,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to expand access to the smoking cessation quitline, implement electronic referrals to the quitline, and provide grants to develop messaging related to smoking cessation.

((65)) (64) \$7,400,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for one-time grants to providers of abortion care that participate in the department's family planning and reproductive health program and which experienced drops in patient visit volume during the

pandemic in order to maintain the availability of services for low-income Washingtonians.

((66)) (65) \$268,000 of the health professions account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5753 (board & commission sizes). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

((67)) (66) \$166,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to conduct an oral health equity assessment. The department must use available data and community needs assessments to identify unmet oral health needs and develop recommendations to advance positive oral health outcomes while reducing inequities through increased access to community water fluoridation. The department must consult with the state office of equity and may collaborate with public health oral health care providers and community-based organizations to conduct the assessment and develop recommendations. The department must submit the oral health equity assessment report and recommendations to the appropriate committees of the legislature by June 30, 2023.

((68)) (67) \$14,000 of the health professions account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5496 (health prof. monitoring). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

((69)) (68) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to convene a nonregulatory stakeholder forum to discuss solutions to per- and polyfluoroalkyl substances (PFAS) chemical contamination of surface and groundwater.

((70)) (69) \$19,088,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the costs of public health data systems and are subject to the conditions, limitations, and review requirements of section 701 of this act.

((71)) (70) \$814,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to expand grants to establish new school-based health centers and to add behavioral health capacity to existing school-based health centers.

((72)) (71) \$54,000 of the general fund—state appropriation for fiscal year 2022 and \$1,300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to coordinate and lead a multi-agency approach to youth suicide prevention and intervention.

((73)) (72) \$654,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department, in collaboration with an organization that represents pediatric care needs in Washington state, to establish a curriculum and provide training for community health workers in primary care clinics whose patients are significantly comprised of pediatric patients enrolled in medical assistance under chapter 74.09 RCW, beginning January 1, 2023, in support of the health care authority's two-year grant program. The department will coordinate ongoing curriculum development meetings with the relational health training work group.

((74)) (73) \$1,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to the greater Columbia accountable community of health to develop and implement an innovative emergency medical services program to bridge the gap of unmet health care needs in the community.

((75)) (74) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to cancer pathways to provide statewide education and support for

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adults, children, and families impacted by cancer, including support groups, camps for kids impacted by cancer, and risk reduction education for teens.

~~((76))~~ (75) \$66,956,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department's continued vaccine administration efforts, including mass vaccination sites where needed and pass-through contracts with local health jurisdictions. If the federal emergency management agency reimbursement at full cost for eligible activities is renewed beyond June 30, 2022, the department must conserve this appropriation and maximize the use of federal reimbursements. The legislature intends this funding to be sufficient to cover the department's vaccine administration activities through January 1, 2023. By October 1, 2022, the department must submit a report to the health care and fiscal committees of the legislature detailing a cost-based COVID-19 vaccine administration fiscal response plan for the remainder of the 2021-2023 fiscal biennium as well as any vaccine administration costs the department projects into the 2023-2025 fiscal biennium. This report must include a funding strategy for specific agency COVID-19 vaccine administration initiatives, including, but not limited to, mass vaccination sites, primary care provider outreach, mobile vaccination administration, and outreach. This report must also include specific and itemized individual local health jurisdiction initiatives in which the department has or plans to request funding from the legislature on behalf of the local health jurisdiction.

~~((77))~~ (76) \$58,320,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to respond to the COVID-19 pandemic through means including diagnostic testing, case investigation, outbreak response, care coordination, community outreach, operational and technical support, disease surveillance, client services, and support for local health jurisdictions and tribes. If the federal emergency management agency reimbursement at full cost for eligible activities is renewed beyond June 30, 2022, the department must conserve this appropriation and maximize the use of federal reimbursements. The legislature intends this funding to be sufficient to cover the department's response through January 1, 2023, at which point the legislature plans to reevaluate the scope of the public health threat posed by COVID-19. By October 1, 2022, the department must submit a report to the health care and fiscal committees of the legislature detailing a cost-based COVID-19 fiscal response plan for the remainder of the 2021-2023 fiscal biennium as well as any costs the department projects into the 2023-2025 fiscal biennium. This report must include a funding strategy for specific agency COVID-19 response initiatives, including, but not limited to, mass testing sites, testing contracts, laboratory and scientific analysis, and other agency initiatives in response to the pandemic. This report must also include specific and itemized individual local health jurisdiction initiatives in which the department has or plans to request funding from the legislature on behalf of the local health jurisdiction.

(77) \$38,520,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to respond to the COVID-19 pandemic and continue vaccination administration efforts. The department must conserve this appropriation and maximize the use of federal reimbursements, including seeking federal emergency management agency reimbursement for eligible activities.

(78) \$5,517,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to respond to the monkey pox virus. The department must conserve this appropriation and maximize the use of federal reimbursements.

~~((78))~~ (79) \$85,000 of the health professions account—state appropriation is provided solely for the implementation of Senate Bill No. 5518 (OT licensure compact). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((79))~~ (80) \$91,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5702 (donor human milk coverage). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((80))~~ (81) \$22,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5765 (midwifery). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(82) \$39,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5974 (transportation resources). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(83) \$428,000 of the general fund—state appropriation for fiscal year 2022 and \$855,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the continued operations of the Washington medical coordination center.

(84) \$17,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to conduct a survey of home care and home health agencies as defined in RCW 70.127.010, to gather financial information for tax or fee planning purposes, including but not limited to total by service line. Any such financial information reported must be de-identified so it does not identify individual recipients of care. The department shall provide this information to the department of social and health services and service employees international union 775 for analysis upon completion of the survey.

(85) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to conduct a mass public awareness campaign targeted at alerting the public to the dangers caused by methamphetamines and fentanyl, including outreach to both youth and adults aimed at preventing addiction and overdose deaths.

~~((87))~~ (86) \$25,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide a grant to a community organization in Greenwater to establish temporary portable toilets to be accessible to tourists and other individuals traveling on state route 410.

~~((88))~~ (87) \$552,000 of the health professions account—state appropriation is provided solely for implementation of chapter 203, Laws of 2021 (long-term services/emergency).

~~((89))~~ (88) \$48,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 and \$7,000 of the general fund—private/local appropriation are provided solely to implement Second Substitute House Bill No. 1210 (cannabis terminology). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((90))~~ (89) \$88,000 of the general fund—state appropriation for fiscal year 2023 and \$44,000 of the hospital data collection account—state appropriation are provided solely for implementation of Substitute House Bill No. 1616 (charity care). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((91))~~ (90) \$17,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1675 (dialysate & dialysis devices). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.



~~((92))~~ (91) \$40,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1074 (fatality reviews). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((93))~~ (92) \$44,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of House Bill No. 1739 (hospital policies/pathogens). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((94))~~ (93) \$17,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1124 (nurse delegation/glucose). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((95))~~ (94) \$243,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1286 (psychology compact). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((96))~~ (95)(a) \$125,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with the department of environmental and occupational health sciences within the University of Washington to develop a report to the legislature regarding school environmental health policies, recommendations, and standards. In developing the report, the department of environmental and occupational health sciences shall collaborate with other school of public health programs within the University of Washington, the department of health, and the department of ecology.

(b) The report shall include:

(i) A review of policies and regulations in other states pertaining to environmental health in K-12 schools;

(ii) Literature and recommendations for exposure standards and remediation levels which are protective of health and safety for students in schools;

(iii) A summarization of activities, such as inspections, management, control levels, and remediation of a variety of contaminants and issues, including PCBs, lead, asbestos, poor ventilation, and mold; and

(iv) Recommendations for next steps for policies and standards in Washington schools.

(c) The report is due by December 31, 2022.

~~((97))~~ (96) \$680,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to establish a stipend program for licensed nurses to receive reimbursement of up to \$2,500 to cover eligible expenses incurred in order to complete the training necessary to become a certified sexual assault nurse examiner.

~~((98))~~ (97) \$408,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to establish a grant program for hospitals to obtain the services of a certified sexual assault nurse examiner from other sources if the hospital does not have those services available internally.

~~((99))~~ (98) \$5,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for tobacco, vapor product, and nicotine control, cessation, treatment and prevention, and other substance use prevention and education, with an emphasis on community-based strategies. These strategies must include programs that consider the disparate impacts of nicotine addiction on specific populations, including youth and racial or other disparities.

~~((100))~~ (99) \$550,000 of the general fund—state appropriation for fiscal year 2022 and \$450,000 of the general fund—state appropriation for fiscal year 2023 are provided solely

for a one-time contract with the Yakima neighborhood health services to increase the number of certified and licensed health professionals practicing in community health centers serving low-income and rural populations. The amounts provided in this subsection must be used to support faculty, training, and scholarship costs for a newly established, one-year advanced registered nurse practitioner (ARNP) residency program in Yakima.

~~((101))~~ (100) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the child profile health promotion notification system. Pursuant to the department's recommendation in its December 2020 report, which reviewed its processes for efficiencies and possible technological advances to reduce costs, the department must further explore how to integrate a fee to support the program in the future. A report regarding the department's further exploration of a fee to support the program is due to the legislature by December 15, 2022.

~~((102))~~ (101) This section includes a general fund—federal appropriation (CRF) that is provided solely for COVID-19 response activities including staffing, increased travel, equipment, and grants to local health jurisdictions and tribes, and to manage hospital capacity issues. This funding expires December 31, 2021.

~~((103))~~ (102) \$1,000 of the general fund—state appropriation for fiscal year 2022 and \$117,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of chapter 316, Laws of 2021 (climate commitment act).

~~((104))~~ (103) \$1,084,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5796 (cannabis revenue).

~~((105))~~ (104) \$34,000 of the general fund—private/local appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5695 (DOC body scanner pilot). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(105) \$7,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to providers of abortion care that participate in the department's sexual and reproductive health program and are experiencing an increase in clients seeking abortion services resulting from the decision in *Dobbs v. Jackson Women's Health Organization*, which changed abortion access nationally, to maintain the availability of services for low-income people in Washington, and for abortion care training.

(106) \$316,000 of the health professions account—state appropriation and \$16,000 of the general fund—private/local appropriation are provided solely for the behavioral health agency program for licensure and regulatory activities.

(107) \$1,323,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the breast, cervical, and colon screening program, comprehensive cancer community partnerships, and Washington state cancer registry.

(108) \$38,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of chapter 204, Laws of 2022 (truck drivers/restrooms).

(109) \$1,912,000 of the health professions account—state appropriation is provided solely for the regulation of health professions.

(110) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the completion of work identified in the state opioid response plan related to maternal and infant health.

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(111) \$73,000 of the model toxics control operating account—state appropriation is provided solely for implementation of chapter 264, Laws of 2022 (chemicals/consumer products).

(112) \$315,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to operate the universal development screening system.

(113) \$64,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1724 (behavioral health workforce). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**Sec. 1219.** 2022 c 297 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, ~~((2022))~~ 2023, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year ~~((2022))~~ 2023 among programs after approval by the director of the office of financial management. The department of corrections must notify the fiscal committees of the legislature prior to receiving approval from the director of financial management. To the extent that appropriations under this section are insufficient to fund actual expenditures in excess of caseload forecast assumptions or for expenses in response to the COVID-19 pandemic, the department may transfer general fund—state appropriations for fiscal year ~~((2022))~~ 2023 that are provided solely for a specified purpose. The department may not transfer funds, including for expenses in response to the COVID-19 pandemic in fiscal year ~~((2022))~~ 2023, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this section. The written notification must include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

**(1) ADMINISTRATION AND SUPPORT SERVICES**

General Fund—State Appropriation (FY 2022)....	\$79,197,000
General Fund—State Appropriation (FY 2023)	<del>((89,195,000))</del>
.....	<u>\$89,850,000</u>
General Fund—Federal Appropriation .....	\$400,000
TOTAL APPROPRIATION .....	<del>((168,792,000))</del>
.....	<u>\$169,447,000</u>

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

(a) \$1,135,000 of the general fund—state appropriation for fiscal year 2022 and \$1,731,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expansion of reentry supports and transition services for incarcerated individuals including development and implementation of a coaching model approach to supervision, and staffing must provide expanded reentry and discharge services to include, but not limited to, transition services, preemployment testing, enhanced health care discharge planning, housing voucher assistance, cognitive behavioral interventions, educational programming, and community partnership programs.

(b) Within the amounts provided in (a) of this subsection, \$100,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to develop an

implementation plan for a community supervision coaching model to begin in fiscal year 2023. The department must solicit input from incarcerated individuals, family members of incarcerated individuals, experts in supervision and reentry, community stakeholder and advocacy groups, and impacted labor organizations. The plan shall propose appropriate policies and procedures for the coaching model, including ongoing training and organizational culture assessments. During development of the plan, the department must consider potential inequities that may arise from any changes or additional requirements of supervision resulting from the model and mitigate those concerns to the greatest extent possible in its final plan. This plan must be submitted to the office of financial management prior to implementation.

(c) Within the amounts provided in (a) of this subsection, \$706,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of the plan to be developed under (b) of this subsection and for the department to submit an initial report to the legislature on the progress of implementation of the coaching supervision model by no later than February 1, 2023.

(d) \$17,000 of the general fund—state appropriation for fiscal year 2022 and \$17,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5304 (providing reentry services to persons releasing from state and local institutions).

(e) \$197,000 of the general fund—state appropriation for fiscal year 2022 and \$187,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data).

(f)(i) \$779,000 of the general fund—state appropriation for fiscal year 2022 and \$817,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for increasing access to educational opportunities for incarcerated individuals.

(ii) Of the amounts provided in (f)(i) of this subsection, \$680,000 of the general fund—state appropriation for fiscal year 2022 and \$285,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.).

(g) ~~((1,116,000))~~ \$734,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to acquire and implement a sentencing calculation module for the offender management network information system and is subject to the conditions, limitations, and review requirements of section 701 of this act. This project must use one discrete organizational index across all department of corrections programs. Implementation of this sentencing calculation module must result in a reduction of tolling staff within six months of the project implementation date and the department must report this result. In addition, the report must include the budgeted and actual tolling staffing levels by fiscal month in fiscal year 2023 and the count of tolling staff reduced by fiscal month from date of implementation through six months post implementation. The report must be submitted to the senate ways and means and house appropriations committees within 30 calendar days after six months post implementation.

(h) \$609,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for staff and vendor costs to transform correctional culture in prisons and work releases, and to improve health and safety for all, through additional training. The prison rape elimination act compliance specialists must be among the first staff trained.

(i) \$130,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a human resource consultant to implement Second Substitute Senate Bill No. 5695 (body scanners). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(j) \$70,000 of the general fund—state appropriation for fiscal year 2022 and \$223,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1956 (incarcerated individuals/PRA). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(k) \$12,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1818 (reentry and rehabilitation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(2) CORRECTIONAL OPERATIONS

General Fund—State Appropriation (FY 2022)..	\$450,287,000
General Fund—State Appropriation (FY 2023)	<del>(\$683,573,000)</del>
	<u>\$702,597,000</u>
General Fund—Federal Appropriation .....	<del>(\$161,468,000)</del>
	<u>\$163,126,000</u>
General Fund—Private/Local Appropriation.....	\$335,000
Washington Auto Theft Prevention Authority Account—	
State Appropriation.....	<del>(\$4,468,000)</del>
	<u>\$2,078,000</u>
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation.....	\$28,409,000
TOTAL APPROPRIATION.....	<del>(\$1,328,537,000)</del>
	<u>\$1,346,832,000</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 jail staff. The capacity provided at local correctional facilities must be for offenders whom the department of corrections defines as close medium or lower security offenders. Programming provided for offenders held in local jurisdictions is included in the rate, and details regarding the type and amount of programming, and any conditions regarding transferring offenders must be negotiated with the department as part of any contract. Local jurisdictions must provide health care to offenders that meets standards set by the department. The local jail must provide all medical care including unexpected emergent care. The department must utilize a screening process to ensure that offenders with existing extraordinary medical/mental health needs are not transferred to local jail facilities. If extraordinary medical conditions develop for an inmate while at a jail facility, the jail may transfer the offender back to the department, subject to terms of the negotiated agreement. Health care costs incurred prior to transfer are the responsibility of the jail.

(b) \$574,000 of the general fund—state appropriation for fiscal year 2022 and \$671,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to

maintain the facility, property, and assets at the institution formerly known as the maple lane school in Rochester. Additional funds are provided for a stationary engineer and a custodian.

(c) Funding in this subsection is sufficient for the department to track and report to the legislature on the changes in working conditions and overtime usage as a result of increased funding provided for custody relief and health care delivery by December 1, 2022.

(d) \$39,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1054 (peace officer tactics, equip).

(e) ~~(\$2,000,000)~~ \$1,045,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to acquire and implement a sentencing calculation module for the offender management network information system and is subject to the conditions, limitations, and review requirements of section 701 of this act. This project must use one discrete organizational index across all department of corrections programs. Implementation of this sentencing calculation module must result in a reduction of tolling staff within six months of the project implementation date and the department must report this result. In addition, the report must include the budgeted and actual tolling staffing levels by fiscal month in fiscal year 2023 and the count of tolling staff reduced by fiscal month from date of implementation through six months post implementation. The report must be submitted to the senate ways and means and house appropriations committees within 30 calendar days after six months post implementation.

(f) \$714,000 of the general fund—state appropriation for fiscal year 2022 and \$695,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for dedicated prison rape elimination act compliance specialists. Of the amount provided in this subsection, one compliance specialist staff must be provided at each of the following prisons:

- (i) Monroe correctional center;
- (ii) Larch correctional center;
- (iii) Olympic correctional center;
- (iv) Cedar creek correctional center;
- (v) Washington corrections center for women; and
- (vi) Mission creek corrections center for women.

(g) \$2,750,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for three body scanners, correctional officer staffing, corrections specialist staffing, a drug recovery system, body scanner training, and body scanner installation costs to implement Second Substitute Senate Bill No. 5695 (body scanners). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(h) \$5,962,000 of the general fund—state appropriation for fiscal year 2022 and \$9,106,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to restore graduated reentry reductions made in the 2021-2023 biennial operating budget.

(i) \$28,409,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for expenses incurred in response to the COVID-19 pandemic during fiscal year 2022.

(j) \$1,251,000 of the general fund—state appropriation for fiscal year 2022 and \$1,294,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for reentry investments to include reentry and discharge staffing. The staffing must provide expanded reentry and discharge services to include, but not limited to, transition services, pre-employment testing, enhanced health care discharge planning, cognitive behavioral interventions, educational programming, and community partnership programs.

(k) \$150,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to collaborate

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with the department of social and health services to conduct a study of the feasibility of placing long-term care individuals under the jurisdiction of the department in nursing home facilities licensed or to be licensed by the department of social and health services to better meet the client's care needs. The department of corrections must provide daily operating costs of prisons where these individuals may be coming from, the fiscal year 2021 daily costs per incarcerated individual assigned to the sage living unit, and the costs associated with electronic home monitoring costs per individual.

(l) \$160,072,000 of the general fund—federal appropriation (CRF) is provided solely for COVID-19 related payroll and benefit expenditures that were incurred between July 1, 2021, and December 31, 2021, for public safety and health employees whose services are presumed to be substantially dedicated to responding to the COVID-19 public health emergency. This funding expires December 31, 2021.

(3) COMMUNITY SUPERVISION

General Fund—State Appropriation (FY 2022).....	\$161,098,000
General Fund—State Appropriation (FY 2023)	
.....	<del>(\$222,989,000)</del>
.....	<u>\$215,780,000</u>
General Fund—Federal Appropriation .....	<del>(\$29,733,000)</del>
.....	<u>\$29,988,000</u>
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation.....	\$8,480,000
TOTAL APPROPRIATION.....	<del>(\$422,300,000)</del>
.....	<u>\$415,346,000</u>

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

(a) The department of corrections shall contract with local and tribal governments for jail capacity to house offenders who violate the terms of their community supervision. A contract rate increase may not exceed five percent each year. The department may negotiate to include medical care of offenders in the contract rate if medical payments conform to the department's offender health plan and pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff. If medical care of offender is included in the contract rate, the contract rate may exceed five percent to include the cost of that service.

(b) The department shall engage in ongoing mitigation strategies to reduce the costs associated with community supervision violators, including improvements in data collection and reporting and alternatives to short-term confinement for low-level violators.

(c) \$1,749,000 of the general fund—state appropriation for fiscal year 2022 and \$10,536,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for reentry investments to include reentry and discharge staffing. The staffing must provide expanded reentry and discharge services to include, but not limited to, transition services, preemployment testing, housing voucher assistance, cognitive behavioral interventions, educational programming, and community partnership programs. Of this amount \$7,394,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of the plan to be developed under subsection (1)(b) of this section.

(d) Within existing resources the department must update the response to violations and new criminal activity policy to reflect the savings assumed in this section as related to mandatory maximum confinement sanctions.

(e) \$661,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$725,000)~~ \$1,900,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for

increased costs associated with the relocation of leased facilities. The department shall engage in ongoing strategies to reduce the need for relocating facilities and when necessary contract only with lessors with rates that align with comparable market rates in the area.

(f) \$59,000 of the general fund—state appropriation for fiscal year 2022 and \$23,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5071 (civil commitment transition).

(g) \$450,000 of the general fund—state appropriation for fiscal year 2022 ~~((\*\*))~~ and \$285,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for conducting a community corrections caseload study. The department of corrections shall contract with an independent third party to provide a comprehensive review of the community corrections staffing model and develop an updated staffing model for use by the department of corrections. The updated model must include additional time and flexibility for community corrections officers to focus on case management, engagement, and interventions. The department of corrections shall submit a report, including a summary of the review and update, to the governor and appropriate committees of the legislature by ~~(July 1, 2022))~~ December 31, 2022.

(h) ~~(\$2,521,000))~~ \$1,948,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to acquire and implement a sentencing calculation module for the offender management network information system and is subject to the conditions, limitations, and review requirements of section 701 of this act. This project must use one discrete organizational index across all department of corrections programs. Implementation of this sentencing calculation module must result in a reduction of tolling staff within six months of the project implementation date and the department must report this result. In addition, the report must include the budgeted and actual tolling staffing levels by fiscal month in fiscal year 2023 and the count of tolling staff reduced by fiscal month from date of implementation through six months post implementation. The report must be submitted to the senate ways and means and house appropriations committees within 30 calendar days after six months post implementation.

(i) Within the amounts provided in this subsection (3) for work release programs, the department will operate the Helen B. Ratcliff work release facility.

(j) \$1,810,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1818 (reentry and rehabilitation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(k) \$1,930,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for expenses incurred in response to the COVID-19 pandemic during fiscal year 2022.

(l) \$29,733,000 of the general fund—federal appropriation (CRF) is provided solely for COVID-19 related payroll and benefit expenditures that were incurred between July 1, 2021, and December 31, 2021, for public safety and health employees whose services are presumed to be substantially dedicated to responding to the COVID-19 public health emergency. This funding expires December 31, 2021.

(4) CORRECTIONAL INDUSTRIES

General Fund—State Appropriation (FY 2022).....	\$8,757,000
General Fund—State Appropriation (FY 2023) <del>(\$9,097,000)</del>	
.....	<u>\$12,241,000</u>
TOTAL APPROPRIATION .....	<del>(\$17,854,000)</del>
.....	<u>\$20,998,000</u>

(5) INTERAGENCY PAYMENTS

General Fund—State Appropriation (FY 2022)....	\$58,192,000
General Fund—State Appropriation (FY 2023)	<del>(\$51,865,000)</del>
.....	<u>\$52,758,000</u>
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation.....	\$267,000
TOTAL APPROPRIATION.....	<del>(\$110,324,000)</del>
.....	<u>\$111,217,000</u>

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

(a) \$21,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to acquire and implement a sentencing calculation module for the offender management network information system and is subject to the conditions, limitations, and review requirements of section 701 of this act. This project must use one discreet organizational index across all department of corrections programs. Implementation of this sentencing calculation module must result in a reduction of tolling staff within six months of the project implementation date, which the department must report on. The report must include the budgeted and actual tolling staffing levels by fiscal month in fiscal year 2023 and the count of tolling staff reduced by fiscal month from date of implementation through six months post implementation. The report must be submitted to the senate ways and means and house appropriations committees within 30 calendar days after six months post implementation.

(b) \$192,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for medical staffing in prisons for patient centered care and behavioral health care to increase access to care and expanded screening of individuals in prison facilities to include chronic illnesses, infectious disease, diabetes, heart disease, serious mental health, and behavioral health services.

(c) \$4,000 of the general fund—state appropriation for fiscal year 2022 and \$9,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for an electronic health records system solution and is subject to the conditions, limitations, and review requirements of section 701 of this act. The department must collaborate with the Washington state department of veterans affairs on the development of the system's business requirements.

(d) \$19,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute Senate Bill No. 5695 (body scanners). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(e) \$26,000 of the general fund—state appropriation for fiscal year 2022 and \$161,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for reentry investments to include reentry and discharge staffing. The staffing must provide expanded reentry and discharge services to include, but not limited to, transition services, pre-employment testing, enhanced health care discharge planning, housing voucher assistance, cognitive behavioral interventions, educational programming, and community partnership programs.

(f) \$4,000 of the general fund—state appropriation for fiscal year 2022 and \$4,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1956 (incarcerated individuals/PRA). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(g) \$2,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1818 (reentry and rehabilitation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(6) OFFENDER CHANGE	
General Fund—State Appropriation (FY 2022)....	\$73,267,000
General Fund—State Appropriation (FY 2023)	<del>(\$84,376,000)</del>
.....	<u>\$87,108,000</u>
General Fund—Federal Appropriation.....	<del>(\$4,303,000)</del>
.....	<u>\$4,914,000</u>
TOTAL APPROPRIATION.....	<del>(\$161,946,000)</del>
.....	<u>\$165,289,000</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) The department of corrections shall collaborate with the state health care authority to explore ways to utilize federal medicaid funds as a match to fund residential substance use disorder treatment-based alternative beds under RCW 9.94A.664 under the drug offender sentencing alternative program and residential substance use disorder treatment beds that serve individuals on community custody. The department of corrections must complete a report and submit its findings and recommendations to the appropriate committees of the legislature by December 15, 2021.

(c) \$3,106,000 of the general fund—state appropriation for fiscal year 2022 and \$3,106,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the housing voucher program.

(d) \$3,300,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for temporary court facilities, staffing, and to provide release assistance, including limited housing and food assistance, and other costs associated with individuals resentenced or ordered released from confinement as a result of the *State v. Blake* decision.

(e)(i) \$1,001,000 of the general fund—state appropriation for fiscal year 2022 and \$675,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for increasing access to educational opportunities for incarcerated individuals.

(ii) Of the amounts provided in (e)(i) of this subsection, \$272,000 of the general fund—state appropriation for fiscal year 2022 and \$247,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.).

(f) \$784,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for reentry support items such as disposable cell phones, prepaid phone cards, hygiene kits, housing vouchers, and release medications associated with individuals resentenced or ordered released from confinement as a result of policies or court decisions including, but not limited to, the *State v. Blake* decision.

(g) \$1,268,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for resentencing and reentry staffing associated with individuals resentenced or ordered released from confinement as a result of policies or court decisions including, but not limited to, the *State v. Blake* decision.

(h) \$438,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for program specialist staffing for increased comprehensive assessments and treatments, and substance use disorder treatment to implement Second Substitute

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Senate Bill No. 5695 (body scanners). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(i) \$4,508,000 of the general fund—state appropriation for fiscal year 2022 and \$7,893,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for reentry investments to include reentry and discharge staffing. The staffing must provide expanded reentry and discharge services to include, but not limited to cognitive behavioral interventions and educational programming.

(j) \$121,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department of corrections to collaborate with the Washington state board for community and technical colleges and the department of licensing to develop a prerelease commercial driving license training pilot program.

(k) \$655,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1818 (reentry and rehabilitation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(l) \$1,168,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to expand library services to incarcerated individuals in adult correctional facilities. The department of corrections must work in conjunction with the Washington state library to provide additional library materials, collections, and one additional library staff position at each of the nine institutional library service branches located throughout the state. Library materials and collections include but are not limited to Washington state newspapers, current consumer medical information, and other current reference collections that will support the department's reentry efforts in supporting the recovery and personal growth of incarcerated individuals.

(m) \$320,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for two contracted parent navigator positions. One parent navigator must be located at the Washington correction center for women and one parent navigator position must be located at the Airway Heights corrections center or another state correctional facility that houses incarcerated male individuals and is selected by the department of corrections as a more suitable fit for a parent navigator. The parent navigators must have lived experience in navigating the child welfare system. The parent navigators must provide guidance and support to incarcerated individuals towards family reunification, including, but not limited to, how to access services, navigating the court system, assisting with guardianship arrangements, and facilitating visitation with their children. The goal of the parent navigator programs is to assist incarcerated parents involved in dependency or child welfare cases to maintain connections with their children and to assist these individuals in successfully transitioning and reuniting with their families upon release from incarceration. As part of the parent navigation program, the department of corrections must also review and provide a report to the legislature on the effectiveness of the program that includes the number of incarcerated individuals that received assistance from the parent navigators and that tracks outcomes of the parenting navigator program. A preliminary report must be submitted to the legislature by June 30, 2023, with the expectation that a final report be funded in the 2023-2025 fiscal biennium budget and submitted by December 1, 2024. Of the amounts provided in this subsection, \$20,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department's review and preliminary report on the effectiveness of the parent navigator program.

(n) \$4,088,000 of the general fund—federal appropriation (CRF) is provided solely for COVID-19 related payroll and benefit expenditures that were incurred between July 1, 2021, and

December 31, 2021, for public safety and health employees whose services are presumed to be substantially dedicated to responding to the COVID-19 public health emergency. This funding expires December 31, 2021.

(7) HEALTH CARE SERVICES

General Fund—State Appropriation (FY 2022) ..	\$134,471,000
General Fund—State Appropriation (FY 2023)	
.....	<del>(\$205,666,000)</del>
.....	\$206,986,000
General Fund—Federal Appropriation.....	<del>(\$47,507,000)</del>
.....	\$48,348,000
General Fund—Private/Local Appropriation .....	\$2,000
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation .....	\$11,968,000
TOTAL APPROPRIATION .....	<del>(\$399,614,000)</del>
.....	\$401,775,000

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

(a) The state prison medical facilities may use funds appropriated in this subsection to purchase goods, supplies, and services through hospital or other group purchasing organizations when it is cost effective to do so.

(b) \$183,000 of the general fund—state appropriation for fiscal year 2022 and \$167,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5304 (providing reentry services to persons releasing from state and local institutions).

(c) \$13,947,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to increase medical staffing in prisons for patient centered care and behavioral health care. Funding must be used to increase access to care and expanded screening of individuals in prison facilities to include chronic illnesses, infectious disease, diabetes, heart disease, serious mental health, and behavioral health services.

(d) \$999,000 of the general fund—state appropriation for fiscal year 2022 and \$1,030,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for medical staff, telehealth carts, necessary technology costs, and the build out of 64 dedicated teleservice rooms that will allow for legal and medical telepresence at all 12 prison facilities.

(e) \$77,000 of the general fund—state appropriation for fiscal year 2022 and \$900,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for an electronic health records system solution and is subject to the conditions, limitations, and review requirements of section 701 of this act. The department must collaborate with the Washington state department of veterans affairs on the development of the system's business requirements.

(f) \$829,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for nursing staff for dry cell watch at Washington corrections center for men to implement Second Substitute Senate Bill No. 5695 (body scanners). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(g) \$5,395,000 of the general fund—state appropriation for fiscal year 2022 and \$8,239,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to restore graduated reentry reductions in the 2021-2023 biennial operating budget.

(h) \$11,968,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely for expenses incurred in response to the COVID-19 pandemic during fiscal year 2022.

(i) \$613,000 of the general fund—state appropriation for fiscal year 2022 and \$1,069,000 of the general fund—state

appropriation for fiscal year 2023 are provided solely for reentry investments to include reentry and discharge staffing. The staffing must provide expanded reentry and discharge services to include, but not limited to, enhanced health care discharge planning.

(j) The department of corrections must prepare a report on and an analysis of its medical staffing.

(i) The report must identify barriers relating to incarcerated individuals receiving timely treatment.

(ii) The report must specifically include a chart that shows:

(A) The incarcerated population caseloads from fiscal year 2019 through the first quarter of fiscal year 2023. The incarcerated caseloads must be shown by each of the department's individual 12 institutions;

(B) The number of funded, unfunded, and contracted-equivalent medical/health care staff at each institution, by major position type that includes, but is not limited to, physicians, psychologists, psychiatrists, registered nurses, supervising nursing staff, medical assistants, patient service representatives, medical directors, clinical pharmacists, and medical adjudicators;

(C) The caseloads for health care staff that shows the ratio of each medical staff position referenced in (j)(ii)(B) of this subsection to incarcerated individuals by institution;

(D) The number of funded medical staffing vacancies referenced in (j)(ii)(B) of this subsection by institution and quarter in fiscal year 2022 through the first quarter of fiscal year 2023; and

(E) A staffing model that shows the number of additional health care staff needed by position referenced in (j)(ii)(B) of this subsection for each institution.

(iii) The department must submit a final report to the appropriate committees of the legislature by October 30, 2022.

(k) \$46,107,000 of the general fund—federal appropriation (CRF) is provided solely for COVID-19 related payroll and benefit expenditures that were incurred between July 1, 2021, and December 31, 2021, for public safety and health employees whose services are presumed to be substantially dedicated to responding to the COVID-19 public health emergency. This funding expires December 31, 2021.

**Sec. 1220.** 2022 c 297 s 225 (uncodified) is amended to read as follows:

**FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund—State Appropriation (FY 2022).....	\$3,448,000
General Fund—State Appropriation (FY 2023)....	\$11,356,000
General Fund—Federal Appropriation .....	<del>(\$337,132,000)</del>
.....	<u>\$298,674,000</u>
General Fund—Private/Local Appropriation.....	\$37,325,000
Unemployment Compensation Administration Account—	
Federal Appropriation.....	<del>(\$444,688,000)</del>
.....	<u>\$426,241,000</u>
Administrative Contingency Account—State	
Appropriation.....	\$27,029,000
Employment Service Administrative Account—State	
Appropriation.....	\$68,128,000
Family and Medical Leave Insurance Account—State	
Appropriation.....	\$145,594,000
Workforce Education Investment Account—State	
Appropriation.....	\$11,283,000
Long-Term Services and Supports Trust Account—State	
Appropriation.....	\$35,902,000
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation.....	<del>(\$66,128,000)</del>
.....	<u>\$50,510,000</u>
Unemployment Insurance Relief Account—State	
Appropriation.....	\$500,000,000

TOTAL APPROPRIATION .....	<del>(\$1,688,013,000)</del>
.....	<u>\$1,615,490,000</u>

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

(1) The department is directed to maximize the use of federal funds. The department must update its budget annually to align expenditures with anticipated changes in projected revenues.

(2) \$30,458,000 of the long-term services and supports trust account—state appropriation is provided solely for implementation of the long-term services and support trust program. Of this amount, \$10,932,833 is ~~(provided)~~ for implementation of the long-term services and support trust program information technology project and is subject to the conditions, limitations, and review provided in section 701 of this act.

(3) Within existing resources, the department must reassess its ongoing staffing and funding needs for the paid family medical leave program and submit documentation of the updated need to the governor and appropriate committees of the legislature by September 1, 2021, and annually thereafter.

(4) \$101,000 of the employment service administrative account—state appropriation is provided solely for information technology enhancements necessary for implementation of job title reporting and is subject to the conditions, limitations, and review provided in section 701 of this act.

(5)(a) Within existing resources, the department shall coordinate outreach and education to paid family and medical leave benefit recipients with a statewide family resource, referral, and linkage system that connects families with children prenatal through age five and residing in Washington state to appropriate services and community resources. This coordination shall include but is not limited to placing information about the statewide family resource, referral, and linkage system on the paid family and medical leave program web site and in printed materials, and conducting joint events.

(b) Within existing resources, by December 1, 2021, and each year thereafter, the department shall submit a report to the governor and the appropriate committees of the legislature concerning the ability for the paid family and medical leave program and a statewide family resource, referral, and linkage system to provide integrated services to eligible beneficiaries. The report shall include an analysis of any statutory changes needed to allow information and data to be shared between the statewide family resource, referral, and linkage system and the paid family and medical leave program.

(6) Within existing resources, the department shall report the following to the legislature and the governor by September 30, 2021, and each year thereafter:

(a) An inventory of the department's programs, services, and activities, identifying federal, state, and other funding sources for each;

(b) Federal grants received by the department, segregated by line of business or activity, for the most recent five fiscal years, and the applicable rules;

(c) State funding available to the department, segregated by line of business or activity, for the most recent five fiscal years;

(d) A history of staffing levels by line of business or activity, identifying sources of state or federal funding, for the most recent five fiscal years;

(e) A projected spending plan for the employment services administrative account and the administrative contingency account. The spending plan must include forecasted revenues and estimated expenditures under various economic scenarios.

(7) \$3,264,000 of the employment services administrative account—state appropriation is provided solely for the

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continuation of the office of agricultural and seasonal workforce services.

(8) \$476,000 of the unemployment compensation administration account—federal appropriation is provided solely for the department to implement chapter 2, Laws of 2021 (unemployment insurance). If the department does not receive adequate funding from the United States department of labor to cover these costs, the department may use funding made available to the state through section 903 (d), (f), and (g) of the social security act (Reed act) in an amount not to exceed the amount provided in this subsection (8).

(9)(a) \$875,000 of the general fund—state appropriation for fiscal year 2022 and \$8,260,000 of the workforce education investment account—state appropriation are provided solely for career connected learning grants as provided in RCW 28C.30.050.

(b) \$3,000,000 of the workforce education investment account—state appropriation is provided solely for career connect learning grants to sector intermediaries. Up to five percent of the amount in this subsection may be used for administrative expenses associated with the sector intermediary grant program.

(10) \$1,222,000 of the employment services administrative account—state appropriation and \$1,500,000 of the family and medical leave insurance account—state appropriation are provided solely for the maintenance and operation of the disaster recovery continuity of operations information technology project.

(11) \$80,000 of the employment services administrative account—state appropriation is provided solely for the department to produce a report on the feasibility of replicating the existing unemployment insurance program to serve individuals not eligible for unemployment insurance due to immigration status. The study shall identify programmatic differences that would mitigate barriers to access and reduce fear of participation and identify the operational and caseload costs associated with the replication. If using a replica of the unemployment insurance program conflicts with federal law, the study shall assess the operational and caseload costs of similar social net programs that serve individuals regardless of their citizenship status. The departments shall jointly submit recommendations required by this section to the governor and appropriate legislative committees no later than November 5, 2021. The department shall:

(a) Work with the departments of labor and industries, social and health services, and commerce and the office of the governor;

(b) Convene and meet at least three times with a group of eight to ten external stakeholders comprised of representatives from geographically diverse immigrant advocacy groups, labor organizations with a state-wide presence, workers' rights groups, and legal and policy advocacy groups focused on immigration and employment law; and

(c) Hold at least one listening session with community members.

(12) \$31,288,000 of the coronavirus state fiscal recovery fund—federal appropriation, \$2,684,000 of the general fund—federal appropriation (CRF), and (~~(\$13,063,000)~~) \$11,063,000 of the unemployment compensation administration account—federal appropriation are provided solely for the department to address the impacts of COVID-19 on the state unemployment system in order to prevent and detect fraud, promote equitable access to the unemployment insurance system, and ensure the timely payment of unemployment insurance benefits. Of the amounts provided in this subsection:

(a) \$22,346,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to address an anticipated increase in the unemployment insurance

appeals caseload.

(b) \$6,223,000 of the unemployment compensation account—federal appropriation is provided solely for the department to ensure adequate security measures are in place to prevent unemployment insurance fraud and cases are investigated in a timely manner.

(c) \$4,465,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to migrate and upgrade the unemployment insurance customer call center phone system to a cloud-based system. Prior to executing a contract, the department shall consult with the office of the chief information officer. The department must ensure that the project plan, timeline with quantifiable deliverables, and budget by fiscal year by fund, to include ongoing costs by fiscal year, are adhered to. The department shall report on the status of the project to the office of financial management and the relevant committees of the legislature by December 1, 2021.

(d) \$4,477,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to process the unemployment insurance claimant backlog and to make program changes that enhance user experience in order to reduce claimant errors.

(e) \$1,417,000 of the general fund—federal appropriation (CRF) is provided solely for the department to contract with the national guard to assist the department with its unemployment insurance claims backlog.

(f) \$1,267,000 of the general fund—federal appropriation (CRF) is provided solely for the department to contract with a vendor to provide fact-finding services related to unemployment insurance claims.

(g) (~~(\$6,840,000)~~) \$4,840,000 of the unemployment compensation administration account—federal appropriation is provided solely for the department to implement the federal United States department of labor equity grant. This grant includes improving the translation of notices sent to claimants as part of their unemployment insurance claims into any of the 10 languages most frequently spoken in the state and other language, demographic, and geographic equity initiatives approved by the grantor. The department must also ensure that letters, alerts, and notices produced manually or by the department's unemployment insurance technology system are written in plainly understood language and evaluated for ease of claimant comprehension before they are approved for use.

(13) \$10,000,000 of the unemployment compensation administration account—federal appropriation is provided solely for the department to make information technology improvements to improve user experience and increase security to prevent unemployment insurance fraud. If the department does not receive adequate funding from the United States department of labor to cover these costs, the department may use funding made available to the state through section 903 (d), (f), and (g) of the social security act (Reed act) in an amount not to exceed the amount provided in this subsection. This subsection is subject to the conditions, limitations, and review provided in section 701 of this act.

(14) Within existing resources, the department shall report to the legislature by September 2, 2021, the following information pertaining to the unemployment insurance program:

(a) The number of full time equivalent employees of the department who were working in the unemployment insurance program, including those who were reassigned internally to the unemployment insurance program, the number of full time equivalent employees that were contracted by the department from other state agencies, and the number of contractors or consultants engaged by the department, on a monthly basis



beginning March 1, 2020, through the latest available month;

(b) A projection of full-time equivalent staffing or contractor needs that would be affordable within anticipated base and above-base federal unemployment administrative revenues;

(c) A spending plan for anticipated federal unemployment revenues other than base or above-base revenues, including any proposed additional full-time equivalent staff, consultants, contractors, or other investments related to helping the department reduce the backlog of unemployment insurance claims, appeals, denials, overpayments, and other claimant issues; and

(d) A budget for the unemployment insurance program, showing expenditures by object and fund source, for fiscal years 2022 and 2023, along with any projected shortfalls in revenues.

(15) \$797,000 of the general fund—state appropriation for fiscal year 2022, \$1,874,000 of the general fund—state appropriation for fiscal year 2023, and \$979,000 of the family medical leave insurance account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5097 (paid leave coverage).

(16) \$90,000 of the unemployment account—federal appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5190 (health care workers/benefits).

(17) \$5,322,000 of the unemployment account—federal appropriation is provided solely for the department to implement Engrossed Substitute Senate Bill No. 5193 (unemployment ins. system).

(18) (~~(\$34,840,000)~~) \$19,222,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1073 (paid leave coverage).

(19) \$500,000,000 of the unemployment insurance relief fund—state appropriation is provided solely for the implementation of unemployment insurance relief provided pursuant to Engrossed Substitute Senate Bill No. 5478 (unemployment insurance). The department is directed to implement the bill within existing resources.

(20) \$1,806,000 of the long-term services and supports trust account—state appropriation is provided solely for the implementation of Substitute House Bill No. 1323 (long-term services trust).

(21) \$1,075,000 of the unemployment account—federal appropriation is provided solely for the implementation of Substitute House Bill No. 1455 (social security/L&I & ESD).

(22) (~~(\$10,571,000)~~) \$5,285,000 of the unemployment compensation administration account—federal appropriation is provided solely for administration costs related to the federal unemployment insurance programs extended under the American rescue plan act of 2021, P.L. 117-2.

(23) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the North Central educational service district 171 to support the development of industry and education partnerships and expand career awareness, exploration and preparation activities for youth in Grant county.

(24) \$4,843,000 of the employment service administrative account—state appropriation is provided solely for the replacement of the WorkSource integrated technology platform. The replacement system must support the workforce administration statewide to ensure adoption of the United States department of labor's integrated service delivery model and program performance requirements for the state's workforce innovation and opportunity act and other federal grants. This subsection is subject to the conditions, limitations, and review

provided in section 701 of this act.

(25) \$6,208,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the continuation of the economic security for all program. The department must collect quarterly data on the number of participants that participate in the program, the costs associated with career, training, and other support services provided, and progress made towards self-sufficiency. The department must provide a report to the governor and the legislature on December 1, 2022, and June 1, 2023, that includes an analysis of the program, a summary of the quarterly data collected, and associated recommendations for program delivery.

(26) \$1,720,000 of the family and medical leave insurance account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5649 (family and medical leave). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(27) \$702,000 of the unemployment compensation administration account—federal appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5873 (unemployment insurance). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(28) \$262,000 of the employment services administrative account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5847 (public employee PSLF info). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(29) \$140,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for one full-time employee to provide casework on behalf of constituents who contact their legislators to escalate unresolved claims.

(30) \$1,691,000 of the general fund—state appropriation for fiscal year 2022 and \$3,049,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to temporarily hire additional staff during the COVID-19 pandemic if existing resources are not sufficient to manage unemployment insurance program claims and backlogs. Prior to hiring additional staff under this subsection, the department must consult with the office of financial management.

(31) \$3,105,000 of the general fund—federal appropriation is provided solely for the implementation of the quality jobs, equity strategy, and training (QUEST) grant to enhance the workforce system's ongoing efforts to support employment equity and employment recovery from the COVID-19 pandemic. The funds are for partnership development, community outreach, business engagement, and comprehensive career and training services.

**Sec. 1221.** 2022 c 297 s 226 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—GENERAL**

(1)(a) The appropriations to the department of children, youth, and families in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of children, youth, and families shall initially be allotted as required by this act. The department shall seek approval from the office of financial management prior to transferring moneys between sections of this act except as expressly provided in this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose. However, after May 1, (~~(2022)~~) 2023, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year (~~(2022)~~) 2023 among programs after

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approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2022 caseload forecasts and utilization assumptions in the foster care, adoption support, child protective services, working connections child care, and the juvenile rehabilitation programs or in response to the COVID-19 pandemic, the department may transfer appropriations that are provided solely for a specified purpose.

(2) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources, supports the adoption of a cohesive technology and data architecture, and maximizes federal financial participation.

(3) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department are subject to technical oversight by the office of the chief information officer.

**Sec. 1222.** 2022 c 297 s 227 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—CHILDREN AND FAMILIES SERVICES PROGRAM**

General Fund—State Appropriation (FY 2022).....	\$374,129,000
General Fund—State Appropriation (FY 2023)	
.....(( <del>\$456,485,000</del> ))	
.....	<u>\$428,061,000</u>
General Fund—Federal Appropriation.....(( <del>\$486,218,000</del> ))	
.....	<u>\$491,735,000</u>
General Fund—Private/Local Appropriation.....	\$2,824,000
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation.....	\$5,500,000
TOTAL APPROPRIATION.....(( <del>\$1,325,156,000</del> ))	
.....	<u>\$1,302,249,000</u>

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

(1) \$748,000 of the general fund—state appropriation for fiscal year 2022 and \$748,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract. No later than

December 1, 2021, the department must, in consultation with the health care authority, report to the appropriate legislative committees on potential options to maximize federal funding for the center, including any potential for the center to bill managed care organizations for services provided to medicaid recipients.

(2) \$453,000 of the general fund—state appropriation for fiscal year 2022 and \$722,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the costs of hub home foster and kinship families that provide a foster care delivery model that includes a hub home. Use of the hub home model is intended to support foster parent retention, provide support to biological families, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(a) \$453,000 of the general fund—state appropriation for fiscal year 2022 and \$572,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the costs of hub home foster and kinship family constellations, and for a contract with an organization with expertise in implementing the hub home model with fidelity to provide technical assistance to hub home families and the department.

(b) \$150,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to support long-term implementation of the hub home model, including integrating the hub home model within the department's current and future service array and multiyear expansion planning. The department shall submit a preliminary report to the governor and appropriate legislative committees by December 1, 2022, and a final report to the governor and appropriate legislative committees by June 30, 2023, that details its progress and plans for long-term implementation of the hub home model.

(3) \$579,000 of the general fund—state appropriation for fiscal year 2022 and \$579,000 of the general fund—state appropriation for fiscal year 2023 and \$110,000 of the general fund—federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(4) \$1,245,000 of the general fund—state appropriation for fiscal year 2022 and \$1,245,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for services provided through children's advocacy centers.

(5) In fiscal year 2022 and in fiscal year 2023, the department shall provide a tracking report for social service specialists and corresponding social services support staff to the office of financial management, and the appropriate policy and fiscal committees of the legislature. The report shall detail progress toward meeting the targeted 1:18 caseload ratio standard for child and family welfare services caseload-carrying staff and targeted 1:8 caseload ratio standard for child protection services caseload carrying staff. To the extent to which the information is available, the report shall include the following information identified separately for social service specialists doing case management work, supervisory work, and administrative support staff, and identified separately by job duty or program, including but not limited to intake, child protective services investigations, child protective services family assessment response, and child and family welfare services:

(a) Total full time equivalent employee authority, allotments and expenditures by region, office, classification and band, and job duty or program;

(b) Vacancy rates by region, office, and classification and band; and

(c) Average length of employment with the department, and when applicable, the date of exit for staff exiting employment with the department by region, office, classification and band, and job duty or program.

(6) \$94,000 of the general fund—state appropriation for fiscal year 2022 and \$94,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(7)(a) \$539,000 of the general fund—state appropriation for fiscal year 2022, \$1,000,000 of the general fund—state appropriation for fiscal year 2023, \$656,000 of the general fund private/local appropriation, and \$252,000 of the general fund—federal appropriation are provided solely for a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the department's transition to performance-based contracts. Funding must be prioritized to regions with high numbers of foster care youth, regions where backlogs of youth that have formerly requested educational outreach services exist, or youth with high educational needs. The department is encouraged to use private matching funds to maintain educational advocacy services.

(b) The department shall contract with the office of the superintendent of public instruction, which in turn shall contract with a nongovernmental entity or entities to provide educational advocacy services pursuant to RCW 28A.300.590.

(8) \$375,000 of the general fund—state appropriation for fiscal year 2022, \$375,000 of the general fund—state appropriation for fiscal year 2023, and \$112,000 of the general fund—federal appropriation are provided solely for the department to develop, implement, and expand strategies to improve the capacity, reliability, and effectiveness of contracted visitation services for children in temporary out-of-home care and their parents and siblings. Strategies may include, but are not limited to, increasing mileage reimbursement for providers, offering transportation-only contract options, and mechanisms to reduce the level of parent-child supervision when doing so is in the best interest of the child. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature regarding these strategies by November 1, 2022. The report shall include the number and percentage of parents requiring supervised visitation and the number and percentage of parents with unsupervised visitation, prior to reunification.

(9) For purposes of meeting the state's maintenance of effort for the state supplemental payment program, the department of children, youth, and families shall track and report to the department of social and health services the monthly state supplemental payment amounts attributable to foster care children who meet eligibility requirements specified in the state supplemental payment state plan. Such expenditures must equal at least \$3,100,000 annually and may not be claimed toward any other federal maintenance of effort requirement. Annual state supplemental payment expenditure targets must continue to be established by the department of social and health services. Attributable amounts must be communicated by the department of children, youth, and families to the department of social and health services on a monthly basis.

(10) \$2,230,000 of the general fund—state appropriation for fiscal year 2022, \$2,230,000 of the general fund—state appropriation for fiscal year 2023, and \$156,000 of the general fund—federal appropriation are provided solely to increase the travel reimbursement for in-home service providers.

(11) \$197,000 of the general fund—state appropriation for fiscal year 2022 and \$197,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the

department to conduct biennial inspections and certifications of facilities, both overnight and day shelters, that serve those who are under 18 years old and are homeless.

(12) \$6,195,000 of the general fund—state appropriation for fiscal year 2022, \$6,195,000 of the general fund—state appropriation for fiscal year 2023, and \$1,188,000 of the general fund—federal appropriation are provided solely for the department to operate emergent placement and enhanced emergent placement contracts.

(a) The department shall not include the costs to operate emergent placement contracts in the calculations for family foster home maintenance payments and shall submit as part of the budget submittal documentation required by RCW 43.88.030 any costs associated with increases in the number of emergent placement contract beds after the effective date of this section that cannot be sustained within existing appropriations.

(b) Beginning October 1, 2021, and every quarter thereafter, the department shall publish on its website the rates or fees paid for emergent placement contracts, the number of beds retained, and the number of beds purchased. If the department determines that there is a need to increase the rates or fees paid or the number of beds retained or purchased under this subsection, the secretary shall request authorization from the office of financial management and notify the fiscal committees of the legislature.

(13) Beginning January 1, 2022, and continuing through the 2021-2023 fiscal biennium, the department must provide semi-annual reports to the governor and appropriate legislative committees that includes the number of in-state behavioral rehabilitation services providers and licensed beds, the number of out-of-state behavioral rehabilitation services placements, and a comparison of these numbers to the same metrics expressed as an average over the prior six months. The report shall identify separately beds with the enhanced behavioral rehabilitation services rate. Effective January 1, 2022, and to the extent the information is available, the report will include the same information for emergency placement services beds and enhanced emergency placement services beds.

(14) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementing the supportive visitation model that utilizes trained visit navigators to provide a structured and positive visitation experience for children and their parents.

(15) \$600,000 of the general fund—state appropriation for fiscal year 2022 and \$600,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for enhanced adoption placement services for legally free children in state custody, through a partnership with a national nonprofit organization with private matching funds. These funds must supplement, but not supplant, the work of the department to secure permanent adoptive homes for children with high needs.

(16) The department of children, youth, and families shall make foster care maintenance payments to programs where children are placed with a parent in a residential program for substance abuse treatment. These maintenance payments are considered foster care maintenance payments for purposes of forecasting and budgeting at maintenance level as required by RCW 43.88.058.

(17) \$2,000,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with one or more nonprofit, nongovernmental organizations to purchase and deliver concrete goods to low-income families.

(18) \$5,500,000 of the coronavirus state fiscal recovery fund—

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federal appropriation is provided solely for one-time \$250 per child grants to families on behalf of up to 22,000 children who may be at risk of child welfare system involvement and have experienced economic impacts of the COVID-19 pandemic.

(19) The department is authorized to use the amounts provided in this section for services and maintenance payments to former dependent youth as authorized and directed in the supporting foster youth and families through the pandemic act, P.L. 116-260, division X.

(20) \$387,000 of the general fund—state appropriation for fiscal year 2022, \$393,000 of the general fund—state appropriation for fiscal year 2023, and \$143,000 of the general fund—federal appropriation are provided solely to increase all fees paid to child-placing agencies by 7.5 percent, effective July 1, 2021.

(21)(a) \$739,000 of the general fund—state appropriation for fiscal year 2022, \$702,000 of the general fund—state appropriation for fiscal year 2023, and \$482,000 of the general fund—federal appropriation are provided solely for the department of children, youth, and families to create and implement a new approach to transition planning for young people preparing to exit the child welfare system and juvenile rehabilitation institutions, pursuant to the recommendations in the *improving stability for youth exiting systems of care* report submitted in January 2020 as required by RCW 43.330.720. The department must engage young people, caregivers, providers, and other stakeholders in the creation and implementation of the approach by:

(i) Providing one statewide adolescent transitions program manager and six adolescent liaisons, one in each region of the department, who are dedicated to supporting the transition planning approaches developed by the department, providing program oversight, and supporting improved outcomes for adolescents during the transition to adulthood; and

(ii) Strengthening the administration and competency of the independent living program and direct independent living services. No later than June 1, 2022, the department must centralize administration of its independent living program and develop a framework for service delivery, including best practice recommendations. The framework must be codesigned with adolescents, caregivers, providers, and stakeholders. No later than June 30, 2022, the department must develop and launch a competitive request for proposal process to solicit bidders to provide independent living services under the new framework.

(b) No later than November 30, 2022, the department must report to the governor and appropriate legislative committees on the implementation of the new approach to transition planning, the new independent living framework, and the state's capacity to provide high-quality transition services, including independent living services, to youth and young adults exiting the child welfare system and juvenile rehabilitation institutions. The report must identify any remaining service gaps that prevent statewide implementation and address the additional resources needed to improve outcomes for young people exiting these systems of care.

(22) \$2,400,000 of the general fund—state appropriation for fiscal year 2022 and \$2,400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of performance-based contracts for family support and related services pursuant to RCW 74.13B.020.

(23) The appropriations in this section include sufficient funding for continued implementation of chapter 80, Laws of 2018 (2SSB 6453) (kinship caregiver legal support).

(24) The appropriations in this section include sufficient funding to implement chapter 51, Laws of 2020 (SHB 2873) (families in conflict).

(25) \$511,000 of the general fund—state appropriation for fiscal year 2023 and \$153,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1219 (youth counsel/dependency).

(26) \$219,000 of the general fund—state appropriation for fiscal year 2022, \$208,000 of the general fund—state appropriation for fiscal year 2023, and \$295,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1061 (child welfare/developmental disability).

(27) \$451,000 of the general fund—state appropriation for fiscal year 2022 and \$662,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a community organization with expertise in the LifeSet case management model to serve youth and adults currently being served in or exiting the foster care, juvenile justice, and mental health systems to successfully transition to adulthood.

(28) \$326,000 of the general fund—state appropriation for fiscal year 2022, \$326,000 of the general fund—state appropriation for fiscal year 2023, and \$148,000 of the general fund—federal appropriation are provided solely to implement Engrossed Second Substitute House Bill No. 1194 (parent-child visitation).

(29) \$499,000 of the general fund—state appropriation for fiscal year 2022, \$499,000 of the general fund—state appropriation for fiscal year 2023, and \$310,000 of the general fund—federal appropriation are provided solely to expand the family connections program in ~~((two))~~ eight areas of the state in which the program is not already established as of the effective date of this section. One expansion site must be located west of the crest of the Cascade mountain range and the other expansion site must be located east of the crest of the Cascade mountain range. The program expansion must follow the family connections program model pursuant to RCW 74.13.715. To operate the ~~((two))~~ eight expansion sites, the department must contract with a community-based organization that has experience working with the foster care population and administering the family connections program.

(30) \$25,000 of the general fund—state appropriation for fiscal year 2023 and \$25,000 of the general fund—federal appropriation (ARPA) are provided solely for the department to implement Engrossed Second Substitute House Bill No. 1227 (child abuse allegations).

(31) If the department receives an allocation of federal funding through an unanticipated receipt, the department shall not expend more than what was approved or for another purpose than what was approved by the governor through the unanticipated receipt process pursuant to RCW 43.79.280.

(32) \$1,513,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a new behavioral rehabilitation services facility in Vancouver.

(33) \$449,000 of the general fund—state appropriation for fiscal year 2022, \$1,203,000 of the general fund—state appropriation for fiscal year 2023, and \$353,000 of the general fund—federal appropriation are provided solely for the department to revise and update its policies, procedures, and the state Title IV-E plan to reflect that it is appropriate to only refer child welfare cases to the department of social and health services division of child support enforcement when the court has found a child to have been abandoned by their parent or guardian as defined in RCW 13.34.030.

(34) \$800,000 of the general fund—state appropriation for fiscal year 2023 and \$200,000 of the general fund—federal appropriation are provided solely for the department to contract

for a child welfare workload study, which must include an evaluation of workload impacts required by state and federal law and make recommendations for staffing models and system improvements.

(a) The study must consider, but is not limited to, enacted laws and forthcoming legislation related to child welfare such as the keeping families together act, chapter 211, Laws of 2021, and the family first prevention services act.

(b) The study must include, at a minimum, all child welfare case-carrying workers including but not limited to: Child protective services, child welfare case workers, and child welfare licensing staff, including foster care assessment, safety and monitoring, and child protective services licensing.

(c) The study must evaluate the workload impacts related to changes in the application of the federal Indian child welfare act, 25 U.S.C. Secs. 1901-1963 and the Washington state Indian child welfare act, chapter 13.38 RCW as required by *In re Dependency of G.J.A., A.R.A., S.S.A., J.J.A., and V.A.*, 197 Wn.2d 868 (2021) and *In re Dependency of Z.J.G. and M.E.J.G.*, 196 Wn.2d 152 (2020).

(d) The department must establish a steering committee inclusive of members who are familiar with public child welfare practice and who have had substantial experience with similar studies. The steering committee members will be appointed by the agency secretary and must include internal and external members.

(e) A final report must also include recommendations to streamline internal processes; to more equitably allocate staff and contracted resources statewide; to reduce workload through technology; to reduce staff attrition; and to increase direct service time. The report must be submitted to the governor and appropriate fiscal committees of the legislature by June 30, 2023.

(35) Within the amounts provided in this section, sufficient funding is provided for the department to contract with a community organization to administer monthly stipends to young adults who were impacted by the federal moratorium that prohibited states from discharging them from extended foster care due to age through September 30, 2021, and young adults who age out of extended foster care between October 1, 2021, and June 30, 2023. To the extent feasible, the organization must administer the monthly stipends at consistent amounts per young adult each month.

(36) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract for a systems assessment of state and federally funded services and benefits for young adults enrolled in or exiting extended foster care and make recommendations to improve the continuum of supports for the extended foster care population to support successful transitions to independent adulthood.

(a) The systems assessment must include, but is not limited to, the following:

(i) A survey of state and federally funded services and benefits, and the utilization of such services and benefits, including but not limited to economic services, housing programs and payment vouchers, independent living programs, educational supports, and access to postsecondary opportunities, including vocational training and placement programs, legal services, navigation assistance, and peer mentoring. The survey must examine how these services and benefits contribute to a continuum of supports for young adults enrolled in extended foster care and those who have exited since September 2021;

(ii) A young adult needs assessment, including collecting data on young adults enrolled in extended foster care and those who have exited since September 2021. The needs assessment must also gauge young adults' awareness of and ability to access the

available services and benefits;

(iii) Identification of gaps or redundancies within the existing array of state and federally funded programs serving the extended foster care population;

(iv) Identification of funding sources or programs that could be used to address any gaps in the array of services and benefits available; and

(v) An assessment of the various data systems currently used or capable of being used to report on the young adult population served by the extended foster care program. The data assessment must include a discussion of any system limitations and recommendations to support future data tracking of outcomes for this population.

(b) The department and contractor must engage with state agencies administering relevant programs, contracted organizations serving the extended foster care population, and young adults currently in extended foster care and those who have exited since September 2021 to conduct the systems assessment. A status update must be submitted to the governor and appropriate fiscal and policy committees of the legislature by November 30, 2022. A final report must be submitted to the governor and appropriate fiscal and policy committees by June 30, 2023.

(37) \$492,000 of the general fund—state appropriation for fiscal year 2023 and \$133,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1747 (child relative placements). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(38) \$3,920,000 of the general fund—state appropriation for fiscal year 2022, \$15,679,000 of the general fund—state appropriation for fiscal year 2023, and \$4,302,000 of the general fund—federal appropriation are provided solely to, effective April 1, 2022, increase the hourly rate for contracted visitation providers, implement standards regarding Indian child welfare act quality enhancement and compliance in visitation contracts, and reimburse visitation providers for mileage travelled between zero and 60 miles. It is the intent of the legislature that contracted visitation providers use funding provided in this subsection to increase hourly wages for visitation workers.

(39) \$767,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the child welfare housing assistance pilot program authorized in RCW 74.13.802.

(40) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the provision of SafeCare, an evidence-based parenting program, for families in Grays Harbor county.

(41) \$50,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to establish and implement two play-and-learn groups for families in Grays Harbor county.

(42) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with a clinic that treats prenatal substance exposure in children up to age 13 and that primarily serves families from Snohomish and King counties. It is the intent of the legislature that the department's contract with the clinic prioritize children for services who are at risk of being removed from their family home, who were recently reunified with their family following an out-of-home placement, who have experienced multiple out-of-home placements and are at risk of additional placements, and any other priority populations identified by the department.

(43) \$1,926,000 of the general fund—state appropriation for fiscal year 2022, \$7,704,000 of the general fund—state appropriation for fiscal year 2023, and \$3,745,000 of the general fund—federal appropriation are provided solely to increase the monthly rate paid to contracted behavioral rehabilitation services

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facilities to \$16,861.91 per youth, effective April 1, 2022. It is the intent of the legislature that the department's vendor contracts specify that the funding provided in this subsection is to increase the hourly wage for direct care workers, with the intent of the legislature to achieve at least \$25.00.

(44) \$650,000 of the general fund—state appropriation for fiscal year 2022, \$2,598,000 of the general fund—state appropriation for fiscal year 2023, and \$1,263,000 of the general fund—federal appropriation are provided solely to increase the monthly rate paid for contracted behavioral rehabilitation services therapeutic foster care to \$10,126.92 per youth, effective April 1, 2022. It is the intent of the legislature that the department's vendor contracts specify that funding provided in this subsection is provided to increase pass-through payments to therapeutic foster care homes.

(45) \$8,440,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to increase the reimbursement rates for combined in-home services providers as recommended in the October 2021 combined in-home services cost study.

(46) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$275,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for improving the financial capability of dependent youth.

(a) The department shall develop a report with recommendations of how to improve access to private, self-controlled bank accounts for dependent youth ages 14 and up as well as other strategies for improving financial capability of dependent youth. The department must consult with stakeholders on development of the recommendations and report. The report shall include but is not limited to an analysis of the following:

- (i) The documentation and information necessary for youth to establish bank accounts;
- (ii) Appropriate mechanisms to support youth in establishing the accounts;
- (iii) Issues related to compliance with current state and federal laws that could impact the availability of accounts and release of funds; and
- (iv) Data on the number of dependent youth, including youth in extended foster care, ages 14 and up with private, self-controlled bank accounts.

(b) The report must include recommendations on how to ensure statewide access to high quality, developmentally, and culturally appropriate financial education for dependent youth ages 12 and up.

(c) The report must include recommendations for statutory or policy changes, including the number of youth who have established a private self-controlled bank account, to implement the recommendations of the report.

(d) The analysis and recommendations are due to the appropriate committees of the legislature by December 1, 2022, in compliance with RCW 43.01.036.

(46) \$568,000 of the general fund—state appropriation for fiscal year 2023 and \$78,000 of the general fund—federal appropriation is provided solely for the phase-in of the settlement agreement under *D.S. et al. v. Department of Children, Youth, and Families et al.*, United States district court for the western district of Washington, cause no. 2:21-cv-00113-BJR. The department 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 monitoring and implementation.

(47) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization in Spokane that has experience administering a family-centered drug treatment and housing program for families

experiencing substance use disorder. The amount provided in this subsection is intended to support the existing program while the department works to develop a sustainable model of the program and expand to new regions of the state.

**Sec. 1223.** 2022 c 297 s 228 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—JUVENILE REHABILITATION PROGRAM**

General Fund—State Appropriation (FY 2022) ..	\$123,463,000
General Fund—State Appropriation (FY 2023)	
.....	(( <del>\$131,424,000</del> ))
.....	\$129,834,000
General Fund—Federal Appropriation.....	\$694,000
General Fund—Private/Local Appropriation .....	(( <del>\$166,000</del> ))
.....	\$254,000
Washington Auto Theft Prevention Authority Account—	
State Appropriation .....	(( <del>\$196,000</del> ))
.....	\$98,000
TOTAL APPROPRIATION .....	(( <del>\$255,943,000</del> ))
.....	\$254,343,000

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

(1) \$2,841,000 of the general fund—state appropriation for fiscal year 2022 and \$2,841,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to county juvenile courts for the 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.

(2) \$1,537,000 of the general fund—state appropriation for fiscal year 2022 and \$1,537,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expansion of the juvenile justice treatments and therapies in department of children, youth, and families programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." The department may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(3)(a) \$6,198,000 of the general fund—state appropriation for fiscal year 2022 and \$6,198,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement evidence- and research-based programs through community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants. In addition to funding provided in this subsection, funding to implement alcohol and substance abuse treatment programs for locally committed offenders is provided through an interagency agreement with the health care authority.

(b) The department of children, youth, and families shall administer a block grant to county juvenile courts for the purpose of serving youth as defined in RCW 13.40.510(4)(a) in the county juvenile justice system. Funds dedicated to the block grant include: Consolidated juvenile service (CJS) funds, community juvenile accountability act (CJAA) grants, chemical

dependency/mental health disposition alternative (CDDA), and suspended disposition alternative (SDA). The department of children, youth, and families shall follow the following formula and must prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (i) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (ii) fifteen percent for the assessment of low, moderate, and high-risk youth; (iii) twenty-five percent for evidence-based program participation; (iv) seventeen and one-half percent for minority populations; (v) three percent for the chemical dependency and mental health disposition alternative; and (vi) two percent for the suspended dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the department of children, youth, and families and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(c) The department of children, youth, and families and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the department of children, youth, and families and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be co-chaired by the department of children, youth, and families and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. The committee may make changes to the formula categories in (d)(ii) of this subsection if it determines the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost/benefit savings to the state, including long-term cost/benefit savings. The committee must also consider these outcomes in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(d) The juvenile courts and administrative office of the courts must collect and distribute information and provide access to the data systems to the department of children, youth, and families and the Washington state institute for public policy related to program and outcome data. The department of children, youth, and families and the juvenile courts must work collaboratively to develop program outcomes that reinforce the greatest cost/benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(4) \$645,000 of the general fund—state appropriation for fiscal year 2022 and \$645,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for funding of the teamchild project.

(5) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant program focused on criminal street gang prevention and intervention. The department of children, youth, and families may award grants under this subsection. The department of children, youth, and families shall give priority to applicants who have demonstrated the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental

entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection. Each entity receiving funds must report to the department of children, youth, and families on the number and types of youth served, the services provided, and the impact of those services on the youth and the community.

(6) The juvenile rehabilitation institutions may use funding appropriated in this subsection to purchase goods, supplies, and services through hospital group purchasing organizations when it is cost-effective to do so.

(7) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to county juvenile courts to establish alternative detention facilities similar to the proctor house model in Jefferson county, Washington, that will provide less restrictive confinement alternatives to youth in their local communities. County juvenile courts shall apply to the department of children, youth, and families for funding and each entity receiving funds must report to the department on the number and types of youth serviced, the services provided, and the impact of those services on the youth and the community.

(8) \$432,000 of the general fund—state appropriation for fiscal year 2022 and \$432,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide housing services to clients releasing from incarceration into the community.

(9) \$100,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to assess the juvenile court assessment tool. The juvenile rehabilitation program shall contract with the Washington state institute for public policy to review the standardized juvenile court assessment tool to access whether it accurately determines eligibility criteria and properly assigns youth to programs that meet their needs. The institute must work in collaboration with the juvenile block grant proviso committee.

(10)(a) \$773,000 of the general fund—state appropriation for fiscal year 2022 and \$986,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1186 (concerning juvenile rehabilitation community transition services).

(b) Of the amounts provided in (a) of this subsection, \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$105,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for housing vouchers.

(11) \$128,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1295 (institutional ed./release).

(12) \$122,000 of the general fund—state appropriation for fiscal year 2022 and \$123,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5118 (supporting successful reentry).

(13) Sufficient funding is provided within this section for implementation of Engrossed Second Substitute Senate Bill No. 5304 (reentry services/state and local institutions).

(14) Within existing resources, the department shall evaluate the Martin hall juvenile detention facility located in Medical Lake as an option for increased capacity needs for the juvenile rehabilitation program.

(15) \$711,000 of the general fund—state appropriation for fiscal year 2022 and \$848,000 of the general fund—state

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appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 2050 (parent pay/child detention). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(16)(a) The block grant oversight committee, as defined in RCW 13.40.511, shall work in collaboration with the Washington state institute for public policy, the University of Washington's evidence-based practice institute, and the children and family and early learning divisions of the department of children, youth, and families to develop recommendations for the expansion of community juvenile accountability programs funded through juvenile court block grant funding provided by the juvenile rehabilitation division of the department of children, youth, and families and the juvenile courts. The committee's recommendations shall include consideration of the expansion of:

- (i) Block grant funding to community juvenile programs that provide services to juveniles assessed as low risk;
- (ii) Block grant funding to community juvenile programs that provide services that are not solely focused on reducing recidivism;
- (iii) Available block grant funding needed to complete evaluations of programs such that more programs may be evaluated to be classified as evidence-based; and
- (iv) Classifications used by the Washington state institute for public policy to demonstrate the effectiveness of programs provided by juvenile court.

(b) The block grant oversight committee must report its findings and recommendations to the appropriate committees of the legislature by November 1, 2022.

(17) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the juvenile rehabilitation administration to contract with a peer navigator program that currently mentors and assists with the needs of justice-involved youth and young adults who are from the city of Federal Way and who are currently residing at the Green Hill school. The mentorship program must provide peer coaching and support by aiding in the personal and professional development of incarcerated youth and young adults through life skills, job readiness, youth leadership, and results-based projects.

(18) \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$156,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for two juvenile education-security staff positions for juvenile rehabilitation's GED education programs. One education-security position must be located at the Echo Glen children's center to assist with the open doors program and one education-security position must be located at the Green Hill school. The goal of the education-security positions is to provide dependable, daily education opportunities for students participating in the GED programs located at the respective institutional facilities. The education-security positions are responsible for providing daily escort to and from the classroom for students attending school and for providing classroom management during the period while students are attending classes.

(19) \$2,100,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for maintaining staffing levels at juvenile rehabilitation facilities independent from fluctuating caseloads.

(20) The department of children, youth, and families—juvenile rehabilitation must cease new placements at the Naselle youth camp, with the goal of closing the camp by June 30, 2023. It is the intention of the legislature after the closure to transfer management of the Naselle youth camp land and facilities to the department of natural resources in the 2023-2025 fiscal biennium and develop the facilities into an outdoor school. The department

must assist the department of natural resources and the office of the superintendent of public instruction with the proposal on the use of the Naselle youth camp for an outdoor school as needed pursuant to section 310 of this act.

(21) \$1,000 of the general fund—state appropriation for fiscal year 2023 is for implementation of Senate Bill No. 5657 (juvenile instit./comp sci).

**Sec. 1224.** 2022 c 297 s 229 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—EARLY LEARNING PROGRAM**

General Fund—State Appropriation (FY 2022) ..	\$327,631,000
General Fund—State Appropriation (FY 2023)	
.....	<del>(\$402,195,000)</del>
.....	\$406,756,000
General Fund—Federal Appropriation.....	<del>(\$1,070,579,000)</del>
.....	\$1,106,032,000
General Fund—Private/Local Appropriation .....	\$100,000
Education Legacy Trust Account—State Appropriation	
.....	\$28,172,000
Home Visiting Services Account—State Appropriation	
.....	\$25,579,000
Home Visiting Services Account—Federal Appropriation	
.....	\$29,776,000
Washington Opportunity Pathways Account—State	
Appropriation .....	\$80,000,000
Workforce Education Investment Account—State	
Appropriation .....	\$8,482,000
TOTAL APPROPRIATION .....	<del>(\$1,972,514,000)</del>
.....	\$2,012,528,000

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

(1)(a) \$82,040,000 of the general fund—state appropriation for fiscal year 2022, \$132,776,000 of the general fund—state appropriation for fiscal year 2023, \$24,070,000 of the education legacy trust account—state appropriation, \$80,000,000 of the opportunity pathways account—state appropriation, and \$25,452,000 of the general fund—federal appropriation (CRRSA/GEER) are provided solely for the early childhood education and assistance program. These amounts shall support at least 15,162 slots in fiscal year 2022 and 16,278 slots in fiscal year 2023. Of the total slots in each fiscal year, 100 slots must be reserved for foster children to receive school-year-round enrollment.

(b) Of the amounts provided in this subsection, \$14,930,000 of the general fund—state appropriation for fiscal year 2023 and \$14,889,000 of the general fund—federal appropriation (CRRSA/GEER) are for a slot rate increase of ten percent beginning July 1, 2021. The funding provided in this subsection is sufficient for the department to increase rates according to inflation, pursuant to Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.), beginning in fiscal year 2023 and annually thereafter.

(c) Of the amounts provided in this subsection, \$2,664,000 of the general fund—state appropriation for fiscal year 2023 is provided to convert 777 part day slots to full day slots in fiscal year 2023.

(d) Of the amounts provided in this subsection, \$409,000 of the general fund—state appropriation for fiscal year 2022 and \$859,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a \$54 per slot quality support rate, which will increase by 1.5 percent annually beginning in fiscal year 2024.

(e) Of the amounts provided in this subsection, \$1,358,000 of the general fund—state appropriation for fiscal year 2022 and



\$4,612,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide early childhood education and assistance program services during summer 2022 to 2,212 (~~(part)~~) school day program slots, including 2,011 slots in an in-person learning program and 201 slots provided other additional services.

(f) The department of children, youth, and families must develop a methodology to identify, at the school district level, the geographic locations of where early childhood education and assistance program slots are needed to meet the entitlement specified in RCW 43.216.556. This methodology must be linked to the caseload forecast produced by the caseload forecast council and must include estimates of the number of slots needed at each school district and the corresponding facility needs required to meet the entitlement in accordance with RCW 43.216.556. This methodology must be included as part of the budget submittal documentation required by RCW 43.88.030.

(2) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(3) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies.

(4) The legislature recognizes that the federal government has provided substantial additional funding through the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M. and the American rescue plan act of 2021, P.L. 117-2. The purpose of the additional federal funding is to ensure access to affordable child care and to stabilize and support child care providers from the effects of the COVID-19 pandemic. The legislature intends with the passage of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.) to implement these federal purposes by expanding eligibility for subsidized child care, reducing parent copayments, increasing provider base rates to recognize increased costs, and providing other financial support to stabilize the child care sector to remain open or to reopen. The legislature finds that the state lacked the fiscal capacity to make these investments and the additional federal funding has provided the opportunity to supplement state funding to expand and accelerate child care access, affordability, and provider support as the state navigates the COVID-19 pandemic and its aftermath.

(5) \$39,723,000 of the general fund—state appropriation in fiscal year 2022, (~~(\$54,505,000)~~) \$34,062,000 of the general fund—state appropriation in fiscal year 2023, \$8,482,000 of the workforce education investment account—state appropriation, (~~(\$283,375,000)~~) \$242,980,000 of the general fund—federal appropriation, \$59,893,000 of the general fund—federal appropriation (CARES), \$98,723,000 of the general fund—federal appropriation (CRRSA), and \$153,814,000 of the general fund—federal appropriation (ARPA) are provided solely for the working connections child care program under RCW 43.216.135. Of the amounts provided in this subsection:

(a) The department of children, youth, and families shall work in collaboration with the department of social and health services to determine the appropriate amount of state expenditures for the working connections child care program to claim towards the state's maintenance of effort for the temporary assistance for needy families program. The departments will also collaborate to track the average monthly child care subsidy caseload and expenditures by fund type, including child care development

fund, general fund—state appropriation, and temporary assistance for needy families for the purpose of estimating the annual temporary assistance for needy families reimbursement from the department of social and health services to the department of children, youth, and families. Effective December 1, 2022, and annually thereafter, the department of children, youth, and families must report to the governor and the appropriate fiscal and policy committees of the legislature the total state contribution for the working connections child care program claimed the previous fiscal year towards the state's maintenance of effort for the temporary assistance for needy families program and the total temporary assistance for needy families reimbursement from the department of social and health services for the previous fiscal year.

(b) \$6,390,000 is for the compensation components of the 2021-2023 collective bargaining agreement covering family child care providers as provided in section 947 of this act. Of the amounts provided in this subsection:

(i) \$4,410,000 is for a 35 cent per hour per child rate increase for family, friends, and neighbor providers (FFNs) beginning July 1, 2022;

(ii) \$854,000 is to increase the rate paid to providers who reach level 3.5 of the state's early achievers quality rating system by two percent beginning July 1, 2021; and

(iii) \$1,126,000 is to increase the nonstandard hour care rate by \$10.00 per child per month beginning July 1, 2021.

(c) \$42,562,000 of the general fund—federal appropriation (ARPA) and \$2,785,000 of the general fund—federal appropriation (CRRSA) are provided solely for the implementation of an agreement reached between the governor and the service employees international union local 925 for a cost of care rate enhancement for family child care providers under the provisions of chapter 41.56 RCW for fiscal year 2023 as provided in section 940 of this act.

(d) \$45,935,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a 16 percent subsidy base rate enhancement for child care centers for fiscal year 2023.

(e) It is the intent of the legislature to continue to rebase child care provider subsidy base rates to the 85th percentile of market in subsequent fiscal biennia.

(f) \$59,893,000 of the general fund—federal appropriation (CARES), \$65,925,000 of the general fund—federal appropriation (CRRSA), and \$99,918,000 of the general fund—federal appropriation (ARPA) are provided solely for enhancements to the working connections child care (~~(connections)~~) program, pursuant to Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). Of the amounts provided in this subsection:

(i) \$28,759,000 of the general fund—federal appropriation (CARES), \$11,993,000 of the general fund—federal appropriation (CRRSA), and \$35,979,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of reduced household child care monthly copayments. For households at or below 50 percent of the state median income, copayments are capped at \$115 through January 1, 2022, and \$90 from January 1, 2022, through fiscal year 2023. For households at or below 60 percent of the state median income, copayments are capped at \$115 through June 30, 2023.

(ii) \$31,134,000 of the general fund—federal appropriation (CARES), \$40,195,000 of the general fund—federal appropriation (CRRSA), and \$45,476,000 of the general fund—federal appropriation (ARPA) are provided solely to increase subsidy base rates to the 85th percentile of market for child care providers. The state and the representative for family child care providers must enter into bargaining over the implementation of

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subsidy rate increases, and apply those increases consistent with the terms of this proviso and the agreement reached between the parties.

(iii) \$3,930,000 of the general fund—federal appropriation (CRRSA) and \$4,903,000 of the general fund—federal appropriation (ARPA) are provided solely to waive work requirements for student parents utilizing the working connections child care program.

(iv) \$6,726,000 of the general fund—federal appropriation (CRRSA) and \$10,633,000 of the general fund—federal appropriation (ARPA) are provided solely to expand eligibility for the working connections child care program to households at or below 60 percent of state median income, beginning October 1, 2021.

(v) \$1,549,000 of the general fund—federal appropriation (CRRSA) and \$982,000 of the general fund—federal appropriation (ARPA) are provided solely for the department to implement an infant rate enhancement for child care providers.

(g) \$21,215,000 of the general fund—federal appropriation (CRRSA) is provided solely for enrollment based payments from April 2022 through June 2022.

(h) On July 1, 2021, and July 1, 2022, the department, in collaboration with the department of social and health services, must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of overpayments in the working connections child care program. The report must include the following information for the previous fiscal year:

- (i) A summary of the number of overpayments that occurred;
- (ii) The reason for each overpayment;
- (iii) The total cost of overpayments;

(iv) A comparison to overpayments that occurred in the past two preceding fiscal years; and

(v) Any planned modifications to internal processes that will take place in the coming fiscal year to further reduce the occurrence of overpayments.

(6) Within available amounts, the department in consultation with the office of financial management shall report enrollments and active caseload for the working connections child care program to the governor and the legislative fiscal committees and the legislative-executive WorkFirst poverty reduction oversight task force on an agreed upon schedule. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(7) \$623,000 of the general fund—state appropriation for fiscal year 2022, \$935,000 of the general fund—state appropriation for fiscal year 2023, and \$6,701,000 of the general fund—federal appropriation are provided solely for the seasonal child care program.

(8) \$871,000 of the general fund—state appropriation for fiscal year 2022 and \$871,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department of children, youth, and families to contract with a countywide nonprofit organization with early childhood expertise in Pierce county for a pilot project to prevent child abuse and neglect using nationally recognized models.

(a) The nonprofit organization must continue to implement a countywide resource and referral linkage system for families of children who are prenatal through age five.

(b) The nonprofit organization must offer a voluntary brief newborn home visiting program. The program must meet the diverse needs of Pierce county residents and, therefore, it must be flexible, culturally appropriate, and culturally responsive. The department, in collaboration with the nonprofit organization,

must examine the feasibility of leveraging federal and other fund sources, including federal Title IV-E and medicaid funds, for home visiting provided through the pilot. The department must report its findings to the governor and appropriate legislative committees by September 1, 2022.

(9)(a) \$5,899,000 of the general fund—state appropriation for fiscal year 2022 and \$8,382,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. The department shall pursue opportunities to leverage other funding to continue and expand ECLIPSE services. Priority for services shall be given to children referred from the department.

(b) Of the amounts provided in this subsection (9), \$1,246,000 of the general fund—state appropriation for fiscal year 2022 and \$3,719,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the expansion of ECLIPSE services, pursuant to Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). Funding provided for the expansion of services is intended to serve new geographic areas not currently served by ECLIPSE services.

(10) The department shall place a ten percent administrative overhead cap on any contract entered into with the University of Washington. In a bi-annual report to the governor and the legislature, the department shall report the total amount of funds spent on the quality rating and improvements system and the total amount of funds spent on degree incentives, scholarships, and tuition reimbursements.

(11) \$1,728,000 of the general fund—state appropriation for fiscal year 2022 and \$1,728,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for reducing barriers for low-income providers to participate in the early achievers program.

(12) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

(13) \$4,000,000 of the education legacy trust account—state appropriation is provided solely for early intervention assessment and services.

(14) The department shall work with state and local law enforcement, federally recognized tribal governments, and tribal law enforcement to develop a process for expediting fingerprinting and data collection necessary to conduct background checks for tribal early learning and child care providers.

(15) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 202, Laws of 2017 (children's mental health).

(16) Within existing resources, the department shall implement chapter 409, Laws of 2019 (early learning access).

(17)(a) \$7,355,000 of the general fund—state appropriation for fiscal year 2022, \$11,126,000 of the general fund—state appropriation for fiscal year 2023, \$11,032,000 of the general fund—federal appropriation (CRRSA), and \$9,632,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). The legislature intends for the appropriations provided in this subsection to

stabilize and support child care providers and early learning contractors and to expand families' access to affordable, quality child care and early learning during and after the COVID-19 public health emergency. Of the amounts provided in this subsection:

(i) \$2,535,000 of the general fund—state appropriation for fiscal year 2022, \$2,535,000 of the general fund—state appropriation for fiscal year 2023, and \$4,604,000 of the general fund—federal appropriation (CRRSA) are provided solely for the implementation of complex needs funds.

(ii) \$966,000 of the general fund—federal appropriation (CRRSA) and \$1,836,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of trauma-informed care supports.

(iii) \$180,000 of the general fund—state appropriation for fiscal year 2022 and \$3,200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement dual language rate enhancements.

(iv) \$671,000 of the general fund—state appropriation for fiscal year 2022, \$656,000 of the general fund—state appropriation for fiscal year 2023, and \$3,982,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of equity grants.

(v) \$773,000 of the general fund—state appropriation for fiscal year 2022, \$958,000 of the general fund—state appropriation for fiscal year 2023, \$1,500,000 of the general fund—federal appropriation (CRRSA), and \$900,000 of the general fund—federal appropriation (ARPA) are provided solely for infant and early childhood mental health consultation.

(vi) \$365,000 of the general fund—federal appropriation (CRRSA) and \$495,000 of the general fund—federal appropriation (ARPA) are provided solely for the expansion of family, friend, and neighbor child care play and learn groups.

(vii) \$930,000 of the general fund—state appropriation for fiscal year 2022, \$1,075,000 of the general fund—state appropriation for fiscal year 2023, \$3,597,000 of the general fund—federal appropriation (CRRSA), and \$2,419,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of trainings, early achievers scholarships, and other professional development activities. Amounts provided in this subsection may be used to contract with a nonprofit organization that provides relationship-based professional development support to family, friend, and neighbor, child care center, and licensed family care providers.

(viii) \$1,585,000 of the general fund—state appropriation for fiscal year 2022 and \$2,196,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to expand the birth-to-three early childhood education and assistance program.

(ix) \$421,000 of the general fund—state appropriation for fiscal year 2022 and \$408,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to collaborate with the department of commerce on technical assistance to employers interested in providing child care to employees.

(b) The state and the representative for family child care providers must enter into bargaining over the implementation of grants and rate increases included in this proviso, and apply those increases consistent with the terms of this proviso and the agreement reached between the parties.

(18) \$265,000 of the general fund—state appropriation for fiscal year 2022 and \$265,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a statewide family resource and referral linkage system, with coordinated access point of resource navigators who will connect

families with children prenatal through age five with services, programs, and community resources through a facilitated referral and linkage process.

(19)(a) \$414,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to establish a pilot project to determine the feasibility of a child care license category for multi-site programs operating under one owner or one entity. The department shall adopt rules to implement the pilot project and may waive or adapt licensing requirements when necessary to allow for the operation of a new license category. Pilot participants must include, at least:

- (i) One governmental agency;
- (ii) One nonprofit organization; and
- (iii) One for-profit private business.

(b) New or existing license child care providers may participate in the pilot. When selecting and approving pilot project locations, the department shall aim to select a mix of rural, urban, and suburban locations. By July 1, 2024, the department shall submit to the relevant committees of the legislature recommendations on whether to permanently implement this license category and what, if any, changes are needed to law to accomplish this.

(20)(a) \$2,771,000 of the home visiting account—state appropriation for fiscal year 2022, \$5,299,000 of the home visiting account—state appropriation for fiscal year 2023, and \$3,000,000 of the general fund—federal appropriation (ARPA) are provided to expand home visiting services, enhance data collection, and support the local implementing agencies providing home visiting services. The department shall:

- (i) Contract with local implementing agencies to expand home visiting services by October 1, 2021; and
- (ii) Provide semiannual updates to the home visiting advisory committee established in RCW 43.216.130 that includes an updated number of families served in home visiting programs and a status of the home visiting services account balance.

(iii) The home visiting advisory committee established in RCW 43.216.130 shall make recommendations to the department and the legislature by June 1, 2022, containing strategies for supporting home visiting providers and serving additional families. Recommendations should include, but are not limited to, strategies in the 2019 report to the legislature *Opportunities and Considerations for Expanding Home Visiting Services in Washington State*, such as enhancing data system collections and reporting, professional development supports, and rate adjustments to reimburse for the true cost of service delivery.

(b) Of the amounts provided in (a) of this subsection, \$2,528,000 of the home visiting account—state appropriation for fiscal year 2023 and \$3,000,000 of the general fund—federal appropriation (ARPA) are (~~provided~~) for additional home visiting services in order to implement Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.).

(21) The appropriations in this section are sufficient funding to implement section 29 of Substitute Senate Bill No. 5151 (foster care & child care).

(22)(a) \$390,600,000 of the general fund—federal appropriation (ARPA) and \$9,400,000 of the general fund—federal appropriation (CARES) are provided solely for the department to distribute grants to child care providers to stabilize the child care industry as part of the state's response to the COVID-19 public health emergency. Child care providers are eligible for grants if they are eligible for child care development fund moneys or if they are licensed, regulated, or registered within the state. The funding provided in this subsection must be expended consistent with federal law. Of the amounts provided in this subsection:

- (i) (~~(\$27,342,000)~~) \$14,342,000 of the general fund—federal

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appropriation (ARPA) is provided solely for the department to administer the grant program, including but not limited to costs related to creating and administering the online grant application, providing technical assistance and support for applying for and accessing the grants, publicizing the availability of the grants, and processing applications on a rolling basis.

(ii) \$11,718,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to contract with an organization to provide language access support to child care providers during the grant application process, including but not limited to translation services, community-based support related to the grant application process, and other grant application support.

(iii) \$351,540,000 of the general fund—federal appropriation (ARPA) and \$9,400,000 of the general fund—federal appropriation (CARES) are provided solely for child care stabilization grants to eligible child care providers as defined in section 2202 of the American rescue plan act of 2021 (ARPA). In applying for grants, child care providers are expected to meet the certification requirements defined in section 2202(d)(2)(D)(i) of ARPA. To the extent practicable, at least 10 percent of each grant awarded to an eligible child care provider must be used for compensation increases to employees working at a provider's facility. The department must make its best efforts to distribute 75 percent of the funding provided in this subsection by January 1, 2022, with the remaining 25 percent distributed by June 30, 2022. To the extent practicable, the department must prioritize: Providers in child care deserts; providers serving or located in marginalized, low-income communities or communities of color; and providers that help support racial equity across the state. In processing applications, to the extent practicable the department must also prioritize grant applications that include funding for the following purposes:

- (A) Rent or mortgage payments;
- (B) Copayment or tuition waivers for families receiving care, including refunds or credits to families who are not attending but are paying tuition in order to maintain a child's spot in the facility;
- (C) Child care for historically disadvantaged populations;
- (D) Child care during the summer months;
- (E) Child care during nonstandard hours;
- (F) Child care for school-age children;
- (G) Outreach to families who may have stopped attending due to cost;
- (H) Mental health supports for children and employees;
- (I) Broadband access for child care providers that care for school-age children; and
- (J) Personnel costs, including compensation, benefits, health care premium pay, or paid leave.

(iv) \$13,000,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to administer noncompetitive workforce retention grants that will provide a one-time payment to on-site workers at providers meeting the licensing requirements outlined in (a) of this subsection (22) and who previously applied for a child care stabilization grant. The one-time payments will be the same amount for each worker. The department must make its best effort to distribute the funding by October 31, 2022.

(b) Nothing in this subsection changes the department's responsibility to collectively bargain over mandatory subjects consistent with RCW 41.56.028(3) or limits the legislature's authority to make programmatic modifications to licensed child care and early learning programs consistent with legislative reservation of rights under RCW 41.56.028(4)(d).

(23) \$500,000 of the general fund—federal appropriation (CARES) is provided solely for the department to hire two

temporary language access coordinators with specialties in Spanish and Somali to address immediate language access needs at the department related to COVID-19 child care relief and recovery in department programs, including but not limited to:

- (a) Translation of department materials;
- (b) Outreach to community organizations serving multilingual children and families regarding department programs;
- (c) Webinars and other technical assistance provided in Spanish and Somali for department programs; and
- (d) Other means of increasing language access and equity for early learning providers and caregivers in health and safety, licensing and regulations, and public funding opportunities for programs offered by the department.

(24) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$30,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to convene a work group that assesses and provides recommendations for creating new infrastructures and funding streams that support youth development. The work group must include representatives from community-based organizations providing youth development programs, including expanded learning, mentoring, school age child care, and wrap around supports and integrated student support. The department must report its findings and recommendations to the governor and legislature by September 1, 2022. The report must include the following recommendations:

- (a) Programmatic changes for breaking down silos and barriers for youth programming between state agencies;
- (b) The appropriate program within the department to develop meaningful youth-level, research-based prevention and promotion outcomes, and to support community-based organizations providing those outcomes;
- (c) The establishment of a state grant program to provide quality youth development opportunities for children and youth ages five through high school graduation; and
- (d) Strategies to increase access to youth development programs for prioritized populations such as children of color, foster children, children experiencing homelessness, and children involved in the justice system.

(25) \$5,548,000 of the general fund—federal appropriation (ARPA) is provided solely for allocations from federal funding as authorized in section 2014, the American rescue plan act of 2021, P.L. 117-2.

(26)(a) The department must provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license-exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(b) ECEAP early learning professionals must enter any new qualifications into the department's professional development registry starting in the 2015-16 school year, and every school year thereafter. By October 2017, and every October thereafter, the department must provide updated ECEAP early learning professional data to the education research data center.

(c) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(d) The education research and data center must provide an

**FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—PROGRAM SUPPORT**

General Fund—State Appropriation (FY 2022) ..	\$192,655,000
General Fund—State Appropriation (FY 2023)	
.....	(((\$207,977,000))
.....	\$231,197,000
General Fund—Federal Appropriation.....	(((\$190,601,000))
.....	\$168,612,000
General Fund—Private/Local Appropriation .....	(((\$459,000))
.....	\$579,000
Education Legacy Trust Account—State Appropriation	
.....	\$180,000
Home Visiting Services Account—State Appropriation	
.....	\$472,000
Home Visiting Services Account—Federal Appropriation	
.....	\$380,000
<b>TOTAL APPROPRIATION .....</b>	<b>(((\$592,724,000))</b>
.....	<b>\$594,075,000</b>

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

(1) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a Washington state mentoring organization to continue its public-private partnerships providing technical assistance and training to mentoring programs that serve at-risk youth.

(2)(a) \$1,000 of the general fund—state appropriation for fiscal year 2022, \$1,000 of the general fund—state appropriation for fiscal year 2023, and \$2,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 945 of this act.

(b) \$6,000 of the general fund—state appropriation for fiscal year 2023 and \$2,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for fiscal year 2023 as provided in section 938 of this act.

(3) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a full-time employee to coordinate policies and programs to support pregnant and parenting individuals receiving chemical dependency or substance use disorder treatment.

(4) \$505,000 of the general fund—state appropriation for fiscal year 2022 and \$505,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to collaborate with the office of the superintendent of public instruction to complete a report with options and recommendations for administrative efficiencies and long-term strategies that align and integrate high-quality early learning programs administered by both agencies and consistent with implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care dev. exp.). The report, due September 1, 2022, shall address capital needs, data collection and data sharing, licensing changes, quality standards, options for community-based and school-based settings with inclusive facilities and operations, fiscal modeling, statutory changes needed to achieve administrative efficiencies, and all other requirements of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.).

(5) Within existing resources, the department shall submit a

updated report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data every March for the previous school year.

(e) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

(27) Funding in this section is sufficient for the department to collaborate with the department of commerce to jointly convene and facilitate a child care collaborative task force to continue the work of the task force created in chapter 368, Laws of 2019 (2SHB 1344) to establish a true cost of quality of child care. The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by November 1, 2022.

(28) \$900,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to provide early childhood education and assistance program services during July and August of 2021 to address learning loss and to meet the unique educational and other needs of 468 children whose enrollment was interrupted or delayed due to the COVID-19 public health emergency.

(29) \$260,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to implement an infant and early childhood mental health consultation initiative to support tribal child care and early learning programs. Funding may be used to provide culturally congruent infant and early childhood mental health supports for tribal child care, tribal early childhood education and assistance program, and tribal head start providers. The department must consult with federally recognized tribes which may include round tables through the Indian policy early learning committee.

(30) \$640,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to help expand and support family, friend, or neighbor caregivers with a focus on the provision of play and learn groups. Funding provided in this subsection may be used for the department to:

(a) Fund consistent staffing across the state's six geographic regions to support the needs of family, friend, or neighbor caregivers;

(b) Contract with a statewide child care resource and referral program to sustain and expand the number of facilitated play groups to meet the needs of communities statewide;

(c) Support existing infrastructure for organizations that have developed the three existing play and learn program models so they have capacity to provide training, technical assistance, evaluation, data collection, and other support needed for implementation; and

(d) Provide direct implementation support to community-based organizations that offer play and learn groups.

(31) \$1,267,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to pay the application and fingerprint processing fees on behalf of child care providers to reduce the time involved to complete background checks.

(32) \$900,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington communities for children for costs to complete its work pursuant to a federal preschool development grant that expires at the end of calendar year 2022. Allowable costs are only those incurred from January 2023 through June 2023.

**Sec. 1225.** 2022 c 297 s 230 (uncodified) is amended to read as follows:

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brief report to the governor and appropriate legislative committees by December 1, 2022, outlining options for creating a new dedicated account for adoption support that will meet 42 U.S.C. Sec. 473 requirements. The report shall include a methodology for calculating savings in a manner that can be incorporated into the adoption support forecast budget process, statutory needs, and expenditure guidelines for the account.

(6) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a statewide nonprofit with demonstrated capability of partnering with state agencies and community organizations to develop public-facing regionalized data dashboards and reports to support the goals of the department and the early learning advisory council, pursuant to Engrossed Second Substitute Senate Bill No. 5237 (child care & early learning dev. exp.).

(7) \$2,500,000 of the general fund—state appropriation for fiscal year 2022, \$2,500,000 of the general fund—state appropriation for fiscal year 2023, and \$5,000,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1227 (child abuse allegations).

(8) \$20,000 of the general fund—state appropriation for fiscal year 2022 and \$20,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5118 (reentry).

(9) \$6,532,000 of the general fund—state appropriation for fiscal year 2022, \$7,385,000 of the general fund—state appropriation for fiscal year 2023, and \$6,083,000 of the general fund—federal appropriation (CRRSA) are provided solely for the department to migrate the social service payment system to a cloud-based payment system in order to implement child care stabilization grants, child care subsidy rate enhancements, and other payments intended to support child care providers during and after the COVID-19 public health emergency, to implement changes to the social service payment system necessary to implement these payments, and for other improvements necessary for the successful implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). The amounts in this section are subject to the conditions, limitations, and review provided in section 701 of this act.

(10) \$250,000 of the general fund—federal appropriation (CARES) is provided solely for the department to develop or contract to develop a language access plan that addresses equity and access for immigrant, multilingual providers, caregivers, and families. The plan must be submitted to the appropriate committees of the legislature by June 30, 2022. The plan must include, but is not limited to, the following:

(a) A needs assessment and staffing recommendation for program accessibility at the department for individuals with limited English and a geographic landscape analysis of language needs for providers, caregivers, and families in their interactions with the department;

(b) A review of successful language access policies and practices in public agencies to effectively address the needs of non-English speaking families, providers, and other stakeholders;

(c) An alignment of best practices across the department in multilingual workforce development;

(d) A framework for proactive community engagement to provide child care providers, early learning providers, or families that speak languages other than English access to information and support in navigating English-dominant state resources at the department;

(e) Recommendations for a continuous improvement model of measuring progress and success in language access at the

department; and

(f) Compliance with federal and state laws at the department.

(11) \$40,000 of the general fund—federal appropriation (CRRSA) is provided solely for the department to establish a process for informing, upon clearance of required background checks, employees of licensed family home, center-based, and outdoor nature-based childcares about available financial supports and options for accessing health coverage. On at least an annual basis, no less than 45 days before the start of open-enrollment, the department must share with the health benefits exchange (exchange) and designated navigator organizations, but no additional third-party entity, workforce data identifying licensed childcare employees for the sole purpose of outreach, enrollment, verification, and other program implementation activities identified by the exchange. The department must share with the exchange and designated navigator organizations, but no additional third-party entity, workforce data identifying newly licensed childcare employees on an ongoing basis as needed during the plan year for the sole purpose of outreach, enrollment, verification, and other program implementation activities identified by the exchange.

(12) \$1,494,000 of the general fund—federal appropriation is provided solely for the department to implement the family first prevention services act requirements, including technology enhancements to support the automated assessments, data quality, and reporting requirements. Funding provided in this subsection is subject to the conditions, limitations, and review provided in section 701 of this act.

(13) \$267,000 of the general fund—state appropriation for fiscal year 2022, \$717,000 of the general fund—state appropriation for fiscal year 2023, and \$223,000 of the general fund—federal appropriation are provided solely for the implementation of Second Substitute House Bill No. 1219 (youth counsel/dependency).

(14) \$85,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1295 (institutional ed/release).

(15) \$848,000 of the general fund—state appropriation for fiscal year 2022, \$848,000 of the general fund—state appropriation for fiscal year 2023, and \$384,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1194 (parent-child visitation).

(16) \$1,292,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to expand its housing pilot to two additional sites. The housing pilot will serve hard-to-place foster youth who are at least 16 years old with housing and intensive case management.

(17) \$32,000 of the general fund—state appropriation for fiscal year 2022, \$64,000 of the general fund—state appropriation for fiscal year 2023, and \$24,000 of the general fund—federal appropriation are provided solely for the extraordinary litigation expenses of the attorney general's office related to the case of *D.S., et al. v. DCYF*, United States district court western district of Washington case no. 2:21-cv-00111-BJR.

(18) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with a nonprofit organization to provide culturally relevant support services to children and families when a child is removed from their parents due to potential abuse or neglect as defined in RCW 26.44.020(1). The nonprofit organization must have experience providing culturally relevant support services to children and families through daycare, the early childhood education and assistance program, and department of social and health services contracted services.

(19) \$65,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1747 (child relative placements). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(20) \$341,000 of the general fund—state appropriation for fiscal year 2023 and \$85,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1905 (homelessness/youth discharge). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(21) \$26,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 2068 (imagination library). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(22) \$30,000 of the general fund—state appropriation for fiscal year 2022 and \$70,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department of children, youth, and families to partner with the department of commerce to codesign community-based family reconciliation services to assess and stabilize youth and families in crisis through primary prevention services. The codesign team shall include youth and families with lived experience, tribes, child welfare professionals, community-based providers, and representatives from state and local agencies, including the department of social and health services, the health care authority, the office of the superintendent of public instruction, the employment security department, and juvenile court administrators. The codesign team must develop a community-based family reconciliation services program model that addresses entry points to services, program eligibility, utilization of family assessments, provision of concrete economic supports, referrals to and utilization of in-home services, and the identification of trauma-informed and culturally responsive practices. Preliminary recommendations from the codesign team must be submitted to the governor and appropriate legislative committees no later than December 1, 2022, with the annual family reconciliation services data required under RCW 13.32A.045.

(23) \$83,000 of the general fund—state appropriation for fiscal year 2023 and \$12,000 of the general fund—federal appropriation is provided solely for the phase-in of the settlement agreement under *D.S. et al. v. Department of Children, Youth, and Families et al.*, United States district court for the western district of Washington, cause no. 2:21-cv-00113-BJR. The department 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 monitoring and implementation.

**PART XIII  
NATURAL RESOURCES  
SUPPLEMENTAL**

**Sec. 1301.** 2022 c 297 s 301 (uncodified) is amended to read as follows:

**FOR THE COLUMBIA RIVER GORGE COMMISSION**

General Fund—State Appropriation (FY 2022).....	\$752,000
General Fund—State Appropriation (FY 2023).....	<del>(\$845,000)</del>
.....	<u>\$1,195,000</u>
General Fund—Federal Appropriation .....	\$32,000
General Fund—Private/Local Appropriation.....	\$1,374,000
TOTAL APPROPRIATION.....	<del>(\$3,003,000)</del>
.....	<u>\$3,353,000</u>

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

(1) \$94,000 of the general fund—state appropriation for fiscal year 2022 and \$94,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a land use planner to provide land use planning services dedicated to Klickitat county. Because the activities of the land use planner are solely for the benefit of Washington state, Oregon is not required to provide matching funds for this activity.

(2) \$88,000 of the general fund—state appropriation for fiscal year 2022, \$125,000 of the general fund—state appropriation for fiscal year 2023, and \$213,000 of the general fund—private/local appropriation are provided solely for the access database replacement project, and is subject to the conditions, limitations, and review provided in section 701 of this act.

**Sec. 1302.** 2022 c 297 s 303 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM**

General Fund—Federal Appropriation.....	<del>(\$754,000)</del>
.....	<u>\$951,000</u>
Pollution Liability Insurance Agency Underground Storage Tank Revolving Account—State Appropriation .....	<del>(\$957,000)</del>
.....	<u>\$952,000</u>
Pollution Liability Insurance Program Trust Account—State Appropriation .....	<del>(\$1,427,000)</del>
.....	<u>\$1,422,000</u>
TOTAL APPROPRIATION .....	<del>(\$3,138,000)</del>
.....	<u>\$3,325,000</u>

**Sec. 1303.** 2022 c 297 s 304 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund—State Appropriation (FY 2022) ...	\$29,496,000
General Fund—State Appropriation (FY 2023) .....	<del>(\$33,312,000)</del>
.....	<u>\$33,914,000</u>
General Fund—Federal Appropriation.....	\$7,154,000
Winter Recreation Program Account—State Appropriation .....	\$4,906,000
Millersylvania Park Current Account—State Appropriation .....	\$5,000
ORV and Nonhighway Vehicle Account—State Appropriation .....	\$387,000
Snowmobile Account—State Appropriation .....	\$5,682,000
Aquatic Lands Enhancement Account—State Appropriation .....	\$367,000
Parks Renewal and Stewardship Account—State Appropriation .....	<del>(\$142,302,000)</del>
.....	<u>\$143,710,000</u>
Parks Renewal and Stewardship Account—Private/Local Appropriation .....	\$420,000
TOTAL APPROPRIATION .....	<del>(\$224,031,000)</del>
.....	<u>\$226,041,000</u>

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

(1) \$129,000 of the general fund—state appropriation for fiscal year 2022 and \$129,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant for the operation of the Northwest weather and avalanche center.

(2) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to pay assessments charged by local improvement districts.

(3) \$406,000 of the general fund—state appropriation for fiscal year 2022, \$322,000 of the general fund—state appropriation for

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fiscal year 2023, and \$88,000 of the parks renewal and stewardship account—state appropriation are provided solely for operating budget impacts from capital budget projects funded in the 2019-2021 fiscal biennium.

(4) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$464,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for an update to the Seashore conservation area survey and plan.

(5) \$130,000 of the general fund—state appropriation for fiscal year 2022 and \$130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to hire a diversity, equity, and inclusion coordinator to expand the diversity of the agency's workforce.

(6) \$85,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the facilitation of a work group that includes representation from the state parks and recreation commission, the commission on African American affairs, and stakeholders with expertise of the black experience in outdoor recreation to identify barriers to inclusion and develop recommendations to increase participation of Black Washingtonians in the state parks system and other outdoor recreation spaces and public parks. The work group will be selected by the governor's office and will consist of at least twelve participants representing diverse geographic, socioeconomic, and experiential backgrounds. The parks commission will enter into an interagency agreement with the commission on African American affairs to procure a contractor to facilitate the work group and develop a report with recommendations. The amount provided in this subsection may also be used for a survey or focus group to assess the needs of Black Washingtonians related to state parks and outdoor recreation. The work group will submit a report to the governor's office and appropriate committees of the legislature no later than April 1, 2022.

(7) \$7,900,000 of the general fund—state appropriation for fiscal year 2022 and \$7,900,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to increase customer service, conduct more custodial maintenance, expand interpretive services, accelerate work on preventative maintenance and improve the conditions of park facilities, and expand public safety.

(8) \$90,000 of the general fund—state appropriation for fiscal year 2022 and \$6,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data).

(9) \$76,000 of the general fund—state appropriation for fiscal year 2022 and \$757,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to address needs identified in the "2017 vulnerability assessment" conducted by the climate impacts group.

(10) \$114,000 of the general fund—state appropriation for fiscal year 2022 and \$705,000 of the general fund—state appropriation for 2023 are provided solely for the commission to dedicate resources to government-to-government consultations with Indian tribes and implement executive order 21-02, archaeological and cultural resources.

(11)(a) \$160,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a contract with a statewide trail maintenance and hiking nonprofit organization to provide the emerging leaders program: expanding equity in the outdoors. The goal of the program is expanding both the number and diversity of trained, qualified individuals available for employment in the outdoor recreation and natural resource management sectors.

(b) The program must demonstrate a commitment to diversity, equity, and inclusion by providing a safe and supportive

environment for individuals of diverse backgrounds, including those who have been historically underrepresented in the outdoor recreation and natural resource sectors, such as indigenous people and people of color.

(c) The program must provide both technical outdoor skills training and professional development opportunities that include, but are not limited to, outdoor leadership, representation in the outdoors, and team building.

(12) \$1,250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to address the maintenance backlog associated with providing recreation on lands managed by the commission. Allowable uses include, but are not limited to, general maintenance of facilities and grounds, equipment, and construction materials, and maintenance of trails and trailheads, restrooms, campgrounds, picnic sites, water access areas, signs, kiosks, and access roads. The commission is encouraged to partner with nonprofit organizations in the maintenance of public lands.

(13) \$5,500,000 of the parks renewal and stewardship account—state appropriation is provided solely for the commission to replace major equipment that has been used for over 15 years. The commission must prioritize selecting electric motors over gasoline engines when the option is available and the machinery is compatible for the intended task.

**Sec. 1304.** 2022 c 297 s 305 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

General Fund—State Appropriation (FY 2022) .....	\$4,273,000
General Fund—State Appropriation (FY 2023)	
.....	(\$29,175,000)
.....	<u>\$4,175,000</u>
General Fund—Federal Appropriation.....	\$4,329,000
General Fund—Private/Local Appropriation .....	\$24,000
Aquatic Lands Enhancement Account—State	
Appropriation .....	\$385,000
Firearms Range Account—State Appropriation.....	\$37,000
Recreation Resources Account—State Appropriation	
.....	\$4,355,000
NOVA Program Account—State Appropriation....	\$1,486,000
Youth Athletic Facility Nonappropriated Account—	
State Appropriation .....	\$181,000
<del>(Salmon Recovery Account State Appropriation</del>	
<del>.....</del>	<del>\$75,000,000)</del>
<b>TOTAL APPROPRIATION .....</b>	<b>(\$119,245,000)</b>
.....	<u>\$19,245,000</u>

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

(1) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to pass through to the Spokane tribe of Indians for a pilot study of salmon migratory behavior and survival upstream of the Chief Joseph and Grand Coulee dams.

(2)(a) \$375,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to conduct a comprehensive equity review of state grant programs administered by the office. The office may, in consultation with the interested parties identified in (d) of this subsection, contract with a consultant to assist with the community engagement and review necessary to complete this review process.

(b) The purposes of this comprehensive equity review are:  
 (i) To reduce barriers to historically underserved populations' participation in recreation and conservation office grant programs;



(ii) To redress inequities in existing recreation and conservation office policies and programs; and

(iii) To improve the equitable delivery of resources and benefits in these programs.

(c) In completing the comprehensive equity review required under this section, the office shall:

(i) Identify changes to policy and operational norms and practices in furtherance of the equity review purposes identified in (b) of this subsection;

(ii) Identify new investments and programs that prioritize populations and communities that have been historically underserved by conservation and recreation policies and programs; and

(iii) Include consideration of historic and systemic barriers that may arise due to any of the following factors: Race, ethnicity, religion, income, geography, disability, and educational attainment.

(d) The office must collaborate with: (i) The Washington state commission on African American affairs; (ii) the Washington state commission on Asian Pacific American affairs; (iii) the Washington state commission on Hispanic affairs; (iv) the governor's office of Indian affairs; (v) the governor's committee on disability issues and employment; (vi) the office of equity; (vii) the office of minority and women's business enterprises; (viii) the environmental justice council if established by passage of Engrossed Second Substitute Senate Bill No. 5141; and (ix) other interested parties as appropriate to develop and conduct a community engagement process to inform the review.

(e) The office must complete the comprehensive equity review under this section and submit a final report, containing all of the elements and considerations specified in this section, to the legislature by June 30, 2022.

(3) \$76,000 of the general fund—state appropriation for fiscal year 2022 and \$76,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1382 (salmon recovery projects).

(4) \$200,000 of the general fund—federal appropriation, \$12,000 of the general fund—private/local appropriation, and \$116,000 of the aquatic lands enhancement account—state appropriation are provided solely for the implementation of Senate Bill No. 5063 (invasive species council expiration).

(5) \$37,000 of the firearms range account—state appropriation is provided solely to the recreation and conservation funding board for administration of the firearms range grant program as described in RCW 79A.25.210.

(6) \$4,355,000 of the recreation resources account—state appropriation is provided solely to the recreation and conservation funding board for administrative and coordinating costs of the recreation and conservation office and the board as described in RCW 79A.25.080(1).

(7) \$1,486,000 of the NOVA program account—state appropriation is provided solely to the recreation and conservation funding board for administration of the nonhighway and off-road vehicle activities program as described in chapter 46.09 RCW.

(8) \$1,809,000 of the general fund—state appropriation for fiscal year 2022 and \$1,809,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization with a mission for salmon and steelhead restoration to install near-term solutions to prevent steelhead mortality at the Hood Canal bridge.

(9) \$140,000 of the general fund—state appropriation for fiscal year 2022 and \$140,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the governor's salmon

recovery office to coordinate ongoing recovery efforts of southern resident orcas and monitor progress toward implementation of recommendations from the governor's southern resident killer whale task force.

(10) \$175,000 of the youth athletic facility nonappropriated account—state appropriation is provided solely for a task force to consider ways to improve equitable access to K-12 schools' fields and athletic facilities and local parks agency facilities with the goal of increasing physical activity for youth and families. The task force shall be created and managed by the recreation and conservation office. A portion of the funds must be used to inventory K-12 school fields and athletic facilities and park agency facilities, and for joint use agreements for these facilities. The task force participants must represent geographic diversity and must include representatives from the office of the superintendent of public instruction, the Washington association of school administrators, the association of Washington principals, and the Washington recreation and parks association; participants with a background in public health; and stakeholders who represent diverse communities and communities of color. The task force shall consider joint use agreements, partnerships, improved scheduling practices with local parks agencies including facility rental fees, and other strategies, and submit a report with best practices and policy recommendations to the recreation and conservation funding board. A final report from the board must be submitted to the governor's office and legislature no later than February 1, 2022.

(11) \$209,000 of the general fund—state appropriation for fiscal year 2022 and \$209,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to contract for implementation of the Nisqually watershed stewardship plan.

(12) \$30,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office to facilitate the transfer of management authority over the project known as the beach lake conservation area from the current owner to a tribal government or local public government entity. If the current owner does not accept the offer to transfer management authority, then the office must pursue all legal means to enforce the right of public access consistent with the deed restrictions as set forth in the contract PSAR #15-1045. The amount provided in this subsection is intended to secure daily public access, during daylight hours, with minimal closures to the beach lake conservation area.

(13) \$345,000 of the general fund—state appropriation for fiscal year 2022 and \$345,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the connections program to provide outdoor learning experiences and virtual learning support for vulnerable youth in the Blaine and Mount Baker school districts. Of the amounts provided in this subsection, \$25,000 in each fiscal year is provided solely for an organization in Whatcom county that increases access to environmental education.

(14) \$139,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the governor's salmon recovery office to implement the governor's salmon recovery strategy update by convening the natural resources sub-cabinet on a regular basis and developing biennial statewide work priorities with a recommended budget for salmon recovery pursuant to RCW 77.85.030(4)(e) that align with tribal priorities and regional salmon recovery plans. The office shall submit the biennial implementation plan to the governor's office and the office of financial management no later than October 31, 2022.

(15) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the governor's salmon recovery office to provide a grant to the Spokane Tribe of Indians

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for purposes of forming a Spokane river watershed lead entity pursuant to RCW 77.85.050(1) and developing a habitat restoration strategy to support reintroduction of salmon upstream of Chief Joseph and Grand Coulee dams.

(16) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for motorized and nonmotorized boater education and outreach on Lake Union, with a specific goal of preventing boat and airplane conflicts on the lake during peak recreation season, given the provisions of United States coast guard navigation rules that seaplanes must in general keep well clear of other vessels. The office may grant funding to local or federal government agencies or nonprofit organizations. The office must publish a publicly available summary report by June 30, 2023, on funding recipients, uses of the funding, and the successes and failures of programs funded. Funding provided in this subsection may not be used to preclude or restrict public use of Lake Union, including recreational, commercial, or tribal use of the waters of the state.

~~((17) \$50,000,000 of the salmon recovery account—state appropriation is provided solely for the salmon recovery board to provide grants for projects valued at greater than \$5,000,000 each that will benefit salmon recovery.~~

~~(18) \$25,000,000 of the salmon recovery account—state appropriation is provided solely for the salmon recovery board to provide grants for watershed projects typically valued at less than \$5,000,000 each that will benefit salmon recovery.~~

~~(19) \$25,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to provide a grant for the Duckabush estuary restoration project.)~~

**Sec. 1305.** 2022 c 297 s 306 (uncodified) is amended to read as follows:

**FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE**

General Fund—State Appropriation (FY 2022).....	\$2,735,000
General Fund—State Appropriation (FY 2023).( <del>(\$2,981,000)</del> )	
.....	<u>\$3,006,000</u>
<u>Climate Investment Account—State Appropriation ..</u>	<u>\$311,000</u>
TOTAL APPROPRIATION.....( <del>(\$5,716,000)</del> )	
.....	<u>\$6,052,000</u>

**Sec. 1306.** 2022 c 297 s 307 (uncodified) is amended to read as follows:

**FOR THE CONSERVATION COMMISSION**

General Fund—State Appropriation (FY 2022)....	\$11,189,000
General Fund—State Appropriation (FY 2023)....	\$19,405,000
General Fund—Federal Appropriation .....	\$2,482,000
General Fund—Private/Local Appropriation.....	\$100,000
Public Works Assistance Account—State Appropriation	
.....	<u>\$8,464,000</u>
Model Toxics Control Operating Account—State	
Appropriation.....	\$1,110,000
( <del>(Salmon Recovery Account State Appropriation</del>	
.....)	<del>(\$15,000,000)</del>
TOTAL APPROPRIATION.....( <del>(\$57,750,000)</del> )	
.....	<u>\$42,750,000</u>

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

(1) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 and \$100,000 of the general fund—private/local appropriation are provided solely for the sustainable farms and fields program created in RCW 89.08.615 to provide technical assistance, education, and outreach to promote carbon storage and reduce greenhouse gas emissions. Grant funds may be used to promote cover crops, cost-share opportunities such as purchases of equipment, seeds, soil amendments, and development of

conservation plans that increase carbon storage and reduce greenhouse gas emissions.

(2) \$1,500,000 of the general fund—state appropriation for fiscal year 2022 and \$1,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for conservation district technical assistance, project cultural resources review, project engineering, agency administration, and cost-share grants to landowners for recovery from wildfire damage, including, but not limited to, rebuilding fences, seeding unstable slopes, controlling weeds, and planting shrubs and trees for wildlife habitat.

(3) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$40,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to:

(a) Enter into an agreement with the department of ecology for a water bank in Okanogan county, which must focus solely on retaining agricultural water rights for use by other agricultural producers in the watershed of origin; and

(b) Report to the appropriate committees of the legislature by December 31, 2022, on the effectiveness of the Okanogan water bank at retaining agricultural water rights, and the potential for developing additional water banks in Washington using this model.

(4) \$8,464,000 of the public works assistance account—state appropriation is provided solely for implementation of the voluntary stewardship program. This amount may not be used to fund agency indirect and administrative expenses.

(5) \$170,000 of the general fund—state appropriation for fiscal year 2022 and \$170,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to continue to convene and facilitate a food policy forum.

(6) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to share evenly with conservation districts to increase assistance to landowners to achieve environmental stewardship and agricultural sustainability.

(7) \$23,000 of the general fund—state appropriation for fiscal year 2022 and \$4,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5253 (pollinator health).

(8) \$1,300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the commission to develop a riparian plant propagation program of native trees and shrubs to implement riparian restoration projects that meet riparian zone requirements established by the department of fish and wildlife. Plants will be made available for free or at a reduced cost to restoration projects.

(9) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 (~~(and \$5,000,000 of the salmon recovery account—state appropriation are)~~) is provided solely for the purposes of the conservation reserve enhancement program, including additional project management and cost-share funding.

(10)(a) \$125,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to provide a grant to the King county conservation district for a pilot program to reduce the impacts of artificial lighting on or near the water (on-water lighting) on the behavior of salmon and other aquatic life in Lake Sammamish. The grant funding may be used for:

(i) Supporting local efforts to develop a model ordinance to reduce on-water lighting impacts on salmon for new and existing construction;

(ii) Education and outreach on the impacts of on-water lighting;

(iii) Development of methods to reduce the impacts of on-water lighting; and

(iv) A contract with the United States geologic survey to conduct a baseline survey of artificial light levels, including light location and intensity along the Lake Sammamish nearshore, artificial light hotspots, and a survey report.

(b) The department must report to the appropriate committees of the legislature by June 30, 2023, on the use of the funding in this subsection and the resulting reductions in on-water lighting.

(11) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 2051 (agricultural disaster assist). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(12) \$60,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the commission to grant to the Washington resource conservation and development council to complete a community wildfire protection plan.

(13) \$2,700,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the commission to make available to local conservation districts for project engineering services to enable permit and design work for conservation projects.

~~((14) \$10,000,000 of the salmon recovery account—state appropriation is provided solely for the commission to provide grants for riparian restoration projects with landowners-))~~

**Sec. 1307.** 2022 c 297 s 308 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund—State Appropriation (FY 2022)	(( <del>\$99,986,000</del> ))
.....	<u>\$99,706,000</u>
General Fund—State Appropriation (FY 2023)	(( <del>\$153,153,000</del> ))
.....	<u>\$153,712,000</u>
General Fund—Federal Appropriation .....	(( <del>\$133,906,000</del> ))
.....	<u>\$133,920,000</u>
General Fund—Private/Local Appropriation...	(( <del>\$64,980,000</del> ))
.....	<u>\$64,982,000</u>
ORV and Nonhighway Vehicle Account—State	
Appropriation.....	\$678,000
Aquatic Lands Enhancement Account—State	
Appropriation.....	(( <del>\$12,663,000</del> ))
.....	<u>\$12,746,000</u>
Recreational Fisheries Enhancement Account—State	
Appropriation.....	(( <del>\$3,363,000</del> ))
.....	<u>\$3,466,000</u>
Warm Water Game Fish Account—State Appropriation	\$3,481,000
Eastern Washington Pheasant Enhancement Account—	
State Appropriation.....	\$865,000
Limited Fish and Wildlife Account—State	
Appropriation.....	(( <del>\$39,217,000</del> ))
.....	<u>\$39,229,000</u>
Special Wildlife Account—State Appropriation....	\$2,911,000
Special Wildlife Account—Federal Appropriation....	\$520,000
Special Wildlife Account—Private/Local Appropriation	\$3,688,000
.....	<u>\$3,688,000</u>
Wildlife Rehabilitation Account—State Appropriation	\$661,000
.....	<u>\$661,000</u>
Ballast Water and Biofouling Management Account—	
State Appropriation.....	\$10,000
Regional Fisheries Enhancement Salmonid Recovery	
Account—Federal Appropriation .....	\$5,001,000
Oil Spill Prevention Account—State Appropriation	\$1,219,000
.....	<u>\$1,219,000</u>

Aquatic Invasive Species Management Account—State	
Appropriation .....	\$1,037,000
Model Toxics Control Operating Account—State	
Appropriation .....	\$2,979,000
Fish, Wildlife, and Conservation Account—State	
Appropriation .....	(( <del>\$77,589,000</del> ))
.....	<u>\$77,795,000</u>
Oyster Reserve Land Account—State Appropriation	\$524,000
(( <del>Salmon Recovery Account State Appropriation</del> ))	(( <del>\$3,000,000</del> ))
.....	<u>\$3,000,000</u>
TOTAL APPROPRIATION .....	(( <del>\$611,431,000</del> ))
.....	<u>\$609,130,000</u>

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

(1) \$45,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Substitute House Bill No. 1054 (peace officer tactics, equip).

(2) \$29,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1310 (uses of force by officers).

(3) \$534,000 of the general fund—state appropriation for fiscal year 2022 and \$472,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1382 (salmon recovery projects).

(4) \$1,777,000 of the general fund—state appropriation for fiscal year 2022 and \$1,777,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to grant to the northwest Indian fisheries commission for hatchery operations that are prioritized to increase prey abundance for southern resident orcas, including \$200,000 per fiscal year for tagging and marking costs, and the remainder to grant to tribes in the following amounts per fiscal year: \$150,000 for the Quinalt Indian Nation, \$199,000 for the Tulalip Tribes, \$268,000 for the Quileute Tribe, \$186,000 for the Puyallup Tribe, \$122,000 for the Port Gamble S'Klallam Tribe, \$25,000 for the Muckleshoot Indian Tribe, \$207,000 for the Squaxin Island Tribe, \$142,000 for the Skokomish Indian Tribe, and \$278,000 for the Lummi Nation. It is the intent of the legislature to continue this funding in future biennia.

(5) \$330,000 of the general fund—state appropriation for fiscal year 2022 and \$330,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide to the Yakama Nation for hatchery operations that are prioritized to increase prey abundance for southern resident orcas. It is the intent of the legislature to continue this funding in future biennia.

(6) \$175,000 of the general fund—state appropriation for fiscal year 2022 and \$175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to grant to public utility districts for additional hatchery production that is prioritized to increase prey abundance for southern resident orcas. It is the intent of the legislature to continue this funding in future biennia.

(7) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the department for hatchery maintenance.

(8) \$3,139,000 of the general fund—state appropriation for fiscal year 2022 and \$467,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to pay for emergency fire suppression costs. These amounts may not be used to fund agency indirect and administrative expenses.

(9) \$503,000 of the general fund—state appropriation for fiscal year 2022, \$503,000 of the general fund—state appropriation for fiscal year 2023, and \$440,000 of the general fund—federal

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appropriation are provided solely for county assessments.

(10) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the United States army corps of engineers.

(11) \$555,000 of the general fund—state appropriation for fiscal year 2022 and \$558,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for operating budget impacts from capital budget projects funded in the 2019-2021 and 2021-2023 fiscal biennia.

(12) \$477,000 of the general fund—state appropriation for fiscal year 2022 and \$477,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to develop conflict mitigation strategies for wolf recovery and staff resources in northeast Washington for response to wolf-livestock conflicts. The department must provide focus on minimizing wolf-livestock issues in the Kettle range. The department is discouraged from the use of firearms from helicopters for removing wolves.

(13) \$251,000 of the general fund—state appropriation for fiscal year 2022 and \$251,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for suppression, eradication, and monitoring of northern pike in the Columbia river. The department must work with the Spokane Tribe of Indians, the Confederated Tribes of the Colville Reservation, and the Kalispel Tribe of Indians on identifying appropriate actions to reduce threats to anadromous salmon from invasive northern pike.

(14) \$753,000 of the general fund—state appropriation for fiscal year 2022 and \$753,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expanded management of pinniped populations on the lower Columbia river and its tributaries with the goal of increasing chinook salmon abundance and prey availability for southern resident orcas.

(15) \$1,262,000 of the general fund—state appropriation for fiscal year 2022 and \$1,262,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the costs for the department to maintain shellfish sanitation activities necessary to implement its memorandum of understanding with the department of health to ensure the state is compliant with its federal obligations under the model ordinance of the national shellfish sanitation program.

(16) \$603,000 of the general fund—state appropriation for fiscal year 2022 and \$603,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to create a statewide permittee assistance program as part of hydraulic project approvals, in which department staff collaborate with landowners during construction to help resolve risks of permit noncompliance.

(17) \$470,000 of the general fund—state appropriation for fiscal year 2022 and \$470,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to expand efforts to survey the diets of seals and sea lions in Puget Sound and identify nonlethal management actions to deter them from preying on salmon and steelhead.

(18) \$518,000 of the general fund—state appropriation for fiscal year 2022 and \$519,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to continue to provide policy and scientific support to the department of ecology regarding surface and groundwater management issues as part of implementing chapter 90.94 RCW streamflow restoration.

(19) \$271,000 of the general fund—state appropriation for fiscal year 2022 and \$271,000 of the general fund—state

appropriation for fiscal year 2023 are provided solely for the implementation of chapter 291, Laws of 2019 (southern resident orca whales—protection from vessels), contracts with nonprofit organizations to monitor vessel traffic and educate boaters to be whale wise, and participation in other orca recovery efforts.

(20) Within amounts appropriated in this section, the department, in coordination with statewide law enforcement agencies, must provide a report to the legislature by January, 2022 on the number of cougars reported to the department as harvested by local government law enforcement agencies, training opportunities provided to local law enforcement agencies, and how cougar removals by local enforcement agencies impact the department's cougar management strategies.

(21) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement priority actions in the state pinto abalone recovery plan. Of the amounts provided, \$85,000 each fiscal year must be used to locate, monitor, and safeguard wild populations of pinto abalone along the strait of Juan de Fuca, outer coast, and San Juan islands and the remaining amounts must be granted to the Puget Sound restoration fund to increase production, diversity, and resilience of out-planted abalone.

(22) \$315,000 of the general fund—state appropriation for fiscal year 2022 and \$315,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to research and monitor the impacts of polychlorinated biphenyls (PCB) on indicator species. The department must coordinate with the department of ecology on implementation of this subsection.

(23) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to conduct an evaluation of the forest practices adaptive management program. The evaluation will be carried out generally consistent with the proposal provided to the timber, fish, and wildlife (TFW) policy committee in January 2020 titled *Assessing Changes in Uncertainty During Adaptive Management: A Case Study of the Washington State Forest Practices Habitat Conservation Plan*. To the extent practicable, the evaluation shall satisfy the cooperative monitoring, evaluation, and research five-year peer review process as required in WAC 222-12-045(2)(f), and support other ongoing forest practices adaptive management program evaluation and improvement efforts. The department shall consult with TFW policy caucus participants during the evaluation and provide for public review and comment of the draft report. A progress report shall be delivered to TFW policy participants and appropriate committees of the legislature by December 31, 2022, and a final report by June 30, 2023.

(24) \$1,175,000 of the general fund—state appropriation for fiscal year 2022 and \$1,175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to restore shrubsteppe habitat and associated wildlife impacted by wildfires.

(a) This funding is intended for the restoration of habitat on public lands as well as private lands by landowners who are willing to participate. The restoration effort must be coordinated with other natural resource agencies and interested stakeholders.

(b) Restoration actions may include: (i) Increasing the availability of native plant materials; (ii) increasing the number of certified and trained personnel for implementation at scale; (iii) support for wildlife-friendly fencing replacement; (iv) support for private landowners/ranchers to defer wildland grazing and allow natural habitat regeneration; and (v) species-specific recovery

actions.

(c) The department must submit a progress report to the appropriate committees of the legislature on the investments made under this subsection by December 1, 2022, with a final report submitted by September 1, 2023.

(d) Within the amounts provided in this subsection, \$250,000 must be used by the department to form a collaborative group process representing diverse stakeholders and facilitated by a neutral third-party to develop a long-term strategy for shrubsteppe conservation and fire preparedness, response, and restoration to meet the needs of the state's shrubsteppe wildlife and human communities. The collaborative may serve as providing expertise and advice to the wildland fire advisory committee administered by the department of natural resources and build from the wildland fire 10-year strategic plan. Components to be addressed by the collaborative include the restoration actions described in (b) of this subsection and on spatial priorities for shrubsteppe conservation, filling gaps in fire coverage, management tools to reduce fire-prone conditions on public and private lands, and identifying and making recommendations on any other threats. Any reports and findings resulting from the collaborative may be included in the report specified in (c) of this subsection.

(25) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with the Washington state academy of sciences to provide policymakers with a report on current evidence on pinniped predation of salmon, with an emphasis on Washington's portion of the Salish sea and Washington's outer coast. The academy must provide an independent study that reviews the existing science regarding pinniped predation of salmonids, including what is known about pinniped predation of salmonids, and with what level of certainty; where the knowledge gaps are; where additional research is needed; how the science may inform decisionmakers; and assessment of the scientific and technical aspects of potential management actions. Early in this process, the academy must convene separate meetings with comanagers and scientists to share relevant research and data and provide context for the academy's work.

(26) \$198,000 of the general fund—state appropriation for fiscal year 2022 and \$70,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5253 (pollinator health).

(27) \$21,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Substitute Senate Bill No. 5273 (shoreline armoring).

(28) \$44,000 of the general fund—state appropriation for fiscal year 2022 and \$24,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute Senate Bill No. 5381 (fish passage project permits).

(29) \$132,000 of the general fund—state appropriation for fiscal year 2022 and \$48,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5452 (electric-assisted bicycles).

(30) \$600,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to conduct a pilot project to test New Zealand style elk fencing, similar to the style used by the United States Department of Agriculture at the Starkey Experimental Forest and Range, including materials and construction techniques, and determine the cost and effectiveness of the fence design in reducing damage to school property and agricultural lands within the range of the north Cascades elk herd. The department of fish and wildlife shall work with at least one

agricultural property owner in Skagit county with property abutting state highway 20 and one school district located in Skagit county with enrollment of less than 650 students that volunteer to build and test the elk fence design and, in compliance with RCW 43.01.036, report back to the natural resources committees of the legislature by November 1, 2022, on the results of the pilot project.

(31) \$155,000 of the general fund—state appropriation for fiscal year 2022 and \$310,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement strategies to control against chronic wasting disease in native species of the state.

(32) \$841,000 of the fish, wildlife and conservation account—state appropriation, \$430,000 of the general fund—state appropriation for fiscal year 2022, and \$411,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to work with stakeholders to improve steelhead spawning estimates for improved fishing regulations such that enhanced conservation and equitable fisheries are established.

(33) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to assist local jurisdictions in responding to cougar related public safety issues. The funding is available to a local jurisdiction if they have a signed agreement with the department that recognizes cougar management authority is vested in the department and provides criteria to determine if a cougar creates an actionable public safety risk eligible for financial assistance. For the purposes of this subsection, a cougar presence on private property alone does not create an actionable public safety risk.

(34) \$90,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to complete the final phase of the Cowlitz river salmon and steelhead hook mortality study. No less than \$60,000 of the amount provided in this subsection is provided for the original contractor of the study to complete their work. A final report shall be provided to the appropriate committees of the legislature by December 31, 2022.

(35) \$130,000 of the general fund—state appropriation for fiscal year 2022 and \$130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for an external facilitator to seek solutions through a collaborative process using the department's wolf advisory group.

(36) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to develop a plan to protect native and hatchery produced steelhead for each river system of Grays harbor, Willapa bay, and coastal Olympic peninsula. The plan must adequately protect those fisheries for healthy runs year-after-year as well as provide reasonable fishing opportunities. The plan must include active stakeholder input and include an outreach strategy sufficient to keep conservation and angler interests well informed of proposed changes in advance of annual fishing seasons. The plan must be reported to the appropriate committees of the legislature by December 1, 2022.

(37) \$600,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to implement executive order 21-02, archaeological and cultural resources.

(38) \$313,000 of the general fund—state appropriation for fiscal year 2022 and \$408,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to perform forage fish spawning surveys in Puget Sound.

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(39) \$294,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to complete rule making related to chapter 77.57 RCW, fishways, flow, and screening.

(40) \$402,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide technical assistance and permitting guidance on solar facility proposals with the intent of limiting impacts to threatened and endangered species and critical and sensitive habitat areas, including shrubsteppe.

(41) \$1,297,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to increase technical assistance to local jurisdictions to better integrate salmon recovery plans into growth management comprehensive plans and critical areas ordinances.

~~((43))~~ (42) \$3,802,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to monitor recreational salmon and steelhead harvest in freshwater streams and rivers in Puget Sound and along the Washington coast.

~~((44))~~ (43) \$2,116,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to monitor salmon harvest from the ocean and Puget Sound.

~~((45))~~ (44) \$994,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to monitor salmon harvest from commercial fisheries.

~~((46))~~ (45) \$226,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a marine fisheries compliance liaison to collaborate with other law enforcement partners on commercial and recreational fisheries issues.

~~((47))~~ (46) \$1,283,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for additional law enforcement officers for marine and freshwater fisheries compliance.

~~((48))~~ (47) \$372,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to develop and implement a mobile-based electronic catch record card system for statewide marine and freshwater fisheries.

~~((49))~~ (48) \$852,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide additional capacity to the attorney general's office to prosecute environmental crimes. The department must provide an annual report by December 1st of each year, to the appropriate committees of the legislature, on the progress made in prosecuting environmental crimes.

~~((50))~~ (49) \$4,283,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to develop a monitoring and evaluation program for salmon and steelhead hatcheries in western Washington with the goal to improve survival of hatchery fish to adult returns and adaptively manage hatchery programs to better achieve management goals, including rebuilding natural populations for conservation purposes and increasing fishing opportunities.

~~((51))~~ (50) \$2,392,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to conduct fish in/fish out monitoring for the purposes of measuring freshwater systems salmon productivity for purposes of salmon recovery.

~~((52))~~ (51) \$1,040,000 of the general fund—state appropriation for fiscal year 2023 and \$295,000 of the limited fish and wildlife account are provided solely to monitor recreational shellfish harvest in Puget Sound.

~~((53))~~ (52) \$710,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to monitor recreational Dungeness crab harvest along the Washington coast.

~~((54))~~ (53) \$360,000 of the general fund—state appropriation

for fiscal year 2023 is provided solely for the department to complete a statewide prioritization of fish passage barriers in collaboration with regional salmon recovery organizations.

~~((55))~~ (54) \$494,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to participate in hydropower licensing efforts for the purposes of mitigating impacts to salmon and other fish and wildlife species as a result of new or renewing federal and nonfederal hydropower facilities.

~~((56))~~ (55) \$90,000 of the general fund—state appropriation for fiscal year 2022 and \$166,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to complete the following activities:

(a) By December 1, 2022, and consistent with RCW, the department must submit a report to the legislature that assesses how to incorporate a net ecological gain standard into state land use, development, and environmental laws and rules to achieve a goal of better statewide performance on endangered species recovery and ecological health. The report must address each environmental, development, or land use law or rule where the existing standard is less protective of ecological integrity than the standard of net ecological gain, including the shoreline management act (chapter 90.58 RCW), the growth management act (chapter 36.70A RCW), construction projects in state waters (chapter 77.55 RCW), and the model toxics control act.

(b) In developing the report under this section, the department must consult with the appropriate local governments, state agencies, federally recognized Indian tribes, and stakeholders with subject matter expertise on environmental, land use, and development laws including but not limited to cities, counties, ports, the department of ecology, and the department of commerce.

(c) The report must include:

(i) Development of a definition, objectives, and goals for the standard of net ecological gain;

(ii) An assessment and comparison analysis of opportunities and challenges, including legal issues and costs on state and local governments to achievement of overall net ecological gain through both:

(A) Implementation of a standard of net ecological gain under different environmental, development, and land use laws; and

(B) An enhanced approach to implementing and monitoring no net loss in existing environmental, development, and land use laws;

(iii) Recommendations on funding, incentives, technical assistance, legal issues, monitoring, and use of scientific data, and other applicable considerations to the integration of needs to assess progress made toward achieving net ecological gain into each environmental, development, and land use law or rule; and

(iv) An assessment of how applying a standard of net ecological gain in the context of each environmental, land use, or development law is likely to achieve substantial additional environmental or social cobenefits.

~~((57))~~ (56) \$70,000 of the general fund—state appropriation for fiscal year 2022 and \$997,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to assess the status of current riparian ecosystems, beginning with areas where sufficient information exists to conduct the assessment. The assessment must include identifying any gaps in vegetated cover relative to a science-based standard for a fully functioning riparian ecosystem and comparing the status and gaps to water temperature impairments, known fish passage barriers, and status of salmonid stocks.

~~((58))~~ (57) \$70,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for removal efforts for

invasive bullfrogs and habitat preservation for species threatened by the bullfrogs, including the western pond turtle, Oregon spotted frog, and northern leopard frog.

~~((59))~~ (58) \$95,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for research on shell disease in western pond turtles.

~~((60))~~ (59) \$5,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to address the maintenance backlog associated with providing recreation on lands managed by the department. Allowable uses include, but are not limited to, maintenance, repair, or replacement of trails, toilet facilities, roads, parking lots, campgrounds, picnic sites, water access areas, signs, kiosks, and gates. The department is encouraged to partner with nonprofit organizations in the maintenance of public lands.

~~((61))~~ (60) \$60,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute House Bill No. 1753 (climate funding/tribes). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((62))~~ (61) \$39,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1735 (peace officers/use of force). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((63))~~ (62) \$16,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (veterans & military suicide). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((65))~~ (63) \$14,400,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to reduce the number of nontribal commercial gillnet fishing licenses on the Columbia river through a voluntary buy-back program.

(a) Until November 30, 2022, the department may pay up to \$25,000 each for licenses that have been inactive since 2019 and up to \$120,000 each for licenses that have been active since 2019. After November 30, 2022, the department may pay up to \$20,000 each for licenses that have been inactive since 2019 and up to \$96,000 each for licenses that have been active since 2019. It is the intent of the legislature that this will be the last appropriation made to buy back licenses for the Columbia river gillnet fishery.

(b) For all licenses purchased, the department shall calculate the reduced impacts to wild and endangered stocks based on the most recent five-year average of harvest and reserve those impacts for conservation through increased wild salmonid escapement or mark-selective fisheries capable of harvesting surplus hatchery-reared salmon where needed to meet federal genetic protection requirements for wild salmon populations in a manner consistent with state-tribal fishery management agreements.

(c) The department must make recommendations to the legislature for any necessary changes in statute, regulations, or program funding levels to transition lower Columbia river mainstem gillnet fisheries to alternative, selective fishing gears, including pound nets or other gears capable of benefitting wild salmon conservation through mark-selective harvest practices. The recommendation must be submitted to the appropriate committees of the legislature by December 1, 2022.

~~((66))~~ (64) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department, in consultation with the department of ecology, the department of natural resources, the Colville confederated tribes, the Okanogan PUD, and other interested entities to analyze the steps required,

including coordination and ownership, associated with the possible removal of Enloe dam and analyze options for sediment removal in order to restore the Similkameen river, minimize impacts downriver, and allow access to over 300 miles of habitat for federally-threatened steelhead and other native salmonids. Any contract required to fulfill this analysis is exempt from the competitive procurement requirements in chapter 39.26 RCW. A report of the department's findings, analysis, and recommendations for funding or further considerations for the Enloe dam removal must be made to the appropriate committees of the legislature by December 1, 2022.

~~((67))~~ (65) \$2,472,000 of the general fund—state appropriation in fiscal year 2022 and \$6,096,000 of the general fund—state appropriation in fiscal year 2023 are provided solely for the department to implement eradication and control measures on European green crabs through coordination and grants with partner organizations. The department must provide quarterly progress reports on the success and challenges of the measures to the appropriate committees of the legislature by December 1, 2022.

~~((68))~~ (66) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to increase the support of regional fish enhancement groups.

~~((69))~~ (67) \$75,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to install elk fencing in the Skagit river valley to help mitigate crop damage.

~~((70))~~ \$3,000,000 of the salmon recovery account—state appropriation for fiscal year 2023 is provided solely for the department to provide grants and coordinate with the tribes of the upper Columbia river to reintroduce Chinook salmon.

~~((71))~~ (68) The legislature intends to fund the monitoring items contained in subsections ~~((43) through (45) and (50) through (53))~~ (42) through (44) and (49) through (52) of this section through fiscal year 2025. A brief status report of the data collected and findings from each monitoring item funded in this section is due to the appropriate committees of the legislature by December 1st of each fiscal year through 2025.

~~((73))~~ ~~\$3,510,000~~ (69) \$2,410,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants for the following activities:

(a) ~~(\$900,000 for the Lummi Nation to make infrastructure updates at the Skookum hatchery;~~

~~(b))~~ (b) \$250,000 for the Confederated Tribes of the Colville Reservation to upgrade heating, ventilation, and air conditioning systems at the Colville trout hatchery, and to acquire a hatchery fish transport truck with aquaculture adaptations;

~~((e))~~ (b) \$230,000 for the Yakama Nation to incorporate rearing vessels at the Cle Elum facility and to build circular covers at the lower Yakima facility;

~~((d))~~ (c) \$1,180,000 to the Puyallup Tribe to build an augmentation well at Voights creek hatchery, upgrade the water supply system and alarms at the Clarks creek hatchery, and convert rearing ponds into eight raceways at Diru creek chum hatchery;

~~((e))~~ (d) \$600,000 to the Suquamish Tribe to install an abatement pond at Grovers creek hatchery and replace raceways at Gorst coho raceways; and

~~((f))~~ (e) \$350,000 to the Jamestown S'Klallam Tribe to upgrade water supply systems at Point Whitney and expand shellfish seed production capacity at the shellfish hatchery in Kona.

**Sec. 1308.** 2022 c 297 s 310 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

NINETY FIFTH DAY, APRIL 13, 2023

General Fund—State Appropriation (FY 2022).....	\$215,075,000
General Fund—State Appropriation (FY 2023)	\$214,627,000
.....	<del>(\$118,842,000)</del>
.....	<u>\$214,627,000</u>
General Fund—Federal Appropriation .....	<del>(\$52,453,000)</del>
.....	<u>\$102,752,000</u>
General Fund—Private/Local Appropriation.....	<del>(\$3,188,000)</del>
.....	<u>\$6,034,000</u>
Forest Development Account—State Appropriation	\$55,590,000
.....	<del>(\$55,326,000)</del>
.....	<u>\$55,590,000</u>
ORV and Nonhighway Vehicle Account—State	
Appropriation.....	\$7,366,000
Surveys and Maps Account—State Appropriation .	\$2,232,000
Aquatic Lands Enhancement Account—State	
Appropriation.....	\$9,132,000
Resource Management Cost Account—State Appropriation	
.....	<del>(\$113,787,000)</del>
.....	<u>\$114,323,000</u>
Surface Mining Reclamation Account—State	
Appropriation.....	\$4,291,000
Disaster Response Account—State Appropriation	\$23,181,000
Forest and Fish Support Account—State Appropriation	
.....	\$11,492,000
Aquatic Land Dredged Material Disposal Site Account—	
State Appropriation.....	\$405,000
Natural Resources Conservation Areas Stewardship	
Account—State Appropriation .....	\$286,000
Forest Fire Protection Assessment Nonappropriated	
Account—State Appropriation .....	\$191,000
State Forest Nursery Revolving Nonappropriated	
Account—State Appropriation .....	\$75,000
Access Road Revolving Nonappropriated Account—State	
Appropriation.....	\$233,000
Forest Practices Application Account—State	
Appropriation.....	\$2,080,000
Air Pollution Control Account—State Appropriation	\$907,000
Forest Health Revolving Nonappropriated Account—	
State Appropriation.....	\$240,000
Model Toxics Control Operating Account—State	
Appropriation.....	\$14,515,000
Wildfire Response, Forest Restoration, and Community	
Resilience Account—State Appropriation.....	\$87,107,000
NOVA Program Account—State Appropriation .....	\$807,000
Derelict Vessel Removal Account—State Appropriation	
.....	\$6,317,000
Community Forest Trust Account—State Appropriation	
.....	\$52,000
Agricultural College Trust Management Account—State	
Appropriation.....	\$4,039,000
Natural Resources Federal Lands Revolving	
Nonappropriated Account—State Appropriation.....	\$16,000
Salmon Recovery Account—State Appropriation	
.....	<del>(\$7,000,000)</del>
.....	<u>\$2,000,000</u>
TOTAL APPROPRIATION.....	<del>(\$740,635,000)</del>
.....	<u>\$885,365,000</u>

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

(1) \$1,857,000 of the general fund—state appropriation for fiscal year 2022 and \$1,857,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to carry out the forest practices adaptive management program pursuant to RCW 76.09.370 and the May 24, 2012, settlement agreement entered into by the department and the

department of ecology. Scientific research must be carried out according to the master project schedule and work plan of cooperative monitoring, evaluation, and research priorities adopted by the forest practices board.

(2) \$43,316,000 of the general fund—state appropriation for fiscal year 2022 and \$87,107,000 of the wildfire response, forest restoration, and community resilience account—state appropriation are provided solely for the implementation of Second Substitute House Bill No. 1168 (long-term forest health).

(3) \$873,000 of the general fund—state appropriation for fiscal year 2022 and \$1,816,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1216 (urban and community forestry).

(4) \$176,000 of the forest development account—state appropriation, \$164,000 of the aquatic lands enhancement account—state appropriation, \$377,000 of the resource management cost account—state appropriation, and \$22,000 of the agricultural college trust management account—state appropriation are provided solely for the implementation of Substitute House Bill No. 1355 (noxious weeds).

(5) \$12,000 of the aquatic lands enhancement account—state appropriation and \$10,000 of the resource management cost account—state appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1382 (salmon recovery projects).

(6) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the small forest landowner office, in order to restore staffing capacity reduced during the great recession and to support small forest landowners, including assistance related to forest and fish act regulations.

(7) \$1,583,000 of the general fund—state appropriation for fiscal year 2022 and \$1,515,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(8) \$112,582,000 of the general fund—state appropriation for fiscal year 2022, ~~(\$20,668,000)~~ \$116,453,000 of the general fund—state appropriation for fiscal year 2023, and \$16,050,000 of the disaster response account—state appropriation are provided solely for emergency response, including fire suppression. The department shall provide a monthly report to the office of financial management and the appropriate fiscal and policy committees of the legislature with an update of fire suppression costs incurred and the number and type of wildfires suppressed.

(9) \$2,823,000 of the general fund—state appropriation for fiscal year 2023 and \$66,000 of the disaster response account—state appropriation are provided solely for indirect and administrative expenses related to fire suppression. It is the intent of the legislature that the amount of state general fund and disaster response account appropriations to support administrative expenses for fire suppression will be phased in through fiscal year 2025.

(10) \$5,500,000 of the forest and fish support account—state appropriation is provided solely for outcome-based performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. Of the amount provided in this subsection, \$500,000 is contingent upon receipts under RCW 82.04.261 exceeding eight million dollars



per biennium. If receipts under RCW 82.04.261 are more than eight million dollars but less than eight million five hundred thousand dollars for the biennium, an amount equivalent to the difference between actual receipts and eight million five hundred thousand dollars shall lapse.

(11) Consistent with the recommendations of the *Wildfire Suppression Funding and Costs (18-02)* report of the joint legislative audit and review committee, the department shall submit a report to the governor and legislature by December 1, 2021, and December 1, 2022, describing the previous fire season. At a minimum, the report shall provide information for each wildfire in the state, including its location, impact by type of land ownership, the extent it involved timber or range lands, cause, size, costs, and cost-share with federal agencies and nonstate partners. The report must also be posted on the agency's website.

(12) \$4,206,000 of the aquatic land enhancement account—state appropriation is provided solely for the removal of creosote pilings and debris from the marine environment and to continue monitoring zooplankton and eelgrass beds on state-owned aquatic lands managed by the department. Actions will address recommendations to recover the southern resident orca population and to monitor ocean acidification as well as help implement the Puget Sound action agenda.

(13) \$448,000 of the general fund—state appropriation for fiscal year 2022 and \$448,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to coordinate with the Olympic natural resources center to study emerging ecosystem threats such as Swiss needlecast disease, conduct field trials for long-term ecosystem productivity and T3 watershed experiments, and engage stakeholders through learning-based collaboration. The department may retain up to \$30,000 in one fiscal year to conduct Swiss needlecast surveys.

(14) \$185,000 of the general fund—state appropriation for fiscal year 2022 and \$185,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for compensation to the trust beneficiaries and department for lost revenue from leases to amateur radio operators who use space on the department managed radio towers for their equipment. The department is authorized to lease sites at the rate of up to one hundred dollars per year, per site, per lessee. The legislature makes this appropriation to fulfill the remaining costs of the leases at market rate per RCW 79.13.510.

(15) The appropriations in this section include sufficient funding for the department to review its burn permit fee schedule, and to develop options and recommendations on changes to the fee schedule to meet the requirement in RCW 70A.15.5020. The agency must report on options and recommendations to the office of financial management and the appropriate committees of the legislature by September 1, 2021.

(16) \$569,000 of the model toxics control operating account—state appropriation is provided solely to implement recommendations in the aerial herbicides in forestlands report submitted to the legislature in December 2019 from the aerial herbicide application working group. Specific work will include researching alternatives to chemicals for control of unwanted competing vegetation, compliance monitoring of aerial herbicides application, and updating the pesticide board manual.

(17) \$925,000 of the general fund—state appropriation for fiscal year 2022 and \$779,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to undertake geologic research to understand the geology and hydrology of the Columbia basin with regard to geothermal and groundwater resources. Funding must also be used for outreach and education to industries and regional

communities to increase awareness of underground resources, how to access and use them, and the regulatory processes for doing so.

(18) \$77,000 of the general fund—state appropriation for fiscal year 2022, \$90,000 of the general fund—state appropriation for fiscal year 2023, \$82,000 of the forest development account—state appropriation, \$10,000 of the ORV and nonhighway vehicle account—state appropriation, \$19,000 of the aquatic lands enhancement account—state appropriation, \$189,000 of the resource management cost account—state appropriation, \$7,000 of the surface mining reclamation account—state appropriation, \$9,000 of the forest and fish support account—state appropriation, \$43,000 of the forest fire protection assessment nonappropriated account—state appropriation, \$13,000 of the state forest nursery revolving nonappropriated account—state appropriation, \$45,000 of the access road revolving nonappropriated account—state appropriation, \$26,000 of the forest health revolving nonappropriated account—state appropriation, and \$9,000 of the model toxics control operating account—state appropriation are provided solely for the department to move its data center currently located in the natural resources building to the state data center located in the Jefferson building as required by office of the chief information officer policy 184 and RCW 43.105.375. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(19) \$466,000 of the general fund—state appropriation for fiscal year 2022, \$189,000 of the general fund—state appropriation for fiscal year 2023, \$404,000 of the forest development account—state appropriation, \$254,000 of the aquatic lands enhancement account—state appropriation, \$836,000 of the resource management cost account—state appropriation, \$27,000 of the surface mining reclamation account—state appropriation, \$148,000 of the forest fire protection assessment nonappropriated account—state appropriation, \$62,000 of the state forest nursery revolving nonappropriated account—state appropriation, \$188,000 of the access road revolving nonappropriated account—state appropriation, \$214,000 of the forest health revolving nonappropriated account—state appropriation, and \$16,000 of the natural resources federal lands revolving nonappropriated account—state appropriation are provided solely for the department to replace the NaturE revenue and leasing administration system and integrate with the new One Washington financial system. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(20)(a) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to maintain existing administrative facility infrastructure operated by the six regions of the department.

(b) The department's allocation of this appropriation and existing expenditure authority in certain other funds will be spread equitably across agency funds based on a model of positions by program or activity that utilize existing facility spaces within the agency's operating regions. The remaining costs at each site will remain the burden of existing management fund distribution. Department allocation of funds in this appropriation will be trackable by region and by project code.

(c) This appropriation is provided solely for the maintenance of existing administrative infrastructure, inclusive of ordinary maintenance, preventive maintenance, and maintenance services and inspections, minor repairs, system component replacement, and the delivery of utility and facility services.

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(d) The department must provide a comparison of quarterly agency allotments and expenditures relating to this subsection, including a summary of the maintenance work for all regional facilities subject to this section to the office of financial management beginning in October 2021.

(21) \$175,000 of the general fund—state appropriation for fiscal year 2022 and \$175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement a pilot project to evaluate the costs and benefits of marketing and selling specialty forest products including cedar salvage, alder, and other hardwood products. The pilot project must include: Identifying suitable areas for hardwood or cedar sales within the administrative areas of the Olympic and Pacific Cascade regions, preparing and conducting sales, and evaluating the costs and benefits from conducting the sales.

(a) The pilot project must include an evaluation that:

(i) Determines if revenues from the sales are sufficient to cover the costs of preparing and conducting the sales;

(ii) Identifies and evaluates factors impacting the sales, including regulatory constraints, staffing levels, or other limitations;

(iii) Compares the specialty sales to other timber sales that combine the sale of cedar and hardwoods with other species;

(iv) Evaluates the bidder pool for the pilot sales and other factors that impact the costs and revenues received from the sales; and

(v) Evaluates the current and future prices and market trends for cedar salvage and hardwood species.

(b) The department must work with affected stakeholders and report to the appropriate committees of the legislature with the results of the pilot project and make recommendation for any changes to statute by June 30, 2023.

(22) \$112,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Senate Bill No. 5158 (utility wildland fire cmte.).

(23) \$407,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to complete development of a programmatic safe harbor agreement, and the associated environmental analysis and draft enrollment language for inclusion in the forest practices rules. Within the amount provided in this subsection, the department must provide \$182,000 to the department of fish and wildlife to assist in the development of the programmatic safe harbor agreement. The department must provide a report to the appropriate committees of the legislature by December 15, 2021, on the status of the rule making and the resources needed to implement the rule effective October 1, 2022.

(24) Within amounts appropriated in this section, the department on behalf of the forest practices board must provide an update to the natural resource policy committees of the legislature on the progress of its projects, including progress made to address recommendations from the 2021 state auditor's report on the adaptive management program, by December 1, 2021, and December 1, 2022.

(25) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to grant to local law enforcement agencies to assist in enforcing vessel registration laws. Funding is also provided for a pilot recycling project with a nonprofit maritime education center that has the capacity to coordinate with a local port and local businesses that can accommodate vessel waste material.

(26) Within amounts appropriated in this section, the department, acting in its capacity as the agency responsible for implementing Washington state's section 10 permit under the endangered species act for aquatic species, and for ensuring maintenance of clean water act assurances granted by the department of ecology, must report to the legislature by no later than June 30, 2022, on the status of forest practices board activities related to: (a) Permanent water typing rulemaking and associated board manual development and (b) rulemaking and associated board manual development regarding the protection of type N streams.

(27) Within amounts appropriated in this section, the department, in collaboration with motorized and nonmotorized outdoor recreation stakeholders, must submit to the appropriate committees of the legislature recommendations for the use of NOVA account appropriations, by September 30, 2022.

(28) \$2,336,000 of the general fund—state appropriation for fiscal year 2022 and \$1,591,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force recommendations).

(29) \$36,000 of the general fund—state appropriation for fiscal year 2022 and \$36,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5253 (pollinator health).

(30) \$180,000 of the general fund—state appropriation for fiscal year 2022 and \$4,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5452 (electric-assisted bicycles).

(31) \$1,765,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to:

(a) Replace the statewide forest practices permit database system. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act; and

(b) Provide a recommendation for ways that the forest products industry could help cover the cost of the new forest practice online system. The recommendation must include proposed changes to the fees that are paid for forest practice applications and notifications, as well as a description and table that illustrates the operating costs of the program and how those costs are covered by fund source including fee revenue. The recommendation must be reported to the fiscal committees of the legislature by December 1, 2021, and may be included as a decision package to the office of financial management for consideration in the governor's proposed 2022 supplemental operating budget.

(32) \$225,000 of the general fund—state appropriation for fiscal year 2022 and \$225,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement a pilot project to evaluate the costs and benefits of entering into such stewardship agreements with individual neighboring landowners who would take on the responsibility for protecting small segments of shared boundary with department managed lands. The pilot project must include identifying the legal limits and bounds of such stewardship agreements, identifying suitable areas, preparing and entering into shared stewardship agreements, and evaluating the costs and benefits of these agreements.

(a) The pilot project evaluation must include:

(i) A determination of an appropriate mechanism for the sale of valuable materials from state trust lands harvested under a stewardship agreement;

(ii) Identification of regulatory constraints, staffing levels necessary to administer a statewide program, and other limitations; and

(iii) Identification of legal risk and insurance and indemnification requirements that may be necessary on the part of private individuals entering into these agreements.

(b) The pilot project must include agreements on at least the Teanaway or Klickitat Community Forests and on state trust lands in the vicinity of the town of Darrington, Washington. The department of natural resources must work with affected stakeholders and report to the appropriate committees of the legislature with the results of the pilot project and any recommendations for changes and statewide implementation by July 1, 2023.

(33) \$134,000 of the general fund—state appropriation for fiscal year 2022 and \$134,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to grant non-tribal outcome-based performance participation grants for implementation of the forest practices adaptive management program. Of the amounts provided in this subsection, \$54,000 per fiscal year is provided for grants to the Washington farm forestry association and \$80,000 per fiscal year is provided for grants to the Washington state association of counties.

(34) \$488,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of chapter 316, Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5126) (climate commitment act).

(35) \$3,481,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to collect and refresh statewide lidar data.

(36) Within amounts appropriated in this section, the department must improve performance of the forest practices adaptive management program by implementing recommendations made by the state auditor's office in its January 2021 performance audit of the program.

(37) \$450,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to conduct a targeted analysis of the current and projected impact from drought and opportunities for drought resilience on department owned and managed uplands and agricultural lands.

(38) \$225,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to hire a watershed steward to expedite salmon recovery actions and projects, including education, with a primary focus on agency owned and managed uplands and aquatic lands.

(39)(a) \$5,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a pilot project to improve salmon habitat across the department's aquatic, commercial, industrial, and agricultural lands. Of the amount provided in this subsection:

(i) \$2,000,000 is provided solely to improve nearshore habitat by accelerating restoration of state-owned aquatic lands; and

(ii) \$3,000,000 is provided solely to improve riparian function, including riparian planting and riparian set-asides on state-owned lands.

(b) The department must consult with federally recognized tribes and partner with relevant state agencies and local governments in implementing this pilot.

(c) The department must provide a report on the cost, monitoring, and effectiveness of investments in salmon habitat improvements to the office of financial management and the appropriate committees of the legislature by June 30, 2023.

(40) \$5,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to address the maintenance backlog associated with providing recreation on lands managed by the department. Allowable uses include, but are not limited to, maintenance, repair, or replacement of trails, toilet facilities,

roads, campgrounds, picnic sites, water access areas, signs, kiosks, and gates. The department is encouraged to partner with nonprofit organizations in the maintenance of public lands.

(41) \$4,284,000 of the derelict vessel removal account—state appropriation is provided solely for implementation of House Bill No. 1700 (derelict vessel removal). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(42) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$450,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the purpose of establishing demonstration areas for wildfire ready neighbors, a wildland fire resiliency outreach, assessment, and education program, in portions of Pierce, Mason, and Thurston counties. Wildfire ready neighbor demonstration areas must be located where there is a demonstrated high risk of wildland fire, a mix of suburban and small private forestland ownership, and significant areas of wildland urban interface. Further, demonstration areas must be selected by employing principles of environmental justice and equity, with an effort to select areas for inclusion that have a significant proportion of vulnerable populations and "highly impacted communities" as defined by RCW 19.405.020.

(43) The department, in coordination with the office of the superintendent of public instruction, must provide recommendations on the development of an outdoor school at the site of the Naselle youth camp. The department must consider, at a minimum, the suitability of the current facilities, operating and capital budget needs and estimated costs, any potential transfers of land ownership or management, partnership opportunities, and other potential procedural or operational challenges and proposed solutions. The department must submit a proposal to the appropriate committees of the legislature by December 31, 2022.

~~(44) ((\$5,000,000 of the salmon recovery account—state appropriation is provided solely for the department to purchase easements under the forestry riparian easement program, pursuant to RCW 76.13.120.~~

~~(45))~~ \$1,149,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the implementation of Second Substitute Senate Bill No. 5619 (kelp & eelgrass conservation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((46))~~ (45) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to continue convening the work group pertaining to making improvements to the trust land transfer program. Of the amount provided in this subsection, up to \$75,000 may be used for completing a trust land transfer project in Jefferson county.

~~((47))~~ (46) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide a grant to a nonprofit organization that will offer environmental education and career development skills training in nature for youth and young adults from south King county.

~~((48))~~ (47)(a) \$10,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to purchase state forestland, as described in RCW 79.22.010, to begin a program to benefit counties who have lost revenue from existing state forestlands encumbered by wildlife species listed as endangered or threatened by the federal endangered species act. The department must transfer the appropriated amount into the natural resources real property replacement account in accordance with RCW 79.17.210 to purchase state forestlands.

(b) Of the amounts provided in this subsection:

(i) \$5,000,000 must be used to purchase state forestland for the benefit of Clallam county and Jefferson county; and

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(ii) \$5,000,000 must be used to purchase state forestland for the benefit of Pacific county, Skamania county, and Wahkiakum county.

(c) The purchased forestlands shall be owned and managed by the department as state forest transfer lands and shall be placed in trust for the benefit of the counties. The purchase of these state forestlands is not limited to lands within the geographic bounds of the counties listed in this subsection.

(d) The purchase of state forestlands must be made in concurrence with the Washington state association of counties before a transaction is finalized.

(e) The department shall work with the Washington state association of counties to determine if any statutory changes are necessary to address issues regarding beneficiary revenue distribution or any other fiscal matters related to state forestlands. The department and the Washington state association of counties shall report to the legislature on any needed statutory changes by December 31, 2022.

~~((49))~~ (48) \$2,000,000 of the salmon recovery account—state appropriation is provided solely for an increase in the Puget Sound corp program to employ work crews statewide to carry out aquatic recreation, natural areas, resource protection, and urban forestry projects.

~~((50))~~ (49) \$167,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to advance research and cooperation with governmental agencies of Finland and Finnish organizations to implement sustainable forestry practices. The department must report to the appropriate committees of the legislature, by June 30, 2023, on how the funding was used, what kinds of research and cooperation were accomplished, and make recommendations for further opportunities for collaboration.

**Sec. 1309.** 2022 c 297 s 311 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

General Fund—State Appropriation (FY 2022).....	\$28,418,000
General Fund—State Appropriation (FY 2023)	
.....	<del>(\$43,910,000)</del>
.....	<u>\$47,213,000</u>
General Fund—Federal Appropriation .....	<del>(\$40,631,000)</del>
.....	<u>\$46,021,000</u>
General Fund—Private/Local Appropriation.....	\$193,000
Aquatic Lands Enhancement Account—State	
Appropriation.....	\$2,743,000
Water Quality Permit Account—State Appropriation .	\$73,000
Model Toxics Control Operating Account—State	
Appropriation.....	\$9,545,000
Dedicated Marijuana Account—State Appropriation	
(FY 2022) .....	\$628,000
Dedicated Marijuana Account—State Appropriation	
(FY 2023) .....	\$635,000
Northeast Washington Wolf-Livestock Management	
Nonappropriated Account—State Appropriation....	\$1,042,000
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation.....	\$148,045,000
TOTAL APPROPRIATION.....	<del>(\$275,863,000)</del>
.....	<u>\$284,556,000</u>

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

(1) \$103,045,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely to develop a state alternative to the United States department of agriculture farmers to families food box program and provide resources for hunger relief organizations, including organizations that serve BIPOC and other socially disadvantaged communities.

(2) \$5,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the farm-to-school program under RCW 15.64.060.

(3) \$8,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for local food system infrastructure and market access grants, prioritized for women, minority, and small business owners.

(4) \$9,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a grant program to improve food supply chain infrastructure and market access for farms, food processors, and food distributors.

(5)(a) \$90,000 of the general fund—state appropriation for fiscal year 2022 and \$90,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to coordinate with the office of equity, the conservation commission, underrepresented farmers and ranchers, organizations that represent historically underrepresented farmers and ranchers, farmworkers, and labor advocates to:

(i) Ensure inclusion of historically underrepresented farmers and ranchers in the agricultural industry;

(ii) Evaluate related boards, commissions, and advisory panels to ensure inclusion of historically underrepresented farmers and ranchers;

(iii) Include historically underrepresented farmers and ranchers in the development, implementation, and enforcement of food and agriculture laws, rules, regulations, policies, and programs; and

(iv) Consider ways to increase engagement in agricultural education and workforce development opportunities by communities who have been historically underrepresented in agriculture.

(b) The department must report to the governor and legislature, in accordance with RCW 43.01.036, by October 31, 2022, on its activities and efforts to include historically underrepresented farmers and ranchers. The report must describe the department's efforts to serve historically underrepresented farmers and ranchers, identify existing gaps and financial barriers to land ownership and obtaining equipment, and must include recommendations to improve outreach to and services for historically underrepresented farmers and ranchers.

(6) \$4,936,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$938,000)~~ \$4,121,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementing a Japanese beetle monitoring and eradication program in central Washington.

(7) \$6,605,445 of the general fund—state appropriation for fiscal year 2022, \$23,230,905 of the general fund—state appropriation for fiscal year 2023, and \$23,000,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely for implementing the emergency food assistance program as defined in RCW 43.23.290.

(8) \$170,000 of the general fund—state appropriation for fiscal year 2022 and \$170,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to continue a shellfish coordinator position. The shellfish coordinator assists the industry with complying with regulatory requirements and will work with regulatory agencies to identify ways to streamline and make more transparent the permit process for establishing and maintaining shellfish operations.

(9) \$194,000 of the general fund—state appropriation for fiscal year 2022, \$194,000 of the general fund—state appropriation for fiscal year 2023, and \$1,134,000 of the general fund—federal appropriation are provided solely for implementing a Vespa mandarinia eradication program.

(10) \$1,042,000 of the northeast Washington wolf-livestock

management nonappropriated account—state appropriation is provided solely for the department to conduct the following:

(a) Fund the northeast Washington wolf-livestock management grant program as provided in RCW 16.76.020, at \$432,000. Funds from the grant program must be used only for the deployment of nonlethal deterrence, specifically with the goal to reduce the likelihood of cattle being injured or killed by wolves by deploying proactive, preventative methods that have a good probability of producing effective results. Grant proposals will be assessed partially on this intent. Grantees who use funds for range riders or herd monitoring must deploy this tool in a manner so that targeted areas with cattle are visited daily or near daily. Grantees must collaborate with other entities providing prevention efforts resulting in coordinated wolf-livestock conflict deterrence efforts, both temporally and spatially, therefore providing well-timed and placed preventative coverage on the landscape. The department retains the final decision-making authority over disbursement of funds. Annual reports from grantees will be assessed for how well grant objectives were met and used to decide whether future grant funds will be awarded to past grantees.

(b) Contract with the northeast Washington wolf-cattle collaborative, a nonprofit organization, for \$410,000 for range riders to conduct proactive deterrence activities with the goal to reduce the likelihood of cattle being injured or killed by wolves. The contract must provide that the organization share all relevant information with the department of fish and wildlife in a timely manner to aid in wolf management decisions. Additionally, range riders must document their activities with geo-referenced photo points and provide written description of their efforts to the department of fish and wildlife by December 31, 2021, and December 31, 2022. Work is to be conducted solely on United States forest service grazing allotments and adjoining private lands in the Kettle mountains in Ferry county. This includes an area from the northern boundary of the Colville Confederated Tribes reservation, west of the Columbia river north to state route 20, and then west of United States route 395 to the Canadian border, and from the northern boundary of the Colville Confederated Tribes reservation east of state highway 21 to the Canadian border. Also included are federal grazing allotments and adjoining private lands in the Vulcan mountain area, an area which is north of the Kettle river where it enters the United States at Midway, British Columbia and leaves the United States near Danville, Washington. Of the amount provided in this subsection, \$90,000 may be contracted for range rider deterrence activities in Pend Oreille, Stevens, or Ferry counties.

(c) Within the amounts provided in this subsection, the department must provide \$120,000 in fiscal year 2022 and \$80,000 in fiscal year 2023 to the sheriffs offices of Ferry and Stevens counties for providing a local wildlife specialist to aid the department of fish and wildlife in the management of wolves in northeast Washington.

(11) \$1,400,000 of the model toxics control operating account—state appropriation is provided solely for research grants to assist with development of an integrated pest management plan to find a suitable replacement for imidacloprid to address burrowing shrimp in Willapa bay and Grays harbor and facilitate continued shellfish cultivation on tidelands. In selecting research grant recipients for this purpose, the department must incorporate the advice of the Willapa-Grays harbor working group formed from the settlement agreement with the department of ecology signed on October 15, 2019. Up to eight percent of the total amount provided may be used by the departments of agriculture, commerce, ecology, and natural resources to cover overhead expenses relating to their continued participation in the working group for the 2021-2023 fiscal biennium.

(12) \$323,000 of the general fund—state appropriation for fiscal year 2022 and \$477,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force recommendations).

(13) \$78,000 of the general fund—state appropriation for fiscal year 2022 and \$276,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5253 (pollinator health).

(14) \$2,000,000 of the general fund—federal appropriation, not to exceed the amount appropriated in section 11, chapter 3, Laws of 2021, that is unobligated at the end of fiscal year 2021, is provided solely to assist hunger relief organizations to achieve food security and is subject to the same terms and conditions as the appropriation in section 11, chapter 3, Laws of 2021.

(15) \$168,000 of the general fund—state appropriation for fiscal year 2022 and \$168,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to assist small and midsize farms and small and midsize processors in exploring options to expand capacity for processing meat or meat and poultry for sale and direct marketing efforts. In carrying out this duty, the department must:

(a) Assist farms in complying with federal, state, and local rules and regulations as they apply to direct marketing of meat and poultry products;

(b) Assist in developing infrastructure including, but not limited to, custom meat facilities and slaughter facilities inspected by the United States department of agriculture as appropriate to increase direct marketing opportunities for farms;

(c) Assist processors in complying with federal, state, and local rules and regulations as they apply to processing meat and poultry and the marketing of meat and poultry;

(d) Assist in developing, in consultation with Washington State University extension, training opportunities or apprenticeship opportunities for slaughterers or inspectors;

(e) Provide information on direct marketing opportunities for farms;

(f) Identify and help reduce market barriers facing farms in direct marketing;

(g) Identify and help reduce barriers facing processors in operating slaughter facilities;

(h) Assist in developing and submitting proposals to grant programs to assist farm direct marketing efforts; and

(i) Perform other functions that will assist farms in directly marketing their meat and poultry products.

(16) \$1,832,000 of the general fund—state appropriation for fiscal year 2022 and \$1,832,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department, in consultation with the state conservation commission, to develop a grant program to provide funding to conservation districts or other entities to provide access to meat and poultry processing and inspection. In addition to other funding needs to provide access to meat and poultry processing and inspection, grant funding may be used to establish a mobile slaughter unit or to provide needed infrastructure to provide for the retail sale of meat or poultry. The department must conduct outreach to gain input from other entities, such as conservation districts, Washington State University and the food policy forum in developing the grant program described in this subsection.

(17) \$156,000 of the general fund—state appropriation for fiscal year 2022 and \$213,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute Senate Bill No. 5192 (electric vehicle equipment).

(18) \$366,000 of the general fund—state appropriation for

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fiscal year 2022 and \$366,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to support the department's emergency management planning responsibilities related to agricultural systems, radiological preparedness and response, foodborne outbreaks, food security, and other emergency management responsibilities.

(19) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for rulemaking for a voluntary cannabis certification program that is consistent with the department's existing organics program, as authorized by chapter 317, Laws of 2017 (ESSB 5131).

(20) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a community-based organization in Whatcom county for the food and farm finder program, which connects local food producers with retail and wholesale consumers.

(21) \$81,000 of the general fund—state appropriation for fiscal year 2022 and \$139,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a hemp in food task force and a hemp commission task force.

(a) Of the amounts provided in this subsection, \$75,000 in fiscal year 2022 and \$125,000 in fiscal year 2023 are for a hemp in food task force. The department must appoint task force members representing relevant state agencies, the scientific community, and stakeholder organizations. The department must provide staff support for the task force and contract for relevant scientific expertise. The department must report to the appropriate committees of the legislature with recommendations for the regulation of hemp in food by December 1, 2022.

(b) Of the amounts provided in this subsection, \$6,000 in fiscal year 2022 and \$14,000 in fiscal year 2023 are for a hemp commission task force. The department must appoint task force members representing relevant state agencies, the scientific community, and stakeholder organizations, including the hemp industry. The department must provide staff support for the task force. The department must report to the appropriate committees of the legislature with recommendations for the creation of a commodity commission for hemp by December 1, 2022.

(22) \$790,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of House Bill No. 1859 (cannabis analysis labs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(23) \$301,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1799 (organic materials management). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(24) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to support local and regional markets and for agricultural infrastructure development in southwest Washington.

(25) \$9,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5544 (blockchain work group). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(26) \$9,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5974 (transportation resources). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1310.** 2022 c 297 s 312 (uncodified) is amended to read as follows:

**FOR THE ENERGY FACILITY SITE EVALUATION COUNCIL**

General Fund—State Appropriation (FY 2023) ...	<del>(\$776,000)</del>
.....	<u>\$912,000</u>
Energy Facility Site Evaluation Council Account—	
Private/Local Appropriation.....	<del>(\$13,116,000)</del>
.....	<u>\$13,397,000</u>
TOTAL APPROPRIATION .....	<del>(\$13,892,000)</del>
.....	<u>\$14,309,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$208,000 of the general fund—state appropriation for fiscal year 2023 and \$8,333,000 of the energy facility site evaluation council account—private/local appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1812 (energy facility site council). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

**PART XIV  
TRANSPORTATION  
SUPPLEMENTAL**

**Sec. 1401.** 2022 c 297 s 402 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**

General Fund—State Appropriation (FY 2022) ...	\$66,750,000
General Fund—State Appropriation (FY 2023)	<del>(\$68,712,000)</del>
.....	<u>\$69,285,000</u>
General Fund—Federal Appropriation.....	\$16,766,000
General Fund—Private/Local Appropriation .....	\$3,091,000
Death Investigations Account—State Appropriation	<del>(\$8,794,000)</del>
.....	<u>\$8,852,000</u>
County Criminal Justice Assistance Account—State	
Appropriation .....	<del>(\$4,622,000)</del>
.....	<u>\$4,645,000</u>
Municipal Criminal Justice Assistance Account—State	
Appropriation .....	<del>(\$1,681,000)</del>
.....	<u>\$1,691,000</u>
Fire Service Trust Account—State Appropriation ....	\$131,000
Vehicle License Fraud Account—State Appropriation	\$119,000
.....	<u>\$27,080,000</u>
Disaster Response Account—State Appropriation	<del>(\$12,500,000)</del>
.....	<u>\$27,080,000</u>
Fire Service Training Account—State Appropriation	<del>(\$12,797,000)</del>
.....	<u>\$12,497,000</u>
Model Toxics Control Operating Account—State	
Appropriation .....	\$591,000
Fingerprint Identification Account—State	
Appropriation .....	\$12,956,000
Dedicated Marijuana Account—State Appropriation	
(FY 2022).....	\$2,423,000
Dedicated Marijuana Account—State Appropriation	
(FY 2023).....	\$2,423,000
Washington Internet Crimes Against Children—	
State Appropriation .....	\$1,000,000
TOTAL APPROPRIATION .....	<del>(\$215,356,000)</del>
.....	<u>\$230,300,000</u>

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

(1) ~~(\$12,500,000)~~ \$27,080,000 of the disaster response account—state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 through 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal

committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(2) \$2,423,000 of the dedicated marijuana account—state appropriation for fiscal year 2022 and \$2,423,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 are provided solely for the Washington state patrol to partner with multi-jurisdictional drug and gang task forces to detect, deter, and dismantle criminal organizations involved in criminal activity including diversion of cannabis from the legalized market and the illicit production and distribution of cannabis and cannabis-related products in Washington state.

(3) \$643,000 of the general fund—state appropriation for fiscal year 2022 and \$643,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for addressing a backlog of toxicology tests in the toxicology laboratory.

(4) \$356,000 of the general fund—state appropriation for fiscal year 2022, \$356,000 of the general fund—state appropriation for fiscal year 2023, and \$298,000 of the death investigations account—state appropriations are provided solely for increased supply and maintenance costs for the crime laboratory division and toxicology laboratory division.

(5) \$510,000 of the county criminal justice assistance account—state appropriation is provided solely for the Washington state patrol to support local police, sheriffs' departments, and multiagency task forces in the prosecution of criminals. However, the office of financial management must reduce the allotment of the amount provided in this subsection if allotment of the full appropriation will put the account into deficit.

(6)(a) \$700,000 of the fire service training account—state appropriation is provided solely for the firefighter apprenticeship training program.

(b) The joint apprenticeship training committee shall submit a report to the fiscal committees of the legislature by December 1, 2022, describing how the funding appropriated in this section was spent during the biennium. At a minimum, the report shall include information about the number of individuals that completed the training, the level of training or type of training being taught, the total cost of training everyone through completion, the percentage of passage rate for trainees, and the geographic location of the fire department sponsoring the trainee.

(7) \$316,000 of the general fund—state appropriation for fiscal year 2023 and \$1,000,000 of the Washington internet crimes against children account—state appropriation are provided solely for the missing and exploited children's task force within the patrol to help prevent possible abuse to children and other vulnerable citizens from sexual abuse.

(8) \$1,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Substitute Senate Bill No. 5055 (law enforcement grievances), which changes methods for selecting an arbitrator for labor disputes involving law enforcement disciplinary matters.

(9) \$213,000 of the general fund—state appropriation for fiscal year 2022 and \$163,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute House Bill No. 1223 (custodial interrogations).

(10) \$1,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1054 (peace officer tactics and equipment).

(11) \$2,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1310 (use of force).

(12) \$1,334,000 of the general fund—state appropriation for fiscal year 2022 and \$2,373,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for facility and staff costs associated with construction of a second toxicology laboratory facility in Federal Way. The Washington state patrol must provide a report on the progress of the toxicology lab construction semiannually to the fiscal committees of the legislature with a final report due 90 days after completion of the project. The report must include, but is not limited to:

- (a) A detailed list of expenditures so far;
- (b) A detailed list of expenditure yet to be made before the completion of the project;
- (c) An updated project timeline with expected end date; and
- (d) Other project details that the Washington state patrol finds important to relay.

(13) \$213,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the Washington state patrol to outsource death investigation cases to reduce the current backlog of cases awaiting toxicology testing.

(14) \$1,320,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for an enhanced forensic capabilities pilot program that provides expedited DNA technology and forensic services to assist in the processing of crime scene evidence, expediting investigative leads, and reducing the backlog of other cases. To ensure readiness to proceed with implementation, the Washington state patrol must identify needed resources, complete pre-hiring, and develop a competitive procurement process by July 1, 2022. The Washington state patrol must complete a preliminary report by December 2, 2022, describing major milestones and achievements of the program to date and submit a final report to the appropriate committees of the legislature by June 30, 2023. The preliminary report must include, but is not limited to, the following:

- (a) Protocols on the operation and use of the program while maintaining civil liberties and protecting individual privacy;
- (b) A description of how expedited DNA technology and forensic services will tie into the current operations of the state patrol's existing crime lab; and
- (c) Details of how the Washington state patrol will protect individual privacy and civil liberties in relation to the program described in this subsection.

(15) \$94,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 2057 (state patrol workforce). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(16) \$191,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1725 (missing indigenous persons). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(17) \$330,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1735 (peace officers/use of force). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((20))~~ (18) \$441,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to process the backlog of court orders and dispositions. By June 30, 2023, the department must provide a report to the appropriate legislative committees that describes any continued staffing needs for this purpose.

~~((21))~~ (19) \$1,000 of the general fund—state appropriation for fiscal year 2023 is for implementation of Engrossed Fourth

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Substitute House Bill No. 1412 (legal financial obligations).

**PART XV  
EDUCATION  
SUPPLEMENTAL**

**Sec. 1501.** 2022 c 297 s 501 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

General Fund—State Appropriation (FY 2022)....	\$31,995,000
General Fund—State Appropriation (FY 2023)	
.....( <del>(\$41,420,000)</del> )	
.....	<u>\$41,366,000</u>
General Fund—Federal Appropriation .....	\$106,299,000
General Fund—Private/Local Appropriation.....	\$8,064,000
Washington Opportunity Pathways Account—State	
Appropriation.....	\$8,609,000
Dedicated Marijuana Account—State Appropriation	
(FY 2022) .....	\$520,000
Dedicated Marijuana Account—State Appropriation	
(FY 2023) .....	\$550,000
Performance Audits of Government Account—State	
Appropriation.....	\$213,000
Workforce Education Investment Account—State	
Appropriation.....	\$7,420,000
Elementary and Secondary School Emergency Relief III	
Account—Federal Appropriation .....	\$7,116,000
TOTAL APPROPRIATION.....( <del>(\$212,206,000)</del> )	
.....	<u>\$212,152,000</u>

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

**(1) BASE OPERATIONS AND EXPENSES OF THE OFFICE**

(a) \$15,228,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$17,635,000)~~) \$17,585,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(i) The superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(ii) Districts shall report to the office of the superintendent of public instruction daily student unexcused absence data by school, using a uniform definition of unexcused absence as established by the superintendent.

(iii) By October 31st of each year, the office of the superintendent of public instruction shall produce an annual status report on implementation of the budget provisos in section 501, chapter 415, Laws of 2019 and sections 515 and 522 of this act. The status report of each proviso shall include, but not be limited to, the following information: Purpose and objective, number of state staff funded by the proviso, number of contractors, status of proviso implementation, number of beneficiaries by year, list of beneficiaries, a comparison of budgeted funding and actual expenditures, other sources and amounts of funding, and proviso outcomes and achievements.

(iv) The superintendent of public instruction, in consultation with the secretary of state, shall update the program prepared and distributed under RCW 28A.230.150 for the observation of temperance and good citizenship day to include providing an opportunity for eligible students to register to vote at school.

(v) Districts shall annually report to the office of the superintendent of public instruction on: (A) The annual number of graduating high school seniors within the district earning the Washington state seal of biliteracy provided in RCW

28A.300.575; and (B) the number of high school students earning competency-based high school credits for world languages by demonstrating proficiency in a language other than English. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by December 1st of each year.

(vi) The office of the superintendent of public instruction shall provide statewide oversight and coordination to the regional nursing corps program supported through the educational service districts.

(vii) Within the amounts provided in this subsection (1)(a), \$318,000 of the general fund—state appropriation for fiscal year 2022 and \$310,000 of the general fund—state appropriation for fiscal year 2023 are for 2.0 FTE to support multi-tiered systems of support (MTSS) data management and implementation activities.

(viii) Within the amounts provided in this subsection (1)(a), \$79,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a contract to assess the feasibility, specifications, and cost estimates for full development and implementation of a MTSS database.

(ix) Within the amounts provided in this subsection (1)(a), \$53,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a contract with regional and/or national experts to train the MTSS staff and staff from the center on the improvement of student learning on MTSS implementation science and evidence-based practices as distinct but complementary to the Washington integrated student supports protocol.

(x) Within amounts provided in this subsection (1)(a), \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a climate science curriculum staff position within the office of the superintendent of public instruction and to integrate climate change content into the Washington state learning standards across subject areas and grade levels. The office shall develop materials and resources that accompany the updated learning standards that encourage school districts to develop interdisciplinary units focused on climate change that include authentic learning experiences, that integrate a range of perspectives, and that are action oriented.

(xi) Within the amounts provided in this subsection (1)(a), sufficient funding is provided for the office to implement House Bill No. 1833 (school meals/electronic info).

(xii) Within the amounts provided in this subsection (1)(a), sufficient funding is provided for the office to implement House Bill No. 1834 (student absences/mental health).

(b) \$1,217,000 of the general fund—state appropriation for fiscal year 2022 and \$1,217,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for maintenance of the apportionment system, including technical staff and the data governance working group.

(c) \$494,000 of the general fund—state appropriation for fiscal year 2022 and \$494,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(d) \$61,000 of the general fund—state appropriation for fiscal year 2022 and \$61,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(e) \$61,000 of the general fund—state appropriation for fiscal year 2022 and \$96,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on



educational opportunity for military children).

(f) \$268,000 of the Washington opportunity pathways account—state appropriation is provided solely for activities related to public schools other than common schools authorized under chapter 28A.710 RCW.

(g) Within amounts appropriated in this section, the office of the superintendent of public instruction and the state board of education shall adopt a rule that the minimum number of students to be used for public reporting and federal accountability purposes is ten.

(h) \$123,000 of the general fund—state appropriation for fiscal year 2022 and \$123,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 163, Laws of 2012 (foster care outcomes). The office of the superintendent of public instruction shall annually report each December on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth.

(i) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 178, Laws of 2012 (open K-12 education resources).

(j) \$14,000 of the general fund—state appropriation for fiscal year 2022 and \$14,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 242, Laws of 2013 (state-tribal education compacts).

(k) \$131,000 of the general fund—state appropriation for fiscal year 2022, \$131,000 of the general fund—state appropriation for fiscal year 2023, and \$213,000 of the performance audits of government account—state appropriation are provided solely for the office of the superintendent of public instruction to perform on-going program reviews of alternative learning experience programs, dropout reengagement programs, and other high risk programs. Findings from the program reviews will be used to support and prioritize the office of the superintendent of public instruction outreach and education efforts that assist school districts in implementing the programs in accordance with statute and legislative intent, as well as to support financial and performance audit work conducted by the office of the state auditor.

(l) \$117,000 of the general fund—state appropriation for fiscal year 2022 and \$117,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 3, Laws of 2015 1st sp. sess. (computer science).

(m) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 237, Laws of 2017 (paraeducators).

(n) \$385,000 of the general fund—state appropriation for fiscal year 2022 and \$385,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of native education to increase services to tribes, including but not limited to, providing assistance to tribes and school districts to implement Since Time Immemorial, applying to become tribal compact schools, convening the Washington state native American education advisory committee, and extending professional learning opportunities to provide instruction in tribal history, culture, and government. The professional development must be done in collaboration with school district administrators and school directors. Funding in this subsection is sufficient for the office, the Washington state school directors' association government-to-government task force, and the association of educational service districts to collaborate with the tribal leaders congress on education to develop a tribal consultation training and schedule. The tribal consultation training and schedule must

be developed by January 1, 2022.

(o) \$205,000 of the general fund—state appropriation for fiscal year 2022 and \$1,205,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership. The amounts provided in this subsection are sufficient for implementation of Second Substitute Senate Bill No. 5720 (student financial literacy). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(p) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state.

(q) \$481,000 of the general fund—state appropriation for fiscal year 2022 and \$481,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(r) Districts shall report to the office the results of each collective bargaining agreement for certificated staff within their district using a uniform template as required by the superintendent, within thirty days of finalizing contracts. The data must include but is not limited to: Minimum and maximum base salaries, supplemental salary information, and average percent increase for all certificated instructional staff. Within existing resources by December 1st of each year, the office shall produce a report for the legislative evaluation and accountability program committee summarizing the district level collective bargaining agreement data.

(s) \$4,631,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for administrative costs related to the management of federal funds provided for COVID-19 response and other emergency needs.

(t) \$70,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of the superintendent of public instruction to provide centralized support and coordination, including supervision and training, for social workers hired by or contracting with school districts.

(u) \$2,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5764 (apprenticeships and higher ed). If this bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(v) \$72,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for IT project funding for a contract to assess the feasibility, specifications, and cost estimates for full development and implementation of the school apportionment system.

## (2) DATA SYSTEMS

(a) \$1,802,000 of the general fund—state appropriation for fiscal year 2022 and \$1,802,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(b) \$281,000 of the general fund—state appropriation for fiscal year 2022 and \$281,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for K-20

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telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) \$450,000 of the general fund—state appropriation for fiscal year 2022 and \$450,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the superintendent of public instruction to develop and implement a statewide accountability system to address absenteeism and to improve student graduation rates. The system must use data to engage schools and districts in identifying successful strategies and systems that are based on federal and state accountability measures. Funding may also support the effort to provide assistance about successful strategies and systems to districts and schools that are underperforming in the targeted student subgroups.

(3) WORK GROUPS

(a) \$335,000 of the general fund—state appropriation for fiscal year 2022 and \$335,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 206, Laws of 2018 (career and college readiness).

(b) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to meet statutory obligations related to the provision of medically and scientifically accurate, age-appropriate, and inclusive sexual health education as authorized by chapter 206, Laws of 1988 (AIDS omnibus act) and chapter 265, Laws of 2007 (healthy youth act).

(c) \$118,000 of the general fund—state appropriation for fiscal year 2022 and \$118,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 75, Laws of 2018 (dyslexia).

(d) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 386, Laws of 2019 (social emotional learning).

(e) \$130,000 of the general fund—state appropriation for fiscal year 2022 and \$130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to collaborate with the department of children, youth, and families to complete a report with options and recommendations for administrative efficiencies and long term strategies that align and integrate high-quality early learning programs administered by both agencies and consistent with implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). The report, due September 1, 2022, shall address capital needs, data collection and data sharing, licensing changes, quality standards, options for community-based and school-based settings with inclusive facilities and operations, fiscal modeling, and any statutory changes needed to achieve administrative efficiencies.

(f) \$107,000 of the general fund—state appropriation for fiscal year 2022 and \$107,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to support the children and youth behavioral health work group created in chapter 130, Laws of 2020 (child. mental health wk. grp).

(g) \$310,000 of the general fund—state appropriation for fiscal year 2022 and \$249,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the development and implementation of a language access technical assistance program for school districts and to reconvene an expanded work group under section 2, chapter 256, Laws of 2019. The activities of and resources provided by the language access technical

assistance program must align with the recommendations in the October 2020 report of the language access work group created by section 2, chapter 256, Laws of 2019 in order to improve awareness and fulfillment of language access rights for families in educational settings. The work group under this subsection shall, by December 1, 2021, report to the appropriate committees of the legislature recommendations for standards, training, testing, and credentialing for spoken and sign language interpreters for students' families and for collecting information related to language access services in schools and school districts. Within the amounts provided in this subsection, the office must provide a report to the appropriate committees of the legislature by December 1, 2021. The report shall include, at a minimum, information regarding the different languages in which students and students' families prefer to communicate by each school district.

(h)(i) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the superintendent of public instruction to convene a work group to identify trauma informed strategies, approaches, and curricula for supporting students in distress and with challenging behaviors that prioritize relational safety. Stipends may be provided for work group members who are representing families and individuals as experts with lived experiences to compensate for time and travel to meetings. The work group at a minimum must include the following:

(A) One representative from the department of children, youth, and families with expertise on inclusion, equitable access, trauma informed practices, and relational safety in education settings;

(B) One representative from an organization representing youth with intellectual and developmental disabilities;

(C) Individuals representing youth with communication disorders, students or young adults who have lived experience with restraint and isolation, and students or adults who are survivors of the school-to-prison pipeline;

(D) One representative from an organization working to eliminate racial inequities in education;

(E) One representative from an organization working to eliminate disparities for families and students with a native language other than English;

(F) One representative from an organization working to improve inclusive practices in Washington that works with families and communities;

(G) One member of an organization representing youth in foster care;

(H) One member of an organization representing youth experiencing homelessness; and

(I) An administrator, teacher, and paraeducator professional with experience working in or around a self-contained behavior program.

(ii) The work group shall submit a report to the education committees of the legislature, the governor's office, and the education ombuds by December 1, 2022. The report must include a list of approved crisis response protocols and deescalation techniques for schools that are trauma informed and prioritize relational safety, recommended elements needed to improve access to mental health supports for all students, building-based strategies to enhance fidelity to multi-tiered systems of support and student behavior plans for students with challenging behaviors and strategies to track and reduce/eliminate restraint and isolation use, and best practices for implementation of identified strategies, with recommendations for district compliance and tracking mechanisms.

(4) STATEWIDE PROGRAMS

(a) \$2,590,000 of the general fund—state appropriation for fiscal year 2022 and \$2,590,000 of the general fund—state

appropriation for fiscal year 2023 are provided solely for the Washington kindergarten inventory of developing skills. State funding shall support statewide administration and district implementation of the inventory under RCW 28A.655.080.

(b) \$703,000 of the general fund—state appropriation for fiscal year 2022 and \$703,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 72, Laws of 2016 (educational opportunity gap).

(c) \$950,000 of the general fund—state appropriation for fiscal year 2022 and \$950,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to schools identified for comprehensive or targeted support and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(d) \$10,000 of the general fund—state appropriation for fiscal year 2022 and \$10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for chapter 102, Laws of 2014 (biliteracy seal).

(e)(i) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for school bullying and harassment prevention activities.

(ii) \$15,000 of the general fund—state appropriation for fiscal year 2022 and \$15,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 240, Laws of 2016 (school safety).

(iii) \$570,000 of the general fund—state appropriation for fiscal year 2022 and \$570,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide statewide support and coordination for the regional network of behavioral health, school safety, and threat assessment established in chapter 333, Laws of 2019 (school safety and well-being). Within the amounts provided in this subsection (4)(e)(iii), \$200,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for grants to schools or school districts for planning and integrating tiered suicide prevention and behavioral health supports. Grants must be awarded first to districts demonstrating the greatest need and readiness. Grants may be used for intensive technical assistance and training, professional development, and evidence-based suicide prevention training.

(iv) \$196,000 of the general fund—state appropriation for fiscal year 2022 and \$196,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the school safety center within the office of the superintendent of public instruction.

(A) Within the amounts provided in this subsection (4)(e)(iv), \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a school safety program to provide school safety training for all school administrators and school safety personnel. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety.

(B) Within the amounts provided in this subsection (4)(e)(iv), \$96,000 of the general fund—state appropriation for fiscal year 2022 and \$96,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for administration of the school safety center. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate

activities relating to school safety, review and approve manuals and curricula used for school safety models and training, and maintain a school safety information web site.

(f)(i) \$162,000 of the general fund—state appropriation for fiscal year 2022 and \$162,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for youth suicide prevention activities.

(ii) \$76,000 of the general fund—state appropriation for fiscal year 2022 and \$76,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 64, Laws of 2018 (sexual abuse of students).

(g)(i) \$280,000 of the general fund—state appropriation for fiscal year 2022, \$280,000 of the general fund—state appropriation for fiscal year 2023, and \$1,070,000 of the dedicated marijuana account—state appropriation are provided solely for dropout prevention, intervention, and reengagement programs, including the jobs for America's graduates (JAG) program, dropout prevention programs that provide student mentoring, and the building bridges statewide program. Students in the foster care system or who are homeless shall be given priority by districts offering the jobs for America's graduates program. The office of the superintendent of public instruction shall convene staff representatives from high schools to meet and share best practices for dropout prevention. Of these amounts, \$520,000 of the dedicated marijuana account—state appropriation for fiscal year 2022, and \$550,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 are provided solely for the building bridges statewide program.

(ii) \$293,000 of the general fund—state appropriation for fiscal year 2022 and \$293,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to support district implementation of comprehensive guidance and planning programs in support of high-quality high school and beyond plans consistent with RCW 28A.230.090.

(iii) \$178,000 of the general fund—state appropriation for fiscal year 2022 and \$178,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 291, Laws of 2017 (truancy reduction efforts).

(h) Sufficient amounts are appropriated in this section for the office of the superintendent of public instruction to create a process and provide assistance to school districts in planning for future implementation of the summer knowledge improvement program grants.

(i) \$358,000 of the general fund—state appropriation for fiscal year 2022 and \$358,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 221, Laws of 2019 (CTE course equivalencies).

(j) \$196,000 of the general fund—state appropriation for fiscal year 2022 and \$196,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 252, Laws of 2019 (high school graduation reqs.).

(k) \$60,000 of the general fund—state appropriation for fiscal year 2022, \$60,000 of the general fund—state appropriation for fiscal year 2023, and \$680,000 of the general fund—federal appropriation are provided solely for the implementation of chapter 295, Laws of 2019 (educator workforce supply). Of the amounts provided in this subsection, \$680,000 of the general fund—federal appropriation is provided solely for title II SEA state-level activities to implement section 103, chapter 295, Laws of 2019 relating to the regional recruiters program.

(l) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a tribal liaison at the

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office of the superintendent of public instruction to facilitate access to and support enrollment in career connected learning opportunities for tribal students, including career awareness and exploration, career preparation, and career launch programs, as defined in RCW 28C.30.020, so that tribal students may receive high school or college credit to the maximum extent possible.

(m) \$57,000 of the general fund—state appropriation for fiscal year 2022 and \$57,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 288, Laws of 2020 (school meals at no cost).

(n) \$269,000 of the general fund—state appropriation for fiscal year 2022 and \$142,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 353, Laws of 2020 (innovative learning pilot).

(o) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide statewide coordination towards multicultural, culturally responsive, and anti-racist education to support academically, socially, and culturally literate learners. The office must engage community members and key interested parties to:

(i) Develop a clear definition and framework for African American studies to guide instruction in grades seven through twelve;

(ii) Develop a plan for aligning African American studies across all content areas; and

(iii) Identify professional development opportunities for educators and administrators to build capacity in creating high-quality learning environments centered in belonging and racial equity, anti-racist approaches, and asset-based methodologies that pull from all students' cultural funds of knowledge.

(p) \$275,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to convene and provide staff support to the K-12 basic education compensation advisory committee established in section 951 of this act.

(q) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to develop resources, share best practices, and provide technical assistance for school districts to support implementation of comprehensive, culturally responsive, and high-quality civics education. Within amounts provided in this subsection, the office shall administer competitive grant awards of up to \$1,500 per first class school district and \$750 per second class school district to support in-service training and the development or adoption of curriculum and instructional materials. The office shall utilize a portion of this funding to assess the learning outcomes related to civic education curriculum and to support related assessments that gauge the degree to which high quality civic education is taking place in school districts throughout the state.

(r) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide technical assistance to school districts through the center for the improvement of student learning. The technical assistance must support the implementation of trauma-informed practices, policies, and procedures, including implementation of social emotional learning programs, multi-tiered systems of support, and other evidence-based programs that improve school climate and student emotional wellbeing.

(s) \$49,000 of the general fund—state appropriation for fiscal year 2022 and \$49,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1214 (K-12 safety & security serv.).

(t) \$35,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Substitute House Bill No. 1363 (secondary trauma/K-12).

(u) \$140,000 of the general fund—state appropriation for fiscal year 2022 and \$135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1208 (learning assistance program).

(v) \$505,000 of the general fund—state appropriation for fiscal year 2022 and \$486,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1295 (institutional ed./release).

(w) \$60,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office of the superintendent of public instruction to evaluate and implement best practices and procedures for ensuring that student lunch periods include a seated lunch duration of at least 20 minutes. The office of the superintendent of public instruction shall, through an application-based process, select six public schools to serve as demonstration sites. Of the amounts provided in this subsection:

(i) \$30,000 of the general fund—state appropriation is provided solely for annual grant awards of \$5,000 each provided to the six school districts selected to serve as school demonstration sites;

(ii) \$20,000 of the general fund—state appropriation is provided solely for the office to hire a consultant with expertise in nutrition programs to oversee the demonstration projects and provide technical support; and

(iii) \$10,000 of the general fund—state appropriation is provided solely for the office to provide technical support to the demonstration sites and report its findings and recommendations to the education committees of the house of representatives and the senate by October 1, 2022.

(x) \$27,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Substitute Senate Bill No. 5030 (school counseling programs).

(y) \$16,000 of the general fund—state appropriation for fiscal year 2022 and \$16,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.).

(z) \$553,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of the superintendent of public instruction to develop and implement a mathematics pathways pilot to modernize algebra II. The office should use research and engage stakeholders to develop a revised and expanded course.

~~((bb))~~ (aa) \$3,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to contract for regional multitiered systems of support (MTSS) implementation specialists during the 2022-23 school year to help districts administer the MTSS assessments and adopt evidence-based strategies that address the specific academic, social, emotional, and behavioral health needs of students exacerbated by the pandemic. Funding may also be used for the specialists to provide MTSS training and technical assistance to help school districts and educational service districts connect students with appropriate supports to improve student outcomes and reduce educational opportunity gaps.

~~((ee))~~ (bb) \$367,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of

Engrossed Second Substitute House Bill No. 1153 (language access in schools). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((dd))~~ (cc) \$8,341,000 of the Washington state opportunity pathways account—state appropriation is provided solely for support to small school districts and public schools receiving allocations under chapters 28A.710 and 28A.715 RCW that have less than 800 enrolled students, are located in urban or suburban areas, and budgeted for less than \$18,000 per pupil in general fund expenditures in the 2021-22 school year. For eligible school districts and schools, the superintendent of public instruction must allocate an amount equal to the lesser of ~~((dd))~~ (cc)(i) or (ii) of this subsection multiplied by the school district or school's budgeted enrollment in the 2021-22 school year.

(i) The state local effort assistance threshold in RCW 28A.500.015 in the 2022 calendar year.

(ii) \$18,000 minus the school district or school's budgeted general fund expenditures per pupil in the 2021-22 school year.

~~((ee))~~ (dd)(i) \$80,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to assist sexual assault survivors in Washington public schools. Funding provided in this subsection must be used by the office to:

(A) Research best practices for a victim-centered, trauma-informed approach to responding to sexual assault and supporting survivors in schools;

(B) Conduct listening sessions across the state for the purpose of assessing challenges with responding to sexual assault and supporting survivors in schools;

(C) Update model protocols for responding to sexual assault and supporting survivors in schools;

(D) Develop a plan for deploying victim-centered, trauma-informed training for school administrators and counselors, based on best practices for responding to sexual assault and supporting survivors in schools and informed by the requirements of title IX of the education amendments of 1972; and

(E) Review current legal requirements mandating that educators and staff report suspected sexual assault and assess whether changes to those requirements should be made to align them with best practices for responding to sexual assault and supporting survivors in schools.

(ii) The office must consult with the department of children, youth, and families, law enforcement professionals, national and state organizations supporting the interests of sexual assault survivors, victims' advocates, educators, school administrators, school counselors, and sexual assault survivors.

(iii) The office must submit to the governor and the appropriate committees of the legislature a preliminary report by December 1, 2022. It is the intent of the legislature to provide funding for the office to submit a final report, including a summary of its findings and recommendations, by October 1, 2023.

~~((ff))~~ (ee) \$25,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to create and distribute promotional and educational materials to school districts for Americans of Chinese descent history month.

~~((gg))~~ (ff) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the superintendent to contract with a community-based youth development nonprofit organization for a pilot program to provide behavioral health support for youth and trauma-informed, culturally responsive staff training.

~~((hh))~~ (gg) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the superintendent to establish a media literacy and digital citizenship ambassador program to promote the integration of media literacy and digital citizenship instruction.

~~((hh))~~ (hh) \$294,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5252 (school consultation/tribes). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(5) CAREER CONNECTED LEARNING

(a) \$852,000 of the workforce education investment account—state appropriation is provided solely for expanding career connected learning as provided in RCW 28C.30.020.

(b) \$960,000 of the workforce education investment account—state appropriation is provided solely for increasing the funding per full-time equivalent for career launch programs as described in RCW 28A.700.130. In the 2021-2023 fiscal biennium, for career launch enrollment exceeding the funding provided in this subsection, funding is provided in section 504 of this act.

(c) \$500,000 of the workforce education investment account—state appropriation is provided solely for the Federal Way school district to establish pre-apprenticeship pathways and career connected learning programs in the skilled trades in Federal Way.

(d) \$1,500,000 of the workforce education investment account—state is provided solely for Marysville school district to collaborate with Arlington school district, Everett Community College, other local school districts, local labor unions, local Washington state apprenticeship and training council registered apprenticeship programs, and local industry groups to continue the regional apprenticeship pathways program.

(e) \$3,600,000 of the workforce education investment account—state appropriation is provided solely for the office of the superintendent of public instruction to administer grants to skill centers for nursing programs to purchase or upgrade simulation laboratory equipment.

**Sec. 1502.** 2022 c 297 s 504 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT**

General Fund—State Appropriation (FY 2022)	\$9,481,252,000
General Fund—State Appropriation (FY 2023)	<del>(\$8,975,955,000)</del>
	<u>\$8,937,617,000</u>
General Fund—Federal Appropriation.....	\$204,000
Education Legacy Trust Account—State Appropriation	\$1,608,115,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation .....	<del>(\$280,875,000)</del>
	<u>\$258,048,000</u>
<b>TOTAL APPROPRIATION .....</b>	<b><del>(\$20,346,401,000)</del></b>
	<b><u>\$20,285,236,000</u></b>

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

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2021-22 and 2022-23 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary allocations in sections 504 and 505 of this act, excluding (c) of this subsection.

(c) From July 1, 2021, to August 31, 2021, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 503 and 504, chapter 357, Laws of 2020, as amended.

(d) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of

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school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(e)(i) Funding provided in part V of this act is sufficient to provide each full-time equivalent student with the minimum hours of instruction required under RCW 28A.150.220.

(ii) The office of the superintendent of public instruction shall align the agency rules defining a full-time equivalent student with the increase in the minimum instructional hours under RCW 28A.150.220, as amended by the legislature in 2014.

(f) The superintendent shall adopt rules requiring school districts to report full-time equivalent student enrollment as provided in RCW 28A.655.210.

(g) For the 2021-22 and 2022-23 school years, school districts must report to the office of the superintendent of public instruction the monthly actual average district-wide class size across each grade level of kindergarten, first grade, second grade, and third grade classes. The superintendent of public instruction shall report this information to the education and fiscal committees of the house of representatives and the senate by September 30th of each year.

**(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS**

Allocations for certificated instructional staff salaries for the 2021-22 and 2022-23 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school, including those at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

General education class size:

Grade	RCW 28A.150.260	2021-22 School Year	2022-23 School Year
Grade K		17.00	17.00
Grade 1		17.00	17.00
Grade 2		17.00	17.00
Grade 3		17.00	17.00
Grade 4		27.00	27.00
Grades 5-6		27.00	27.00
Grades 7-8		28.53	28.53
Grades 9-12		28.74	28.74

The superintendent shall base allocations for: Laboratory

science average class size as provided in RCW 28A.150.260; career and technical education (CTE) class size of 23.0; and skill center program class size of 19. Certificated instructional staff units provided for skills centers that exceed the minimum requirements of RCW 28A.150.260 achieve class size reductions under RCW 28A.400.007 and are part of the state's program of basic education.

(ii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iii) Advanced placement and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260, as amended by Second Substitute House Bill No. 1664 (schools/support funding), and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii)(A) For the twenty schools with the lowest overall school score for all students in the 2018-19 school year, as determined by the Washington school improvement framework among elementary schools, middle schools, and other schools not serving students up to twelfth grade, having enrollments greater than one hundred fifty students, in addition to the allocation under (d)(i) of this subsection the superintendent shall allocate additional funding for guidance counselors for each level of prototypical school in the 2021-22 school year as follows:

	Elementary	Middle
Guidance counselors	0.307	0.512

To receive additional allocations under this subsection (2)(d)(ii)(A), a school eligible to receive the allocation must have demonstrated actual staffing for guidance counselors for its prototypical school level that meets or exceeds the staffing for guidance counselors in (d)(i) of this subsection and this subsection (2)(d)(ii)(A) for its prototypical school level. School districts must distribute the additional guidance counselors allocation in this subsection to the schools that generate the allocation. The enhancement within this subsection is not part of the state's program of basic education.

(B) For qualifying high-poverty schools in the 2022-23 school year, at which more than 50 percent of the students were eligible for free and reduced-price meals in the prior school year, in addition to the allocation under (d)(i) of this subsection, the superintendent shall allocate additional funding for guidance counselors for each level of prototypical school as follows:

	Elementary	Middle	High
Guidance counselors	0.333	0.333	0.333

(C) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 student full-time equivalent enrollment:

	2021-22 School Year	2022-23 School Year
Career and Technical Education	3.07	3.35
Skill Center	3.41	3.69

(3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2021-22 and 2022-23 school years for general education students are determined using the formula generated staff units calculated pursuant to this subsection. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent enrollment in each grade. The following prototypical school values shall determine the allocation for principals, assistant principals, and other certificated building level administrators:

Prototypical School Building:	
Elementary School	1.253
Middle School	1.353
High School	1.880

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student rates that are a multiple of the general education rate in (a) of this subsection by the following factors:

Career and Technical Education students .....	1.025
Skill Center students .....	1.198

(4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2021-22 and 2022-23 school years are determined using the formula-generated staff units provided in RCW 28A.150.260 and pursuant to this subsection, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade.

(5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2021-22 and 2022-23 school years for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b) and the increased allocations provided pursuant to subsections (2) and (4) of this section, by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.48 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by 12.58 percent in the 2021-22 school year and ((42.14)) 12.04 percent in the 2022-23 school year for career and technical education students, and 17.92 percent in the 2021-22 school year and ((47.42)) 17.35 percent in the 2022-23 school year for skill center students.

(6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 22.71 percent in the 2021-22 school year and 22.98 percent in the 2022-23 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 22.75 percent in the 2021-22 school year and ((22.80)) 22.94 percent in the 2022-23 school year for classified salary allocations provided under subsections (4) and (5) of this section.

(7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the rates specified in section 506 of this act, based on the number of benefit units determined as follows: Except for nonrepresented employees of educational service districts, the number of calculated benefit units determined below. Calculated benefit units are staff units multiplied by the benefit allocation factors established in the collective bargaining agreement referenced in section 934 of this act. These factors are intended to adjust allocations so that, for the purpose of distributing insurance benefits, full-time equivalent employees may be calculated on the basis of 630 hours of work per year, with no individual employee counted as more than one full-time equivalent. The number of benefit units is determined as follows:

(a) The number of certificated staff units determined in subsections (2), (3), and (5) of this section multiplied by 1.02; and

(b) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.43.

(8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a)(i) MSOC funding for general education students are allocated at the following per student rates:

MSOC RATES/STUDENT FTE

MSOC Component	2021-22 School Year	2022-23 School Year
Technology	\$140.84	\$173.59
Utilities and Insurance	\$382.70	\$403.75
Curriculum and Textbooks	\$151.22	\$159.54
Other Supplies	\$299.50	\$316.73
Library Materials	\$21.54	\$21.97
Instructional Professional Development for Certificated and Classified Staff	\$23.39	\$24.67
Facilities Maintenance	\$189.59	\$200.02
Security and Central Office	\$131.35	\$138.57
TOTAL MSOC/STUDENT FTE	\$1,340.13	\$1,438.84

(ii) For the 2021-22 school year and 2022-23 school year, as part of the budget development, hearing, and review process required by chapter 28A.505 RCW, each school district must disclose: (A) The amount of state funding to be received by the district under (a) and (d) of this subsection (8); (B) the amount the district proposes to spend for materials, supplies, and operating costs; (C) the difference between these two amounts; and (D) if (A) of this subsection (8)(a)(ii) exceeds (B) of this subsection (8)(a)(ii), any proposed use of this difference and how this use will improve student achievement.

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(iii) Within the amount provided in (a)(i) of this subsection (8), allocations for MSOC technology in excess of RCW 28A.150.260 are not part of the state's basic education.

(b) Students in approved skill center programs generate per student FTE MSOC allocations of \$1,585.55 for the 2021-22 school year and \$1,672.76 for the 2022-23 school year.

(c) Students in approved exploratory and preparatory career and technical education programs generate per student FTE MSOC allocations of \$1,585.55 for the 2021-22 school year and \$1,672.76 for the 2022-23 school year.

(d) Students in grades 9-12 generate per student FTE MSOC allocations in addition to the allocations provided in (a) through (c) of this subsection at the following rate:

MSOC Component	2021-22 School Year	2022-23 School Year
Technology	\$40.50	\$42.72
Curriculum and Textbooks	\$44.18	\$46.61
Other Supplies	\$86.06	\$90.79
Library Materials	\$5.99	\$6.32
Instructional Professional Development for Certified and Classified Staff	\$7.36	\$7.77
<b>TOTAL GRADE 9-12 BASIC EDUCATION MSOC/STUDENT FTE</b>	<b>\$184.09</b>	<b>\$194.21</b>

**(9) SUBSTITUTE TEACHER ALLOCATIONS**

For the 2021-22 and 2022-23 school years, funding for substitute costs for classroom teachers is based on four (4) funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of \$151.86.

**(10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING**

(a) Amounts provided in this section from July 1, 2021, to August 31, 2021, are adjusted to reflect provisions of chapter 357, Laws of 2020, as amended (allocation of funding for students enrolled in alternative learning experiences).

(b) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

**(11) DROPOUT REENGAGEMENT PROGRAM**

The superintendent shall adopt rules to require students claimed for general apportionment funding based on enrollment in dropout reengagement programs authorized under RCW 28A.175.100 through 28A.175.115 to meet requirements for at least weekly minimum instructional contact, academic counseling, career counseling, or case management contact. Districts must also provide separate financial accounting of expenditures for the programs offered by the district or under contract with a provider, as well as accurate monthly headcount and full-time equivalent enrollment claimed for basic education, including separate enrollment counts of resident and nonresident students.

**(12) ALL DAY KINDERGARTEN PROGRAMS**

~~((a))~~ Funding in this section is sufficient to fund all day kindergarten programs in all schools in the 2021-22 school year and 2022-23 school year, pursuant to RCW 28A.150.220 and

28A.150.315.

**(13) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS**

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;



(d) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under this subsection (13) shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(14) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(15) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2022 and 2023 as follows:

(a) \$650,000 of the general fund—state appropriation for fiscal year 2022 and \$650,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) \$436,000 of the general fund—state appropriation for fiscal year 2022 and \$436,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(16) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(17) Funding in this section is sufficient to fund a maximum of 1.2 FTE enrollment for career launch students pursuant to RCW 28A.700.130. Expenditures for this purpose must come first from the appropriations provided in section 501(5) of this act; funding for career launch enrollment exceeding those appropriations is provided in this section. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by January 1, 2022. The report must include the total FTE enrollment for career launch students, the FTE enrollment for career launch students that exceeded the appropriations provided in section

501(5) of this act, and the amount expended from this section for those students.

(18) Students participating in running start programs may be funded up to a combined maximum enrollment of 1.2 FTE including school district and institution of higher education enrollment consistent with the running start course requirements provided in chapter 202, Laws of 2015 (dual credit education opportunities). In calculating the combined 1.2 FTE, the office of the superintendent of public instruction may average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and higher education institution. Additionally, the office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the student achievement council, and the education data center, shall annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system. The office of the superintendent of public instruction must adopt rules to fund the participating student's enrollment in running start courses during the summer term.

(19) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (13) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (13) of this section shall be reduced in increments of twenty percent per year.

(20)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed the lesser of five percent or the cap established in federal law of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

(21) Funding in this section is sufficient to provide full general apportionment payments to school districts eligible for federal forest revenues as provided in RCW 28A.520.020. For the 2021-2023 biennium, general apportionment payments are not reduced for school districts receiving federal forest revenues.

(22) \$16,211,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to ensure that school districts receive at least \$500 per pupil for COVID-19 relief funding when combined with federal relief dollars. These funds are one-time allocations to school districts and may be used according to the allowable uses defined in section 2001(2)(e) of the American rescue plan act of 2021, P.L. 117-2. Prior to receiving funds, a school district must submit an academic and student well-being recovery plan to the office of the superintendent of public

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instruction as required in section 12(3), chapter 3, Laws of 2021, and must also report progress on implementing the plan in a manner identified by the superintendent.

(a) The office of the superintendent of public instruction must calculate a relief per pupil amount for each district defined as: The quotient from dividing the total funding allocated to each district from the federal relief funds, as defined in (b) of this subsection, by a school district's total enrollment as defined in (c) of this subsection. A school district with a relief per pupil amount less than \$500 shall receive the difference between \$500 and the relief per pupil amount, multiplied by the school district's total enrollment.

(b) For the purposes of this subsection, federal relief funds allocated to school districts include:

(i) Subgrants authorized under section 18003, the coronavirus aid, relief, and economic security act, P.L. 116-136;

(ii) Subgrants authorized under section 313, the coronavirus response and relief supplemental appropriations act, P.L. 116-260; and

(iii) Subgrants authorized under section 2001, the American rescue plan act of 2021, P.L. 117-2.

(c) For the purposes of this subsection, a school district's total enrollment means the district's 2019-20 school year annual average full-time equivalent student enrollment, excluding full-time equivalent student enrollments for which funds are separately calculated and allocated under RCW 28A.232.020, 28A.600.310(4), 28A.245.020, and 28A.175.110.

(d) For the purposes of this subsection, this subsection applies to state-tribal compact schools established under chapter 28A.715 RCW.

(23) \$14,859,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for enrollment stabilization allocations required in section 1519 of this act.

(24) \$566,000 of the general fund—state appropriation for fiscal year 2022, \$250,000 of the general fund—state appropriation for fiscal year 2023, and \$204,000 of the general fund—federal appropriation (CRRSA/ESSER) are provided solely for an enrollment stabilization allocation for the Washington youth academy national guard youth challenge program. Federal funding is provided in response to the COVID-19 pandemic as authorized in subsection 313(e), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(25) (~~(\$280,875,000)~~) \$258,048,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for enrollment stabilization allocations pursuant to Substitute House Bill No. 1590 (enrollment stabilization). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(26) (~~(\$145,489,000)~~) \$87,469,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1664 (schools/support funding). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1503.** 2022 c 297 s 505 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION**

(1) The following calculations determine the salaries used in the state allocations for certificated instructional, certificated administrative, and classified staff units as provided in RCW 28A.150.260, and under section 504 of this act: For the 2021-22 school year and the 2022-23 school year salary allocations for certificated instructional staff, certificated administrative staff,

and classified staff units are determined for each school district by multiplying the statewide minimum salary allocation for each staff type by the school district's regionalization factor shown in LEAP Document 3.

**Statewide Minimum Salary Allocation**

Staff Type	2021-22 School Year	2022-23 School Year
Certificated Instructional	\$68,937	\$72,728
Certificated Administrative	\$102,327	\$107,955
Classified	\$49,453	\$52,173

(2) For the purposes of this section, "LEAP Document 3" means the school district regionalization factors for certificated instructional, certificated administrative, and classified staff, as developed by the legislative evaluation and accountability program committee on February 18, 2022, at 6:09 hours.

(3) Incremental fringe benefit factors are applied to salary adjustments at a rate of 22.07 percent for school year 2021-22 and 22.34 percent for school year 2022-23 for certificated instructional and certificated administrative staff and 19.25 percent for school year 2021-22 and (~~(19.30)~~) 19.44 percent for the 2022-23 school year for classified staff.

(4) The salary allocations established in this section are for allocation purposes only except as provided in this subsection, and do not entitle an individual staff position to a particular paid salary except as provided in RCW 28A.400.200, as amended by chapter 13, Laws of 2017 3rd sp. sess. (fully funding the program of basic education).

**Sec. 1504.** 2022 c 297 s 506 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund—State Appropriation (FY 2022) .....	\$97,080,000
General Fund—State Appropriation (FY 2023) .....	<del>(\$580,811,000)</del>
.....	<u>\$572,305,000</u>
Coronavirus State Fiscal Recovery Fund—Federal Appropriation .....	\$1,720,000
TOTAL APPROPRIATION .....	<del>(\$679,611,000)</del>
.....	<u>\$671,105,000</u>

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

(1) The salary increases provided in this section are 2.0 percent for the 2021-22 school year, and 5.5 percent for the 2022-23 school year, the annual inflationary adjustments pursuant to RCW 28A.400.205.

(2)(a) In addition to salary allocations, the appropriations in this section include funding for professional learning as defined in RCW 28A.415.430, 28A.415.432, and 28A.415.434. Funding for this purpose is calculated as the equivalent of three days of salary and benefits for each of the funded full-time equivalent certificated instructional staff units. Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.

(b) Of the funding provided for professional learning in this section, the equivalent of one day of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in the 2021-22 school year must be used to train school district staff on cultural competency, diversity, equity, or inclusion, as required in chapter 197, Laws of 2021.

(3)(a) The appropriations in this section include associated

incremental fringe benefit allocations at 22.07 percent for the 2021-22 school year and 22.34 percent for the 2022-23 school year for certificated instructional and certificated administrative staff and 19.25 percent for the 2021-22 school year and 19.30 percent for the 2022-23 school year for classified staff.

(b) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocations and methodology in sections 504 and 505 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 504 and 505 of this act. Changes for pupil transportation are determined by the superintendent of public instruction pursuant to RCW 28A.160.192, and impact compensation factors in sections 504, 505, and 506 of this act.

(c) The appropriations in this section include no salary adjustments for substitute teachers.

(4) The appropriations in this section are sufficient to fund the collective bargaining agreement referenced in section 934 of this act and reflect the incremental change in cost of allocating rates as follows: For the 2021-22 school year, \$968 per month and for the 2022-23 school year, \$1,026 per month.

(5) When bargaining for funding for school employees health benefits for the 2021-2023 fiscal biennium, any proposal agreed upon must assume the imposition of a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(6) The rates specified in this section are subject to revision each year by the legislature.

**Sec. 1505.** 2022 c 297 s 507 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION**

General Fund—State Appropriation (FY 2022)..	\$605,160,000
General Fund—State Appropriation (FY 2023)	
.....	(\$672,475,000))
.....	\$729,427,000
<b>TOTAL APPROPRIATION.....</b>	<b>(\$1,277,635,000))</b>
.....	<b>\$1,334,587,000</b>

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

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school district programs for the transportation of eligible students as provided in RCW 28A.160.192. Funding in this section constitutes full implementation of RCW 28A.160.192, which enhancement is within the program of basic education. Students are considered eligible only if meeting the definitions provided in RCW 28A.160.160.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school districts programs for the

transportation of students as provided in section 506, chapter 357, Laws of 2020, as amended.

(3) Within amounts appropriated in this section, up to \$10,000,000 of the general fund—state appropriation for fiscal year 2022 and up to \$10,000,000 of the general fund—state appropriation for fiscal year 2023 are for a transportation alternate funding grant program based on the alternate funding process established in RCW 28A.160.191. The superintendent of public instruction must include a review of school district efficiency rating, key performance indicators and local school district characteristics such as unique geographic constraints in the grant award process.

(4) A maximum of \$939,000 of the general fund—state appropriation for fiscal year 2022 and a maximum of \$939,000 of the general fund—state appropriation for fiscal year 2023 may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(5) Subject to available funds under this section, school districts may provide student transportation for summer skills center programs.

(6) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(7) The superintendent of public instruction shall base depreciation payments for school district buses on the presales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(8) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

(9) The office of the superintendent of public instruction shall annually disburse payments for bus depreciation in August.

(10) The superintendent must provide student transportation allocations for the 2021-22 school year equal to the greater of allocations provided in the 2019-20 school year or the student transportation allocations calculated under RCW 28A.160.192. These allocations satisfy the formula requirements for transportation allocations under RCW 28A.160.192.

(11) \$29,745,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for transportation emergency allocations required in section 1504(12) of this act.

(12)(a) \$13,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the superintendent to provide transportation safety net funding to school districts with a demonstrated need for additional transportation funding for special passengers. Transportation safety net awards shall only be provided when a school district's allowable transportation expenditures attributable to serving special passengers exceeds the amount allocated under subsection (2)(a) of this section and any excess transportation costs reimbursed by federal, state, tribal, or local child welfare agencies.

(b) To be eligible for additional transportation safety net award funding, the school district must report, in accordance with statewide accounting guidance, the amount of the excess costs and the specific activities or services provided to special

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passengers that created the excess costs. The office of the superintendent of public instruction must request from school districts an application for transportation safety net funding no later than May 1st. The application must contain the school district's anticipated excess costs through the end of the current school year.

(c) Transportation safety net awards allocated under this subsection are not part of the state's program of basic education.

**Sec. 1506.** 2022 c 297 s 508 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SCHOOL FOOD SERVICES**

General Fund—State Appropriation (FY 2022).....	\$11,667,000
General Fund—State Appropriation (FY 2023)	
.....(( <del>\$33,334,000</del> ))	
.....	<u>\$59,834,000</u>
General Fund—Federal Appropriation .....	(( <del>\$73,246,000</del> ))
.....	<u>\$788,702,000</u>
TOTAL APPROPRIATION.....	(( <del>\$618,247,000</del> ))
.....	<u>\$860,203,000</u>

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

(1) \$11,548,000 of the general fund—state appropriation for fiscal year 2022 and \$11,548,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for state matching money for federal child nutrition programs, and may support the meals for kids program through the following allowable uses:

(a) Elimination of breakfast copays for eligible public school students and lunch copays for eligible public school students in grades pre-kindergarten through twelfth grades who are eligible for reduced-price lunch as required in Engrossed House Bill No. 1342 (reduced-price lunch copays);

(b) Assistance to school districts and authorized public and private nonprofit organizations for supporting summer food service programs, and initiating new summer food service programs in low-income areas;

(c) Reimbursements to school districts for school breakfasts served to students eligible for free and reduced-price lunch, pursuant to chapter 287, Laws of 2005; and

(d) Assistance to school districts in initiating and expanding school breakfast programs.

(2) The office of the superintendent of public instruction shall report annually to the fiscal committees of the legislature on annual expenditures in subsection (1)(a) through (c) of this section.

(3) The superintendent of public instruction shall provide the department of health with the following data, where available, for all nutrition assistance programs that are funded by the United States department of agriculture and administered by the office of the superintendent of public instruction. The superintendent must provide the report for the preceding federal fiscal year by February 1, 2022, and February 1, 2023. The report must provide:

(a) The number of people in Washington who are eligible for the program;

(b) The number of people in Washington who participated in the program;

(c) The average annual participation rate in the program;

(d) Participation rates by geographic distribution; and

(e) The annual federal funding of the program in Washington.

(4)(a) ((~~\$21,500,000~~)) \$48,167,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for reimbursements to school districts for schools and groups of schools required to participate in the federal community eligibility program under section 1, chapter 7, Laws of 2022

(schools/comm. eligibility) for meals not reimbursed at the federal free meal rate. If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(b) \$119,000 of the general fund—state appropriation for fiscal year 2022 and \$286,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 271, Laws of 2018 (school meal payment) to increase the number of schools participating in the federal community eligibility program and to support breakfast after the bell programs authorized by the legislature that have adopted the community eligibility provision, and for staff at the office of the superintendent of public instruction to implement section 1, chapter 7, Laws of 2022 (schools/comm. eligibility).

(5) \$14,200,000 of the general fund—federal appropriation (CRRSA) is provided solely for emergency costs for child nutrition programs provided under section 722 of P.L. 116-260, the consolidated appropriations act, 2021, title VII, chapter 3 to school food programs.

(6) ((~~\$18,223,000~~)) \$27,073,000 of the general fund—federal appropriation is provided solely for reimbursement of local education agencies expenditures for the acquisition of unprocessed or minimally processed domestic food products from the United States department of agriculture supply chain assistance funds authorized by the commodity credit corporation charter act of 2021.

(7) \$3,645,000 of the general fund—federal appropriation is provided solely for food assistance purchases of domestic local foods for distribution to schools from the United States department of agriculture local food for schools cooperative agreement program authorized by the commodity credit corporation charter act of 2021.

**Sec. 1507.** 2022 c 297 s 509 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 2022)	
.....	\$1,464,854,000
General Fund—State Appropriation (FY 2023)	
..... (( <del>\$1,459,576,000</del> ))	
.....	<u>\$1,487,468,000</u>
General Fund—Federal Appropriation.....	\$571,229,000
Education Legacy Trust Account—State Appropriation	
.....	\$54,694,000
Elementary and Secondary School Emergency Relief III	
Account—Federal Appropriation.....	\$7,000,000
TOTAL APPROPRIATION .....	(( <del>\$3,557,353,000</del> ))
.....	<u>\$3,585,245,000</u>

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

(1)(a) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 504 and 506 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(b) Funding provided within this section is sufficient for districts to provide school principals and lead special education teachers annual professional development on the best-practices for special education instruction and strategies for implementation. Districts shall annually provide a summary of

professional development activities to the office of the superintendent of public instruction.

(2)(a) The superintendent of public instruction shall ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390, except that the calculation of the base allocation also includes allocations provided under section 504 (2) and (4) of this act and RCW 28A.150.415, which enhancement is within the program of basic education.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 357, Laws of 2020, as amended.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund—state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 13.5 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) \$76,334,000 of the general fund—state appropriation for fiscal year 2022, (~~(\$91,492,000)~~) \$106,931,000 of the general fund—state appropriation for fiscal year 2023, and \$29,574,000 of the general fund—federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2021-22 and 2022-23 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (education).

(b) The office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year, except that the superintendent of public instruction shall make award determinations for state safety net funding in July of each school year for the Washington state school for the blind and for the center for childhood deafness and

hearing loss. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(8) A maximum of \$1,250,000 may be expended from the general fund—state appropriations to fund teachers and aides at Seattle children's hospital. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) \$88,000 of the general fund—state appropriation for fiscal year 2022, \$87,000 of the general fund—state appropriation for fiscal year 2023, and \$214,000 of the general fund—federal appropriation are provided solely for a special education family liaison position within the office of the superintendent of public instruction.

(12) \$5,000,000 of the general fund—state appropriation for fiscal year 2022, \$12,000,000 of the general fund—state appropriation for fiscal year 2023, and \$7,000,000 of the elementary and secondary school emergency relief III account—federal appropriation are provided solely for the office of the superintendent of public instruction to provide an allocation to school districts for extension of transition services for students with disabilities who turned age 21 during the 2019-20 or 2020-21 school years, did not graduate with a regular diploma, and require recovery services on or after July 1, 2021, as determined by the student's individualized education plan team. The extension of these services does not reduce or supplant any other services for which the individual would be eligible. Allocations for this purpose may not exceed the amounts provided in this subsection. The office of the superintendent of public instruction may adopt formulas and procedures to define a per-student amount to be provided to students that meet the criteria, so that allocations do not exceed amounts provided in this subsection. Amounts provided in this subsection are outside the state's program of basic education.

(13)(a) \$52,704,000 of the general fund—federal appropriation (ARPA) is provided solely for allocations from federal funding as authorized in section 2014, the American rescue plan act of 2021, P.L. 117-2.

(b) \$4,411,000 of the general fund—federal appropriation (ARPA) is provided solely for providing preschool services to qualifying special education students under section 619 of the federal individuals with disabilities education act, pursuant to section 2002, the American rescue plan act of 2021, P.L. 117-2.

(14) \$7,000,000 of the general fund—state appropriation for fiscal year 2022 and \$5,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to support professional development in inclusionary practices for classroom teachers. The primary form of support to public school classroom teachers must be for mentors who are experts in best practices for inclusive education, differentiated instruction, and individualized instruction. Funding for mentors must be prioritized to the public schools with the highest percentage of students with individualized education programs aged three through 21 who spend the least amount of time in general education classrooms.

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**Sec. 1508.** 2022 c 297 s 510 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS**

General Fund—State Appropriation (FY 2022)....	\$28,636,000
General Fund—State Appropriation (FY 2023)	.....(( <del>\$30,886,000</del> ))
	..... <u>\$30,678,000</u>
<b>TOTAL APPROPRIATION</b> .....	.....(( <del>\$59,522,000</del> ))
	..... <u>\$59,314,000</u>

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

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies aligned with common core state standards and next generation science standards. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) Funding in this section is provided for regional professional development related to English language arts curriculum and instructional strategies aligned with common core state standards. Each educational service district shall use this funding solely for salary and benefits for certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(4) Funding in this section is provided for regional technical support for the K-20 telecommunications network to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(5) Funding in this section is provided for a corps of nurses located at the educational service districts, to be dispatched in coordination with the office of the superintendent of public instruction, to provide direct care to students, health education, and training for school staff. Beginning in fiscal year 2022, allocations for the corps of nurses is sufficient to provide one day per week of nursing services for all second-class school districts.

(6) Funding in this section is provided for staff and support at the nine educational service districts to provide a network of support for school districts to develop and implement comprehensive suicide prevention and behavioral health supports for students.

(7) Funding in this section is provided for staff and support at the nine educational service districts to provide assistance to school districts with comprehensive safe schools planning, conducting needs assessments, school safety and security trainings, coordinating appropriate crisis and emergency response and recovery, and developing threat assessment and crisis intervention teams. Beginning in fiscal year 2022, allocations for staff and support for regional safety centers are increased to 3 full-time equivalent certificated instructional staff for each regional safety center.

(8) Funding in this section is provided for regional English

language arts coordinators to provide professional development of teachers and principals around the new early screening for dyslexia requirements.

(9) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

(10) \$2,150,000 of the general fund—state appropriation for fiscal year 2022 and \$2,169,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for each educational service district to provide technology consultation, procurement, and training required under Engrossed Second Substitute House Bill No. 1365 (schools/computers & devices).

(11) \$1,009,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5539 (ed. service district funding). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1509.** 2022 c 297 s 511 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE**

General Fund—State Appropriation (FY 2022) ..	\$272,986,000
General Fund—State Appropriation (FY 2023)	.....(( <del>\$250,542,000</del> ))
	..... <u>\$255,216,000</u>
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation .....	\$63,909,000
<b>TOTAL APPROPRIATION</b> .....	.....(( <del>\$587,437,000</del> ))
	..... <u>\$592,111,000</u>

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

(1) \$63,909,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for enrollment stabilization local effort assistance funding as required in Substitute House Bill No. 1590 (enrollment stabilization). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(2) \$23,047,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for local effort assistance adjustments as shown in LEAP document 4, as developed by the legislative evaluation and accountability program committee on March 24, 2023, at 6:09 hours.

**Sec. 1510.** 2022 c 297 s 512 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 2022) ....	\$14,074,000
General Fund—State Appropriation (FY 2023)	.....(( <del>\$13,894,000</del> ))
	..... <u>\$14,787,000</u>
<b>TOTAL APPROPRIATION</b> .....	.....(( <del>\$27,968,000</del> ))
	..... <u>\$28,861,000</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 2022 and \$701,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) \$1,944,000 of the general fund—state appropriation for fiscal year 2022 and \$2,090,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to increase the capacity of institutional education programs to differentiate instruction to meet students' unique educational needs, including students with individualized educational plans. Those needs may include but are not limited to one-on-one instruction, enhanced access to counseling for social emotional needs of the student, and services to identify the proper level of instruction at the time of student entry into the facility. Allocations of amounts for this purpose in a school year must be based on 45 percent of full-time enrollment in institutional education receiving a differentiated instruction amount per pupil equal to the total statewide allocation generated by the distribution formula under RCW 28A.150.260 (4)(a), (5), (6), and (8) and the allocation under RCW 28A.150.415, per the statewide full-time equivalent enrollment in common schools.

(7) \$300,000 of the general fund—state appropriation in fiscal year 2022 and \$300,000 of the general fund—state appropriation in fiscal year 2023 are provided solely to support three student records coordinators to manage the transmission of academic records for each of the long-term juvenile institutions. One coordinator is provided for each of the following: The Issaquah school district for the Echo Glen children's center, the Chehalis school district for Green Hill academic school, and the Naselle-Grays River Valley school district for Naselle youth camp school.

(8) Ten percent of the funds allocated for the institution may be carried over from one year to the next.

(9) \$588,000 of the general fund—state appropriation for fiscal year 2022 and \$897,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one educational advocate to each institution with enrollments above 40 full-time equivalent students beginning in the 2021-22 school year in addition to any educational advocates supported by federal funding. Educational advocates will provide the following supports to students enrolled in or just released from institutional education programs:

(a) Advocate for institutional education students to eliminate barriers to educational access and success;

(b) Consultation with juvenile rehabilitation staff to develop educational plans for and with participating youth;

(c) Monitoring educational progress of participating students;

(d) Providing participating students with school and local resources that may assist in educational access and success upon release from institutional education facilities; and

(e) Coaching students and caregivers to advocate for educational needs to be addressed at the school district upon return to the community.

(10) \$49,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to increase materials, supplies, and operating costs by \$85 per pupil beginning in the 2021-22 school year for technology supports for institutional education programs. This funding is in addition to general education materials, supplies, and operating costs provided to institutional education programs, which exclude formula costs supported by the institutional facilities.

(11) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to support instruction in cohorts of students grouped by similar age and academic levels.

**Sec. 1511.** 2022 c 297 s 513 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund—State Appropriation (FY 2022) .....	\$31,926,000
General Fund—State Appropriation (FY 2023)	
.....	<del>(\$32,176,000)</del>
.....	\$32,153,000
TOTAL APPROPRIATION .....	<del>(\$64,102,000)</del>
.....	\$64,079,000

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

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c) except that allocations must be based on 5.0 percent of each school district's full-time equivalent enrollment. In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the compensation rates as provided in sections 505 and 506 of this act.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 357, Laws of 2020, as amended.

**Sec. 1512.** 2022 c 297 s 515 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS**

General Fund—State Appropriation (FY 2022) ..	\$134,083,000
General Fund—State Appropriation (FY 2023)	
.....	<del>(\$138,519,000)</del>
.....	\$134,042,000
General Fund—Federal Appropriation.....	\$96,683,000
General Fund—Private/Local Appropriation .....	\$1,450,000
Education Legacy Trust Account—State Appropriation	
.....	\$1,642,000

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TOTAL APPROPRIATION.....	((( <del>\$372,377,000</del> )))
	<u>\$367,900,000</u>

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

(1) ACCOUNTABILITY

(a) \$26,975,000 of the general fund—state appropriation for fiscal year 2022, \$26,975,000 of the general fund—state appropriation for fiscal year 2023, \$1,350,000 of the education legacy trust account—state appropriation, and \$15,868,000 of the general fund—federal appropriation are provided solely for development and implementation of the Washington state assessment system.

(b) \$14,352,000 of the general fund—state appropriation for fiscal year 2022 and \$14,352,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 159, Laws of 2013 (K-12 education - failing schools).

(2) EDUCATOR CONTINUUM

(a) \$71,644,000 of the general fund—state appropriation for fiscal year 2022 and ((~~\$75,805,000~~)) \$71,328,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,705 per teacher in the 2021-22 school year and a bonus of \$6,019 per teacher in the 2022-23 school year;

(ii) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced-price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (b) of this subsection for less than one full school year receive bonuses in a prorated manner. All bonuses in this subsection will be paid in July of each school year. Bonuses in this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(iv) During the 2021-22 and 2022-23 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary allocation and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after fully exhausting all years of candidacy as set by the national board for professional teaching standards are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national

board bonus payments required by this section in each school year.

(b) \$3,418,000 of the general fund—state appropriation for fiscal year 2022 and \$3,418,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of a new performance-based evaluation for certificated educators and other activities as provided in chapter 235, Laws of 2010 (education reform) and chapter 35, Laws of 2012 (certificated employee evaluations).

(c) \$477,000 of the general fund—state appropriation for fiscal year 2022 and \$477,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(d) \$810,000 of the general fund—state appropriation for fiscal year 2022 and \$810,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to operate a state-of-the-art education leadership academy that will be accessible throughout the state. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, educational service districts, and others as the independent organization shall identify.

(e) \$10,500,000 of the general fund—state appropriation for fiscal year 2022 and \$10,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a beginning educator support program (BEST). The program shall prioritize first year educators in the mentoring program. School districts and/or regional consortia may apply for grant funding. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning educator aligned with professional certification; release time for mentors and new educators to work together; and educator observation time with accomplished peers. Funding may be used to provide statewide professional development opportunities for mentors and beginning educators.

(f) \$4,000,000 of the general fund—state appropriation for fiscal year 2022 and \$4,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the provision of training for teachers, principals, and principal evaluators in the performance-based teacher principal evaluation program.

**Sec. 1513.** 2022 c 297 s 516 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund—State Appropriation (FY 2022) ..	\$217,022,000
General Fund—State Appropriation (FY 2023)	
.....	((( <del>\$218,054,000</del> )))
.....	<u>\$227,384,000</u>
General Fund—Federal Appropriation.....	((( <del>\$102,242,000</del> )))
.....	<u>\$108,183,000</u>
TOTAL APPROPRIATION .....	((( <del>\$537,318,000</del> )))
.....	<u>\$552,589,000</u>

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

(1) Each general fund fiscal year appropriation includes such



funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs under RCW 28A.180.010 through 28A.180.080, including programs for exited students, as provided in RCW 28A.150.260(10)(b) and the provisions of this section. In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student in grades kindergarten through six and 6.7780 hours per week per transitional bilingual program student in grades seven through twelve in school years 2021-22 and 2022-23; (ii) additional instruction of 3.0000 hours per week in school years 2021-22 and 2022-23 for the head count number of students who have exited the transitional bilingual instruction program within the previous two years based on their performance on the English proficiency assessment; (iii) fifteen transitional bilingual program students per teacher; (iv) 36 instructional weeks per year; (v) 900 instructional hours per teacher; and (vi) the compensation rates as provided in sections 505 and 506 of this act. Pursuant to RCW 28A.180.040(1)(g), the instructional hours specified in (a)(ii) of this subsection (2) are within the program of basic education.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 514, chapter 357, Laws of 2020, as amended.

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: 1.89 percent for school year 2021-22 and ~~(4.88)~~ 1.78 percent for school year 2022-23.

(4) The general fund—federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5) \$35,000 of the general fund—state appropriation for fiscal year 2022 and \$35,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to track current and former transitional bilingual program students.

(6) \$1,185,000 of the general fund—state appropriation in fiscal year 2022 and \$1,185,000 of the general fund—state appropriation in fiscal year 2023 are provided solely for the central provision of assessments as provided in RCW 28A.180.090, and is in addition to the withholding amounts specified in subsection (3) of this section.

**Sec. 1514.** 2022 c 297 s 517 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund—State Appropriation (FY 2022)..	\$449,472,000
General Fund—State Appropriation (FY 2023)	
.....	<del>(\$447,888,000)</del>
.....	<u>\$424,536,000</u>
General Fund—Federal Appropriation .....	\$533,481,000
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation.....	<del>(\$26,382,000)</del>
.....	<u>\$9,200,000</u>
TOTAL APPROPRIATION.....	<del>(\$1,457,223,000)</del>
.....	<u>\$1,416,689,000</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 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a), except that the allocation for the additional instructional hours shall be enhanced as provided in this section, which enhancements are within the program of the basic education. In calculating the allocations, the superintendent shall assume the following averages: (A) Additional instruction of 2.3975 hours per week per funded learning assistance program student for the 2021-22 and 2022-23 school years; (B) additional instruction of 1.1 hours per week per funded learning assistance program student for the 2021-22 and 2022-23 school years in qualifying high-poverty school building; (C) fifteen learning assistance program students per teacher; (D) 36 instructional weeks per year; (E) 900 instructional hours per teacher; and (F) the compensation rates as provided in sections 505 and 506 of this act.

(ii) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 515, chapter 357, Laws of 2020, as amended.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced-price lunch in the prior school year. The prior school year's October headcount enrollment for free and reduced-price lunch shall be as reported in the comprehensive education data and research system.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund—federal appropriation in this section is provided for Title I Part A allocations of the every student succeeds act of 2016.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) Within existing resources, during the 2021-22 and 2022-23 school years, school districts are authorized to use funds allocated for the learning assistance program to also provide assistance to high school students who have not passed the state assessment in science.

(6) In addition to funding allocated under RCW 28A.150.260(10), the superintendent must allocate the following additional learning assistance program amounts to school districts from the coronavirus state fiscal recovery fund—federal appropriation:

(a) High poverty-based allocations in the 2022-23 school year for schools not eligible in the 2022-23 school year that were eligible for high poverty allocation in the previous school year.

(b) Allocations necessary to increase a school district's allocations under RCW 28A.150.260(10)(a)(i) up to an amount that would be generated based on the district's percentage of October headcount in grades K-12 eligible for free or reduced-price lunch in the 2019-20 school year if greater than the percentage allowed under RCW 28A.150.260(10)(a)(i).

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**Sec. 1515.** 2022 c 297 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	2021-22 School Year	2022-23 School Year
General Apportionment	\$9,405	<del>(\$10,098)</del> <u>\$10,094</u>
Pupil Transportation	\$623	<del>(\$644)</del> <u>\$698</u>
Special Education Programs	\$9,976	<del>(\$10,812)</del> <u>\$10,916</u>
Institutional Education Programs	\$26,347	<del>(\$27,779)</del> <u>\$27,973</u>
Programs for Highly Capable Students	\$611	<del>(\$645)</del> <u>\$644</u>
Transitional Bilingual Programs	\$1,442	<del>(\$1,509)</del> <u>\$1,551</u>
Learning Assistance Program	\$964	<del>(\$1,011)</del> <u>\$1,003</u>

**Sec. 1516.** 2022 c 297 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>(\$145,786,000)</del> <u>\$135,998,000</u>
Coronavirus State Fiscal Recovery Fund—Federal Appropriation.....	\$1,667,000
<b>TOTAL APPROPRIATION.....</b>	<del>(\$147,453,000)</del> <u>\$137,665,000</u>

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

(1) The superintendent shall distribute funding appropriated in this section to charter schools under chapter 28A.710 RCW. Within amounts provided in this section the superintendent may distribute funding for safety net awards for charter schools with demonstrated needs for special education funding beyond the amounts provided under chapter 28A.710 RCW.

(2) \$23,000 of the Washington opportunity pathways account—state appropriation is provided solely for enrollment stabilization allocations required in section 1519 of this act.

(3) \$147,000 of the Washington opportunity pathways account—state appropriation is provided solely for transportation emergency allocations required in section 1516(3) of this act.

(4) \$1,667,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for enrollment stabilization allocations pursuant to Substitute House Bill No. 1590 (enrollment stabilization). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1517.** 2022 c 297 s 522 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GRANTS AND PASS THROUGH FUNDING**

General Fund—State Appropriation (FY 2022)....	\$80,493,000
General Fund—State Appropriation (FY 2023)....	\$78,255,000
General Fund—Federal Appropriation.....	<del>(\$989,995,000)</del> <u>\$948,147,000</u>
Elementary and Secondary School Emergency Relief	

III—Federal Appropriation .....	<del>(\$1,850,527,000)</del>
.....	<u>\$1,757,387,000</u>
<b>TOTAL APPROPRIATION .....</b>	<del>(\$2,999,270,000)</del> <u>\$2,864,282,000</u>

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

(1) \$4,894,000 of the general fund—state appropriation for fiscal year 2022 and \$4,894,000 of the general fund—state appropriation for fiscal year 2023 are provided for the office of the superintendent of public instruction to administer programs and grants which increase equitable access to dual credit programs, including subsidizing or eliminating student costs for dual credit courses or exams. By November 2022, the office shall submit a report to relevant committees of the legislature describing options for entering into statewide agreements with dual credit exam companies that will reduce the overall costs for all students and eliminate costs for students who are low income.

(2)(a) \$2,752,000 of the general fund—state appropriation for fiscal year 2022 and \$2,752,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008, including parts of programs receiving grants that serve students in grades four through six. If equally matched by private donations, \$1,075,000 of the 2022 appropriation and \$1,075,000 of the 2023 appropriation shall be used to support FIRST robotics programs in grades four through twelve. Of the amounts provided in this subsection, \$800,000 of the fiscal year 2022 appropriation and \$800,000 of the fiscal year 2023 appropriation are provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations.

(b) \$135,000 of the general fund—state appropriation for fiscal year 2022 and \$135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(c) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for advanced project lead the way courses at ten high schools. To be eligible for funding in 2022, a high school must have offered a foundational project lead the way course during the 2020-21 school year. The 2022 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2021-22 school year. To be eligible for funding in 2023, a high school must have offered a foundational project lead the way course during the 2021-22 school year. The 2023 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2022-23 school year. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(d) \$2,127,000 of the general fund—state appropriation for fiscal year 2022 and \$2,127,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for annual startup, expansion, or maintenance of core plus programs in maritime, construction, and aerospace and advanced manufacturing programs. To be eligible for funding to start up, maintain, or expand programs under (i) through (iii) of this subsection (d), the skills center and high schools must be selected through a competitive grant process administered by the office of

the superintendent of public instruction in consultation with the advisory committee established in (vi) of this subsection (d). The office and the education research and data center shall report annually student participation and long-term outcome data. Within the amounts provided in this subsection:

(i) \$900,000 of the general fund—state appropriation for fiscal year 2022 and \$900,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants for the annual startup, expansion, or maintenance of core plus programs in aerospace and advanced manufacturing programs.

(ii) \$350,000 of the general fund—state appropriation for fiscal year 2022 and \$350,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants for the annual startup, expansion, or maintenance of core plus programs in construction programs.

(iii) \$350,000 of the general fund—state appropriation for fiscal year 2022 and \$350,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants for the annual startup, expansion, or maintenance of core plus programs in maritime programs.

(iv) For (i) through (iii) of this subsection (d), when the grant demand does not align with the specified allocation, the superintendent may allocate funding toward sector areas that meet criteria based on agreement from industry sector representatives.

(v) \$527,000 of the general fund—state appropriation for fiscal year 2022 and \$527,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to administer, evaluate, and promote programs under (i) through (iii) of this subsection (d) based on industry sector recommendations, including contracts with sector-specific entities to expand sector-specific employer engagement programs, increase work placement opportunities, validate credentials necessary for direct employment, and provide professional development to support schools, teachers, and students. The office may also contract with an entity with experience promoting core plus programming across industry sectors and education providers to expand awareness and adoption of core plus programs.

(vi) The office shall convene and manage an advisory committee of industry sector leadership from the core plus program areas and a representative from a statewide business and manufacturing association to inform the administration and continual improvement of core plus programs, including grant determinations, reviewing data and outcomes, recommending program improvements, and ensuring the use of qualified contractors. The committee will advise the superintendent on appropriate credentials, industry-based competencies, and programs of study for high-demand sectors represented in these program areas.

(3)(a) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for project citizen and we the people: The citizen and the constitution programs sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle and high school students. Of the amounts provided, \$15,000 of the general fund—state appropriation for fiscal year 2022 and \$15,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for awarding a travel grant to the winner of the we the people: The citizen and the constitution state competition.

(b) \$373,000 of the general fund—state appropriation for fiscal year 2022 and \$373,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 127, Laws of 2018 (civics education). Of the amounts provided in this subsection (3)(b), \$10,000 of the general fund—

state appropriation for fiscal year 2022 and \$10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grant programs to school districts to help cover travel costs associated with civics education competitions.

(4)(a) \$55,000 of the general fund—state appropriation for fiscal year 2022 and \$55,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction for statewide implementation of career and technical education course equivalency frameworks authorized under RCW 28A.700.070 for math and science. This may include development of additional equivalency course frameworks, course performance assessments, and professional development for districts implementing the new frameworks.

(b) Within the amounts appropriated in this section the office of the superintendent of public instruction shall ensure career and technical education courses are aligned with high-demand, high-wage jobs. The superintendent shall verify that the current list of career and technical education courses meets the criteria established in RCW 28A.700.020(2). The superintendent shall remove from the list any career and technical education course that no longer meets such criteria.

(c) \$3,000,000 of the general fund—state appropriation for fiscal year 2022 and \$5,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide grants to school districts and educational service districts for science teacher training in the next generation science standards including training in the climate science standards. At a minimum, school districts shall ensure that teachers in one grade level in each elementary, middle, and high school participate in this science training. Of the amount appropriated \$1,000,000 is provided solely for community-based nonprofits including tribal education organizations to partner with public schools for next generation science standards.

(5) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Kip Tokuda memorial Washington civil liberties public education program. The superintendent of public instruction shall award grants consistent with RCW 28A.300.410.

(6) \$5,895,000 of the general fund—state appropriation for fiscal year 2022 and \$5,895,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a contract with a nongovernmental entity or entities for demonstration sites to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW pursuant to chapter 71, Laws of 2016 (foster youth edu. outcomes). The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(a) Of the amount provided in this subsection (6), \$446,000 of the general fund—state appropriation for fiscal year 2022 and \$446,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the demonstration site established pursuant to the 2013-2015 omnibus appropriations act, section 202(10), chapter 4, Laws of 2013, 2nd sp. sess.

(b) Of the amount provided in this subsection (6), \$1,015,000 of the general fund—state appropriation for fiscal year 2022 and \$1,015,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the demonstration site established pursuant to the 2015-2017 omnibus appropriations act, section 501(43)(b), chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(c) Of the amounts provided in this subsection (6), \$684,000 of

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the general fund—state appropriation for fiscal year 2022 and \$684,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the demonstration site established with funding provided in the 2017-2019 omnibus appropriations act, chapter 1, Laws of 2017, 3rd sp. sess., as amended.

(d) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the demonstration site established with funding provided in this act.

(e) \$55,000 of the general fund—state appropriation for fiscal year 2022 and \$55,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for maintaining and implementing the data sharing agreement between the office, the department of children, youth, and families, and the contractors to support targeted service delivery, program evaluation, and statewide education outcomes measurement for students served under this section.

(7)(a) \$1,200,000 of the general fund—state appropriation for fiscal year 2022 and \$1,200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 157, Laws of 2016 (homeless students).

(b) \$36,000 of the general fund—state appropriation for fiscal year 2022 and \$36,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for chapter 212, Laws of 2014 (homeless student educational outcomes).

(8) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a nonviolence and ethical leadership training and professional development program provided by the institute for community leadership.

(9)(a) \$1,425,000 of the general fund—state appropriation for fiscal year 2022 and \$1,425,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for dual language grants to grow capacity for high quality dual language learning. Grant funding may be used for new and existing dual language programs, heritage language programs for immigrant and refugee students, and indigenous language programs for native students.

(b) Each grant recipient must convene an advisory board to guide the development and continuous improvement of its dual language program, including but not limited to: Determining which schools and languages will be prioritized; conducting outreach to the community; and addressing enrollment considerations and the hiring of staff. At least half the members of the board must be parents of English learner students or current or former English learner students. The other members of the board must represent teachers, students, school leaders, governing board members, youth, and community-based organizations that support English learners.

(10)(a) \$4,940,000 of the general fund—state appropriation for fiscal year 2022 and \$4,940,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state achievers scholarship and Washington higher education readiness program. The funds shall be used to: Support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars; and to identify and reduce barriers to college for low-income and underserved middle and high school students. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b) \$1,454,000 of the general fund—state appropriation for fiscal year 2022 and \$1,454,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for

contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(c) \$362,000 of the general fund—state appropriation for fiscal year 2022 and \$362,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 180, Laws of 2017 (Washington Aim program).

(11)(a) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities, including instructional material purchases, teacher and principal professional development, and school and community engagement events. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b)(i) \$3,000,000 of the general fund—state appropriation for fiscal year 2022 and \$3,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a statewide information technology academy program. This public-private partnership will provide educational software, as well as information technology certification and software training opportunities for students and staff in public schools for the 2021-22 and 2022-23 school years only. The office must evaluate other options that may be available in the state for a future public-private partnership to deliver similar services to students and staff of public schools at no cost to the state.

(ii) The office must require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework. The report must include the number of students served disaggregated by gender, race, ethnicity, and free-and-reduced lunch eligibility as well as the number of industry certificates attained by type of certificate.

(c) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants of \$2,500 to provide twenty middle and high school teachers each year with professional development training for implementing integrated math, science, technology, and engineering programs in their schools.

(d) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the computer science and education grant program to support the following three purposes: Train and credential teachers in computer sciences; provide and upgrade technology needed to learn computer science; and, for computer science frontiers grants to introduce students to and engage them in computer science. The office of the superintendent of public instruction must use the computer science learning standards adopted pursuant to chapter 3, Laws of 2015 (computer science) in implementing the grant, to the extent possible. Additionally, grants provided for the purpose of introducing students to computer science are intended to support innovative ways to introduce and engage students from historically underrepresented groups, including girls, low-income students, and minority students, to computer science and to inspire them to enter computer science careers. The office of the superintendent of public instruction may award up to \$500,000

each year, without a matching requirement, to districts with greater than fifty percent of students eligible for free and reduced-price meals. All other awards must be equally matched by private sources for the program, including gifts, grants, or endowments.

(e) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to contract with a qualified 501(c)(3) nonprofit community-based organization physically located in Washington state that has at least 18 years of experience collaborating with the office and school districts statewide to integrate the state learning standards in English language arts, mathematics, and science with FieldSTEM outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resource, and agricultural sectors. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(f) \$62,000 of the general fund—state appropriation for fiscal year 2022 and \$62,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for competitive grants to school districts to increase the capacity of high schools to offer AP computer science courses. In making grant allocations, the office of the superintendent of public instruction must give priority to schools and districts in rural areas, with substantial enrollment of low-income students, and that do not offer AP computer science. School districts may apply to receive either or both of the following grants:

(i) A grant to establish partnerships to support computer science professionals from private industry serving on a voluntary basis as coinstructors along with a certificated teacher, including via synchronous video, for AP computer science courses; or

(ii) A grant to purchase or upgrade technology and curriculum needed for AP computer science, as well as provide opportunities for professional development for classroom teachers to have the requisite knowledge and skills to teach AP computer science.

(g) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Mobius science center to expand mobile outreach of science, technology, engineering, and mathematics (STEM) education to students in rural, tribal, and low-income communities.

(12) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the centrum program at Fort Worden state park.

(13) (a) \$788,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for contracts with Washington state based nonprofit organizations that provide a career-integrated one-to-one mentoring program for disadvantaged high school students facing academic and personal challenges with the goal of keeping them on track for graduation and post-high school success. The mentoring must include a focus on college readiness, career exploration and social-emotional learning. An applicant requesting funding for these dollars must successfully demonstrate to the department that it currently provides a career-integrated one-to-one volunteer mentoring program and has been mentoring high school youth for at least twenty years in the state prior to application.

(b) Of the amounts provided in this subsection, \$38,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office to contract with a Washington-based nonprofit organization that provides one-to-one mentoring

through a volunteer-supported network for disadvantaged youth facing academic and personal challenges to provide supportive services for youth who are experiencing mental and behavioral health crises due to the pandemic. Funding may also be used to assist youth mentors, and for staff who provide services to youth and their families and are experiencing secondary trauma. The organization must be affiliated with a national volunteer-supported mentoring network and have been providing one-to-one volunteer mentoring programs for at least 20 years in the state.

(14) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to contract with an organization to create an after-school and summer learning program in the city of Federal Way. The program shall provide comprehensive, culturally competent academic support and cultural enrichment for primarily latinx, spanish-speaking, low-income sixth, seventh, and eighth grade students. The department must contract with an organization with over forty years of experience that serves the latino community in Seattle and King county and has previously established an after-school and summer learning program.

(15) \$850,000 of the general fund—state appropriation for fiscal year 2022 and \$850,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to create and administer a grant program for districts to reduce associated student body fees or participation fees for students who are eligible to participate in the federal free and reduced-price meals program. The office must distribute grants for the 2021-22 school year to school districts by August 10, 2021, and grants for the 2022-23 school year by August 1, 2022.

(a) Grant awards must be prioritized in the following order:

(i) High schools implementing the United States department of agriculture community eligibility provision;

(ii) High schools with the highest percentage of students in grades nine through twelve eligible to participate in the federal free and reduced-price meals program; and

(iii) High schools located in school districts enrolling 5,000 or fewer students.

(b) High schools that do not comply with the data collection and reporting requirements in RCW 28A.320.540 are not eligible for grant funding.

(c) The office of the superintendent of public instruction shall award grants that are the lesser of the cost of the high school's associated student body card multiplied by the number of students eligible for the free or reduced-price meals program that purchased a student body card in either 2018-19 or 2019-20 school year, whichever is higher, or \$10,000.

(d) The office may award additional funding if:

(i) The appropriations provided are greater than the total amount of funding requested at the end of the application cycle; and

(ii) The applicant shows a demonstrated need for additional support.

(16) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the south Kitsap school district to codevelop a pilot strategy to increase completion rates for the free application for federal student aid (FAFSA).

(17) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to contract with

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a Washington-based nonprofit organization to promote equitable access in science, technology, engineering, and math education for historically underserved students and communities. The nonprofit shall provide a system of science educational programming specifically for migrant and bilingual students, including teacher professional development, culturally responsive classroom resources that are aligned with Washington state science and environmental and sustainability learning standards, and implementation support. At least 50 percent of the funding provided in this subsection must serve schools and school districts in eastern Washington. The nonprofit organization must have experience developing and implementing science and environmental science programming and resources for migrant and bilingual students.

(18) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit organization serving opportunity youth in Pierce, King and Snohomish counties. The organization must assist traditionally underrepresented students on nontraditional educational pathways by providing mentorship and technical assistance in navigating higher education and financial aid. The office may require the recipient of these funds to report the impacts of the efforts in alignment with the measures of the Washington school improvement framework.

(19) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to administer a grants program for school districts to acquire and use research-based, social emotional learning curricula in accordance with the state social emotional learning standards. The office must prioritize school districts that do not have existing research based social emotional learning programs and that are also eligible for high-poverty allocations from the learning assistance program.

(20) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to contract with a nonprofit organization that specializes in using e-sports to engage students in seven career clusters to bring team-based, career related e-sports programs to each high school in the Battle Ground, Evergreen, and Vancouver school districts. Any funding remaining may be used for e-sports programs in the middle schools of the three school districts.

(21) \$1,399,000 of the general fund—state appropriation for fiscal year 2022 and \$1,399,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for school districts to support youth who are truant under chapter 28A.225 RCW or at risk of becoming truant, and for costs associated with filing or serving petitions under RCW 28A.225.030.

(22) The general fund—state appropriations in this section for fiscal year 2022 have been reduced by \$24,000 to reflect global compensation savings. The office of financial management, in consultation with the office of the superintendent of public instruction, shall adjust allotments from the appropriations in this section, including allotments of amounts provided solely for a specific purpose, to reflect the reduction to the overall appropriation.

(23) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to contract with an organization that works with educators to secure salmon eggs, offer learning opportunities as the fry develop, and assist when students release their fry into local

creeks and lakes. Funding may only be used for new programs located in elementary schools that are eligible for high-poverty allocations from the learning assistance program. Of the amounts provided in this subsection, the office may use no more than \$35,000 each fiscal year for office administration costs related to the contract.

(24) \$9,850,000 of the general fund—state appropriation for fiscal year 2022 and \$9,850,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to administer the technology grant program established under Engrossed Second Substitute House Bill No. 1365 (schools/computers & devices).

(25) \$199,000 of the general fund—state appropriation for fiscal year 2022 and \$247,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the media literacy and digital citizenship grant program created in Engrossed Second Substitute House Bill No. 1365 (schools/computers & devices). Total grant awards may not exceed \$150,000. Of the amounts provided in this subsection, \$50,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for two regional conferences.

(26) \$70,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the southwest boys & girls club to provide community mentoring, academic intervention, and culturally specific supports through the "be great-graduate initiative" for a cohort of White Center youth identified as high risk.

(27) \$236,000 of the general fund—state appropriation for fiscal year 2022 and \$14,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to support teachers with costs associated with becoming certified, endorsed, or licensed in computer science including, but not limited to, professional development, training, licensure exams, courses in pedagogy, and courses in computer science content. Entities eligible for these funds include, but are not limited to, individual teachers, local education agencies, approved professional learning providers, and institutions of higher education located in Washington state.

(28) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$450,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Highline school district to contract with an organization to offer pre-apprenticeship opportunities for at least two cohorts of students each year in south King county during the summer months of 2021, 2022, and 2023. Students from the Highline school district and neighboring school districts in south King county are eligible for the program.

(29) \$255,000 of the general fund—state appropriation for fiscal year 2022 and \$255,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the continuation of the math improvement pilot program. The entirety of the funds appropriated for fiscal year 2022 must be disbursed by the office to the recipients of the grants no later than August 1, 2021, and the entirety of the funds appropriated for fiscal year 2023 must be disbursed by the office to the recipients of the grants no later than August 1, 2022. Of the amounts provided in the subsection:

(a) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Spokane school district.

(b) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Chehalis school district.

(c) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Bremerton school district.

(30) Within existing resources, the office shall develop recommendation to the legislature to merge the grant programs and specific appropriations of pass-through funding for certain activities or entities in this section into a competitive grant funding process in future biennia. A competitive process must allocate funding using the following five separate categories:

(a) Student supports and safety. Programs under this category will support the mental, social-emotional, and physical safety of students;

(b) Educator growth and development. Programs under this category will support the recruitment and retention of educators, and support their continual professional growth;

(c) Curricula development, dissemination, and supports. Programs under this category will support the development, implementation, and continuous improvement of curricula and other programs specific to state learning standards and content areas;

(d) Eliminating inequitable student outcomes. Programs under this category will increase outcomes for specific student groups, including students experiencing homelessness or foster care; and

(e) Graduation success and preparation for postsecondary pathways. Programs under this category will increase access to graduation pathways aligned with students' postsecondary goals and support for each student to graduate ready to achieve those goals. These may include dual credit programs; dropout prevention, intervention, and reengagement programs; core plus programs; and other high demand career and technical education programs.

(31) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the south Kitsap school district for the controls programmer apprenticeship program.

(32) \$800,000 of the general fund—state appropriation for fiscal year 2022 and \$5,300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for transitional support grants to school districts to support schools that incur costs transitioning from Native American school mascots, logos, or team names under section 3 of Substitute House Bill No. 1356 (Native American names, etc.).

(33) \$10,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to administer an outdoor learning grant program to develop and support outdoor educational experiences for students in Washington public schools. The office must award grants to eligible school districts and outdoor education program providers starting in the 2022-23 school year. The office may consult with the Washington recreation and conservation office on outdoor learning program grants. Of the amounts provided in this subsection:

(a) \$195,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to implement Second Substitute House Bill No. 2078 (outdoor learning grant prg.). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(b) \$3,903,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the outdoor learning grant program, which consists of two types of grants:

(i) Allocation-based grants for school districts to develop or support outdoor educational experiences; and

(ii) Competitive grants for outdoor education providers that are designed to support existing capacity and to increase future

capacity for outdoor learning experiences.

(c) \$5,902,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the outdoor education experiences program. The office must prioritize providing the program to fifth and sixth grade students in high poverty schools, expanding to other fifth and sixth grade students subject to available funds.

(34) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for an education and workforce pathway pilot program at the northwest career and technical academy. The pilot program will oversee a pathway including high schools, skills centers, community and technical colleges, and employers that results in students earning a high school diploma and an associate in technical arts degree, while maintaining summer employment.

(35) \$150,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of the superintendent of public instruction to administer grants to school districts for a plant-based school meals pilot program. Grant recipients may use the funding for food supplies, delivery costs, equipment purchases, education, and other expenditures to increase access to plant-based school meals. Grant awards to school districts may not exceed \$10,000 per district.

(36) \$148,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to provide before and after-school programming to low-income elementary school students in the Tukwila school district. Funding in this subsection may be distributed to the Tukwila school district or to local before or after-school program providers that provide child care for low-income elementary school students in the school district.

(37) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Tacoma school district to identify specific career-relevant coursework and facility needs for the development of a comprehensive maritime-focused career and technical education program in the south Puget Sound area. Funding must be used by the district to engage with the maritime industry in and around the port of Tacoma to conduct a workforce training gap analysis. The district must also coordinate with the office, the state board of education, and the workforce training board to create the relevant curriculum and identify facility needs to establish a new marine trades program.

(38) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to contract with an organization to expand the senior support initiative that helps high school seniors in the Tacoma school district navigate their postsecondary pathway options. The organization may provide support to Tacoma school district seniors through academic supports, financial aid and scholarships, college entry and communication, workforce entry and apprenticeships, housing, child care, and other basic needs. The organization must be a foundation focused on students that coordinates the efforts of parents, youth, community, and policymakers across multiple sectors to address equity gaps facing children and youth in the Tacoma school district.

(39) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to contract with a nonprofit organization to develop and provide a Latino youth-on-youth gang violence prevention program for students. The program must target Latino students ages 11 through 17 who are either involved in or at risk of becoming involved in a gang or in gang activities. Eligible students must be enrolled in either the Moses Lake or Federal Way school districts. The nonprofit organization must have at least 15 years of experience serving Latino communities and promoting advocacy and must provide kindergarten through 12th grade social emotional learning,

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mental health wraparound services, and parent engagement programs in Washington.

(40)(a) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to administer a pilot program to subsidize eligible dual or concurrent enrollment course costs for students who qualify for free or reduced-price meals and are participating in dual enrollment courses offered by one of three community colleges designated by the office and the state board of community and technical colleges. Eligible dual enrollment course programs include the running start and college in the high school programs. One of the community colleges must be located in a county with a population greater than 125,000 but less than 150,000.

(b) The office must subsidize the course costs by transmitting to each of the three institutions of higher education \$1,000 per full-time equivalent student during the 2022-23 academic year. For eligible students who qualify for free or reduced-price meals and are enrolled in running start courses, the pilot program must subsidize:

(i) Any student-voted fees, technology fees, course fees, laboratory fees, or other fees required for enrollment, up to 17 credits per quarter, that were not waived by the institution of higher education under RCW 28A.600.310; and

(ii) Textbooks and other course materials required by the institution of higher education.

(c) Any funds remaining after the office subsidizes the costs included in (b) of this subsection may be used to subsidize waived fees or transportation costs for eligible students who qualify for free or reduced-price meals and are enrolled in running start courses.

(d) The office must submit a preliminary report to the legislature by June 30, 2023, on the results of the pilot program. It is the intent of the legislature to provide funding for a final report due to the legislature by August 31, 2023.

(41) \$468,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to contract with a nonprofit organization to establish a workforce pilot program with the Vancouver school district that provides targeted training to expand the school district's candidate pool for school bus drivers and paraeducators. The nonprofit organization must be based in Vancouver, Washington and must have experience assisting individuals in becoming economically self-sufficient by providing resources, training, and job placement opportunities. By June 30, 2023, the office will collaborate with the nonprofit organization and the Vancouver school district to submit a report to the legislature with results of the workforce pilot program and recommendations for expanding the program.

(42) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to contract with the association of Washington school principals to provide support, mentoring, mediation, and professional learning services to school principals and assistant principals in the greater Seattle area.

(43) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to school districts and educational service districts operating institutional education programs for youth in state long-term juvenile institutions to provide access to computer science elective courses created in Senate Bill No. 5657 (computer science instruction). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(44) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the grant program created in Second Substitute Senate Bill No. 5720 (student financial literacy) which provides grants to school districts for integrating

financial literacy education into professional development for certified staff. If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(45) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to school districts, charter schools, and state-tribal education compact schools to establish K-12 intensive tutoring programs. Grants shall be used to recruit, train, and hire tutors to provide one-on-one tutoring services to K-12 students experiencing learning loss as a result of the COVID-19 pandemic. The tutors must receive training in proven tutoring models to ensure their effectiveness in addressing learning loss.

(46) \$3,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to distribute after-exit running start grants to school districts that identify running start students that have exceeded maximum enrollment under running start formulas and high school graduates who have 15 or fewer college credits to earn before meeting associate degree requirements for instruction not funded under section 504(18) of this act. High school graduates who meet these requirements are eligible to receive funds from these grants for fees to the community and technical college to earn up to 15 college credits during the summer academic term following their high school graduation.

#### (47) FEDERAL GRANTS FOR COVID-19 RECOVERY

(a) \$12,885,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely to administer a grant program for community-based organizations to collaborate with school districts to support learning recovery and acceleration.

(b) \$742,367,000 of the general fund—federal appropriation (CRRSA/ESSER) from funds attributable to subsection 313(c), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M is provided solely for subgrants to local education agencies. Total subgrants awarded under this subsection (47)(b) and section 12, chapter 3, Laws of 2021 may not exceed the federal amounts provided under subsection 313(c), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(c)(i) \$46,263,000 of the general fund—federal appropriation (CRRSA/GEER) is provided solely to provide emergency assistance to nonpublic schools, as authorized in section 312(d), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M. Total funds provided under this subsection (47)(c)(i) and section 13, chapter 3, Laws of 2021 may not exceed the federal amounts provided in section 312(d), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(ii) (~~(\$43,708,000)~~) \$1,860,000 of the general fund—federal appropriation (ARPA) is provided solely to provide emergency assistance to nonpublic schools, as authorized in section 2002, the American rescue plan act of 2021, P.L. 117-2.

(d) \$1,333,801,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely for allocations from funds attributable to subsection 2001(e)(2) the American rescue plan act of 2021, P.L. 117-2 for subgrants to local education agencies.

(e) \$333,450,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely for allocations from funds attributable to subsection 2001(e)(1), the American rescue plan act of 2021, P.L. 117-2 for subgrants to local education agencies to address learning loss. Total funds provided under this subsection (47)(e) and section 1518(33)(b) of this act for the same purpose may not exceed the



funding authorized in this subsection (47)(e).

(f) \$18,525,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(2), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants to entities or organizations to provide outdoor education summer enrichment programs to youth. Recipients must prioritize activities or programs that:

- (i) Promote students connecting socially with their classmates;
- (ii) Encourage students to engage in physical activity; and
- (iii) Support families who have struggled with child care needs.

(g) \$18,525,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(3), the American rescue plan act of 2021, P.L. 117-2 is provided solely to support evidence-based comprehensive afterschool programs.

(h) \$10,000,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants to districts to expand the number of dual language classrooms in early grades and professional development to accelerate literacy gains in early grades, especially for English learners.

(i) \$4,000,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants to school districts to expand career and technical education graduation pathway options, including career-connected learning opportunities.

(j) \$4,000,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants for supplies, equipment, staffing, and services to increase access to summer meals and safe school meals in the 2021-22 school year and summer prior to the start of the school year.

(k) \$60,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely to support a technical advisory workgroup to explore and recommend residency options for pre-service educators, with a focus on educators of color and bilingual speakers and how the apportionment system could support a teacher residency initiative. The workgroup will provide preliminary recommendations by November 1, 2021, and final recommendations by November 1, 2022.

(l) \$78,172,000 of the general fund—federal appropriation is provided solely for allocations from federal funding in response to the COVID-19 pandemic as authorized in section 18003, the coronavirus aid, relief, and economic security act, P.L. 116-136, division B. Total funds provided under this subsection (47)(l) and amounts expended in the 2019-2021 fiscal biennium for the same purpose may not exceed the federal amounts provided in section 18003, the coronavirus response and relief supplemental appropriation act, P.L. 116-136, division B.

(m) \$10,000,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(b), the American rescue plan act of 2021, P.L. 117-2, is provided solely for the office of the superintendent of public instruction to contract with the Washington school principals' education foundation to support pandemic related learning loss through outdoor learning and overnight camp experiences. The association, in consultation with the office, must provide grants to school districts that partner with

an accredited residential outdoor school to provide up to 20,000 fifth and sixth grade students with up to five days of outdoor learning at an overnight camp. Prioritization must be given to schools that have been identified for improvement and students who are most impacted by opportunity gaps as determined by measures of the Washington school improvement framework. Outdoor schools must provide curriculum that is aligned to state learning standards and provide opportunities for accelerated learning, including career connected learning in field based environmental science, technology, engineering, and math. Funds may be used by residential outdoor schools for operational activities necessary for reopening.

(n) \$12,141,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(b), the American rescue plan act of 2021, P.L. 117-2, is provided solely for the purposes of identifying children and youth experiencing homelessness and providing children and youth experiencing homelessness with:

- (i) Wrap-around services due to the challenges of the COVID-19 public health emergency; and
- (ii) Assistance needed to enable children and youth experiencing homelessness to attend school and participate fully in school activities.

(o) \$27,375,000 of the general fund—state appropriation for fiscal year 2022(⸮) and \$79,485,000 of the general fund—federal appropriation (CRRSA/ESSER)(⸮ and ~~\$93,140,000 of the elementary and secondary school emergency relief III account—federal appropriation~~) are provided solely for the office of the superintendent of public instruction to administer grants for the purposes of learning recovery and acceleration. Allowable uses of the funds are limited to:

- (i) One-time contracts for classified, certificated, or administrative staff who will provide tiered academic and social-emotional supports to students most impacted by the disruption of in-person learning, including locating and reengaging students who have disengaged from school, one-on-one and small-group instruction, and other intensive learning supports;
- (ii) Professional learning for educators focused on learning recovery and acceleration, including assessing student learning and social-emotional needs, transitioning to standards-based curricula and grading, adopting competency or mastery-based options specifically for credit retrieval purposes, and family and student engagement strategies;
- (iii) Procuring assessment or data systems that provide actionable just-in-time data regarding student progress throughout the school year; and
- (iv) Direct supports to students to improve school engagement and accelerate learning.

**PART XVI  
HIGHER EDUCATION  
SUPPLEMENTAL**

**Sec. 1601.** 2022 c 297 s 602 (uncodified) is amended to read as follows:

**FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund—State Appropriation (FY 2022) ..	\$744,893,000
General Fund—State Appropriation (FY 2023)	
.....	<del>(\$832,406,000)</del>
.....	\$834,821,000
Community/Technical College Capital Projects	
Account—State Appropriation .....	\$22,436,000
Education Legacy Trust Account—State Appropriation	
.....	\$159,900,000
Workforce Education Investment Account—State	
Appropriation .....	\$237,295,000

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TOTAL APPROPRIATION.....	(\$1,996,930,000)
.....	<u>\$1,999,345,000</u>

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

(1) \$33,261,000 of the general fund—state appropriation for fiscal year 2022 and \$33,261,000 of the general fund—state appropriation for fiscal year 2023 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 7,170 full-time equivalent students in fiscal year 2022 and at least 7,170 full-time equivalent students in fiscal year 2023.

(2) \$5,000,000 of the general fund—state appropriation for fiscal year 2022, \$5,000,000 of the general fund—state appropriation for fiscal year 2023, and \$5,450,000 of the education legacy trust account—state appropriation are provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature under RCW 43.01.036 regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) \$425,000 of the general fund—state appropriation for fiscal year 2022 and \$425,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Seattle Central College's expansion of allied health programs.

(4)(a) \$5,250,000 of the general fund—state appropriation for fiscal year 2022 and \$5,250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the student achievement initiative.

(b) By December 1, 2021, the state board for community and technical colleges must report to the appropriate committees of the legislature an update on the student achievement initiative including, but not limited to, the following:

- (i) Annual change in student achievement initiative funds by institution;
- (ii) Student achievement initiative funds awarded by college by performance funding category including basic skills, first 15 and 30 credits, retention, and completion;
- (iii) Impact of guided pathways implementation on student achievement initiative awards; and
- (iv) Any additional private or foundation dollars invested in the student achievement initiative.

(5) \$1,610,000 of the general fund—state appropriation for fiscal year 2022, and \$1,610,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the mathematics, engineering, and science achievement program.

(6) \$1,500,000 of the general fund—state appropriation for fiscal year 2022 and \$1,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for operating a fabrication composite wing incumbent worker training program to be housed at the Washington aerospace training and research center.

(7) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the aerospace center of excellence currently hosted by Everett community college to:

- (a) Increase statewide communications and outreach between industry sectors, industry organizations, businesses, K-12 schools, colleges, and universities;
- (b) Enhance information technology to increase business and student accessibility and use of the center's web site; and
- (c) Act as the information entry point for prospective students

and job seekers regarding education, training, and employment in the industry.

(8) \$21,428,000 of the general fund—state appropriation for fiscal year 2022 and (~~\$21,920,000~~) \$23,056,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(9) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

(10) The state board for community and technical colleges shall not use funds appropriated in this section to support intercollegiate athletics programs.

(11) \$157,000 of the general fund—state appropriation for fiscal year 2022 and \$157,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Wenatchee Valley college wildfire prevention program.

(12) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Puget Sound welcome back center at Highline College to create a grant program for internationally trained individuals seeking employment in the behavioral health field in Washington state.

(13) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for increased enrollments in the integrated basic education and skills training program. Funding will support approximately 120 additional full-time equivalent enrollments annually.

(14)(a) The state board must provide quality assurance reports on the ctcLink project at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(b) The state board must develop a technology budget using a method similar to the state capital budget, identifying project costs, funding sources, and anticipated deliverables through each stage of the investment and across fiscal periods and biennia from project initiation to implementation. The budget must be updated at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(c) The office of the chief information officer may suspend the ctcLink project at any time if the office of the chief information officer determines that the project is not meeting or is not expected to meet anticipated performance measures, implementation timelines, or budget estimates. Once suspension or termination occurs, the state board shall not make additional expenditures on the ctcLink project without approval of the chief information officer. The ctcLink project funded through the community and technical college innovation account created in RCW 28B.50.515 is subject to the conditions, limitations, and review provided in section 701 of this act.

(15) \$216,000 of the general fund—state appropriation for fiscal year 2022 and \$216,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the opportunity center for employment and education at North Seattle College.

(16) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Highline College to implement the Federal Way higher education initiative in partnership with the city of Federal Way and the University of

Washington Tacoma campus.

(17) \$350,000 of the general fund—state appropriation for fiscal year 2022 and \$350,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Peninsula College to maintain the annual cohorts of the specified programs as follows:

- (a) Medical assisting, 40 students;
- (b) Nursing assistant, 60 students; and
- (c) Registered nursing, 32 students.

(18) \$338,000 of the general fund—state appropriation for fiscal year 2022 and \$338,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state labor education and research center at South Seattle College.

(19) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the aerospace and advanced manufacturing center of excellence hosted by Everett Community College to develop a semiconductor and electronics manufacturing branch in Vancouver.

(20) \$15,220,000 of the workforce education investment account—state appropriation is provided solely for college operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(21) \$15,220,000 of the workforce education investment account—state appropriation is provided solely for employee compensation, academic program enhancements, student support services, and other institutional priorities that maintain a quality academic experience for Washington students.

(22) \$1,500,000 of the general fund—state appropriation for fiscal year 2022, \$1,500,000 of the general fund—state appropriation for fiscal year 2023, and \$75,847,000 of the workforce education investment account—state appropriation are provided solely for statewide implementation of guided pathways at each of the state's community and technical colleges or similar programs designed to improve student success, including, but not limited to, academic program redesign, student advising, and other student supports.

(23) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal 2023 are provided solely for a reentry navigator position at Olympic College to assist formerly incarcerated people gain admittance into college. A report shall be submitted to the legislature by December 1, 2022, on admittance rates on formerly incarcerated individuals, effective methods of contact and engagement of formerly incarcerated individuals, and how guided pathways can be assisted with reentry navigator positions.

(24) \$40,800,000 of the workforce education investment account—state appropriation is provided solely to continue to fund nurse educator salaries.

(25) \$40,000,000 of the workforce education investment account—state appropriation is provided to continue to fund high-demand program faculty salaries, including but not limited to nurse educators, other health-related professions, information technology, computer science, and trades.

(26) \$8,000,000 of the workforce education investment account—state appropriation is provided solely for the state board for community and technical colleges to expand high-demand and career launch enrollments, as provided under RCW 28C.30.020. Within the amounts provided in this subsection (26):

- (a) \$6,000,000 of the amounts in this subsection (26) are

provided for expansion of career launch enrollments, as provided under RCW 28C.30.020.

(b) \$2,000,000 of the amounts in this subsection (26) are provided for expansion of enrollments in high demand programs. These programs include, but are not limited to, allied health, computer and information science, manufacturing, and other fields identified by the state board for community and technical colleges.

(c) The state board for community and technical colleges may transfer amounts between (a) and (b) of this subsection (26) if either program does not have sufficient demand to spend the allocated funding. Any transfer must be approved by the state board for community and technical colleges and the office of financial management.

(27) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the state board for community and technical colleges to support the completion of the English 101 curriculum review to remove barriers to student success. A report should be submitted to the appropriate committees of the legislature under RCW 43.01.036 by June 30, 2023, or upon the completion of the English 101 review to report on lessons learned, best practices, and recommendations for completion of additional curricula reviews.

(28) \$8,000,000 of the workforce education investment account—state appropriation is provided solely for the emergency assistance grant program in RCW 28B.50.295.

(29) \$10,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the state board for community and technical colleges to coordinate with the Washington student achievement council task force as described in section 609(6) of this act to provide the following running start data for fiscal year 2019, fiscal year 2020, and fiscal year 2021, for each community and technical college:

(a) The total number of running start students served by headcount and full-time equivalent;

(b) The total amount of running start revenue received through apportionment as allocated with the running start rate by the office of the superintendent of public instruction through local school districts;

(c) Course completion rates for running start students;

(d) A list of courses by two-digit classification of instructional program code and the number of running start students in each course;

(e) A list of career and technical education area courses and the number of running start students in each course;

(f) The number of students at each community or technical college receiving complete fee waivers as required by RCW 28A.600.310(3)(a); and

(g) The method used by each college to determine running start fee waiver eligibility, including any policies adopted by the college or its program.

(30) \$16,000 of the general fund—state appropriation for fiscal year 2022 and \$91,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.).

(31) \$516,000 of the general fund—state appropriation for fiscal year 2022 and \$516,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1166 (college students pilot).

(32) \$350,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual

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products/schools).

(33) \$2,048,000 of the general fund—state appropriation for fiscal year 2022 and \$1,119,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education).

(34) \$15,848,000 of the workforce education investment account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5194 (equity and access in higher education).

(35)(a) \$2,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to promote workforce development in trucking and trucking-related supply chain industries and the school bus driving industry by expanding the number of registered apprenticeships, pre-apprenticeships, and trucking related training programs; and providing support for registered apprenticeships or programs in trucking and trucking-related supply chain industries and the school bus driving industry.

(b) Grants awarded under this subsection may be used for:

(i) Equipment upgrades or new equipment purchases for training purposes;

(ii) New training spaces and locations to support capacity needs and expansion of training to veterans and veteran spouses, and underserved populations to include foster care and homeless transition populations;

(iii) Curriculum development and instructor training for driving, repair and service of technological advancements facing the industries;

(iv) Tuition assistance for commercial vehicle driver training, mechanical, and support functions that support the trucking industry and the school bus driving industry; and

(v) Funding to increase capacity and availability of child care options for shift work schedules.

(c) An entity is eligible to receive a grant if it is a nonprofit, nongovernmental, or institution of primary or higher education that provides training opportunities, including apprenticeships, pre-apprenticeships, pre-employment training, commercial vehicle driver training, vocational training related to mechanical and support functions that support the trucking industry or the school bus driving industry; or incumbent worker training to prepare workers for the trucking and trucking-related supply chain industries or the school bus driving industry. Preference will be given to entities in compliance with government approved or accredited programs. Reporting requirements, as determined by the board, shall be required.

(d) The board may use up to 5 percent of funds for administration of grants.

(36) \$8,000,000 of the workforce education investment account—state appropriation is provided solely for grants for nursing programs to purchase or upgrade simulation laboratory equipment.

(37)(a) \$7,018,000 of the workforce education investment account—state appropriation is provided solely to expand cybersecurity academic enrollments by 500 FTE students.

(b) The state board for community and technical colleges must coordinate with the student achievement council as provided in section 609(17) of this act to submit a progress report on the new or expanded cybersecurity academic programs, including the number of students enrolled.

(38) \$205,000 of the workforce education investment account—state appropriation is provided solely to establish a center for excellence in cybersecurity.

(39) \$2,000,000 of the general fund—state appropriation for fiscal year 2022 and \$3,497,000 of the general fund—state

appropriation for fiscal year 2023 are provided solely for legal services related to litigation by employees within the community and technical college system challenging the denial of retirement and sick leave benefits. The cases include *Wolf v. State and SBCTC*, *Rush v. State and SBCTC* (retirement), and *Rush v. State and SBCTC* (sick leave).

(40) \$7,000,000 of the general fund—state appropriation for fiscal year 2023 and \$1,000,000 of the workforce education investment account—state appropriation are provided solely to expand the opportunity grant program to provide health care workforce grants for students.

(41) \$2,720,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for each community and technical college to contract with a community-based organization to assist with financial aid access and support in communities.

(42) In addition to the homeless student assistance pilot program sites funded in subsection (31) of this section, \$2,932,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the expansion of the program in RCW 28B.50.916 to all community colleges.

(43) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 and \$1,728,000 of the workforce education investment account—state appropriation ~~((is))~~ are provided solely for the expansion of existing programming to accommodate refugees and immigrants who have arrived in Washington state on or after July 1, 2021, and are eligible for federal refugee resettlement services, including those from Afghanistan and Ukraine.

(44) \$4,146,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(45)(a) \$3,760,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for nursing education, to increase the number of nursing slots for academic year 2022-23 by at least 50 and build capacity for at least 200 new slots in the 2023-2025 biennium, and to purchase two simulation vans.

(b) Of the amount provided in this subsection, \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for community and technical colleges who enroll new cohorts of at least 25 nursing students in the 2023 spring academic quarter.

(c) The state board for community and technical colleges must coordinate with the student achievement council as provided in section 609(17) of this act to submit a progress report on the new or expanded nursing academic programs, including the number of students enrolled per program.

(46)(a) \$75,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the state board in collaboration with the dental industry to report on strategies to support and transform the education and training of the dental hygiene and dental assistant professions.

(b) The report shall include, but is not limited to, recommendations on the following topics:

(i) Examining options to enhance workforce diversity;

(ii) Reducing barriers to entry; and

(iii) Proposing changes for education program sustainability.

(c) The state board must solicit input and collaborate on the report with a representative from a dental association, a representative from a hygienist association, an expert in dental hygiene education, a representative from the dental assistant profession, and a representative from the dental benefits industry.

(d) The report must be submitted to the legislature pursuant to RCW 43.01.036 by December 1, 2022.

(47) \$30,000 of the general fund—state appropriation for fiscal year 2022 and \$243,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Renton Technical College to establish a pilot program to increase outreach and participation in running start and adult education programs. A report on participation rates and student engagement must be submitted to the appropriate committees of the legislature pursuant to RCW 43.01.036 by December 1, 2022.

(48) \$1,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the development of a climate solutions and climate justice curriculum.

(49)(a) \$80,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a pilot program to help students, including those enrolled in state registered apprenticeship programs, connect with health care coverage. The state board for community and technical colleges must provide resources for up to two community or technical colleges, one on the east side and one on the west side of the Cascade mountains, to hire or train an employee to:

(i) Provide information to students and college staff about available health insurance options;

(ii) Develop culturally relevant materials and conduct outreach for historically marginalized and underserved student populations to assist these populations in their knowledge of access to low cost or free health insurance plans;

(iii) Provide ongoing technical assistance to students about health insurance options or health insurance application process; and

(iv) Provide technical assistance to students as a health benefit exchange certified assister, to help students understand, shop, apply, and enroll in health insurance through Washington health planfinder.

(b) Participation in the exchange assister program is contingent on fulfilling applicable contracting, security, and other program requirements.

(c) The legislature expects the state board, in collaboration with the student achievement council and the health benefit exchange, to report to the appropriate committees of the legislature information about barriers students, including those enrolled in state registered apprenticeship programs, encountered to accessing health insurance coverage; and to provide recommendations on how to improve student access to health coverage based on data gathered from the pilot program.

(50) \$331,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Engrossed Second Substitute Senate Bill No. 5764 (apprenticeships and higher ed). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(51) \$170,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount in this subsection shall lapse.

(52) \$36,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 2019 (careers in retail). If the bill is not enacted by June 30, 2022, the amount in this subsection shall lapse.

(53) \$1,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1835 (postsecondary enrollment). If the bill is not enacted by June 30, 2022, the amount in this subsection shall lapse.

**Sec. 1602.** 2022 c 297 s 603 (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

General Fund—State Appropriation (FY 2022) ..	\$391,802,000
General Fund—State Appropriation (FY 2023)	.....
	..... <del>(\$423,726,000)</del>
	..... \$525,981,000
Aquatic Lands Enhancement Account—State	
Appropriation .....	\$1,630,000
University of Washington Building Account—State	
Appropriation .....	\$1,546,000
Education Legacy Trust Account—State	
Appropriation .....	\$37,020,000
Economic Development Strategic Reserve Account—State	
Appropriation .....	\$3,101,000
Biotoxin Account—State Appropriation .....	\$609,000
Dedicated Marijuana Account—State Appropriation	
(FY 2022) .....	\$263,000
Dedicated Marijuana Account—State Appropriation	
(FY 2023) .....	\$325,000
Accident Account—State Appropriation .....	\$7,988,000
Medical Aid Account—State Appropriation .....	\$7,564,000
Workforce Education Investment Account—State	
Appropriation .....	\$52,333,000
Geoduck Aquaculture Research Account—State	
Appropriation .....	\$22,000
TOTAL APPROPRIATION .....	<del>(\$927,929,000)</del>
	..... <u>\$1,030,184,000</u>

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

(1) \$44,474,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$45,497,000)~~ \$47,854,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for labor archives of Washington. The university shall work in collaboration with the state board for community and technical colleges.

(3) \$8,000,000 of the education legacy trust account—state appropriation is provided solely for the family medicine residency network at the university to maintain the number of residency slots available in Washington.

(4) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(5) \$14,000,000 of the education legacy trust account—state appropriation is provided solely for the expansion of degrees in the department of computer science and engineering at the Seattle campus.

(6) \$3,062,000 of the economic development strategic reserve account—state appropriation is provided solely to support the joint center for aerospace innovation technology.

(7) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

(8) \$7,345,000 of the general fund—state appropriation for fiscal year 2022 and \$7,345,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the continued operations and expansion of the Washington, Wyoming, Alaska, Montana, Idaho medical school program.

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(9) \$2,625,000 of the general fund—state appropriation for fiscal year 2022 and \$2,625,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the institute for stem cell and regenerative medicine. Funds appropriated in this subsection must be dedicated to research utilizing pluripotent stem cells and related research methods.

(10) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided to the University of Washington to support youth and young adults experiencing homelessness in the university district of Seattle. Funding is provided for the university to work with community service providers and university colleges and departments to plan for and implement a comprehensive one-stop center with navigation services for homeless youth; the university may contract with the department of commerce to expand services that serve homeless youth in the university district.

(11) \$1,200,000 of the general fund—state appropriation for fiscal year 2022 and \$1,800,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the adult psychiatry residency program at the University of Washington to offer additional residency positions that are approved by the accreditation council for graduate medical education.

(12) \$172,000 of the general fund—state appropriation for fiscal year 2022 and \$172,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a University of Washington study in the south Cascades to determine current wolf use and density, and to gather baseline data to understand the effects of wolf recolonization on predator-prey dynamics of species that currently have established populations in the area.

(a) The study objectives shall include:

(i) Determination of whether wolves have started to recolonize a 5,000 square kilometer study area in the south Cascades of Washington, and if so, an assessment of their distribution over the landscape as well as their health and pregnancy rates;

(ii) Baseline data collection, if wolves have not yet established pack territories in this portion of the state, that will allow for the assessment of how the functional densities and diets of wolves across the landscape will affect the densities and diets in the following predators and prey: Coyote, cougar, black bear, bobcat, red fox, wolverine, elk, white tailed deer, mule deer, moose, caribou, and snowshoe hare;

(iii) Examination of whether the microbiome of each species changes as wolves start to occupy suitable habitat; and

(iv) An assessment of the use of alternative wildlife monitoring tools to cost-effectively monitor size of the wolf population over the long-term.

(b) A report on the findings of the study shall be shared with the Washington department of fish and wildlife.

(13)(a) \$20,000,000 of the general fund—state appropriation for fiscal year 2022 and \$20,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to support the operations and teaching mission of the Harborview Medical Center and the University of Washington Medical Center.

(b) By December 1, 2022, the University of Washington must report to the appropriate committees of the legislature the impact of the funding in (a) of this subsection on the fiscal position of Harborview medical center and the University of Washington medical center in the 2021-2023 fiscal biennium. To ensure transparency, consistency, accuracy, and clarity, the report must:

(i) Follow generally accepted accounting principles;

(ii) Use generally accepted terms and define those terms;

(iii) Provide data on revenue and expenses, using standard formats already in existence, such as comprehensive hospital

abstract reporting system (CHARS) data, and delineated by functional areas of state government;

(iv) Incorporate wherever possible publicly available data, as a public institution including, but not limited to, the following sources:

(A) CHARS;

(B) Comprehensive annual financial reports; and

(C) The most recent independent auditor report, including financial statements connected to the report; and

(v) Provide supporting documentation.

(14) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the University of Washington's psychiatry integrated care training program.

(15) \$426,000 of the general fund—state appropriation for fiscal year 2022 and \$640,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for child and adolescent psychiatry residency positions that are approved by the accreditation council for graduate medical education, as provided in RCW 28B.20.445.

(16) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the University of Washington School of Dentistry to support its role as a major oral health provider to individuals covered by medicaid and the uninsured.

(17) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the pre-law pipeline and social justice program at the University of Washington-Tacoma.

(18) \$226,000 of the general fund—state appropriation for fiscal year 2022 and \$226,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university's neurology department to create a telemedicine program to disseminate dementia care best practices to primary care practitioners using the project ECHO model. The program shall provide a virtual connection for providers and content experts and include didactics, case conferences, and an emphasis on practice transformation and systems-level issues that affect care delivery. The initial users of this program shall include referral sources in health care systems and clinics, such as the university's neighborhood clinics and Virginia Mason Memorial in Yakima with a goal of adding 15 to 20 providers from smaller clinics and practices per year.

(19) \$102,000 of the general fund—state appropriation for fiscal year 2022 and \$102,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university's center for international trade in forest products.

(20) \$625,000 of the general fund—state appropriation for fiscal year 2022 and \$625,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Latino center for health.

(21) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a firearm policy research program. The program will:

(a) Support investigations of firearm death and injury risk factors;

(b) Evaluate the effectiveness of state firearm laws and policies;

(c) Assess the consequences of firearm violence; and

(d) Develop strategies to reduce the toll of firearm violence to citizens of the state.

(22) \$463,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the climate impacts group in the college of the environment.

(23) \$225,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the climate impacts group in the college of the environment to provide an updated climate impacts risk assessment designed to inform future updates to the statewide climate resilience strategy. The group must coordinate with the office of the governor to refine the scope of assessment. The final report and associated deliverables must be completed and submitted to the governor and appropriate committees of the legislature by December 15, 2022.

(24) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the college of education to collaborate with teacher preparation programs and the office of the superintendent of public instruction to develop open access climate science educational curriculum for use in teacher preparation programs.

(25) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Harry Bridges center for labor studies. The center shall work in collaboration with the state board for community and technical colleges.

(26) \$21,461,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(27) \$8,000,000 of the workforce education investment account—state appropriation is provided solely for employee compensation, academic program enhancements, student support services, and other institutional priorities that maintain a quality academic experience for Washington students.

(28) \$8,000,000 of the workforce education investment account—state appropriation is provided solely to maintain degree production in the college of engineering at the Seattle campus.

(29) \$1,000,000 of the workforce education investment account—state appropriation is provided solely to maintain the Washington state academic redshirt program.

(30) \$2,700,000 of the workforce education investment account—state appropriation is provided solely to maintain degree capacity and undergraduate enrollments in engineering, mathematics, and science programs to support the biomedical innovation partnership zone at the Bothell campus.

(31) \$3,268,000 of the workforce education investment account—state appropriation is provided solely to maintain bachelor of science programs in mechanical and civil engineering to support increased student and local employer demand for graduates in these fields at the Tacoma campus.

(32) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Washington mathematics, engineering, science achievement programs to provide enrichment opportunities in mathematics, engineering, science, and technology to students who are traditionally underrepresented in these programs.

(33) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation

for fiscal year 2023 are provided solely for a community care coordinator for transitional-age youth for the doorway project in partnership with the Seattle campus.

(34) \$6,000,000 of the workforce education investment account—state appropriation is provided solely for the expansion of the Paul G. Allen school of computer science and engineering in order to award an additional 100 degrees per year focusing on traditionally underrepresented students. A report on degrees awarded must be submitted to the appropriate committees of the legislature June 30, 2022, and June 30, 2023.

(35) \$45,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the community immersion law enforcement project at the Tacoma campus.

(36)(a) \$200,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for research to determine the use and effectiveness of restorative justice, including for hate crime victims and individuals who commit hate crimes. Researchers shall engage in listening sessions with impacted communities, which must include tribal governments and community-based organizations. Researchers shall consult with judges, prosecutors, defense attorneys, victim advocates, impacted communities, and community based restorative justice agencies to inform whether restorative justice would be an effective public policy option to:

(i) Provide healing support for individual hate crime victims and their communities;

(ii) Provide accountability processes for individuals who commit hate crimes;

(iii) Provide opportunities for individuals who commit hate crimes to learn about the impact of their crimes and repair the damage;

(iv) Repair interpersonal and communal relationships;

(v) Reduce hate crime offender recidivism; and

(vi) Determine if restorative justice could be equally available to all victims and communities.

(b) The researcher shall provide a report to the relevant committees of the legislature under RCW 43.01.036 by December 1, 2021. The report must include best practice recommendations for establishing a restorative justice program and required data collection to address hate crimes in Washington. The report shall include how restorative justice recommendations can be implemented in conjunction with the recommendations of the hate crime advisory working group established in RCW 43.10.300.

(37) \$250,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for scholarships to students in the applied child and adolescent psychology masters program. Priority should be given to traditionally underrepresented students and those students who are bilingual.

(38) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to expand a series of online courses related to behavioral health and student well-being that are currently offered at the Bothell campus for school district staff. The standards for the courses must be consistent with knowledge, skill, and performance standards related to mental health and well-being of public school students. The online courses must provide:

(a) Foundational knowledge in behavioral health, mental health, and mental illness;

(b) Information on how to assess, intervene upon, and refer behavioral health and intersection of behavioral health and substance use issues; and

(c) Approaches to promote health and positively influence student health behaviors.

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(39) To ensure transparency and accountability, in the 2021-2023 fiscal biennium the University of Washington shall comply with any and all financial and accountability audits by the Washington state auditor including any and all audits of university services offered to the general public, including those offered through any public-private partnership, business venture, affiliation, or joint venture with a public or private entity, except the government of the United States. The university shall comply with all state auditor requests for the university's financial and business information including the university's governance and financial participation in these public-private partnerships, business ventures, affiliations, or joint ventures with a public or private entity. In any instance in which the university declines to produce the information to the state auditor, the university will provide the state auditor a brief summary of the documents withheld and a citation of the legal or contractual provision that prevents disclosure. The summaries must be compiled into a report by the state auditor and provided on a quarterly basis to the legislature.

(40) \$50,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department of environmental and occupational health sciences to provide an air quality report. The report will study the relationship between indoor and outdoor ultrafine particle air quality at sites with vulnerable populations, such as schools or locations underneath flight paths within 10 miles of Sea-Tac airport. The report recommendations must include an item addressing filtration systems at select locations with vulnerable populations. The report shall be submitted to the house environment and energy committee and the senate environment, energy and technology committee by December 15, 2021.

(41) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Burke museum of natural history and culture to make education programs offered by the museum accessible to more students across Washington, especially students in underserved schools and locations. The funding shall be used for:

(a) Increasing the number of students who participate in Burke education programs at reduced or no cost, including virtual programs;

(b) Providing bus reimbursement for students visiting the museum on field trips and to support travel to bring museum programs across the state; and

(c) Staff who will form partnerships with school districts to serve statewide communities more efficiently and equitably, including through the Burkemobile program.

(42)(a) \$100,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the center for cannabis research at the university to collaborate with the Washington State University collaboration on cannabis policy, research, and outreach to create frameworks for future studies. Each framework will include the length of time to complete, research licenses necessary, cost, literature review of national and international research, and a scope of work to be completed. The following frameworks shall be compiled in a report:

(i) Measuring and assessing impairment due to cannabis use; and

(ii) Correlation between age of use, dosage of use, and appearance of occurrence of cannabis induced psychosis.

(b) The report on the frameworks must be submitted to the appropriate committees of the legislature by December 1, 2021.

(43) \$205,000 of the general fund—state appropriation for fiscal year 2022 and \$410,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the

university's center for human rights. The appropriation must be used to supplement, not supplant, other funding sources for the center for human rights.

(44) \$143,000 of the general fund—state appropriation for fiscal year 2022 and \$143,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the University of Washington for the establishment and operation of the state forensic anthropologist. The university shall work in conjunction with and provide the full funding directly to the King county medical examiner's office to support the statewide work of the state forensic anthropologist.

(45) \$450,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to the University of Washington school of medicine for the development of simulation training devices at the Harborview medical center's paramedic training program.

(46) \$64,000 of the general fund—state appropriation for fiscal year 2022 and \$64,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(47) \$557,000 of the general fund—state appropriation for fiscal year 2022 and \$443,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creation of the center for environmental forensic science.

(48) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$80,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the college of education to partner with school districts to continue the math improvement pilot program.

(49) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university to conduct monitoring and research related to Puget Sound kelp conservation and recovery.

(50) \$20,000 of the general fund—state appropriation for fiscal year 2022 and \$10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to expand online tutorial and link to web-based, continuing education funded by the centers for disease control for training for the primary care health workforce regarding the protocols for perinatal monitoring, birth-dose immunization, early diagnosis, linkage to care, and treatment for persons diagnosed with chronic hepatitis B or hepatitis using a telehealth model operated by the University of Washington.

(a) Training shall:

(i) Focus on increased provider proficiency and increased number of trained providers in areas with high rates of reported cases of hepatitis B or hepatitis, including regions with high incidence of drug use or upward trend of children who have not received hepatitis B virus vaccinations according to centers for disease control recommendations; and

(ii) Provide access to:

(A) University of Washington medicine specialists in infectious diseases, hepatology, and addiction medicine;

(B) Brief updates on evidence-based strategies to diagnose, treat, and manage acute and chronic hepatitis B, acute and chronic hepatitis C, or coinfections;

(C) Continuing medical education credits per hour of participation; and

(D) Phone consultation with specialists during nonscheduled time for patients who experience complications.

(b) All digital and hardcopy training, educational, and outreach materials for this program must be culturally relevant and



linguistically diverse.

(51)(a) \$108,000 of the general fund—state appropriation for fiscal year 2022 and \$52,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the University of Washington Evans school of public policy and governance to conduct a boater safety analysis, including, but not limited to, the following:

(i) The prevalence of boating fatalities and rescues in Washington state;

(ii) A comparison of Washington's rates of fatalities and rescues to other states; and

(iii) Recommendations of effective and collective ways to increase boater safety in the state.

(b) The Evans school may convene stakeholders to analyze data and make recommendations. By December 31, 2022, the Evans school must submit a report of findings and recommendations to the appropriate committees of the legislature.

(52) \$736,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1272 (health system transparency).

(53) \$159,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools).

(54) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1335 (racial restrictions/review).

(55) \$24,000 of the general fund—state appropriation for fiscal year 2022 and \$25,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1196 (audio-only telemedicine).

(56) \$69,000 of the general fund—state appropriation for fiscal year 2022 and \$69,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5194 (equity and access in higher education).

(57) \$60,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force recs).

(58) \$146,000 of the general fund—state appropriation for fiscal year 2022 and \$158,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education).

(59) \$422,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of chapter 6, Laws of 2021 (Engrossed Substitute Senate Bill No. 5272).

(60) The appropriations in this section include sufficient funding for the implementation of chapter 96, Laws of 2021 (Substitute Senate Bill No. 5228).

(61) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$1,782,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment act).

(62) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$225,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for an

increase in financial student assistance in public service oriented graduate and professional degree programs, referred to as "fee-based" programs, whose tuition for public service degrees is over \$18,000 per year. Programs shall create mechanisms to prioritize assistance to traditionally underrepresented students, specifically those who have expressed a commitment to service in the physician assistant, community oriented public health, or social work programs. The institution may offer financial assistance for students that volunteer or work with public health agencies, including as contact tracers.

(63) \$1,250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the community-engagement test to facilitate clean energy transitions by partnering with communities, utilities, and project developers.

(64) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for staffing and operational expenditures related to the battery fabrication testbed.

(65) \$621,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for maintenance and operation costs for the Milgard hall at University of Washington—Tacoma.

(66) \$505,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for pharmacy behavioral health. The University of Washington school of pharmacy/medicine pharmacy services will hire two residency training positions and one behavioral health faculty to create a residency program focused on behavioral health.

(67) \$3,777,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(68) \$225,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the center for health workforce studies to develop a program to track dental workforce trends, needs, and enhancements to better serve the increasing population and demand for access to adequate oral health care. The center shall develop the program in consultation with dental stakeholders, including, but not limited to, provider associations and oral health philanthropic leaders. The workforce reporting program is to be considered a public-private partnership. The institutions may accept matching funds from interested stakeholders to help facilitate and administer the workforce reporting program. The program shall:

(a) Provide ongoing assessment of the supply and distribution of, and demand for, the state's oral health workforce;

(b) Conduct studies to describe the demographic, education, and practice characteristics of occupations engaged in providing oral health care and to improve understanding of workplace factors that influence workforce recruitment and retention; and

(c) Display and disseminate findings through a public facing website dashboard, in a deidentified and aggregate format, and through findings briefs accessible from the website, among other methods of dissemination.

(69) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the institution to contract with a nonprofit organization to provide a report on the community inventory to help align the Washington park arboretum planning with the diverse needs and priorities of the community.

(70) \$1,242,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for an increase in the number of nursing slots and graduates in the already established accelerated bachelor of science in nursing program. Of the amounts provided in this subsection, \$273,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Tacoma school of nursing and healthcare leadership.

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(71) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the memory and brain wellness center to support the statewide expansion of the dementia friends program.

(72) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a \$2,500 monthly stipend to students during the 20-week training period of the business certificate program at the Bothell campus established in partnership with the MLK Gandhi empowerment initiative. The business certificate program must consist of two cohorts of 20 students.

(73) \$455,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the startup program within the school of computer science and engineering.

(74)(a) \$400,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the colab for community and behavioral health policy to work in collaboration with the Latino center for health and allies in healthier systems for health & abundance in youth to convene a community coalition and design team to develop recommendations for the expansion of culturally responsive community mental health services focused on children and adolescents in Washington. Community and lived experience stakeholders, representing communities of color, must make up over half of the team. The coalition's recommendations shall address:

(i) Expansion of clinical training for a lived experience workforce to provide culturally responsive and evidence-informed mental health services focused on families, children, and youth;

(ii) An implementation plan that allows for local flexibility and local community input; and

(iii) An evaluation plan that will yield information about the success in implementation statewide and the improved experiences of those seeking mental health services.

(b) The coalition must report its findings and recommendations to the appropriate committees of the legislature by December 15, 2022.

(75)(a) \$89,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to establish a data repository to assist the state and all political subdivisions with evaluating whether and to what extent existing laws and practices with respect to voting and elections are consistent with public policy, implementing best practices in voting and elections, and to investigate potential infringements upon the right to vote.

(b) The operation of the repository shall be the responsibility of the director of the repository who shall be employed by the University of Washington with doctoral level expertise in demography, statistical analysis, and electoral systems. The director shall be appointed by the governor. The director shall appoint necessary staff to implement and maintain the repository.

(c) The repository shall maintain in electronic format at least the following data and records, where available, for at least the previous 12-year period:

(i) Estimates of the total population, voting age population, and citizen voting age population by race, ethnicity, and language-minority groups, broken down to the election district and precinct level on a year-by-year basis for every political subdivision in the state, based on data from the United States census bureau, American community survey, or data of comparable quality collected by a public office;

(ii) Election results at the precinct level for every statewide election and every election in every political subdivision;

(iii) Regularly updated voter registration lists, voter history files, voting center locations, ballot drop box locations, and student engagement hub locations for every election in every

political subdivision;

(iv) Contemporaneous maps, descriptions of boundaries, and shapefiles for election districts and precincts;

(v) Ballot rejection lists, curing lists, and reasoning for ballot rejection for every election in every political subdivision;

(vi) Apportionment plans for every election in every political subdivision; and

(vii) Any other data that the director deems advisable.

(d) The director shall update the data in the repository no later than 30 business days after certification of each election as required by RCW 29A.60.190 or 29A.60.250.

(e) Except for any data, information, or estimates that identifies individual voters, the data, information, and estimates maintained by the repository shall be posted online and made available to the public at no cost.

(f) The repository shall prepare any estimates made pursuant to this section by applying the most advanced, peer-reviewed, and validated methodologies.

(g) On or before January 1, 2023, the repository shall publish on its website and transmit to the state for dissemination to county auditors secretary of a list of political subdivisions required pursuant to section 203 of the federal voting rights act to provide assistance to members of language-minority groups and each language in which those political subdivisions are required to provide assistance. Each county auditor shall transmit the list described herein to all political subdivisions within their jurisdiction.

(h) Upon the certification of election results and the completion of the voter history file after each election, the secretary of state shall transmit copies of:

(i) Election results at the election district level;

(ii) Contemporaneous voter registration lists;

(iii) Voter history files;

(iv) Maps, descriptions, and shapefiles for election districts; and

(v) Lists of voting centers and student engagement hubs.

(i) Staff at the repository may provide nonpartisan technical assistance to political subdivisions, scholars, and the general public seeking to use the resources of the repository.

(76) \$122,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for sexual assault nurse examiner training.

(77) Within the amounts appropriated in this section, the University of Washington must explore pathways for providing direct admissions to the nursing programs at the Seattle campus. By December 1, 2022, the university must report pursuant to RCW 43.01.036 to the appropriate committees of the legislature recommendations for direct admissions, including a timeline for implementation and estimated costs.

(78) \$232,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the center for environmental forensic science for the procurement of an AccuTOF DART mass spectrometry system to perform rapid forensic wood identification to combat illegal logging and associated trade.

(79) \$167,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the center for an informed public for research to identify new technologies and strategies to resist strategic misinformation in collaboration with Finnish higher education institutions and organizations. By June 30, 2023, the center must submit a report pursuant to RCW 43.01.036 to the appropriate committees of the legislature on the use of funds, key metrics and deliverables, and recommendations for further opportunities for collaboration.

(80) \$18,000 of the general fund—state appropriation for fiscal

year 2023 is provided solely for Engrossed Second Substitute Senate Bill No. 5764 (apprenticeships and higher ed). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(81) \$277,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Substitute Senate Bill No. 5644 (behavior health co-response). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(82) \$15,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Engrossed Substitute Senate Bill No. 5874 (military student residency). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((84))~~ (83) \$121,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((85))~~ (84) \$16,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (veterans & military suicide). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((86))~~ (85)(a) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the institution to conduct a study, in consultation with the department of health and with approval from the Washington state institutional review board, of the ability of Washington residents to make use of the rights established in chapter 70.245 RCW to achieve full access to the Washington death with dignity act. The institution and department shall enter into a signed data sharing agreement for the purpose of the study. Pursuant to RCW 42.56.070, 42.56.360, and 70.245.150, the data sharing agreement must specify that data shared or obtained in the course of this study are not subject to public disclosure. The study shall review the extent to which there are barriers to achieving full access to the Washington death with dignity act.

(b) The department shall provide to the institution the data requested on deaths of all Washington residents and legal next of kin by August 1, 2022.

(c) By December 1, 2022, the institution shall report its findings to the governor and appropriate committees of the legislature under RCW 43.01.036. Pursuant to RCW 42.56.070, 42.56.360, and 70.245.150, the report must protect the confidentiality of the subjects of any data that it receives while conducting its research, including the names of any patients and health care providers.

(86) \$100,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for labor costs, to sustain clinical operations, to maintain safety net care, and to continue medical training activities at the University of Washington medical center and harborview medical center.

**Sec. 1603.** 2022 c 297 s 604 (uncodified) is amended to read as follows:

**FOR WASHINGTON STATE UNIVERSITY**

General Fund—State Appropriation (FY 2022)..	\$246,492,000
General Fund—State Appropriation (FY 2023)	
.....	<del>(\$264,669,000)</del>
.....	\$266,170,000
General Fund—Federal Appropriation .....	\$500,000
Washington State University Building Account—State	
Appropriation.....	\$792,000
Education Legacy Trust Account—State Appropriation	
.....	\$33,995,000
Model Toxics Control Operating Account—State	
Appropriation.....	\$2,076,000

Dedicated Marijuana Account—State Appropriation	
(FY 2022).....	\$138,000
Dedicated Marijuana Account—State Appropriation	
(FY 2023).....	\$175,000
Workforce Education Investment Account—State	
Appropriation .....	\$31,736,000
Waste Reduction, Recycling, and Litter Control	
Account—State Appropriation.....	\$331,000
TOTAL APPROPRIATION .....	<del>(\$580,904,000)</del>
.....	\$582,405,000

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 2022 and \$90,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a rural economic development and outreach coordinator.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for state match requirements related to the federal aviation administration grant.

(4) Washington State University shall not use funds appropriated in this section to support intercollegiate athletic programs.

(5) \$7,000,000 of the general fund—state appropriation for fiscal year 2022, \$7,000,000 of the general fund—state appropriation for fiscal year 2023, and \$22,800,000 of the workforce education investment account—state appropriation are provided solely for the continued development and operations of a medical school program in Spokane.

(6) \$135,000 of the general fund—state appropriation for fiscal year 2022 and \$135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a honey bee biology research position.

(7) \$31,614,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$32,341,000)~~ \$34,016,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(8) \$580,000 of the general fund—state appropriation for fiscal year 2022 and \$580,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the development of an organic agriculture systems degree program located at the university center in Everett.

(9) \$630,000 of the general fund—state appropriation for fiscal year 2022 and \$630,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creation of an electrical engineering program located in Bremerton. At full implementation, the university is expected to increase degree production by 25 new bachelor's degrees per year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(10) \$1,370,000 of the general fund—state appropriation for fiscal year 2022 and \$1,370,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creation of software engineering and data analytic programs at the

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university center in Everett. At full implementation, the university is expected to enroll 50 students per academic year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(11) General fund—state appropriations in this section are reduced to reflect a reduction in state-supported tuition waivers for graduate students. When reducing tuition waivers, the university will not change its practices and procedures for providing eligible veterans with tuition waivers.

(12) \$1,154,000 of the general fund—state appropriation for fiscal year 2022 and \$1,154,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 36, Laws of 2017 3rd sp. sess. (renewable energy, tax incentives).

(13) \$376,000 of the general fund—state appropriation for fiscal year 2022 and \$376,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for chapter 202, Laws of 2017 (E2SHB 1713) (children's mental health).

(14) \$585,000 of the general fund—state appropriation for fiscal year 2022 and \$585,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 159, Laws of 2017 (2SSB 5474) (elk hoof disease).

(15)(a) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the joint center for deployment and research in earth abundant materials.

(b) By December 1, 2021, the joint center for deployment and research in earth abundant materials must report to the appropriate committees of the legislature on the center's research grant program, including but not limited to the following:

- (i) The annual amount of funding available for the grant program, including any private or foundation dollars;
- (ii) The average award amount per project;
- (iii) The educational impact of funded projects on high schools and community and technical colleges; and
- (iv) The impact of project findings on technologies in Washington using earth-abundant materials.

(16) \$2,076,000 of the model toxics control operating account—state appropriation is provided solely for the university's soil health initiative and its network of long-term agroecological research and extension (LTARE) sites. The network must include a Mount Vernon REC site.

(17) \$6,880,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(18) \$20,000 of the general fund—state appropriation for fiscal year 2022 and \$20,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of clean technology to convene a sustainable aviation biofuels work group to further the development of sustainable aviation fuel as a productive industry in Washington. The work group must include members from the legislature and sectors involved in sustainable aviation biofuels research, development, production, and utilization. The work group must provide a report including any pertinent recommendations to the governor and appropriate committees of the legislature by December 1, 2022.

(19) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Washington State University's energy program to launch a least-conflict priority solar siting pilot project in the Columbia basin of eastern and

central Washington. This program shall engage all relevant stakeholders to identify priority areas where there is the least amount of potential conflict in the siting of utility scale PV solar and to develop a map highlighting these areas. The program shall also compile the latest information on opportunities for dual-use and colocation of PV solar with other land values. The appropriation is the maximum amount the department may expend for this purpose.

(20) \$42,000 of the general fund—state appropriation for fiscal year 2022 and \$42,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(21) \$175,000 of the general fund—state appropriation for fiscal year 2022 and \$215,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the William D. Ruckelshaus center to partner with the Washington State University for the continued work of the Washington state criminal sentencing task force established in section 944 of this act.

(22)(a) \$85,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the William D. Ruckelshaus center to conduct a situation assessment to gauge the prospects for a collaborative approach to integration of leadership, aligning roles and responsibilities, and increasing efficiency and responsiveness of the state's K-12 education governance structure. The assessment must:

- (i) Identify issues, challenges, and opportunities related to administration and governance of K-12 education in Washington state;
- (ii) Consist of interviews with representatives of state-funded K-12 education agencies, boards, commissions, and other relevant entities identified by the center;
- (iii) Explore potential opportunities for the integration, alignment, and/or consolidation of roles and responsibilities of entities; and
- (iv) Identify key areas of focus.

(b) The center must report the assessment's findings and recommendations to the education committees of the legislature by March 31, 2022, with a preliminary report by February 1, 2022, as to whether circumstances support the convening and facilitation of a collaborative work group.

(23)(a) \$331,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the university to conduct an organic waste study to:

- (i) Assess local and state government compost usage in projects and buy-back programs under RCW 43.19A.120 and 43.19A.130 including but not limited to participation, effectiveness, and amount and types of usage of compost; and
- (ii) Develop a model to estimate carbon sequestration from organic waste-derived soil amendment application to soil, and identify technologies, methods, and potential funding for carbon sequestration from Washington's organic wastes including but not limited to the potential inclusion of these materials in carbon markets and trading.

(b) The university must submit a report on the assessment's findings and model development to the appropriate committees of the legislature by December 31, 2022.

(24) \$500,000 of the general fund—federal appropriation (CRRSA) is provided solely to support farm stress programs in response to the COVID-19 pandemic, as authorized in section 766, division N, consolidated appropriations act, 2021, P.L. 116-260.

(25) \$200,000 of the general fund—state appropriation for

fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon).

(26) \$86,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools).

(27) \$101,000 of the general fund—state appropriation for fiscal year 2022 and \$101,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education).

(28) \$281,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of chapter 6, Laws of 2021 (Engrossed Substitute Senate Bill No. 5272).

(29) The appropriations in this section include sufficient funding for the implementation of chapter 96, Laws of 2021 (Substitute Senate Bill No. 5228).

(30) \$224,000 of the general fund—state appropriation for fiscal year 2022 and \$221,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute Senate Bill No. 5253 (pollinator health).

(31) \$1,718,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment act).

(32) \$412,000 from the institutions of higher education—grant and contracts account is provided solely for implementation of Substitute Senate Bill No. 5317 (pesticide registration).

(33) \$33,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for compensation funding for Western Washington University employees that work on the Washington State University Everett campus.

(34) \$341,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for pharmacy behavioral health. Washington State University college of pharmacy and pharmaceutical sciences will hire two residency training positions and one behavioral health faculty to create a residency program focused on behavioral health.

(35) \$1,337,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(36) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington state commission on pesticide registration to fund research to develop alternatives for growers currently using organophosphate pesticides.

(37) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for residential energy code education and support, including training, hotline support to the building industry, and informational material and web resources. The energy program shall engage stakeholders in a discussion of overall enforcement support and work to identify workforce development needs and opportunities.

(38) \$750,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington state academy of sciences to provide support for core operations and to accomplish its mission of providing science in the service of Washington, pursuant to its memorandum of understanding with the university.

~~((40))~~ (39) \$188,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for stormwater research to study the long-term efficacy of green stormwater infrastructure

that incorporates compost to remove pollutants.

~~((41))~~ (40) \$2,056,000 of the workforce education investment account—state appropriation is provided solely to establish a bachelor's degree in cybersecurity operations.

~~((42))~~ (41) \$80,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5764 (apprenticeships and higher ed). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((43))~~ (42) \$135,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1814 (community solar projects). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((44))~~ (43) \$121,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((45))~~ (44) \$122,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of House Bill No. 1622 (sex. assault nurse education). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((46))~~ (45) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Washington State University to partner with a nonprofit entity based in Olympia that focuses on sustainable infrastructure solutions to develop recommendations for increasing the economic value and sustainability of Washington's agricultural sector through the use of industrial symbiosis principles, to connect agriculture producers and processors with partners to achieve synergies through systems-based resource sharing resulting in economic benefits and value creation for all participants, through sustainable resource recovery and optimization of energy, water, and organic waste streams. By June 30, 2023, the Washington State University must report recommendations to the appropriate committees of the legislature pursuant to RCW 43.01.036.

**Sec. 1604.** 2022 c 297 s 605 (uncodified) is amended to read as follows:

**FOR EASTERN WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2022) .....	\$58,296,000
General Fund—State Appropriation (FY 2023)	
.....	<del>(\$61,496,000)</del>
.....	\$62,098,000
Education Legacy Trust Account—State Appropriation	
.....	\$16,838,000
Workforce Education Investment Account—State	
Appropriation .....	\$15,244,000
TOTAL APPROPRIATION .....	<del>(\$151,874,000)</del>
.....	\$152,476,000

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

(1) At least \$200,000 of the general fund—state appropriation for fiscal year 2022 and at least \$200,000 of the general fund—state appropriation for fiscal year 2023 must be expended on the Northwest autism center.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and

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engineering programs above the prior academic year.

(3) Eastern Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) \$11,356,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$11,617,000)~~) \$12,219,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(5) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(6) \$56,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a comprehensive analysis of the deep lake watershed involving land owners, ranchers, lake owners, one or more conservation districts, the department of ecology, and the department of natural resources.

(7) \$2,274,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(8) \$2,636,000 of the workforce education investment account—state appropriation is provided solely to maintain a computer engineering degree program in the college of science, technology, engineering, and math.

(9) \$45,000 of the general fund—state appropriation for fiscal year 2022 and \$45,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(10) \$300,000 of the workforce education investment account—state appropriation is provided solely to establish a center for inclusive excellence for faculty and staff.

(11) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for increasing dual credit options, to address issues of equity in higher education access.

(12) \$110,000 of the general fund—state appropriation for fiscal year 2022 and \$110,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a new summer bridge program.

(13) \$27,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools).

(14) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1335 (racial restrictions/review).

(15) \$121,000 of the general fund—state appropriation for fiscal year 2022 and \$121,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education).

(16) \$548,000 of the workforce education investment account—state appropriation is provided solely for a professional masters of science cyber operations degree option.

(17) \$2,262,000 of the workforce education investment account—state appropriation is provided solely to establish a bachelor of science in cybersecurity degree option through the computer science program.

(18) \$1,054,000 of the workforce education investment account—state appropriation is provided solely for the implementation of a coordinated care network that will help to maximize the collaboration of various student support services to create wraparound care for students to address obstacles to degree completion. The amount provided in this subsection must be used to supplement, not supplant, other funding sources for the program.

(19) \$262,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(20) \$6,170,000 of the workforce education investment account—state appropriation is provided solely to establish a bachelor of science in nursing program.

(21) \$68,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5764 (apprenticeships and higher ed). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(22) \$43,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1605.** 2022 c 297 s 606 (uncodified) is amended to read as follows:

**FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2022) .....	\$60,220,000
General Fund—State Appropriation (FY 2023)	
..... ( <del>(\$64,057,000)</del> )	
.....	<u>\$64,823,000</u>
Central Washington University Capital Projects	
Account—State Appropriation .....	\$76,000
Education Legacy Trust Account—State Appropriation	
.....	<u>\$19,076,000</u>
Workforce Education Investment Account—State	
Appropriation .....	\$5,071,000
TOTAL APPROPRIATION .....	( <del>(\$148,500,000)</del> )
.....	<u>\$149,266,000</u>

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

(1) The university must continue work with the education research and data center to demonstrate progress in engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in engineering programs above the prior academic year.

(2) Central Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) \$12,800,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$13,094,000)~~) \$13,773,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(5) \$2,236,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in

undergraduate operating fee revenue as a result of RCW 28B.15.067.

(6) \$1,050,000 of the workforce education investment account—state appropriation is provided solely to increase the number of certified K-12 teachers.

(7) \$736,000 of the workforce education investment account—state appropriation is provided solely to maintain mental health counseling positions.

(8) \$240,000 of the general fund—state appropriation for fiscal year 2022 and \$240,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for two (~~psychologists~~) counselor positions to increase access to mental health counseling for traditionally underrepresented students.

(9) \$52,000 of the general fund—state appropriation for fiscal year 2022 and \$52,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health (~~counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans~~) outreach and service coordination position with knowledge of issues relevant to veterans.

(10) \$155,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to implement chapter 295, Laws of 2019 (educator workforce supply).

(11) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to establish a bachelor of science in computer science at the university's Des Moines center.

(12) \$31,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools).

(13) \$131,000 of the general fund—state appropriation for fiscal year 2022 and \$131,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education).

(14) \$16,000 of the general fund—state appropriation for fiscal year 2022 and \$16,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data).

(15) \$613,000 of the workforce education investment account—state appropriation is provided solely for expanding cybersecurity capacity by adding additional faculty resources in the department of computer science.

(16) \$293,000 of the workforce education investment account—state appropriation is provided solely for a peer mentoring program. The amount provided in this subsection must be used to supplement, not supplant, other funding sources for the program.

(17) \$325,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(18) \$143,000 of the workforce education investment account—state appropriation is provided solely for the creation of an extended orientation program to help promote retention of underserved students. The amount provided in this subsection must be used to supplement, not supplant, other funding sources for the program.

(19) \$20,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount provided in this

subsection shall lapse.

(20) \$55,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for community collaborations to document and preserve the Roslyn cemetery.

**Sec. 1606.** 2022 c 297 s 607 (uncodified) is amended to read as follows:

**FOR THE EVERGREEN STATE COLLEGE**

General Fund—State Appropriation (FY 2022) .....	\$32,123,000
General Fund—State Appropriation (FY 2023)	
.....	<del>(\$35,611,000)</del>
.....	<u>\$35,650,000</u>
The Evergreen State College Capital Projects	
Account—State Appropriation .....	\$80,000
Education Legacy Trust Account—State Appropriation	
.....	\$5,450,000
Workforce Education Investment Account—State	
Appropriation .....	\$3,906,000
TOTAL APPROPRIATION .....	<del>(\$77,170,000)</del>
.....	<u>\$77,209,000</u>

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

(1) \$3,893,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$3,983,000)~~ \$4,189,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(3) Within amounts appropriated in this section, the college is encouraged to increase the number of tenure-track positions created and hired.

(4) \$2,760,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$3,560,000)~~ \$3,393,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state institute for public policy to initiate, sponsor, conduct, and publish research that is directly useful to policymakers and manage reviews and evaluations of technical and scientific topics as they relate to major long-term issues facing the state. Within the amounts provided in this subsection (4):

(a) \$1,391,000 of the amounts in fiscal year 2022 and \$1,399,000 of the amounts in fiscal year 2023 are provided for administration and core operations.

(b) \$828,000 of the amounts in fiscal year 2022 and ~~(\$937,000)~~ \$863,000 of the amounts in fiscal year 2023 are provided solely for ongoing and continuing studies on the Washington state institute for public policy's work plan.

(c) \$60,000 of the amounts in fiscal year 2022 are provided solely to the Washington state institute for public policy for the continued work and research on behalf of the domestic violence risk assessment work group.

(d) \$25,000 of the amounts in fiscal year 2022 and \$40,000 of the amounts in fiscal year 2023 are provided solely to the Washington state institute for public policy for the continued work and research on behalf of the Washington state criminal sentencing task force established in section 944 of this act.

(e)(i) \$14,000 of the amounts in fiscal year 2022 and \$76,000 of the amounts in fiscal year 2023 are provided solely for the Washington state institute for public policy to study net nanny and similar fictitious victim sting operations. The study must:

(A) Describe the current research on net nanny-type sting operations, including any evidence of their effectiveness in deterring or reducing crime, their costs, and the potential advantages or drawbacks of their use in crime prevention; and

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(B) Compare the characteristics of individuals convicted under net nanny stings with individuals convicted of child sex offenses through other avenues.

(ii) The Washington state patrol shall provide the Washington state institute for public policy with the data necessary to conduct the analysis in (e)(i)(B) of this subsection. A net nanny sting operation is a collaborative operation that includes local, state, and federal law enforcement that targets the arrest and prosecution of individuals involved in child abuse and exploitation using the internet by using a fictitious victim. By June 30, 2023, the institute must submit results from the study to the appropriate committees of the legislature.

(f) \$124,000 of the general fund—state appropriation for fiscal year 2022 and \$76,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state institute for public policy to study legal financial obligations as defined in RCW 9.94A.030.

(i) The study should explore the following topics:

(A) The amount of legal and financial obligations imposed over the last three years;

(B) The total amounts outstanding and the total amounts collected annually, including annual collection rates; including all restitution, costs, fees, fines, penalty assessments, and interest, disaggregated;

(C) Statutes which allow for the imposition of legal and financial obligations;

(D) The percentage of the judicial branch's budget which has been supported by legal and financial obligations since the system's inception;

(E) The programs funded by legal financial obligations; and

(F) How other states fund their court system including but not limited to whether they use legal financial obligations to provide support.

(ii) The study should recommend to the legislature potential methods and processes to delink court related funding and other county and local funding from the collection of legal financial obligations and to provide such funding through other means.

(iii) The Washington state institute for public policy may solicit input for the study from interested parties to include but not be limited to the Washington state association of counties, the Washington state association of county officials, the Washington state association of prosecuting attorneys, superior court judges, civil legal aid, civil rights attorneys, disability rights advocates, crime victim advocates, persons formerly incarcerated, advocates for persons who are currently or formerly incarcerated, academic researchers, persons with expertise analyzing data on legal financial obligations, the Washington state minority and justice commission, and the administrative office of the courts.

(iv) An initial report is due to the legislature by December 1, 2021, with a supplemental and final report due to the legislature by December 1, 2022.

(g) \$7,000 of the general fund—state appropriation for fiscal year 2022 and \$68,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the institute to review available research literature to investigate and describe any relationship between early substance abuse of cannabis, opioids, or cocaine and mental health disorders in young adults; and any relationship between nutrition and mental health disorders in young adults. The institute shall report its findings to the legislature no later than December 1, 2022.

(h)(i) \$102,000 of the amounts in fiscal year 2022 and \$73,000 of the amounts in fiscal year 2023 are provided solely for the Washington state institute for public policy to partner with a context expert to conduct a wilderness therapy research review. The University of Washington evidence-based practice institute

and Washington State University impact center must assist the institute in identifying a content expert. For the review, the institute must:

(A) Identify wilderness therapy program models related to behavioral health which have a treatment approach which is well defined or definable and have a strong evidence base to be added to reporting guides for being identified as an evidence-based practice for mental health, including identification of target populations for these programs;

(B) Identify wilderness/adventure program models available for prevention services which are cost beneficial; and

(C) Assess the interest and likelihood of support for programs of this nature among relevant interest groups, such as state prevention coalitions and tribes, if such programs were listed as approved cost beneficial prevention programs by the division of behavioral health and recovery and the Washington state health care authority.

(ii) The institute must submit to the appropriate committees of the legislature a report on (h)(i)(A) and (B) of this subsection by June 30, 2022, and a report on (h)(i)(C) of this subsection by December 1, 2022.

(i) \$15,000 of the amounts in fiscal year 2022 and ~~(\$286,000)~~ \$233,000 of the amounts in fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5304 (reentry services/state and local institutions).

(j) \$48,000 of the amounts in fiscal year 2022 and \$89,000 of the amounts in fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5194 (equity and access in higher education).

(k)(i) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state institute for public policy to conduct a cost-benefit analysis for an exclusive or partial American steel requirement for future contracts and subcontracts authorized in the capital budget. The cost-benefit analysis must, to the extent feasible:

(A) Compare existing types and uses of steel to America made steel alternatives, including evaluation of quality;

(B) Examine benefits to Washington workers and the Washington economy;

(C) Examine lifecycle and embodied carbon greenhouse gas emissions;

(D) Identify requirements for purchasing American steel that minimize costs and maximize benefits; and

(E) Evaluate American steel requirements or preferences in other states.

(ii) The institute may solicit input for the analysis from representatives of interested parties to include, but not be limited to, the construction and manufacturing sectors, organized labor in the construction and manufacturing sectors, cities, counties, American steel manufacturing companies, environmental advocacy organizations, and appropriate state agencies.

(iii) The institute must submit a final report to the appropriate committees of the legislature by December 1, 2022.

(l) \$47,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.).

(m) \$71,000 of the amounts in fiscal year 2022 and \$91,000 of the amounts in fiscal year 2023 are provided solely for implementation of chapter 314, Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141) (env. justice task force recs).

(n) \$125,000 of the amounts in fiscal year 2023 is provided solely for an evaluation of student participation in transitional kindergarten programs across the state. By December 31, 2023,



the institute shall report the results of its evaluation to the appropriate legislative committees; the governor; the office of the superintendent of public instruction; and the department of children, youth, and families. It is the intent of the legislature to provide funding in the 2023-2025 fiscal biennium budget for the institute to complete the report by December 31, 2023. For the evaluation, to the extent data is available, the institute shall collect data regarding:

(i) The number of districts providing transitional kindergarten programs, including the number of classrooms and students in the program per district;

(ii) The number of children participating in transitional kindergarten programs across the state, disaggregated by demographic information such as race, gender, and income level;

(iii) The number of children participating in transitional kindergarten programs that attended prekindergarten previous to transitional kindergarten;

(iv) The number of children participating in transitional kindergarten who received early learning services through the early childhood education and assistance program;

(v) The number of children participating in transitional kindergarten with an individualized education plan;

(vi) An analysis of how school districts select and prioritize children for enrollment in transitional kindergarten;

(vii) The differences in teacher preparation, certification, and classroom instruction for transitional kindergarten compared to the early childhood education and assistance program;

(viii) The identification of why school districts offer transitional kindergarten, the early childhood education and assistance program, and other early learning programs such as traditional or developmental prekindergarten, and the funding sources used; and

(ix) The use of transitional kindergarten in other states in comparison to Washington state, and any outcome data available.

(o)(i) \$62,000 of the amounts for fiscal year 2023 is provided solely for a comprehensive study to assess specific needs of farmworkers in the state in order to help policymakers determine whether those needs are being met by state administered programs, policies, and statutes. The institute must consult with farmworker advocacy organizations, state agencies administering programs and policies impacting farmworkers, and nonprofit organizations that work directly with farmworkers.

(ii) As part of its information gathering, the institute must hear from farmworkers, either directly or through the nonprofit organizations, regarding farmworkers' experiences and working conditions. These personal, real-life experiences from farmworkers must be based on informal interviews or surveys conducted by Latino nonprofit organizations that have well-established connections and relationships with farmworkers.

(iii) The study must focus on needs related to health and safety in the workplace, payment of wages, and preventing harassment and discrimination of, and retaliation against, farmworkers for asserting their rights regarding health and safety standards, wage and hour laws, and access to services.

(iv) The study must include:

(A) An examination of how the relevant state agencies coordinate with each other and federal agencies in administering and enforcing the various laws, policies, and programs, and of the agencies' education and outreach to farmworkers regarding farmworkers' rights and protections;

(B) A review of available data from, and research of, programs that are intended to increase health and safety outcomes for farmworkers and that are intended to provide farmworkers access to services and benefits; and

(C) Options on ways to improve agency coordination and the

effectiveness of reviewed programs.

(v) It is the intent of the legislature to provide funding in the 2023-2025 fiscal biennium budget for the institute to complete the report by June 30, 2025, with a preliminary report submitted by December 1, 2023.

(p) (~~(\$116,000)~~) \$76,000 of the amounts in fiscal year 2023 is provided solely for the Washington state institute for public policy to undertake a study on the nature and scope of the underground economy and to recommend what policy changes, if any, are needed to address the underground economy in the construction industry, including whether greater cohesion and transparency among state agencies is needed. The report must address the extent of and projected costs to the state and workers of the underground economy. The legislature expects the institute ~~(must)~~ to submit a report to the appropriate committees of the legislature by ~~(December 1, 2022)~~ September 30, 2023.

(q) Notwithstanding other provisions in this subsection, the board of directors for the Washington state institute for public policy may adjust due dates for projects included on the institute's 2021-23 work plan as necessary to efficiently manage workload.

(5) \$2,636,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(6) \$670,000 of the workforce education investment account—state appropriation is provided solely to maintain enrollment capacity in psychology programs.

(7) \$600,000 of the workforce education investment account—state appropriation is provided solely to increase student success by maintaining support for a student precollege immersion program and The Evergreen first-year experience.

(8) \$213,000 of the general fund—state appropriation for fiscal year 2022 and \$213,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for additional faculty to support Native American and indigenous programs.

(9) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the native pathways program for an assistant director.

(10) \$110,000 of the general fund—state appropriation for fiscal year 2022 and \$110,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to establish a new tribal liaison position.

(11) \$39,000 of the general fund—state appropriation for fiscal year 2022 and \$39,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(12) \$7,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools).

(13) \$236,000 of the general fund—state appropriation for fiscal year 2022 and \$220,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education).

(14) \$158,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(15) \$142,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for student mental health and

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wellness. The amount provided in this subsection must be used to supplement, not supplant, other funding sources for the program.

(16) \$196,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for additional laboratory, art, and media lab sections.

(17) \$600,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to develop and expand current corrections education programs offered in department of corrections facilities. The college shall appoint a project implementation team, collaborate with stakeholders to plan student success programs and curriculum which lead to transferable credit, associate and bachelor's degrees, and other workforce credentials, and train faculty and staff on working with incarcerated populations.

(18) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of chapter 329, Laws of 2021 (Substitute House Bill No. 1223) (custodial interrogations).

(19) \$27,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1607.** 2022 c 297 s 608 (uncodified) is amended to read as follows:

**FOR WESTERN WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2022).....	\$84,528,000
General Fund—State Appropriation (FY 2023)	
.....( <del>(\$91,203,000)</del> )	
.....	<u>\$92,139,000</u>
Western Washington University Capital Projects Account—	
State Appropriation.....	\$1,424,000
Education Legacy Trust Account—State Appropriation	
.....	\$13,831,000
Workforce Education Investment Account—State	
Appropriation.....	\$8,727,000
TOTAL APPROPRIATION.....( <del>(\$199,713,000)</del> )	
.....	<u>\$200,649,000</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) \$17,667,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$18,073,000)~~) \$19,009,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to recruit and retain high quality and diverse graduate students.

(5) \$494,000 of the general fund—state appropriation for fiscal year 2022 and \$548,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for critical support services to ensure traditionally underrepresented students receive

the same opportunities for academic success as their peers.

(6) \$700,000 of the general fund—state appropriation for fiscal year 2022 and \$700,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creation and implementation of an early childhood education degree program at the western on the peninsulas campus. The university must collaborate with Olympic college. At full implementation, the university is expected to grant approximately 75 bachelor's degrees in early childhood education per year at the western on the peninsulas campus.

(7) \$1,306,000 of the general fund—state appropriation for fiscal year 2022 and \$1,306,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university to develop a new program in marine, coastal, and watershed sciences.

(8) \$886,000 of the general fund—state appropriation for fiscal year 2022 and \$886,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university to reduce tuition rates for four-year degree programs offered in partnership with Olympic college—Bremerton, Olympic college—Poulsbo, and Peninsula college—Port Angeles that are currently above state-funded resident undergraduate tuition rates.

(9) \$90,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the university to assess the feasibility and benefits of expanding outdoor residential school programs to equitably serve either all fifth and sixth grade students, or only fifth or only sixth grade students statewide. The study shall explore the equity concerns exacerbated by the COVID-19 pandemic in the areas of outdoor recreation and outdoor learning experiences, with a focus on using physical activity and exposure to natural settings as a strategy for improving health disparities and accelerating learning for historically underserved populations. The study must also consider programs and facilities at outdoor residential schools, youth camps, and state parks and assess the impact of COVID-19 on these institutions, and recommend strategies to preserve and expand capacity for outdoor school. The university shall submit a report to the office of the governor, the office of the superintendent of public instruction, and the education committees of the legislature summarizing the assessment and making recommendations no later than September 30, 2021.

(10) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(11) \$2,256,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(12) \$3,426,000 of the workforce education investment account—state appropriation is provided solely to maintain access to science, technology, engineering, and mathematics degrees.

(13) \$1,016,000 of the workforce education investment account—state appropriation is provided solely to establish an academic curriculum in ethnic studies.

(14) \$48,000 of the general fund—state appropriation for fiscal year 2022 and \$48,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(15) \$530,000 of the general fund—state appropriation for fiscal year 2022 and \$530,000 of the general fund—state

appropriation for fiscal year 2023 are provided solely for the creation and implementation of two bilingual educator programs in the south King county region, including a bilingual elementary education degree program and a secondary education degree program. At full implementation, each cohort shall support up to 25 students per year.

(16) \$40,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools).

(17) \$353,000 of the general fund—state appropriation for fiscal year 2022 and \$153,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education).

(18) \$5,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data).

(19) \$769,000 of the workforce education investment account—state appropriation is provided solely for upgrading Cyber Range equipment and software.

(20) \$1,260,000 of the workforce education investment account—state appropriation is provided solely for student support services that include resources for outreach and financial aid support, retention initiatives including targeted support for underserved student populations, mental health support, and initiatives aimed at addressing learning disruption due to the global pandemic. The amount provided in this subsection must be used to supplement, not supplant, other funding sources for student support services.

(21) \$461,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for establishing a new master of science program in nursing.

(22) \$433,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the registered nurse to bachelors in nursing program.

(23) \$767,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(24) \$30,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a review of how existing homeowners' associations, condominium associations, associations of apartment owners, and common interest communities in Washington can incorporate accessory dwelling units. The review shall include an examination of the governing documents of these associations and communities to determine how accessory dwelling units are explicitly or implicitly restricted and what the overall impact is on the state's housing supply from such restrictions. By June 30, 2023, in compliance with RCW 43.01.036, the institution must submit a report detailing its findings to the appropriate committees of the legislature.

(25) \$66,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1608.** 2022 c 297 s 609 (uncodified) is amended to read as follows:

**FOR THE STUDENT ACHIEVEMENT COUNCIL—  
POLICY COORDINATION AND ADMINISTRATION**

General Fund—State Appropriation (FY 2022).....	\$7,777,000
General Fund—State Appropriation (FY 2023)....	\$12,583,000
General Fund—Federal Appropriation .....	\$4,941,000

<u>General Fund—Private/Local Appropriation .....</u>	<u>\$150,000</u>
Workforce Education Investment Account—State Appropriation .....	\$6,427,000
TOTAL APPROPRIATION .....	<del>(\$31,728,000)</del>
.....	<u>\$31,878,000</u>

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

(1) \$126,000 of the general fund—state appropriation for fiscal year 2022 and \$126,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the consumer protection unit.

(2) \$500,000 of the workforce education investment account—state appropriation is provided solely to implement a marketing and communications agenda as required in RCW 28C.30.040(1)(c).

(3) \$115,000 of the workforce education investment account—state appropriation is provided solely for the Washington student loan refinancing program as provided in chapter 28B.94 RCW.

(4) \$575,000 of the general fund—state appropriation for fiscal year 2022 and \$575,000 of the general fund—state appropriation for fiscal year 2023 are provided to increase the number of high school seniors and college bound scholars that complete the free application for federal student aid and the Washington application for state financial aid through digital engagement tools, expanded training, and increased events for high school students.

(5) The student achievement council must ensure that all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW provide the data needed to analyze and evaluate the effectiveness of state financial aid programs. This data must be promptly transmitted to the education data center so that it is available and easily accessible.

(6) \$25,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the Washington student achievement council to convene and coordinate a task force to propose strategies to eliminate financial and nonfinancial barriers to low-income students participating in running start, college in the high school, advanced placement, international baccalaureate, Cambridge, and career and technical education dual credit programs. The task force shall submit a report to the appropriate committees of the legislature by December 1, 2021. The report must include:

(a) Strategies to address the following financial and nonfinancial barriers to students:

(i) Per credit tuition fees and any other fees charged for college in the high school and career and technical education dual credit courses;

(ii) Books, fees, and any other direct costs charged to running start students when enrolling in college courses; and

(iii) Exam fees and other charges to students enrolling in exam-based dual credit courses;

(b) Recommendations on student supports to close equity gaps in dual credit access, participation, and success;

(c) Recommendations to improve and increase communication with students and families regarding the awareness, access, and completion of dual credit;

(d) Expanding access to dual credit opportunities for students in career and technical education pathways; and

(e) Running start data for fiscal year 2019, fiscal year 2020, and fiscal year 2021 for each community and technical college as described in section 602(29) of this act.

(7) \$29,000 of the general fund—state appropriation for fiscal year 2022 and \$29,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary

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ed.).

(8) \$16,000 of the general fund—state appropriation for fiscal year 2022 and \$16,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute Senate Bill No. 5249 (mastery-based learning).

(9) \$1,000,000 of the workforce education investment account—state appropriation is provided solely for the career launch grant pool for the public four-year institutions.

(10) \$3,600,000 of the workforce education investment account—state appropriation is provided solely for a grant pool dedicated to nursing programs to purchase or upgrade simulation laboratory equipment.

(11) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the student achievement council to convene and coordinate the development of education and training programs for employees, focusing on correctional officers and medical staff, of the department of corrections to be provided through a contract with The Evergreen State College. Education and training programs must be designed collaboratively to best meet the needs of the department of corrections.

(12) \$850,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for administrative support services to carry out duties and responsibilities necessary for recipients of the Washington college grant who are enrolled in a state registered apprenticeship program.

(13) \$246,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to expand the homeless student assistance pilot program by two additional public four-year institutions of higher education. The institutions participating in the pilot program are subject to the same requirements as in RCW 28B.50.916. Of the amounts in this subsection, \$30,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for administration.

(14) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a Pierce county school district to expand a current program assisting high school seniors to identify a postsecondary pathway through a data driven approach.

(15)(a) \$80,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a pilot program to help students, including those enrolled in state registered apprenticeship programs, connect with health care coverage. The student achievement council, in cooperation with the council of presidents, must provide resources for up to two four-year colleges or universities, one on the east side and one on the west side of the Cascade mountains, to hire or train an employee to:

(i) Provide information to students and college and university staff about available health insurance options;

(ii) Develop culturally relevant materials and conduct outreach for historically marginalized and underserved student populations to assist these populations in their knowledge of access to low cost or free health insurance plans;

(iii) Provide ongoing technical assistance to students about health insurance options or health insurance application process; and

(iv) Provide technical assistance to students as a health benefit exchange certified assister, to help students understand, shop, apply, and enroll in health insurance through Washington health planfinder.

(b) Participation in the exchange assister program is contingent on fulfilling applicable contracting, security, and other program requirements.

(c) The legislature expects the council, in collaboration with

the council of presidents and the health benefit exchange, to report to the appropriate committees of the legislature information about barriers students, including those enrolled in state registered apprenticeship programs, encountered to accessing health insurance coverage; and to provide recommendations on how to improve student and staff access to health coverage based on data gathered from the pilot program.

(16) \$25,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington student achievement council to convene stakeholders from institutions of higher education, students, and community-based organizations to develop recommendations regarding residency statutes with the goal of ensuring consistent application of residency statutes and clarifying pathways to being a Washington resident student with a focus on ensuring equity to accessing student residency. By December 1, 2022, the council must submit a report with recommendations to the appropriate committees of the legislature pursuant to RCW 43.01.036.

(17) \$10,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the council to submit a progress report on the new or expanded cybersecurity and nursing academic programs that receive funding in sections 602 through 608 of this act, including the number of students enrolled. The council must coordinate with the institutions of higher education and the state board for community and technical colleges as provided in sections 601(4), 602(37), and 602(45) of this act. The progress report must be submitted to the appropriate committees of the legislature, pursuant to RCW 43.01.036, by June 30, 2023, and a final report is expected by December 1, 2024.

(18) \$2,800,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to a nonprofit organization located in King county to expand college services to support underserved students impacted by the pandemic and improve college retention and completion rates.

(19) \$275,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Engrossed Second Substitute Senate Bill No. 5764 (apprenticeships and higher ed). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(20) \$137,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5847 (public employee PLSF info). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(21) \$1,200,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1835 (postsecondary enrollment). No more than \$200,000 of the amounts provided in this subsection may be used for administration. If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~(22) (\$150,000,000 of the Washington student loan account—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1736 (state student loan program). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.~~

~~(23))~~ If Second Substitute Senate Bill No. 5789 (innovation challenge program) is enacted by June 30, 2022, community-based organizations that receive state funding under subsection (18) of this section and section 602(41) of this act are not eligible for Washington career and college pathway innovation challenge program grant funding for the same purpose.

(23) \$150,000 of the general fund—private/local appropriation is provided solely for the skills-driven states demonstration project grant awarded by the national governor's association.

**Sec. 1609.** 2022 c 297 s 610 (uncodified) is amended to read as follows:

**FOR THE STUDENT ACHIEVEMENT COUNCIL—  
OFFICE OF STUDENT FINANCIAL ASSISTANCE**

General Fund—State Appropriation (FY 2022)..	\$274,216,000
General Fund—State Appropriation (FY 2023)	<del>(\$224,541,000)</del>
.....	<u>\$234,093,000</u>
General Fund—Federal Appropriation .....	\$14,096,000
General Fund—Private/Local Appropriation.....	\$300,000
Education Legacy Trust Account—State Appropriation	<del>(\$85,488,000)</del>
.....	<u>\$85,488,000</u>
Washington Opportunity Pathways Account—State	<del>(\$223,786,000)</del>
Appropriation.....	<u>\$221,033,000</u>
Aerospace Training Student Loan Account—State	<del>(\$217,000)</del>
Appropriation.....	<u>\$217,000</u>
Workforce Education Investment Account—State	<del>(\$248,456,000)</del>
Appropriation.....	<u>\$220,847,000</u>
Health Professionals Loan Repayment and Scholarship	
Program Account—State Appropriation.....	\$1,720,000
TOTAL APPROPRIATION.....	<del>(\$1,072,820,000)</del>
.....	<u>\$1,052,010,000</u>

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

(1) \$7,834,000 of the general fund—state appropriation for fiscal year 2022 and \$7,835,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for student financial aid payments under the state work study program, including up to four percent administrative allowance for the state work study program.

(2) \$236,416,000 of the general fund—state appropriation for fiscal year 2022, \$176,416,000 of the general fund—state appropriation for fiscal year 2023, ~~(\$218,824,000)~~ \$191,215,000 of the workforce education investment account—state appropriation, \$69,639,000 of the education legacy trust fund—state appropriation, and \$207,654,000 of the Washington opportunity pathways account—state appropriation are provided solely for the Washington college grant program as provided in RCW 28B.92.200.

(3) Changes made to the state work study program in the 2009-2011 and 2011-2013 fiscal biennia are continued in the 2021-2023 fiscal biennium including maintaining the increased required employer share of wages; adjusted employer match rates; discontinuation of nonresident student eligibility for the program; and revising distribution methods to institutions by taking into consideration other factors such as off-campus job development, historical utilization trends, and student need.

(4) \$1,165,000 of the general fund—state appropriation for fiscal year 2022, \$1,165,000 of the general fund—state appropriation for fiscal year 2023, \$15,849,000 of the education legacy trust account—state appropriation, and ~~(\$16,132,000)~~ \$13,379,000 of the Washington opportunity pathways account—state appropriation are provided solely for the college bound scholarship program and may support scholarships for summer session. The office of student financial assistance and the institutions of higher education shall not consider awards made by the opportunity scholarship program to be state-funded for the purpose of determining the value of an award amount under RCW 28B.118.010.

(5) \$6,999,000 of the general fund—state appropriation for fiscal year 2022 and \$6,999,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the passport to college program. The maximum scholarship award is

up to \$5,000. The council shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of \$500,000 in fiscal years 2022 and 2023 for this purpose.

(6) \$2,981,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$8,551,000)~~ \$17,904,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to meet state match requirements associated with the opportunity scholarship program. The legislature will evaluate subsequent appropriations to the opportunity scholarship program based on the extent that additional private contributions are made, program spending patterns, and fund balance.

(7) \$3,800,000 of the general fund—state appropriation for fiscal year 2022 and \$3,800,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expenditure into the health professionals loan repayment and scholarship program account. These amounts must be used to increase the number of licensed primary care health professionals to serve in licensed primary care health professional critical shortage areas. Contracts between the office and program recipients must guarantee at least three years of conditional loan repayments. The office of student financial assistance and the department of health shall prioritize a portion of any nonfederal balances in the health professional loan repayment and scholarship fund for conditional loan repayment contracts with psychiatrists and with advanced registered nurse practitioners for work at one of the state-operated psychiatric hospitals. The office and department shall designate the state hospitals as health professional shortage areas if necessary for this purpose. The office shall coordinate with the department of social and health services to effectively incorporate three conditional loan repayments into the department's advanced psychiatric professional recruitment and retention strategies. The office may use these targeted amounts for other program participants should there be any remaining amounts after eligible psychiatrists and advanced registered nurse practitioners have been served. The office shall also work to prioritize loan repayments to professionals working at health care delivery sites that demonstrate a commitment to serving uninsured clients. It is the intent of the legislature to provide funding to maintain the current number and amount of awards for the program in the 2023-2025 fiscal biennium on the basis of these contractual obligations.

(8) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for behavioral health loan repayment program grants, pursuant to chapter 302, Laws of 2019 (2SHB 1668) (Washington health corps).

(9) \$4,125,000 of the general fund—state appropriation for fiscal year 2022 and \$6,125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expenditure into the health professionals loan repayment and scholarship program account. The amount provided in this subsection is provided solely to increase loans within the behavioral health program.

(10) \$2,000,000 of the workforce education investment account—state appropriation is provided solely for the future teachers conditional scholarship and loan repayment program established in chapter 28B.102 RCW.

(11) \$2,000,000 of the general fund—federal appropriation (ARPA) is provided solely for ARPA anticipated state grants for the national health service corps.

(12) \$1,279,000 of the general fund—state appropriation for fiscal year 2022 and \$1,313,000 of the general fund—state

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appropriation for fiscal year 2023 are provided solely for the Washington award for vocational excellence. \$175,000 of the general fund—state appropriation for fiscal year 2023 shall be used for administration.

(13) \$258,000 of the general fund—state appropriation for fiscal year 2022 and \$258,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1166 (college students pilot).

(14) \$500,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$206,000)~~ \$405,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a state match associated with the rural jobs program.

(15) \$27,627,000 of the workforce education investment account—state appropriation is provided solely for an annual bridge grant of \$500 to eligible students. A student is eligible for a grant if the student receives a maximum college grant award and does not receive the college bound scholarship program under chapter 28B.118 RCW. Bridge grant funding provides supplementary financial support to low-income students to cover higher education expenses.

(16) \$3,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of House Bill No. 2007 (nurse educator loans). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1610.** 2022 c 297 s 612 (uncodified) is amended to read as follows:

**FOR THE STATE SCHOOL FOR THE BLIND**

General Fund—State Appropriation (FY 2022).....	\$9,278,000
General Fund—State Appropriation (FY 2023).( <del>\$9,939,000</del> )	
.....	<u>\$10,130,000</u>
General Fund—Private/Local Appropriation.....	\$34,000
TOTAL APPROPRIATION.....( <del>\$19,251,000</del> )	
.....	<u>\$19,442,000</u>

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

(1) Funding provided in this section is sufficient for the school to offer to students enrolled in grades six through twelve for full-time instructional services at the Vancouver campus or online with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

(2) \$24,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1153 (language access in schools). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1611.** 2022 c 297 s 613 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS**

General Fund—State Appropriation (FY 2022)....	\$15,108,000
General Fund—State Appropriation (FY 2023)	
.....( <del>\$16,104,000</del> )	
.....	<u>\$16,404,000</u>
TOTAL APPROPRIATION.....( <del>\$31,212,000</del> )	
.....	<u>\$31,512,000</u>

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

(1) Funding provided in this section is sufficient for the center to offer students ages three through twenty-one enrolled at Washington School for the Deaf the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

(2) \$225,000 of the general fund—state appropriation in fiscal

year 2022 and \$225,000 of the general fund—state appropriation in fiscal year 2023 are provided solely for the center for deaf and hard of hearing youth to develop or expand a mentoring program for persons employed as educational interpreters in public schools. Funding provided under this section is provided solely for recruiting, hiring, and training persons to be employed by Washington sensory disability services who must provide mentoring services in different geographic regions of the state, with the dual goals of providing services, beginning with the 2021-22 school year, to any requesting school district; and assisting persons in the timely and successful achievement of performance standards for educational interpreters.

(3) \$5,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1153 (language access in schools). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1612.** 2022 c 297 s 614 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund—State Appropriation (FY 2022) .....	\$2,760,000
General Fund—State Appropriation (FY 2023) ( <del>\$4,788,000</del> )	
.....	<u>\$4,815,000</u>
General Fund—Federal Appropriation.....	\$3,169,000
General Fund—Private/Local Appropriation .....	\$143,000
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation .....	\$2,000,000
TOTAL APPROPRIATION .....	( <del>\$12,860,000</del> )
.....	<u>\$12,887,000</u>

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

(1) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$79,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creative districts program.

(2) \$1,000,000 of the general fund—federal appropriation (ARPA) is provided solely for grants to arts organizations for programing and general operating expenses pursuant to section 2021 of the American rescue plan act of 2021, P.L. 117-2.

(3) (~~\$1,000,000~~) \$2,000,000 of the coronavirus state fiscal recovery fund—federal appropriation for fiscal year 2022 (~~and \$1,000,000 of the coronavirus state fiscal recovery fund—federal appropriation for fiscal year 2023 are~~) is provided solely for the Washington state arts commission to stabilize, recover, and preserve the state's arts and cultural organizations in light of pandemic conditions. From these amounts, the commission may distribute relief, response, and recovery grants to arts and cultural organizations statewide, subject to appropriate agreements.

(4) \$71,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a business network in the Goldendale area to continue an arts-based revitalization and transformation project in downtown Goldendale.

**Sec. 1613.** 2022 c 297 s 615 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund—State Appropriation (FY 2022) .....	\$4,270,000
General Fund—State Appropriation (FY 2023) ( <del>\$4,878,000</del> )	
.....	<u>\$4,957,000</u>
TOTAL APPROPRIATION .....	( <del>\$9,148,000</del> )
.....	<u>\$9,227,000</u>

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

(1) \$210,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington state historical

society to partner with a statewide organization specializing in the preservation of Washington state Jewish history to establish a new archive that captures the narratives and primary source materials of Jewish Washingtonians. This new archive must create the capacity to capture a 15-year backlog of hundreds of narratives and materials of Jewish Washingtonians, as well as unlimited new submissions, with the future goal of making these materials available to the public and linking to existing Jewish archival collections at the University of Washington.

(2) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with an organization that works with and connects museums in Washington state to create an inventory of heritage organizations across the state as the first phase of a Washington museums connect initiative.

Sec. 1614. 2022 c 297 s 616 (uncodified) is amended to read as follows:

**FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund—State Appropriation (FY 2022).....	\$3,481,000
General Fund—State Appropriation (FY 2023).....	\$4,095,000
General Fund—Federal Appropriation .....	\$250,000
TOTAL APPROPRIATION.....	<del>(\$7,576,000)</del>
	<u>\$7,826,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$250,000 of the general fund—federal appropriation for fiscal year 2023 is provided solely for the collection management system replacement project.

**PART XVII  
SPECIAL APPROPRIATIONS  
SUPPLEMENTAL**

Sec. 1701. 2022 c 297 s 702 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT**

General Fund—State Appropriation (FY 2022).....	\$1,265,240,000
General Fund—State Appropriation (FY 2023).....	<del>(\$1,342,278,000)</del>
	<u>\$1,344,276,000</u>
State Building Construction Account—State Appropriation.....	<del>(\$19,323,000)</del>
	<u>\$12,323,000</u>
Columbia River Basin Water Supply Development Account—State Appropriation .....	<del>(\$13,000)</del>
	<u>\$25,000</u>
Watershed Restoration and Enhancement Bond Account—State Appropriation.....	\$181,000
State Taxable Building Construction Account—State Appropriation.....	\$467,000
Debt-Limit Reimbursable Bond Retirement Account—State Appropriation.....	\$511,000
TOTAL APPROPRIATION.....	<del>(\$2,628,013,000)</del>
	<u>\$2,623,023,000</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. 1702. 2022 c 297 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 2022) .....	\$1,400,000
General Fund—State Appropriation (FY 2023) .....	\$1,400,000
State Building Construction Account—State Appropriation .....	\$4,249,000
Columbia River Basin Water Supply Development Account—State Appropriation .....	<del>(\$3,000)</del>
	<u>\$6,000</u>
Watershed Restoration and Enhancement Bond Account—State Appropriation .....	\$39,000
State Taxable Building Construction Account—State Appropriation .....	<del>(\$94,000)</del>
	<u>\$112,000</u>
TOTAL APPROPRIATION .....	<del>(\$7,185,000)</del>
	<u>\$7,206,000</u>

Sec. 1703. 2022 c 297 s 704 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—EMERGENCY FUND**

General Fund—State Appropriation (FY 2022) .....	\$1,100,000
General Fund—State Appropriation (FY 2023) .....	<del>(\$1,000,000)</del>
	<u>\$1,500,000</u>
TOTAL APPROPRIATION .....	<del>(\$2,100,000)</del>
	<u>\$2,600,000</u>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are for the governor's emergency fund for the critically necessary work of any agency.

Sec. 1704. 2022 c 297 s 713 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—CORONAVIRUS RELIEF FUNDS**

General Fund—Federal Appropriation.....	<del>(\$5,711,000)</del>
	<u>\$6,211,000</u>
TOTAL APPROPRIATION .....	<del>(\$5,711,000)</del>
	<u>\$6,211,000</u>

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—federal appropriation (CRF) is provided solely to the office of financial management for allocation to state agencies for costs eligible to be paid from the coronavirus relief fund created by section 5001, the coronavirus aid, relief, and economic security act, P.L. 116-136, division A and where funding is provided elsewhere in this act for those costs using a funding source other than the coronavirus relief fund. For any agency receiving an allocation under this section, the office must place an equal amount of the agency's state or other federal source appropriation authority in unallotted reserve status, and those amounts may not be expended. In determining the use of amounts appropriated in this section, the office of financial management shall prioritize the preservation of state general fund moneys and federal state fiscal recovery fund moneys. The office must report on the use of the amounts appropriated in this section to the fiscal committees of the legislature monthly until all coronavirus relief fund moneys are expended or the unexpended moneys returned to the federal government, whichever is earlier.

Sec. 1705. 2022 c 297 s 714 (uncodified) is amended to read as follows:

**FOR SUNDRY CLAIMS**

The following sums, or so much thereof as may be necessary, are appropriated from the general fund for fiscal year 2022 or fiscal year 2023, 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

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otherwise provided, for reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110, as follows:

- (1) William J. Damson, claim number 9991006839 .... \$14,880
- (2) David Ziller, claim number 9991006721 ..... \$13,257
- (3) Caleb B. Cline, claim number 9991006671 ..... \$23,367
- (4) Julaine D. Pettis, claim number 9991005948 ..... \$20,000
- (5) Jaydra Erchul Johnson, claim number 9991005804 . \$8,270
- (6) Christopher Lundvall, claim number 9991007205 . \$45,022
- (7) Carlos Cervantes, claim number 9991007388..... \$6,298
- (8) Jarel Jones-White, claim number 9991007721..... \$3,665
- (9) Terry G. Enger, claim number 9991010634..... \$6,575
- (10) James B. Copenhaver, claim number 9991010466..... \$47,755
- (11) Jason Koester, claim number 9991010340..... \$25,128
- (12) Michael Chambers, claim number 9991010113... \$13,230
- (13) Gerhardt Reiss, claim number 9991010024 ..... \$12,157
- (14) Samuel Swanberg, claim number 9991010013 .... \$44,269
- (15) Darnell Jones, claim number 9991009681 ..... \$25,000
- (16) Heath Wolfe, claim number 9991009301..... \$4,380
- (17) Derwin R. Honeycutt, claim number 9991008512..... \$19,557
- (18) Heegap Lee, claim number 9991008437..... \$21,584
- (19) Ryan A. Leenders, claim number 9991008439 .... \$52,328
- (20) Jami McKague, claim number 9991012007..... \$15,000

**Sec. 1706.** 2022 c 297 s 723 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—FAMILY AND MEDICAL LEAVE INSURANCE ACCOUNT**

General Fund—State Appropriation (FY 2023)	.....	(\$350,000,000)
.....	.....	\$200,000,000
<b>TOTAL APPROPRIATION</b> .....	.....	<b>(\$350,000,000)</b>
.....	.....	\$200,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the family and medical leave insurance account created in RCW 50A.05.070 (~~on June 30, 2023. The office of financial management may only expend the amount necessary to keep the family and medical leave insurance account from being in a deficit at the close of the fiscal biennium, after certification from the employment security department~~).

**Sec. 1707.** 2022 c 297 s 726 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—JUDICIAL INFORMATION SYSTEMS ACCOUNT**

General Fund—State Appropriation (FY 2022)....	\$11,306,000
General Fund—State Appropriation (FY 2023).( <del>\$6,224,000</del> )	.....
.....	\$15,924,000
<b>TOTAL APPROPRIATION</b> .....( <del>\$17,530,000</del> )	.....
.....	\$27,230,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the judicial information systems account created in RCW 2.68.020.

**Sec. 1708.** 2022 c 297 s 731 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—SALMON RECOVERY ACCOUNT**

General Fund—State Appropriation (FY 2023)	.....	(\$100,000,000)
.....	.....	\$125,000,000
<b>TOTAL APPROPRIATION</b> .....( <del>\$100,000,000</del> )	.....	<b>(\$100,000,000)</b>
.....	.....	\$125,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the salmon recovery account created in RCW 77.85.170.

**NEW SECTION. Sec. 1709.** 2021 c 334 s 747 (uncodified) is repealed.

**PART XVIII  
OTHER TRANSFERS AND APPROPRIATIONS  
SUPPLEMENTAL**

**Sec. 1801.** 2022 c 297 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 .....	.....	(\$12,107,000)
.....	.....	\$12,486,000
General Fund Appropriation for prosecuting attorney distributions.....	.....	\$7,975,000
General Fund Appropriation for boating safety and education distributions .....	.....	(\$6,395,000)
.....	.....	\$5,014,000
General Fund Appropriation for public utility district excise tax distributions .....	.....	(\$67,206,000)
.....	.....	\$99,351,000
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies.....	.....	(\$3,303,000)
.....	.....	\$5,927,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distributions.....	.....	(\$140,000)
.....	.....	\$158,000
Timber Tax Distribution Account Appropriation for distribution to "timber" counties.....	.....	\$77,324,000
County Criminal Justice Assistance Appropriation .....	.....	(\$115,238,000)
.....	.....	\$115,845,000
Municipal Criminal Justice Assistance Appropriation .....	.....	(\$45,587,000)
.....	.....	\$45,904,000
City-County Assistance Appropriation.....	.....	\$56,205,000
Liquor Excise Tax Account Appropriation for liquor excise tax distribution.....	.....	(\$87,317,000)
.....	.....	\$89,098,000
Columbia River Water Delivery Account Appropriation for the Confederated Tribes of the Colville Reservation.....	.....	\$8,690,000
Columbia River Water Delivery Account Appropriation for the Spokane Tribe of Indians .....	.....	\$6,036,000
Liquor Revolving Account Appropriation for liquor profits distribution .....	.....	\$98,876,000
General Fund Appropriation for other tax distributions.....	.....	(\$102,000)
.....	.....	\$104,000
General Fund Appropriation for Cannabis Excise Tax distributions.....	.....	\$20,000,000
Dedicated ( <del>Marijuana</del> ) <b>Cannabis</b> Account Appropriation for Cannabis Excise Tax distributions pursuant to Engrossed Second Substitute Senate Bill No. 5796 (cannabis revenue).....	.....	(\$25,243,000)
.....	.....	\$22,442,000
General Fund Appropriation for Habitat Conservation Program distributions .....	.....	(\$5,754,000)
.....	.....	\$4,754,000
General Fund Appropriation for payment in lieu of		



taxes to counties under Department of Fish and Wildlife Program .....	(\$4,040,000)
.....	<u>\$4,078,000</u>
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. ....	\$51,983,000
Manufacturing and Warehousing Job Centers Account	
Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistributions effect of sourcing law changes pursuant to Engrossed Substitute House Bill No. 1521 (warehousing & manufacturing jobs).....	\$12,150,000
TOTAL APPROPRIATION.....	(\$711,671,000)
.....	<u>\$744,400,000</u>

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. 1802.** 2022 c 297 s 802 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Appropriation .....	(\$2,015,000)
.....	<u>\$1,530,000</u>
TOTAL APPROPRIATION.....	(\$2,015,000)
.....	<u>\$1,530,000</u>

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2021-2023 fiscal biennium 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. 1803.** 2022 c 297 s 803 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Appropriation .....	(\$1,343,000)
.....	<u>\$1,020,000</u>
TOTAL APPROPRIATION.....	(\$1,343,000)
.....	<u>\$1,020,000</u>

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2021-2023 fiscal biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998

(ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**Sec. 1804.** 2022 c 297 s 804 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—TRANSFERS**

Dedicated Marijuana Account: For transfer to the basic health plan trust account, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2022, \$265,000,000 and this amount for fiscal year 2023, \$268,000,000.....	\$533,000,000
Dedicated Marijuana Account: For transfer to the state general fund, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2022, \$202,000,000 and this amount for fiscal year 2023, (\$200,000,000) <u>\$170,000,000</u> .....	(\$402,000,000)
.....	<u>\$372,000,000</u>
Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2022.....	\$90,000,000
Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2023.....	\$90,000,000
<del>(Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the tobacco arbitration payment to the tobacco settlement account, for fiscal year 2023.....</del>	<del>\$8,000,000)</del>
State Treasurer's Service Account: For transfer to the state general fund, \$5,000,000 for fiscal year 2022 and \$5,000,000 for fiscal year 2023.....	\$10,000,000
General Fund: For transfer to the fair fund under RCW 15.76.115, \$2,750,000 for fiscal year 2022 and \$2,750,000 for fiscal year 2023 .....	\$5,500,000
Financial Services Regulation Account: For transfer to the state general fund, \$3,500,000 for fiscal year 2022 and \$3,500,000 for fiscal year 2023.....	\$7,000,000
Marine Resources Stewardship Trust Account: For transfer to the aquatic lands enhancement account, up to \$40,000 for fiscal year 2022.....	\$40,000
Water Pollution Control Revolving Administration Account: For transfer to the water pollution control revolving account, \$6,000,000 for fiscal year 2022 .....	\$6,000,000
General Fund: For transfer to the home security fund, \$4,500,000 for fiscal year 2022 and \$4,500,000 for fiscal year 2023 .....	\$9,000,000
Gambling Revolving Account: For transfer to the state general fund as repayment of the loan pursuant to chapter 127, Laws of 2020 (sports wagering/compacts), \$3,000,000 for fiscal year 2022 and the lesser of the remaining amount determined by the treasurer for full repayment of the \$6,000,000 transferred from the general fund in the 2019-2021 fiscal biennium with any related interest, or this amount for fiscal	

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year 2023 \$3,500,000 .....	\$6,500,000
School Employees' Insurance Account: For transfer to the general fund as repayment of the remainder of the loans for start costs for the school employees benefit program, \$15,615,000 for fiscal year 2022.....	\$15,615,000
General Fund: For transfer to the manufacturing and warehousing jobs centers account \$6,750,000 for fiscal year 2022 and \$5,400,000 for fiscal year 2023 pursuant to Engrossed Substitute House Bill No. 1521 (warehousing & manufacturing jobs).....	\$12,150,000
General Fund: For transfer to the Washington housing trust fund, \$10,000,000 for fiscal year 2022 .....	\$10,000,000
General Fund: For transfer to the forest resiliency account trust fund, \$6,000,000 for fiscal year 2022.....	\$6,000,000
Streamlined Sales and Use Tax Mitigation Account: For transfer to the general fund, \$3,186,000 or as much thereof that represents the balance in the account for fiscal year 2022 .....	\$3,186,000
General Fund: For transfer to the municipal criminal justice assistance account for fiscal year 2022.....	\$761,000
General Fund: For transfer to the wildfire response, forest restoration, and community resilience account, solely for the implementation of chapter 298, Laws of 2021 (2SHB 1168) (long-term forest health), \$12,475,000 for fiscal year 2022 and \$74,632,000 for fiscal year 2023 .....	\$87,107,000
General Fund: For transfer to the state drought preparedness and response account, \$4,500,000 for fiscal year 2022 and \$4,500,000 for fiscal year 2023 .....	\$9,000,000
General Fund: For transfer to the Washington rescue plan transition account, \$1,100,000,000 for fiscal year 2023.....	\$1,100,000,000
<u>Washington Rescue Plan Transition Account: For transfer to the state general fund,</u>	
<u>\$1,803,000,000 for fiscal year 2023 .....</u>	<u>\$1,803,000,000</u>
<u>General Fund: For transfer to the disaster response account, \$89,217,000 for fiscal year 2023 .....</u>	<u>\$89,217,000</u>
<u>General Fund: For transfer to the Washington auto theft prevention authority account, \$2,439,000 for fiscal year 2023 .....</u>	<u>\$2,439,000</u>
<u>From auction proceeds received under RCW 70A.65.100(7)(a): For transfer to the air quality and health disparities improvement account, \$1,000,000 for fiscal year 2023 .....</u>	<u>\$1,000,000</u>
<u>From auction proceeds received under RCW 70A.65.100(7)(a): For transfer to the climate investment account, in an amount not to exceed the remaining auction proceeds exclusive of the transfer to the carbon emissions reduction account, \$355,404,000 for fiscal year 2023 .....</u>	<u>\$355,404,000</u>

**PART XIX  
MISCELLANEOUS  
SUPPLEMENTAL**

**Sec. 1901.** RCW 43.79.555 and 2022 c 157 s 5 are each amended to read as follows:

The Washington rescue plan transition account is created in the state treasury. Moneys in the account may be spent only after appropriation. Revenues to the account consist of moneys directed by the legislature to the account. Allowable uses of

moneys in the account include responding to the impacts of the COVID-19 pandemic including those related to education, human services, health care, and the economy. In addition, the legislature may appropriate from the account to continue activities begun with, or augmented with, COVID-19 related federal funding. During the 2021-2023 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the Washington rescue plan transition account to the general fund.

**Sec. 1902.** RCW 70A.65.030 and 2022 c 182 s 104 and 2022 c 181 s 13 are each reenacted and amended to read as follows:

(1) Each year or biennium, as appropriate, when allocating funds from the carbon emissions reduction account created in RCW 70A.65.240, the climate commitment account created in RCW 70A.65.260, the natural climate solutions account created in RCW 70A.65.270, the climate investment account created in RCW 70A.65.250, the air quality and health disparities improvement account created in RCW 70A.65.280, the climate transit programs account created in RCW 46.68.500, or the climate active transportation account created in RCW 46.68.490, or administering grants or programs funded by the accounts, agencies shall conduct an environmental justice assessment consistent with the requirements of RCW 70A.02.060 and establish a minimum of not less than 35 percent and a goal of 40 percent of total investments that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities through: (a) The direct reduction of environmental burdens in overburdened communities; (b) the reduction of disproportionate, cumulative risk from environmental burdens, including those associated with climate change; (c) the support of community led project development, planning, and participation costs; or (d) meeting a community need identified by the community that is consistent with the intent of this chapter or RCW 70A.02.010.

(2) The allocation of funding under subsection (1) of this section must adhere to the following principles, additional to the requirements of RCW 70A.02.080: (a) Benefits and programs should be directed to areas and targeted to vulnerable populations and overburdened communities to reduce statewide disparities; (b) investments and benefits should be made roughly proportional to the health disparities that a specific community experiences, with a goal of eliminating the disparities; (c) investments and programs should focus on creating environmental benefits, including eliminating health burdens, creating community and population resilience, and raising the quality of life of those in the community; and (d) efforts should be made to balance investments and benefits across the state and within counties, local jurisdictions, and unincorporated areas as appropriate to reduce disparities by location and to ensure efforts contribute to a reduction in disparities that exist based on race or ethnicity, socioeconomic status, or other factors.

(3) ((State)) Except as provided in subsection (4) of this section, state agencies allocating funds or administering grants or programs from the carbon emissions reduction account created in RCW 70A.65.240, the climate commitment account created in RCW 70A.65.260, the natural climate solutions account created in RCW 70A.65.270, the climate investment account created in RCW 70A.65.250, the air quality and health disparities improvement account created in RCW 70A.65.280, the climate transit programs account created in RCW 46.68.500, or the climate active transportation account created in RCW 46.68.490, must:

(a) Report annually to the environmental justice council created in RCW 70A.02.110 regarding progress toward meeting environmental justice and environmental health goals;

(b) Consider recommendations by the environmental justice

council; and

(c)(i) If the agency is not a covered agency subject to the requirements of chapter 70A.02 RCW, create and adopt a community engagement plan to describe how it will engage with overburdened communities and vulnerable populations in allocating funds or administering grants or programs from the climate investment account.

(ii) The plan must include methods for outreach and communication with those who face barriers, language or otherwise, to participation.

(4) During the 2021-2023 fiscal biennium, the requirements of subsection (3)(c) of this section for agencies other than covered agencies to create and adopt community engagement plans apply only to executive branch agencies and institutions of higher education, as defined in RCW 28B.10.016, receiving total appropriations of more than \$2,000,000 for the 2021-2023 fiscal biennium from the accounts listed in subsection (1) of this section.

**Sec. 1903.** RCW 74.46.561 and 2022 c 297 s 966 are each amended to read as follows:

(1) The legislature adopts a new system for establishing nursing home payment rates beginning July 1, 2016. Any payments to nursing homes for services provided after June 30, 2016, must be based on the new system. The new system must be designed in such a manner as to decrease administrative complexity associated with the payment methodology, reward nursing homes providing care for high acuity residents, incentivize quality care for residents of nursing homes, and establish minimum staffing standards for direct care.

(2) The new system must be based primarily on industry-wide costs, and have three main components: Direct care, indirect care, and capital.

(3) The direct care component must include the direct care and therapy care components of the previous system, along with food, laundry, and dietary services. Direct care must be paid at a fixed rate, based on one hundred percent or greater of statewide case mix neutral median costs, but for fiscal year 2023 shall be capped so that a nursing home provider's direct care rate does not exceed ~~((465))~~ 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), except during fiscal year 2023 when the direct care must not exceed one hundred sixty-five percent of the base year's direct care allowable costs except if the provider is below the minimum staffing standards established in RCW 74.42.360(2). The legislature intends to remove the cap on direct care rates by June 30, 2027. Direct care must be performance-adjusted for acuity every six months, using case mix principles. Direct care must be regionally adjusted using countywide wage index information available through the United States department of labor's bureau of labor statistics. There is no minimum occupancy for direct care. The direct care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(4) The indirect care component must include the elements of administrative expenses, maintenance costs, and housekeeping services from the previous system. A minimum occupancy assumption of ninety percent must be applied to indirect care, except during fiscal year 2023 when the minimum occupancy assumption must be 75 percent. Indirect care must be paid at a fixed rate, based on ninety percent or greater of statewide median costs. The indirect care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(5) The capital component must use a fair market rental system to set a price per bed. The capital component must be adjusted for

the age of the facility, and must use a minimum occupancy assumption of ninety percent.

(a) Beginning July 1, 2016, the fair rental rate allocation for each facility must be determined by multiplying the allowable nursing home square footage in (c) of this subsection by the RSMMeans 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 RSMMeans construction index value per square foot. The department may use updated RSMMeans 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), "RSMMeans" means building construction costs data as published by Gordian.

(6) A quality incentive must be offered as a rate enhancement

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beginning July 1, 2016.

(a) An enhancement no larger than five percent and no less than one percent of the statewide average daily rate must be paid to facilities that meet or exceed the standard established for the quality incentive. All providers must have the opportunity to earn the full quality incentive payment.

(b) The quality incentive component must be determined by calculating an overall facility quality score composed of four to six quality measures. For fiscal year 2017 there shall be four quality measures, and for fiscal year 2018 there shall be six quality measures. Initially, the quality incentive component must be based on minimum data set quality measures for the percentage of long-stay residents who self-report moderate to severe pain, the percentage of high-risk long-stay residents with pressure ulcers, the percentage of long-stay residents experiencing one or more falls with major injury, and the percentage of long-stay residents with a urinary tract infection. Quality measures must be reviewed on an annual basis by a stakeholder work group established by the department. Upon review, quality measures may be added or changed. The department may risk adjust individual quality measures as it deems appropriate.

(c) The facility quality score must be point based, using at a minimum the facility's most recent available three-quarter average centers for medicare and medicaid services quality data. Point thresholds for each quality measure must be established using the corresponding statistical values for the quality measure point determinants of eighty quality measure points, sixty quality measure points, forty quality measure points, and twenty quality measure points, identified in the most recent available five-star quality rating system technical user's guide published by the centers for medicare and medicaid services.

(d) Facilities meeting or exceeding the highest performance threshold (top level) for a quality measure receive twenty-five points. Facilities meeting the second highest performance threshold receive twenty points. Facilities meeting the third level of performance threshold receive fifteen points. Facilities in the bottom performance threshold level receive no points. Points from all quality measures must then be summed into a single aggregate quality score for each facility.

(e) Facilities receiving an aggregate quality score of eighty percent of the overall available total score or higher must be placed in the highest tier (tier V), facilities receiving an aggregate score of between seventy and seventy-nine percent of the overall available total score must be placed in the second highest tier (tier IV), facilities receiving an aggregate score of between sixty and sixty-nine percent of the overall available total score must be placed in the third highest tier (tier III), facilities receiving an aggregate score of between fifty and fifty-nine percent of the overall available total score must be placed in the fourth highest tier (tier II), and facilities receiving less than fifty percent of the overall available total score must be placed in the lowest tier (tier I).

(f) The tier system must be used to determine the amount of each facility's per patient day quality incentive component. The per patient day quality incentive component for tier IV is seventy-five percent of the per patient day quality incentive component for tier V, the per patient day quality incentive component for tier III is fifty percent of the per patient day quality incentive component for tier V, and the per patient day quality incentive component for tier II is twenty-five percent of the per patient day quality incentive component for tier V. Facilities in tier I receive no quality incentive component.

(g) Tier system payments must be set in a manner that ensures that the entire biennial appropriation for the quality incentive program is allocated.

(h) Facilities with insufficient three-quarter average centers for medicare and medicaid services quality data must be assigned to the tier corresponding to their five-star quality rating. Facilities with a five-star quality rating must be assigned to the highest tier (tier V) and facilities with a one-star quality rating must be assigned to the lowest tier (tier I). The use of a facility's five-star quality rating shall only occur in the case of insufficient centers for medicare and medicaid services minimum data set information.

(i) The quality incentive rates must be adjusted semiannually on July 1 and January 1 of each year using, at a minimum, the most recent available three-quarter average centers for medicare and medicaid services quality data.

(j) Beginning July 1, 2017, the percentage of short-stay residents who newly received an antipsychotic medication must be added as a quality measure. The department must determine the quality incentive thresholds for this quality measure in a manner consistent with those outlined in (b) through (h) of this subsection using the centers for medicare and medicaid services quality data.

(k) Beginning July 1, 2017, the percentage of direct care staff turnover must be added as a quality measure using the centers for medicare and medicaid services' payroll-based journal and nursing home facility payroll data. Turnover is defined as an employee departure. The department must determine the quality incentive thresholds for this quality measure using data from the centers for medicare and medicaid services' payroll-based journal, unless such data is not available, in which case the department shall use direct care staffing turnover data from the most recent medicaid cost report.

(7) Reimbursement of the safety net assessment imposed by chapter 74.48 RCW and paid in relation to medicaid residents must be continued.

(8)(a) The direct care and indirect care components must be rebased in even-numbered years, beginning with rates paid on July 1, 2016. Rates paid on July 1, 2016, must be based on the 2014 calendar year cost report. On a percentage basis, after rebasing, the department must confirm that the statewide average daily rate has increased at least as much as the average rate of inflation, as determined by the skilled nursing facility market basket index published by the centers for medicare and medicaid services, or a comparable index. If after rebasing, the percentage increase to the statewide average daily rate is less than the average rate of inflation for the same time period, the department is authorized to increase rates by the difference between the percentage increase after rebasing and the average rate of inflation.

(b) It is the intention of the legislature that direct and indirect care rates paid in fiscal year 2022 will be rebased using the calendar year 2019 cost reports. For fiscal year 2021, in addition to the rates generated by (a) of this subsection, an additional adjustment is provided as established in this subsection (8)(b). Beginning May 1, 2020, and through June 30, 2021, the calendar year costs must be adjusted for inflation by a twenty-four month consumer price index, based on the most recently available monthly index for all urban consumers, as published by the bureau of labor statistics. It is also the intent of the legislature that, starting in fiscal year 2022, a facility-specific rate add-on equal to the inflation adjustment that facilities received solely in fiscal year 2021, must be added to the rate.

(c) To determine the necessity of regular inflationary adjustments to the nursing facility rates, by December 1, 2020, the department shall provide the appropriate policy and fiscal committees of the legislature with a report that provides a review of rates paid in 2017, 2018, and 2019 in comparison to costs

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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.

**NEW SECTION. Sec. 1904.** 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. 1905.** 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.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Rolfes moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5187 and request of the House a conference thereon.

Senators Rolfes and Wilson, L. spoke in favor of the motion.

MOTION

On motion of Senator Wagoner, Senator Muzzall was excused.

The President declared the question before the Senate to be motion by Senator Rolfes that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5187 and request a conference thereon.

The motion by Senator Rolfes carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5187 and requested of the House a conference thereon by voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5187 and the House amendment(s) thereto: Senators Rolfes, Robinson and Wilson, L.

MOTION

On motion of Senator Pedersen, the appointments to the conference committee were confirmed.

MR. PRESIDENT:

The House passed SENATE BILL NO. 5031 with the following amendment(s): 5031 AMH ENGR H1840.E

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.150.392 and 2019 c 387 s 2 are each amended to read as follows:

(1)(a) To the extent necessary, funds shall be made available for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided through the special education funding formula under RCW 28A.150.390.

(b) If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in any fiscal year, then the superintendent shall expend all available federal discretionary funds necessary to meet this need.

(2) Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall award additional funds for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas.

(b) In the determination of need, the committee shall consider additional available revenues from federal sources.

(c) Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(d) In the determination of need, the committee shall require that districts demonstrate that they are maximizing their eligibility for all state revenues related to services for students eligible for special education and all federal revenues from federal impact aid, medicaid, and the individuals with disabilities education act-Part B and appropriate special projects. Awards associated with (e) and (f) of this subsection shall not exceed the total of a district's specific determination of need.

(e) The committee shall then consider the extraordinary high cost needs of one or more individual students eligible for and receiving special education. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(f) Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services, which may include consideration of proximity to group homes, military bases, and regional hospitals. Safety net awards under this subsection (2)(f) shall be adjusted to reflect amounts awarded under (e) of this subsection.

(g) The committee shall then consider the extraordinary high cost needs of one or more individual students eligible for and receiving special education served in residential schools as defined in RCW ((28A.190.020)) 28A.190.005, programs for juveniles under the department of corrections, and programs for juveniles operated by city and county jails to the extent they are providing a secondary program of education.

(h) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(i) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent of public instruction in accordance with chapter

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318, Laws of 1999.

(j) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(3) The superintendent of public instruction shall adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. By December 1, 2018, the superintendent shall review and revise the rules to achieve full and complete implementation of the requirements of this subsection and subsection (4) of this section including revisions to rules that provide additional flexibility to access community impact awards. Before revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature. In adopting and revising the rules, the superintendent shall ensure the application process to access safety net funding is streamlined, timelines for submission are not in conflict, feedback to school districts is timely and provides sufficient information to allow school districts to understand how to correct any deficiencies in a safety net application, and that there is consistency between awards approved by school district and by application period. The office of the superintendent of public instruction shall also provide technical assistance to school districts in preparing and submitting special education safety net applications.

(4) On an annual basis, the superintendent shall survey districts regarding their satisfaction with the safety net process and consider feedback from districts to improve the safety net process. Each year by December 1st, the superintendent shall prepare and submit a report to the office of financial management and the appropriate policy and fiscal committees of the legislature that summarizes the survey results and those changes made to the safety net process as a result of the school district feedback.

(5) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff member from the office of the superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(6) Beginning in the 2023-24 school year, the office of the superintendent of public instruction must distribute safety net awards to school districts on a quarterly basis if the following criteria are met:

(a) The safety net award is provided for a high-need student that receives special education services from an approved nonpublic agency located outside of the state of Washington;

(b) The school district successfully applied for and received a safety net award for the high-need student in a prior school year and the student's placement has not changed since that safety net award was granted;

(c) The safety net award is provided to a school district with fewer than 2,000 annual full-time equivalent enrolled students; and

(d) The school district meets all other safety net award eligibility requirements as determined by the safety net oversight committee.

(7) Beginning in the 2019-20 school year, a high-need student is eligible for safety net awards from state funding under subsection (2)(e) and (g) of this section if the student's individualized education program costs exceed two and three-tenths times the average per-pupil expenditure as defined in Title 20 U.S.C. Sec. 7801, the every student succeeds act of 2015."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTION

Senator Wellman moved that the Senate refuse to concur and insist on its position on the House amendment(s) to Senate Bill No. 5031 and ask the House to recede therefrom.

Senators Wellman and Dozier spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Wellman that the Senate refuse to concur and insist on its position on the House amendment(s) to Senate Bill No. 5031 and ask the House to recede therefrom.

The motion by Senator Wellman carried and the Senate refused to concur and insisted on its position in the Senate amendment(s) to Senate Bill No. 5031 and asked the House to recede therefrom by voice vote.

#### MESSAGE FROM THE HOUSE

April 7, 2023

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5120 with the following amendment(s): 5120-S2 AMH ORMS BLAC 148

Strike everything after the enacting clause and insert the following:

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

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

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

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

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

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

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

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

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

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

(6) "Available resources" means funds appropriated for the purpose of providing community behavioral health programs, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and

other behavioral health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals.

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

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

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

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

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

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

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

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the authority by rule consistent with Public Law 92-603, as amended.

(13) "Clubhouse" means a community-based program that provides rehabilitation services and is licensed or certified by the department.

(14) "Community behavioral health program" means all expenditures, services, activities, or programs, including reasonable administration and overhead, designed and conducted to prevent or treat substance use disorder, mental illness, or both in the community behavioral health system.

(15) "Community behavioral health service delivery system" means public, private, or tribal agencies that provide services specifically to persons with mental disorders, substance use disorders, or both, as defined under RCW 71.05.020 and receive funding from public sources.

(16) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for persons who are mentally ill being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for children who

are acutely mentally ill or severely emotionally or behaviorally disturbed discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by behavioral health administrative services organizations.

(17) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(18) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a behavioral health administrative services organization, or two or more of the county authorities specified in this subsection which have entered into an agreement to establish a behavioral health administrative services organization.

(19) "Crisis call center hub" means a state-designated center participating in the national suicide prevention lifeline network to respond to statewide or regional 988 calls that meets the requirements of RCW 71.24.890.

(20) "Crisis stabilization services" means services such as 23-hour crisis ((stabilization units based on the living room model)) relief centers, crisis stabilization units ((as provided in RCW 71.05.020, triage facilities as provided in RCW 71.05.020)), short-term respite facilities, peer-run respite services, and same-day walk-in behavioral health services, including within the overall crisis system components that operate like hospital emergency departments that accept all walk-ins, and ambulance, fire, and police drop-offs, or determine the need for involuntary hospitalization of an individual.

(21) "Department" means the department of health.

(22) "Designated crisis responder" has the same meaning as in RCW 71.05.020.

(23) "Director" means the director of the authority.

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

(25) "Early adopter" means a regional service area for which all of the county authorities have requested that the authority purchase medical and behavioral health services through a managed care health system as defined under RCW 71.24.380(((6))) (7).

(26) "Emerging best practice" or "promising practice" means a program or practice that, based on statistical analyses or a well established theory of change, shows potential for meeting the evidence-based or research-based criteria, which may include the use of a program that is evidence-based for outcomes other than those listed in subsection (27) of this section.

(27) "Evidence-based" means a program or practice that has been tested in heterogeneous or intended populations with multiple randomized, or statistically controlled evaluations, or both; or one large multiple site randomized, or statistically controlled evaluation, or both, where the weight of the evidence from a systemic review demonstrates sustained improvements in at least one outcome. "Evidence-based" also means a program or practice that can be implemented with a set of procedures to allow successful replication in Washington and, when possible, is

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determined to be cost-beneficial.

(28) "Indian health care provider" means a health care program operated by the Indian health service or by a tribe, tribal organization, or urban Indian organization as those terms are defined in the Indian health care improvement act (25 U.S.C. Sec. 1603).

(29) "Intensive behavioral health treatment facility" means a community-based specialized residential treatment facility for individuals with behavioral health conditions, including individuals discharging from or being diverted from state and local hospitals, whose impairment or behaviors do not meet, or no longer meet, criteria for involuntary inpatient commitment under chapter 71.05 RCW, but whose care needs cannot be met in other community-based placement settings.

(30) "Licensed or certified behavioral health agency" means:

(a) An entity licensed or certified according to this chapter or chapter 71.05 RCW;

(b) An entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department; or

(c) An entity with a tribal attestation that it meets state minimum standards for a licensed or certified behavioral health agency.

(31) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(32) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety days or greater under chapter 71.05 RCW. "Long-term inpatient care" as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a court-ordered less restrictive alternative to detention; or (b) services for individuals voluntarily receiving less restrictive alternative treatment on the grounds of the state hospital.

(33) "Managed care organization" means an organization, having a certificate of authority or certificate of registration from the office of the insurance commissioner, that contracts with the authority under a comprehensive risk contract to provide prepaid health care services to enrollees under the authority's managed care programs under chapter 74.09 RCW.

(34) "Mental health peer-run respite center" means a peer-run program to serve individuals in need of voluntary, short-term, noncrisis services that focus on recovery and wellness.

(35) Mental health "treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department of social and health services or the authority, by behavioral health administrative services organizations and their staffs, by managed care organizations and their staffs, or by treatment facilities. "Treatment records" do not include notes or records maintained for personal use by a person providing treatment services for the entities listed in this subsection, or a treatment facility if the notes or records are not available to others.

(36) "Mentally ill persons," "persons who are mentally ill," and "the mentally ill" mean persons and conditions defined in subsections (2), (12), (44), and (45) of this section.

(37) "Mobile rapid response crisis team" means a team that provides professional on-site community-based intervention such as outreach, de-escalation, stabilization, resource connection, and follow-up support for individuals who are experiencing a behavioral health crisis, that shall include certified peer

counselors as a best practice to the extent practicable based on workforce availability, and that meets standards for response times established by the authority.

(38) "Recovery" means a process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential.

(39) "Research-based" means a program or practice that has been tested with a single randomized, or statistically controlled evaluation, or both, demonstrating sustained desirable outcomes; or where the weight of the evidence from a systemic review supports sustained outcomes as described in subsection (27) of this section but does not meet the full criteria for evidence-based.

(40) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for persons who are acutely mentally ill, adults who are chronically mentally ill, children who are severely emotionally disturbed, or adults who are seriously disturbed and determined by the behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service persons who are mentally ill in nursing homes, residential treatment facilities, assisted living facilities, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

(41) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

(42) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Adults and children who are acutely mentally ill; (b) adults who are chronically mentally ill; (c) children who are severely emotionally disturbed; or (d) adults who are seriously disturbed and determined by a behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven days a week, twenty-four hour a day availability of information regarding enrollment of adults and children who are mentally ill in services and their individual service plan to designated crisis responders, evaluation and treatment facilities, and others as determined by the behavioral health administrative services organization or managed care organization, as applicable.

(43) "Secretary" means the secretary of the department of health.

(44) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state



mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

(45) "Severely emotionally disturbed child" or "child who is severely emotionally disturbed" means a child who has been determined by the behavioral health administrative services organization or managed care organization, if applicable, to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a caretaker who is mentally ill or inadequate;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

(46) "State minimum standards" means minimum requirements established by rules adopted and necessary to implement this chapter by:

(a) The authority for:

(i) Delivery of mental health and substance use disorder services; and

(ii) Community support services and resource management services;

(b) The department of health for:

(i) Licensed or certified behavioral health agencies for the purpose of providing mental health or substance use disorder programs and services, or both;

(ii) Licensed behavioral health providers for the provision of mental health or substance use disorder services, or both; and

(iii) Residential services.

(47) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

(48) "Tribe," for the purposes of this section, means a federally recognized Indian tribe.

(49) "23-hour crisis relief center" means a community-based facility or portion of a facility serving adults, which is authorized by the department of health to participate in the pilot project in section 2 of this act and open 24 hours a day, seven days a week, offering access to mental health and substance use care for no more than 23 hours and 59 minutes at a time per patient, and

which accepts all behavioral health crisis walk-ins drop-offs from first responders, and individuals referred through the 988 system regardless of behavioral health acuity, and meets the requirements under section 2 of this act.

(50) "Crisis stabilization unit" has the same meaning as under RCW 71.05.020.

(51) "First responders" includes ambulance, fire, mobile rapid response crisis team, coresponder team, designated crisis responder, fire department mobile integrated health team, community assistance referral and education services program under RCW 35.21.930, and law enforcement personnel.

**NEW SECTION. Sec. 2.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The secretary shall authorize up to five 23-hour crisis relief centers that meet state minimum standards to participate in a pilot program between January 1, 2024, and January 1, 2029. The participating 23-hour crisis relief centers shall be located in different geographic areas of the state with varying levels of population density. The department shall create guidelines for participation in the pilot program, in consultation with the authority, by January 1, 2024.

(2) The guidelines, at a minimum, must require the participating 23-hour crisis relief center to:

(a) Offer walk-in options and drop-off options for first responders and persons referred through the 988 system, without a requirement for medical clearance for these individuals. The facility must be structured to have the capacity to accept admissions 90 percent of the time when the facility is not at its full capacity, and to have a no-refusal policy for law enforcement, with instances of declined admission and the reasons for the declines tracked and made available to the department;

(b) Provide services to address mental health and substance use crisis issues;

(c) Maintain capacity to screen for physical health needs, deliver minor wound care for nonlife-threatening wounds, and provide care for most minor physical or basic health needs that can be addressed without need for medical diagnosis or health care prescriber orders, with an identified pathway to transfer the person to more medically appropriate services if needed;

(d) Be staffed 24 hours a day, seven days a week, with a multidisciplinary team capable of meeting the needs of individuals experiencing all levels of crisis in the community, which includes access to a prescriber and the ability to dispense medications appropriate for participating 23-hour crisis relief center clients;

(e) Screen all individuals for suicide risk and engage in comprehensive suicide risk assessment and planning when clinically indicated;

(f) Screen all individuals for violence risk and engage in comprehensive violence risk assessment and planning when clinically indicated;

(g) Limit patient stays to a maximum of 23 hours and 59 minutes except for patients waiting on a designated crisis responder evaluation or making an imminent transition to another setting as part of an established aftercare plan. Exceptions to the time limit made under this subsection shall not cause a participating 23-hour crisis relief center to be classified as a residential treatment facility under RCW 71.12.455;

(h) Maintain relationships with entities capable of providing for reasonably anticipated ongoing service needs of clients, unless the licensee itself provides sufficient services; and

(i) When appropriate, coordinate connection to ongoing care.

(3) The guidelines, at a minimum, must develop standards for determining medical stability before an emergency medical services drop-off.

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(4) The guidelines must include standards for the number of recliner chairs that may be authorized in a participating 23-hour crisis relief center and the appropriate variance for temporarily exceeding that number in order to provide the no-refusal policy for law enforcement.

(5) The department shall specify physical environment standards for the construction review process that are responsive to the unique characteristics of the types of interventions used to provide care for all levels of acuity in facilities operating under the 23-hour crisis relief center pilot project model.

(6) The department shall coordinate with the authority and department of social and health services to establish guidelines that prohibit facilities that are licensed or required to be licensed under chapter 18.51, 18.20, 70.97, 72.36, or 70.128 RCW from discharging or transferring a resident to a participating 23-hour crisis relief center.

(7) The department shall coordinate with the authority to establish guidelines that prohibit a hospital that is licensed under chapter 70.41 RCW from discharging or transferring a patient to a participating 23-hour crisis relief center unless the hospital has a formal relationship with the participating 23-hour crisis relief center.

(8) The authority shall take steps necessary to make participating 23-hour crisis relief center services, including on-site physical health care, eligible for medicaid billing to the maximum extent allowed by federal law.

(9) The department shall conduct an assessment of the 23-hour crisis relief center pilot program with information related to: the number of clients served; the extent to which clients entered as self-referrals, were brought in by a first responder, or were referred through the 988 system; the physical health needs of the clients upon arrival; the average length of stay of the clients; and the subsequent destination of the clients following their stay at the participating 23-hour crisis relief center. The department shall submit a report to the governor and each chamber of the legislature by December 1, 2029, with findings from the assessment and recommendations on whether the 23-hour crisis relief centers should be made permanent, statewide implementation, and any changes to the operational standards for the 23-hour crisis relief centers to better meet the needs of the clients.

**Sec. 3.** RCW 71.05.020 and 2022 c 210 s 1 are each amended to read as follows:

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

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

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

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment

of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(8) "Behavioral health service provider" means a public or private agency that provides mental health, substance use disorder, or co-occurring disorder services to persons with behavioral health disorders as defined under this section and receives funding from public sources. This includes, but is not limited to: Hospitals licensed under chapter 70.41 RCW; evaluation and treatment facilities as defined in this section; community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025; licensed or certified behavioral health agencies under RCW 71.24.037; facilities conducting competency evaluations and restoration under chapter 10.77 RCW; approved substance use disorder treatment programs as defined in this section; secure withdrawal management and stabilization facilities as defined in this section; and correctional facilities operated by state and local governments;

(9) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(10) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(11) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025;

(12) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(13) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization, or to determine the need for involuntary commitment of an individual;

(14) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(15) "Department" means the department of health;

(16) "Designated crisis responder" means a mental health professional appointed by the county, by an entity appointed by the county, or by the authority in consultation with a federally recognized Indian tribe or after meeting and conferring with an Indian health care provider, to perform the duties specified in this chapter;

(17) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(18) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and

health services;

(19) "Developmental disability" means that condition defined in RCW 71A.10.020((5)) (6);

(20) "Director" means the director of the authority;

(21) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(22) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(23) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(24) "Gravely disabled" means a condition in which a person, as a result of a behavioral health disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(25) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(26) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.05.820;

(27) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a behavioral health facility, or in confinement as a result of a criminal conviction;

(28) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(29) "In need of assisted outpatient treatment" refers to a person who meets the criteria for assisted outpatient treatment established under RCW 71.05.148;

(30) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(31) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(32) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(33) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130;

(34) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585. This term includes: Treatment pursuant to a less restrictive alternative treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant to a conditional release under RCW 71.05.340; and treatment pursuant to an assisted outpatient treatment order under RCW 71.05.148;

(35) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(36) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(37) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(38) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(39) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(40) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(41) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW;

(42) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program,

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which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders;

(43) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(44) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(45) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(46) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(47) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(48) "Release" means legal termination of the commitment under the provisions of this chapter;

(49) "Resource management services" has the meaning given in chapter 71.24 RCW;

(50) "Secretary" means the secretary of the department of health, or his or her designee;

(51) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

- (a) Provide the following services:
  - (i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;
  - (ii) Clinical stabilization services;
  - (iii) Acute or subacute detoxification services for intoxicated individuals; and
  - (iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;
- (b) Include security measures sufficient to protect the patients, staff, and community; and
- (c) Be licensed or certified as such by the department of health;

(52) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(53) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use

disorder is based on a pathological pattern of behaviors related to the use of the substances;

(54) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(55) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(56) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

(57) ("Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(58)) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

((59))) (58) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property;

(59) "23-hour crisis relief center" has the same meaning as under RCW 71.24.025.

**Sec. 4.** RCW 71.05.020 and 2022 c 210 s 2 are each amended to read as follows:

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

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

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

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(8) "Behavioral health service provider" means a public or private agency that provides mental health, substance use disorder, or co-occurring disorder services to persons with behavioral health disorders as defined under this section and receives funding from public sources. This includes, but is not limited to: Hospitals licensed under chapter 70.41 RCW; evaluation and treatment facilities as defined in this section; community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025; licensed or certified behavioral health agencies under RCW 71.24.037; facilities conducting competency evaluations and restoration under chapter 10.77 RCW; approved substance use disorder treatment programs as defined in this section; secure withdrawal management and stabilization facilities as defined in this section; and correctional facilities operated by state and local governments;

(9) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(10) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(11) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025;

(12) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(13) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization, or to determine the need for involuntary commitment of an individual;

(14) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(15) "Department" means the department of health;

(16) "Designated crisis responder" means a mental health professional appointed by the county, by an entity appointed by the county, or by the authority in consultation with a federally recognized Indian tribe or after meeting and conferring with an Indian health care provider, to perform the duties specified in this chapter;

(17) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(18) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(19) "Developmental disability" means that condition defined in RCW 71A.10.020(((5))) (6);

(20) "Director" means the director of the authority;

(21) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(22) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(23) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(24) "Gravely disabled" means a condition in which a person, as a result of a behavioral health disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration from safe behavior evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(25) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(26) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.05.820;

(27) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a behavioral health facility, or in confinement as a result of a criminal conviction;

(28) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(29) "In need of assisted outpatient treatment" refers to a person who meets the criteria for assisted outpatient treatment established under RCW 71.05.148;

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(30) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(31) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(32) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(33) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130;

(34) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585. This term includes: Treatment pursuant to a less restrictive alternative treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant to a conditional release under RCW 71.05.340; and treatment pursuant to an assisted outpatient treatment order under RCW 71.05.148;

(35) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(36) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused harm, substantial pain, or which places another person or persons in reasonable fear of harm to themselves or others; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(37) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(38) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(39) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(40) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(41) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW;

(42) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders;

(43) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(44) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(45) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(46) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(47) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(48) "Release" means legal termination of the commitment under the provisions of this chapter;

(49) "Resource management services" has the meaning given in chapter 71.24 RCW;

(50) "Secretary" means the secretary of the department of health, or his or her designee;

(51) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as

appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

(52) "Severe deterioration from safe behavior" means that a person will, if not treated, suffer or continue to suffer severe and abnormal mental, emotional, or physical distress, and this distress is associated with significant impairment of judgment, reason, or behavior;

(53) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(54) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(55) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(56) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(57) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

(58) ("Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(59)) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

((60)) (59) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property;

(60) "23-hour crisis relief center" has the same meaning as under RCW 71.24.025.

**Sec. 5.** RCW 71.05.050 and 2020 c 302 s 9 are each amended to read as follows:

(1) Nothing in this chapter shall be construed to limit the right of any person to apply voluntarily to any public or private agency or practitioner for treatment of a behavioral health disorder, either by direct application or by referral. Any person voluntarily admitted for inpatient treatment to any public or private agency shall be released immediately upon his or her request. Any person voluntarily admitted for inpatient treatment to any public or private agency shall orally be advised of the right to immediate discharge, and further advised of such rights in writing as are secured to them pursuant to this chapter and their rights of access to attorneys, courts, and other legal redress. Their condition and status shall be reviewed at least once each one hundred eighty days for evaluation as to the need for further treatment or possible discharge, at which time they shall again be advised of their right to discharge upon request.

(2) If the professional staff of any public or private agency or hospital regards a person voluntarily admitted who requests discharge as presenting, as a result of a behavioral health disorder, an imminent likelihood of serious harm, or is gravely disabled, they may detain such person for sufficient time to notify the designated crisis responder of such person's condition to enable the designated crisis responder to authorize such person being further held in custody or transported to an evaluation and treatment center, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program pursuant to the provisions of this chapter, which shall in ordinary circumstances be no later than the next judicial day.

(3) If a person is brought to the emergency room of a public or private agency or hospital for observation or treatment, the person refuses voluntary admission, and the professional staff of the public or private agency or hospital regard such person as presenting as a result of a behavioral health disorder an imminent likelihood of serious harm, or as presenting an imminent danger because of grave disability, they may detain such person for sufficient time to notify the designated crisis responder of such person's condition to enable the designated crisis responder to authorize such person being further held in custody or transported to an evaluation treatment center, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program pursuant to the conditions in this chapter, but which time shall be no more than six hours from the time the professional staff notify the designated crisis responder of the need for evaluation, not counting time periods prior to medical clearance.

(4) If a person is brought to or accepted at a 23-hour crisis relief center while participating in the pilot project in section 2 of this act and thereafter refuses to stay voluntarily, and the professional staff of the participating 23-hour crisis relief center regard the person as presenting as a result of a behavioral health disorder an imminent likelihood of serious harm, or presenting as an imminent danger because of grave disability, they may detain the person for sufficient time to enable the designated crisis responder to complete an evaluation, and, if involuntary commitment criteria are met, authorize the person being further held in custody or transported to a hospital emergency department, evaluation and treatment center, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program pursuant to the provisions of this chapter, but which time shall be no more than 12 hours from the time the professional staff notify the designated crisis responder

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of the need for evaluation.

(5) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated crisis responder has totally disregarded the requirements of this section.

**Sec. 6.** RCW 71.05.150 and 2022 c 210 s 5 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a behavioral health disorder, presents a likelihood of serious harm or is gravely disabled, the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention under this section. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, ((triage facility)) 23-hour crisis relief center while participating in the pilot project in section 2 of this act, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. As part of the assessment, the designated crisis responder must attempt to ascertain if the person has executed a mental health advance directive under chapter 71.32 RCW. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview.

(2)(a) A superior court judge may issue a warrant to detain a person with a behavioral health disorder to a designated evaluation and treatment facility, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program, for a period of not more than one hundred twenty hours for evaluation and treatment upon request of a designated crisis responder, subject to (d) of this subsection, whenever it appears to the satisfaction of the judge that:

- (i) There is probable cause to support the petition; and
- (ii) The person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(d) A court may not issue an order to detain a person to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program unless there is an available secure withdrawal management and stabilization facility or approved substance use disorder treatment program that has adequate space for the person.

(e) If the court does not issue an order to detain a person pursuant to this subsection (2), the court shall issue an order to dismiss the initial petition.

(3) The designated crisis responder shall then serve or cause to be served on such person and his or her guardian, if any, a copy of the order together with a notice of rights, and a petition for initial detention. After service on such person the designated

crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within one hundred twenty hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

(5) Tribal court orders for involuntary commitment shall be recognized and enforced in accordance with superior court civil rule 82.5.

(6) In any investigation and evaluation of an individual under this section or RCW 71.05.153 in which the designated crisis responder knows, or has reason to know, that the individual is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the designated crisis responder shall notify the tribe and Indian health care provider regarding whether or not a petition for initial detention or involuntary outpatient treatment will be filed. Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible but no later than three hours subject to the requirements in RCW 70.02.230(2)(ee) and (3). A designated crisis responder may restrict the release of information as necessary to comply with 42 C.F.R. Part 2.

**Sec. 7.** RCW 71.05.150 and 2022 c 210 s 6 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a behavioral health disorder, presents a likelihood of serious harm or is gravely disabled, the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention under this section. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, ((triage facility)) 23-hour crisis relief center while participating in the pilot project in section 2 of this act, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. As part of



the assessment, the designated crisis responder must attempt to ascertain if the person has executed a mental health advance directive under chapter 71.32 RCW. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview.

(2)(a) A superior court judge may issue a warrant to detain a person with a behavioral health disorder to a designated evaluation and treatment facility, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program, for a period of not more than one hundred twenty hours for evaluation and treatment upon request of a designated crisis responder whenever it appears to the satisfaction of the judge that:

(i) There is probable cause to support the petition; and  
 (ii) The person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(d) If the court does not issue an order to detain a person pursuant to this subsection (2), the court shall issue an order to dismiss the initial petition.

(3) The designated crisis responder shall then serve or cause to be served on such person and his or her guardian, if any, a copy of the order together with a notice of rights, and a petition for initial detention. After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within one hundred twenty hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

(5) Tribal court orders for involuntary commitment shall be recognized and enforced in accordance with superior court civil

rule 82.5.

(6) In any investigation and evaluation of an individual under this section or RCW 71.05.153 in which the designated crisis responder knows, or has reason to know, that the individual is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the designated crisis responder shall notify the tribe and Indian health care provider regarding whether or not a petition for initial detention or involuntary outpatient treatment will be filed. Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible but no later than three hours subject to the requirements in RCW 70.02.230(2)(ee) and (3). A designated crisis responder may restrict the release of information as necessary to comply with 42 C.F.R. Part 2.

**Sec. 8.** RCW 71.05.153 and 2021 c 264 s 3 and 2021 c 125 s 1 are each reenacted and amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as the result of a behavioral health disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take such person, or cause by oral or written order such person to be taken into emergency custody in an emergency department, evaluation and treatment facility, secure withdrawal management and stabilization facility if available with adequate space for the person, or approved substance use disorder treatment program if available with adequate space for the person, for not more than one hundred twenty hours as described in RCW 71.05.180.

(2)(a) Subject to (b) of this subsection, a peace officer may take or cause such person to be taken into custody and immediately delivered to a ((triage facility,)) crisis stabilization unit, 23-hour crisis relief center while participating in the pilot project in section 2 of this act, evaluation and treatment facility, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or the emergency department of a local hospital under ((the following circumstances:

(i) Pursuant to)) subsection (1) of this section((;)) or

((ii) When)) when he or she has reasonable cause to believe that such person is suffering from a behavioral health disorder and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled.

(b) A peace officer's delivery of a person, to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program is subject to the availability of a secure withdrawal management and stabilization facility or approved substance use disorder treatment program with adequate space for the person.

(3) Persons delivered to a crisis stabilization unit, 23-hour crisis relief center while participating in the pilot project in section 2 of this act, evaluation and treatment facility, emergency department of a local hospital, ((triage facility that has elected to operate as an involuntary facility,)) secure withdrawal management and stabilization facility, or approved substance use disorder treatment program by peace officers pursuant to subsection (2) of this section may be held by the facility for a period of up to twelve hours, not counting time periods prior to medical clearance.

(4) Within three hours after arrival at an emergency department, not counting time periods prior to medical clearance, the person must be examined by a mental health professional or substance use disorder professional. Within twelve hours of notice of the need for evaluation, not counting time periods prior

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to medical clearance, the designated crisis responder must determine whether the individual meets detention criteria. In conjunction with this evaluation, the facility where the patient is located must inquire as to a person's veteran status or eligibility for veterans benefits and, if the person appears to be potentially eligible for these benefits, inquire whether the person would be amenable to treatment by the veterans health administration compared to other relevant treatment options. This information must be shared with the designated crisis responder. If the person has been identified as being potentially eligible for veterans health administration services and as being amenable for those services, and if appropriate in light of all reasonably available information about the person's circumstances, the designated crisis responder must first refer the person to the veterans health administration for mental health or substance use disorder treatment at a facility capable of meeting the needs of the person including, but not limited to, the involuntary treatment options available at the Seattle division of the VA Puget Sound health care system. If the person is accepted for treatment by the veterans health administration, and is willing to accept treatment by the veterans health administration as an alternative to other available treatment options, the designated crisis responder, the veterans health administration, and the facility where the patient is located will work to make arrangements to have the person transported to a veterans health administration facility. As part of the assessment, the designated crisis responder must attempt to ascertain if the person has executed a mental health advance directive under chapter 71.32 RCW. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview. If the individual is detained, the designated crisis responder shall file a petition for detention or a supplemental petition as appropriate and commence service on the designated attorney for the detained person. If the individual is released to the community, the behavioral health service provider shall inform the peace officer of the release within a reasonable period of time after the release if the peace officer has specifically requested notification and provided contact information to the provider.

(5) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated crisis responder has totally disregarded the requirements of this section.

**Sec. 9.** RCW 71.05.153 and 2021 c 264 s 4 and 2021 c 125 s 2 are each reenacted and amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as the result of a behavioral health disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take such person, or cause by oral or written order such person to be taken into emergency custody in an emergency department, evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, for not more than one hundred twenty hours as described in RCW 71.05.180.

(2) A peace officer may take or cause such person to be taken into custody and immediately delivered to a ((triage facility,)) crisis stabilization unit, 23-hour crisis relief center while participating in the pilot project in section 2 of this act, evaluation

and treatment facility, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or the emergency department of a local hospital under ((the following circumstances:

(a) Pursuant to)) subsection (1) of this section((;)) or

((b) When)) when he or she has reasonable cause to believe that such person is suffering from a behavioral health disorder and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled.

(3) Persons delivered to a crisis stabilization unit, 23-hour crisis relief center while participating in the pilot project in section 2 of this act, evaluation and treatment facility, emergency department of a local hospital, ((triage facility that has elected to operate as an involuntary facility,)) secure withdrawal management and stabilization facility, or approved substance use disorder treatment program by peace officers pursuant to subsection (2) of this section may be held by the facility for a period of up to twelve hours, not counting time periods prior to medical clearance.

(4) Within three hours after arrival at an emergency department, not counting time periods prior to medical clearance, the person must be examined by a mental health professional or substance use disorder professional. Within twelve hours of notice of the need for evaluation, not counting time periods prior to medical clearance, the designated crisis responder must determine whether the individual meets detention criteria. In conjunction with this evaluation, the facility where the patient is located must inquire as to a person's veteran status or eligibility for veterans benefits and, if the person appears to be potentially eligible for these benefits, inquire whether the person would be amenable to treatment by the veterans health administration compared to other relevant treatment options. This information must be shared with the designated crisis responder. If the person has been identified as being potentially eligible for veterans health administration services and as being amenable for those services, and if appropriate in light of all reasonably available information about the person's circumstances, the designated crisis responder must first refer the person to the veterans health administration for mental health or substance use disorder treatment at a facility capable of meeting the needs of the person including, but not limited to, the involuntary treatment options available at the Seattle division of the VA Puget Sound health care system. If the person is accepted for treatment by the veterans health administration, and is willing to accept treatment by the veterans health administration as an alternative to other available treatment options, the designated crisis responder, the veterans health administration, and the facility where the patient is located will work to make arrangements to have the person transported to a veterans health administration facility. As part of the assessment, the designated crisis responder must attempt to ascertain if the person has executed a mental health advance directive under chapter 71.32 RCW. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview. If the individual is detained, the designated crisis responder shall file a petition for detention or a supplemental petition as appropriate and commence service on the designated attorney for the detained person. If the individual is released to the community, the behavioral health service provider shall inform the peace officer of the release within a reasonable period of time after the release if the peace officer has specifically requested notification and provided contact information to the provider.

(5) Dismissal of a commitment petition is not the appropriate

remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated crisis responder has totally disregarded the requirements of this section.

**Sec. 10.** RCW 71.05.590 and 2022 c 210 s 23 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative treatment order or conditional release order. The agency, facility, or designated crisis responder must determine that:

(a) The person is failing to adhere to the terms and conditions of the order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be directed to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the entity requesting the hearing and issue an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To detain the person for up to 12 hours for evaluation at an agency, facility providing services under the court order, ((triage facility,)) crisis stabilization unit, 23-hour crisis relief center while participating in the pilot project in section 2 of this act, emergency department, evaluation and treatment facility, secure withdrawal management and stabilization facility with available space, or an approved substance use disorder treatment program with available space. The purpose of the evaluation is to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when, based on clinical judgment, temporary detention is appropriate. The agency, facility, or designated crisis responder may request assistance from a peace officer for the purposes of temporary detention under this subsection (2)(d). This subsection does not limit the ability or obligation of the agency, facility, or designated crisis responder to pursue revocation procedures under subsection (5) of this section in

appropriate circumstances; and

(e) To initiate revocation procedures under subsection (5) of this section.

(3) A court may supervise a person on an order for less restrictive alternative treatment or a conditional release. While the person is under the order, the court may:

(a) Require appearance in court for periodic reviews; and

(b) Modify the order after considering input from the agency or facility designated to provide or facilitate services. The court may not remand the person into inpatient treatment except as provided under subsection (5) of this section, but may take actions under subsection (2)(a) through (d) of this section.

(4) The facility or agency designated to provide outpatient treatment shall notify the secretary of the department of social and health services or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(5)(a) A designated crisis responder or the secretary of the department of social and health services may, upon their own motion or upon request of the facility or agency designated to provide outpatient care, cause a person to be detained in an evaluation and treatment facility, available secure withdrawal management and stabilization facility with adequate space, or available approved substance use disorder treatment program with adequate space in or near the county in which he or she is receiving outpatient treatment for the purpose of a hearing for revocation of a less restrictive alternative treatment order or conditional release order under this chapter. The designated crisis responder or secretary of the department of social and health services shall file a petition for revocation within 24 hours and serve the person, their guardian, if any, and their attorney. A hearing for revocation of a less restrictive alternative treatment order or conditional release order may be scheduled without detention of the person.

(b) A person detained under this subsection (5) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the order for less restrictive alternative treatment or conditional release should be revoked, modified, or retained. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary of the department of social and health services may withdraw its petition for revocation at any time before the court hearing.

(c) A person detained under this subsection (5) has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings is the county where the petition is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether it is appropriate for the court to reinstate or modify the person's less restrictive alternative treatment order or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court

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orders detention for inpatient treatment, the treatment period must be for 14 days from the revocation hearing if the less restrictive alternative treatment order or conditional release order was based on a petition under RCW 71.05.148, 71.05.160, or 71.05.230. If the court orders detention for inpatient treatment and the less restrictive alternative treatment order or conditional release order was based on a petition under RCW 71.05.290 or 71.05.320, the number of days remaining on the order must be converted to days of inpatient treatment. A court may not detain a person for inpatient treatment to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program under this subsection unless there is a facility or program available with adequate space for the person.

(6) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

**Sec. 11.** RCW 71.05.590 and 2022 c 210 s 24 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative treatment order or conditional release order. The agency, facility, or designated crisis responder must determine that:

(a) The person is failing to adhere to the terms and conditions of the order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be directed to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist ~~((the))~~ the entity requesting the hearing and issue an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To detain the person for up to 12 hours for evaluation at an agency, facility providing services under the court order, ~~((triage facility,))~~ crisis stabilization unit, 23-hour crisis relief center while participating in the pilot project in section 2 of this act, emergency department, evaluation and treatment facility, secure withdrawal management and stabilization facility, or an approved

substance use disorder treatment program. The purpose of the evaluation is to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when, based on clinical judgment, temporary detention is appropriate. The agency, facility, or designated crisis responder may request assistance from a peace officer for the purposes of temporary detention under this subsection (2)(d). This subsection does not limit the ability or obligation of the agency, facility, or designated crisis responder to pursue revocation procedures under subsection (5) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (5) of this section.

(3) A court may supervise a person on an order for less restrictive alternative treatment or a conditional release. While the person is under the order, the court may:

(a) Require appearance in court for periodic reviews; and

(b) Modify the order after considering input from the agency or facility designated to provide or facilitate services. The court may not remand the person into inpatient treatment except as provided under subsection (5) of this section, but may take actions under subsection (2)(a) through (d) of this section.

(4) The facility or agency designated to provide outpatient treatment shall notify the secretary of the department of social and health services or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(5)(a) A designated crisis responder or the secretary of the department of social and health services may, upon their own motion or upon request of the facility or agency designated to provide outpatient care, cause a person to be detained in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program in or near the county in which he or she is receiving outpatient treatment for the purpose of a hearing for revocation of a less restrictive alternative treatment order or conditional release order under this chapter. The designated crisis responder or secretary of the department of social and health services shall file a petition for revocation within 24 hours and serve the person, their guardian, if any, and their attorney. A hearing for revocation of a less restrictive alternative treatment order or conditional release order may be scheduled without detention of the person.

(b) A person detained under this subsection (5) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the order for less restrictive alternative treatment or conditional release should be revoked, modified, or retained. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary of the department of social and health services may withdraw its petition for revocation at any time before the court hearing.

(c) A person detained under this subsection (5) has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings is the county where the petition is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's

detention.

(d) The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether it is appropriate for the court to reinstate or modify the person's less restrictive alternative treatment order or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period must be for 14 days from the revocation hearing if the less restrictive alternative treatment order or conditional release order was based on a petition under RCW 71.05.148, 71.05.160, or 71.05.230. If the court orders detention for inpatient treatment and the less restrictive alternative treatment order or conditional release order was based on a petition under RCW 71.05.290 or 71.05.320, the number of days remaining on the order must be converted to days of inpatient treatment.

(6) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

**Sec. 12.** RCW 71.34.020 and 2021 c 264 s 26 are each amended to read as follows:

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

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a minor should be examined or treated as a patient in a hospital.

(2) "Adolescent" means a minor thirteen years of age or older.

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

(4) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to, atypical antipsychotic medications.

(5) "Approved substance use disorder treatment program" means a program for minors with substance use disorders provided by a treatment program licensed or certified by the department of health as meeting standards adopted under chapter 71.24 RCW.

(6) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a minor patient.

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

(8) "Behavioral health administrative services organization" has the same meaning as provided in RCW 71.24.025.

(9) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder.

(10) "Child psychiatrist" means a person having a license as a physician and surgeon in this state, who has had graduate training

in child psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and who is board eligible or board certified in child psychiatry.

(11) "Children's mental health specialist" means:

(a) A mental health professional who has completed a minimum of one hundred actual hours, not quarter or semester hours, of specialized training devoted to the study of child development and the treatment of children; and

(b) A mental health professional who has the equivalent of one year of full-time experience in the treatment of children under the supervision of a children's mental health specialist.

(12) "Commitment" means a determination by a judge or court commissioner, made after a commitment hearing, that the minor is in need of inpatient diagnosis, evaluation, or treatment or that the minor is in need of less restrictive alternative treatment.

(13) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms.

(14) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105.

(15) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, such as a residential treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization, or to determine the need for involuntary commitment of an individual.

(16) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

(17) "Department" means the department of social and health services.

(18) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

(19) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter.

(20) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department.

(21) "Developmental disability" has the same meaning as defined in RCW 71A.10.020.

(22) "Director" means the director of the authority.

(23) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(24) "Evaluation and treatment facility" means a public or private facility or unit that is licensed or certified by the department of health to provide emergency, inpatient, residential, or outpatient mental health evaluation and treatment services for minors. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility for minors. A facility which is part of or operated by the state or federal agency does not require licensure or certification. No correctional institution or facility, juvenile court detention facility, or jail may be an evaluation and treatment facility within the meaning of this chapter.

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(25) "Evaluation and treatment program" means the total system of services and facilities coordinated and approved by a county or combination of counties for the evaluation and treatment of minors under this chapter.

(26) "Gravely disabled minor" means a minor who, as a result of a behavioral health disorder, (a) is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety, or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(27) "Habilitative services" means those services provided by program personnel to assist minors in acquiring and maintaining life skills and in raising their levels of physical, behavioral, social, and vocational functioning. Habilitative services include education, training for employment, and therapy.

(28) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.34.910.

(29) "History of one or more violent acts" refers to the period of time five years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term substance use disorder treatment facility, or in confinement as a result of a criminal conviction.

(30) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which states:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(31)(a) "Inpatient treatment" means twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, residential treatment facility licensed or certified by the department of health as an evaluation and treatment facility for minors, secure withdrawal management and stabilization facility for minors, or approved substance use disorder treatment program for minors.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "inpatient treatment" has the meaning included in (a) of this subsection and any other residential treatment facility licensed under chapter 71.12 RCW.

(32) "Intoxicated minor" means a minor whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(33) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter.

(34) "Kinship caregiver" has the same meaning as in RCW 74.13.031(19)(a).

(35) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in

their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130.

(36) "Less restrictive alternative" or "less restrictive setting" means outpatient treatment provided to a minor as a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.34.755, including residential treatment.

(37) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(38) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a minor upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a minor upon another individual, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a minor upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The minor has threatened the physical safety of another and has a history of one or more violent acts.

(39) "Managed care organization" has the same meaning as provided in RCW 71.24.025.

(40) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder.

(41) "Medical necessity" for inpatient care means a requested service which is reasonably calculated to: (a) Diagnose, correct, cure, or alleviate a mental disorder or substance use disorder; or (b) prevent the progression of a mental disorder or substance use disorder that endangers life or causes suffering and pain, or results in illness or infirmity or threatens to cause or aggravate a disability, or causes physical deformity or malfunction, and there is no adequate less restrictive alternative available.

(42) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions. The presence of alcohol abuse, drug abuse, juvenile criminal history, antisocial behavior, or intellectual disabilities alone is insufficient to justify a finding of "mental disorder" within the meaning of this section.

(43) "Mental health professional" means a psychiatrist, psychiatric advanced registered nurse practitioner, physician assistant working with a supervising psychiatrist, psychologist, psychiatric nurse, social worker, and such other mental health professionals as defined by rules adopted by the secretary of the department of health under this chapter.

(44) "Minor" means any person under the age of eighteen years.

(45) "Outpatient treatment" means any of the nonresidential services mandated under chapter 71.24 RCW and provided by licensed or certified behavioral health agencies as identified by RCW 71.24.025.

(46)(a) "Parent" has the same meaning as defined in RCW 26.26A.010, including either parent if custody is shared under a joint custody agreement, or a person or agency judicially appointed as legal guardian or custodian of the child.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "parent" also includes a person to whom a parent defined in (a) of this subsection has given a signed authorization to make health care decisions for the adolescent, a stepparent who is involved in caring for the adolescent, a kinship caregiver who is involved in caring for the adolescent, or another relative who is responsible for the health care of the adolescent, who may be required to provide a declaration under penalty of

perjury stating that he or she is a relative responsible for the health care of the adolescent pursuant to chapter 5.50 RCW. If a dispute arises between individuals authorized to act as a parent for the purpose of RCW 71.34.600 through 71.34.670, the disagreement must be resolved according to the priority established under RCW 7.70.065(2)(a).

(47) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

(48) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW.

(49) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, that constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders.

(50) "Professional person in charge" or "professional person" means a physician, other mental health professional, or other person empowered by an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program with authority to make admission and discharge decisions on behalf of that facility.

(51) "Psychiatric nurse" means a registered nurse who has experience in the direct treatment of persons who have a mental illness or who are emotionally disturbed, such experience gained under the supervision of a mental health professional.

(52) "Psychiatrist" means a person having a license as a physician in this state who has completed residency training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and is board eligible or board certified in psychiatry.

(53) "Psychologist" means a person licensed as a psychologist under chapter 18.83 RCW.

(54) "Public agency" means any evaluation and treatment facility or institution, or hospital, or approved substance use disorder treatment program that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments.

(55) "Release" means legal termination of the commitment under the provisions of this chapter.

(56) "Resource management services" has the meaning given in chapter 71.24 RCW.

(57) "Responsible other" means the minor, the minor's parent or estate, or any other person legally responsible for support of the minor.

(58) "Secretary" means the secretary of the department or secretary's designee.

(59) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance

use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health.

(60) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(61) "Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of initial detention" means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

(62) "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment.

(63) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

(64) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW.

(65) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties.

(66) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, the department of health, the authority, behavioral health organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, the department of health, the authority, behavioral health organizations, or a treatment facility if the notes or records are not available to others.

(67) ("Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department of health residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility.

(68)) "Video" means the delivery of behavioral health services

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through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology.

((69)) (68) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property.

**Sec. 13.** RCW 71.34.020 and 2021 c 264 s 28 are each amended to read as follows:

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

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a minor should be examined or treated as a patient in a hospital.

(2) "Adolescent" means a minor thirteen years of age or older.

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

(4) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to, atypical antipsychotic medications.

(5) "Approved substance use disorder treatment program" means a program for minors with substance use disorders provided by a treatment program licensed or certified by the department of health as meeting standards adopted under chapter 71.24 RCW.

(6) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a minor patient.

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

(8) "Behavioral health administrative services organization" has the same meaning as provided in RCW 71.24.025.

(9) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder.

(10) "Child psychiatrist" means a person having a license as a physician and surgeon in this state, who has had graduate training in child psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and who is board eligible or board certified in child psychiatry.

(11) "Children's mental health specialist" means:

(a) A mental health professional who has completed a minimum of one hundred actual hours, not quarter or semester hours, of specialized training devoted to the study of child development and the treatment of children; and

(b) A mental health professional who has the equivalent of one year of full-time experience in the treatment of children under the supervision of a children's mental health specialist.

(12) "Commitment" means a determination by a judge or court commissioner, made after a commitment hearing, that the minor is in need of inpatient diagnosis, evaluation, or treatment or that the minor is in need of less restrictive alternative treatment.

(13) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms.

(14) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health

under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105.

(15) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, such as a residential treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization, or to determine the need for involuntary commitment of an individual.

(16) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

(17) "Department" means the department of social and health services.

(18) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

(19) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter.

(20) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department.

(21) "Developmental disability" has the same meaning as defined in RCW 71A.10.020.

(22) "Director" means the director of the authority.

(23) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(24) "Evaluation and treatment facility" means a public or private facility or unit that is licensed or certified by the department of health to provide emergency, inpatient, residential, or outpatient mental health evaluation and treatment services for minors. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility for minors. A facility which is part of or operated by the state or federal agency does not require licensure or certification. No correctional institution or facility, juvenile court detention facility, or jail may be an evaluation and treatment facility within the meaning of this chapter.

(25) "Evaluation and treatment program" means the total system of services and facilities coordinated and approved by a county or combination of counties for the evaluation and treatment of minors under this chapter.

(26) "Gravely disabled minor" means a minor who, as a result of a behavioral health disorder, (a) is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety, or (b) manifests severe deterioration from safe behavior evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(27) "Habilitative services" means those services provided by program personnel to assist minors in acquiring and maintaining life skills and in raising their levels of physical, behavioral, social, and vocational functioning. Habilitative services include education, training for employment, and therapy.

(28) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.34.910.

(29) "History of one or more violent acts" refers to the period



of time five years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term substance use disorder treatment facility, or in confinement as a result of a criminal conviction.

(30) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which states:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(31)(a) "Inpatient treatment" means twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, residential treatment facility licensed or certified by the department of health as an evaluation and treatment facility for minors, secure withdrawal management and stabilization facility for minors, or approved substance use disorder treatment program for minors.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "inpatient treatment" has the meaning included in (a) of this subsection and any other residential treatment facility licensed under chapter 71.12 RCW.

(32) "Intoxicated minor" means a minor whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(33) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter.

(34) "Kinship caregiver" has the same meaning as in RCW 74.13.031(19)(a).

(35) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130.

(36) "Less restrictive alternative" or "less restrictive setting" means outpatient treatment provided to a minor as a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.34.755, including residential treatment.

(37) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(38) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a minor upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a minor upon another individual, as evidenced by behavior which has caused harm, substantial pain, or which places another person or persons in reasonable fear of harm to themselves or others; or (iii) physical harm will be inflicted by a minor upon the property of others, as evidenced by behavior which has caused substantial loss or

damage to the property of others; or

(b) The minor has threatened the physical safety of another and has a history of one or more violent acts.

(39) "Managed care organization" has the same meaning as provided in RCW 71.24.025.

(40) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder.

(41) "Medical necessity" for inpatient care means a requested service which is reasonably calculated to: (a) Diagnose, correct, cure, or alleviate a mental disorder or substance use disorder; or (b) prevent the progression of a mental disorder or substance use disorder that endangers life or causes suffering and pain, or results in illness or infirmity or threatens to cause or aggravate a disability, or causes physical deformity or malfunction, and there is no adequate less restrictive alternative available.

(42) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions. The presence of alcohol abuse, drug abuse, juvenile criminal history, antisocial behavior, or intellectual disabilities alone is insufficient to justify a finding of "mental disorder" within the meaning of this section.

(43) "Mental health professional" means a psychiatrist, psychiatric advanced registered nurse practitioner, physician assistant working with a supervising psychiatrist, psychologist, psychiatric nurse, social worker, and such other mental health professionals as defined by rules adopted by the secretary of the department of health under this chapter.

(44) "Minor" means any person under the age of eighteen years.

(45) "Outpatient treatment" means any of the nonresidential services mandated under chapter 71.24 RCW and provided by licensed or certified behavioral health agencies as identified by RCW 71.24.025.

(46)(a) "Parent" has the same meaning as defined in RCW 26.26A.010, including either parent if custody is shared under a joint custody agreement, or a person or agency judicially appointed as legal guardian or custodian of the child.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "parent" also includes a person to whom a parent defined in (a) of this subsection has given a signed authorization to make health care decisions for the adolescent, a stepparent who is involved in caring for the adolescent, a kinship caregiver who is involved in caring for the adolescent, or another relative who is responsible for the health care of the adolescent, who may be required to provide a declaration under penalty of perjury stating that he or she is a relative responsible for the health care of the adolescent pursuant to chapter 5.50 RCW. If a dispute arises between individuals authorized to act as a parent for the purpose of RCW 71.34.600 through 71.34.670, the disagreement must be resolved according to the priority established under RCW 7.70.065(2)(a).

(47) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

(48) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW.

(49) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, that constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and

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substance use disorders.

(50) "Professional person in charge" or "professional person" means a physician, other mental health professional, or other person empowered by an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program with authority to make admission and discharge decisions on behalf of that facility.

(51) "Psychiatric nurse" means a registered nurse who has experience in the direct treatment of persons who have a mental illness or who are emotionally disturbed, such experience gained under the supervision of a mental health professional.

(52) "Psychiatrist" means a person having a license as a physician in this state who has completed residency training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and is board eligible or board certified in psychiatry.

(53) "Psychologist" means a person licensed as a psychologist under chapter 18.83 RCW.

(54) "Public agency" means any evaluation and treatment facility or institution, or hospital, or approved substance use disorder treatment program that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments.

(55) "Release" means legal termination of the commitment under the provisions of this chapter.

(56) "Resource management services" has the meaning given in chapter 71.24 RCW.

(57) "Responsible other" means the minor, the minor's parent or estate, or any other person legally responsible for support of the minor.

(58) "Secretary" means the secretary of the department or secretary's designee.

(59) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

- (a) Provide the following services:
  - (i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;
  - (ii) Clinical stabilization services;
  - (iii) Acute or subacute detoxification services for intoxicated individuals; and
  - (iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;
- (b) Include security measures sufficient to protect the patients, staff, and community; and
- (c) Be licensed or certified as such by the department of health.

(60) "Severe deterioration from safe behavior" means that a person will, if not treated, suffer or continue to suffer severe and abnormal mental, emotional, or physical distress, and this distress is associated with significant impairment of judgment, reason, or behavior.

(61) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(62) "Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of initial detention" means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

(63) "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment.

(64) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

(65) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW.

(66) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties.

(67) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, the department of health, the authority, behavioral health organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, the department of health, the authority, behavioral health organizations, or a treatment facility if the notes or records are not available to others.

(68) ("Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department of health residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility.

(69)) "Video" means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology.

((70)) (69) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property.

**Sec. 14.** RCW 71.34.351 and 2020 c 302 s 67 are each amended to read as follows:

A peace officer may take or authorize a minor to be taken into custody and immediately delivered to an appropriate ((trriage facility,)) crisis stabilization unit, evaluation and treatment facility, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or the

emergency department of a local hospital when he or she has reasonable cause to believe that such minor is suffering from a behavioral health disorder and presents an imminent likelihood of serious harm or is gravely disabled. Until July 1, 2026, a peace officer's delivery of a minor to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program is subject to the availability of a secure withdrawal management and stabilization facility or approved substance use disorder treatment program with adequate space for the minor.

**Sec. 15.** RCW 71.05.755 and 2019 c 325 s 3014 are each amended to read as follows:

(1) The authority shall promptly share reports it receives under RCW 71.05.750 with the responsible behavioral health administrative services organization or managed care organization, if applicable. The behavioral health administrative services organization or managed care organization, if applicable, receiving this notification must attempt to engage the person in appropriate services for which the person is eligible and report back within seven days to the authority.

(2) The authority shall track and analyze reports submitted under RCW 71.05.750. The authority must initiate corrective action when appropriate to ensure that each behavioral health administrative services organization or managed care organization, if applicable, has implemented an adequate plan to provide evaluation and treatment services. Corrective actions may include remedies under the authority's contract with such entity. An adequate plan may include development of less restrictive alternatives to involuntary commitment such as ((crisis triage,)) crisis diversion, voluntary treatment, or prevention programs reasonably calculated to reduce demand for evaluation and treatment under this chapter.

**Sec. 16.** RCW 71.24.890 and 2021 c 302 s 102 are each amended to read as follows:

(1) Establishing the state crisis call center hubs and enhancing the crisis response system will require collaborative work between the department and the authority within their respective roles. The department shall have primary responsibility for establishing and designating the crisis call center hubs. The authority shall have primary responsibility for developing and implementing the crisis response system and services to support the work of the crisis call center hubs. In any instance in which one agency is identified as the lead, the expectation is that agency will be communicating and collaborating with the other to ensure seamless, continuous, and effective service delivery within the statewide crisis response system.

(2) The department shall provide adequate funding for the state's crisis call centers to meet an expected increase in the use of the call centers based on the implementation of the 988 crisis hotline. The funding level shall be established at a level anticipated to achieve an in-state call response rate of at least 90 percent by July 22, 2022. The funding level shall be determined by considering standards and cost per call predictions provided by the administrator of the national suicide prevention hotline, call volume predictions, guidance on crisis call center performance metrics, and necessary technology upgrades.

(3) The department shall adopt rules by July 1, 2023, to establish standards for designation of crisis call centers as crisis call center hubs. The department shall collaborate with the authority and other agencies to assure coordination and availability of services, and shall consider national guidelines for behavioral health crisis care as determined by the federal substance abuse and mental health services administration, national behavioral health accrediting bodies, and national behavioral health provider associations to the extent they are

appropriate, and recommendations from the crisis response improvement strategy committee created in RCW 71.24.892.

(4) The department shall designate crisis call center hubs by July 1, 2024. The crisis call center hubs shall provide crisis intervention services, triage, care coordination, referrals, and connections to individuals contacting the 988 crisis hotline from any jurisdiction within Washington 24 hours a day, seven days a week, using the system platform developed under subsection (5) of this section.

(a) To be designated as a crisis call center hub, the applicant must demonstrate to the department the ability to comply with the requirements of this section and to contract to provide crisis call center hub services. The department may revoke the designation of any crisis call center hub that fails to substantially comply with the contract.

(b) The contracts entered shall require designated crisis call center hubs to:

(i) Have an active agreement with the administrator of the national suicide prevention lifeline for participation within its network;

(ii) Meet the requirements for operational and clinical standards established by the department and based upon the national suicide prevention lifeline best practices guidelines and other recognized best practices;

(iii) Employ highly qualified, skilled, and trained clinical staff who have sufficient training and resources to provide empathy to callers in acute distress, de-escalate crises, assess behavioral health disorders and suicide risk, triage to system partners, and provide case management and documentation. Call center staff shall be trained to make every effort to resolve cases in the least restrictive environment and without law enforcement involvement whenever possible. Call center staff shall coordinate with certified peer counselors to provide follow-up and outreach to callers in distress as available. It is intended for transition planning to include a pathway for continued employment and skill advancement as needed for experienced crisis call center employees;

(iv) Collaborate with the authority, the national suicide prevention lifeline, and veterans crisis line networks to assure consistency of public messaging about the 988 crisis hotline; and

(v) Provide data and reports and participate in evaluations and related quality improvement activities, according to standards established by the department in collaboration with the authority.

(c) The department and the authority shall incorporate recommendations from the crisis response improvement strategy committee created under RCW 71.24.892 in its agreements with crisis call center hubs, as appropriate.

(5) The department and authority must coordinate to develop the technology and platforms necessary to manage and operate the behavioral health crisis response and suicide prevention system. The technologies developed must include:

(a) A new technologically advanced behavioral health and suicide prevention crisis call center system platform using technology demonstrated to be interoperable across crisis and emergency response systems used throughout the state, such as 911 systems, emergency medical services systems, and other nonbehavioral health crisis services, for use in crisis call center hubs designated by the department under subsection (4) of this section. This platform, which shall be fully funded by July 1, 2023, shall be developed by the department and must include the capacity to receive crisis assistance requests through phone calls, texts, chats, and other similar methods of communication that may be developed in the future that promote access to the behavioral health crisis system; and

(b) A behavioral health integrated client referral system

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capable of providing system coordination information to crisis call center hubs and the other entities involved in behavioral health care. This system shall be developed by the authority.

(6) In developing the new technologies under subsection (5) of this section, the department and the authority must coordinate to designate a primary technology system to provide each of the following:

(a) Access to real-time information relevant to the coordination of behavioral health crisis response and suicide prevention services, including:

(i) Real-time bed availability for all behavioral health bed types and recliner chairs, including but not limited to crisis stabilization services, ((triage facilities,)) 23-hour crisis relief centers while participating in the pilot project in section 2 of this act, psychiatric inpatient, substance use disorder inpatient, withdrawal management, peer-run respite centers, and crisis respite services, inclusive of both voluntary and involuntary beds, for use by crisis response workers, first responders, health care providers, emergency departments, and individuals in crisis; and

(ii) Real-time information relevant to the coordination of behavioral health crisis response and suicide prevention services for a person, including the means to access:

(A) Information about any less restrictive alternative treatment orders or mental health advance directives related to the person; and

(B) Information necessary to enable the crisis call center hub to actively collaborate with emergency departments, primary care providers and behavioral health providers within managed care organizations, behavioral health administrative services organizations, and other health care payers to establish a safety plan for the person in accordance with best practices and provide the next steps for the person's transition to follow-up noncrisis care. To establish information-sharing guidelines that fulfill the intent of this section the authority shall consider input from the confidential information compliance and coordination subcommittee established under RCW 71.24.892;

(b) The means to request deployment of appropriate crisis response services, which may include mobile rapid response crisis teams, co-responder teams, designated crisis responders, fire department mobile integrated health teams, or community assistance referral and educational services programs under RCW 35.21.930, according to best practice guidelines established by the authority, and track local response through global positioning technology; ((and))

(c) The means to track the outcome of the 988 call to enable appropriate follow up, cross-system coordination, and accountability, including as appropriate: (i) Any immediate services dispatched and reports generated from the encounter; (ii) the validation of a safety plan established for the caller in accordance with best practices; (iii) the next steps for the caller to follow in transition to noncrisis follow-up care, including a next-day appointment for callers experiencing urgent, symptomatic behavioral health care needs; and (iv) the means to verify and document whether the caller was successful in making the transition to appropriate noncrisis follow-up care indicated in the safety plan for the person, to be completed either by the care coordinator provided through the person's managed care organization, health plan, or behavioral health administrative services organization, or if such a care coordinator is not available or does not follow through, by the staff of the crisis call center hub;

(d) A means to facilitate actions to verify and document whether the person's transition to follow up noncrisis care was completed and services offered, to be performed by a care coordinator provided through the person's managed care

organization, health plan, or behavioral health administrative services organization, or if such a care coordinator is not available or does not follow through, by the staff of the crisis call center hub;

(e) The means to provide geographically, culturally, and linguistically appropriate services to persons who are part of high-risk populations or otherwise have need of specialized services or accommodations, and to document these services or accommodations; and

(f) When appropriate, consultation with tribal governments to ensure coordinated care in government-to-government relationships, and access to dedicated services to tribal members.

(7) To implement this section the department and the authority shall collaborate with the state ((enhanced)) 911 coordination office, emergency management division, and military department to develop technology that is demonstrated to be interoperable between the 988 crisis hotline system and crisis and emergency response systems used throughout the state, such as 911 systems, emergency medical services systems, and other nonbehavioral health crisis services, as well as the national suicide prevention lifeline, to assure cohesive interoperability, develop training programs and operations for both 911 public safety telecommunicators and crisis line workers, develop suicide and other behavioral health crisis assessments and intervention strategies, and establish efficient and equitable access to resources via crisis hotlines.

(8) The authority shall:

(a) Collaborate with county authorities and behavioral health administrative services organizations to develop procedures to dispatch behavioral health crisis services in coordination with crisis call center hubs to effectuate the intent of this section;

(b) Establish formal agreements with managed care organizations and behavioral health administrative services organizations by January 1, 2023, to provide for the services, capacities, and coordination necessary to effectuate the intent of this section, which shall include a requirement to arrange next-day appointments for persons contacting the 988 crisis hotline experiencing urgent, symptomatic behavioral health care needs with geographically, culturally, and linguistically appropriate primary care or behavioral health providers within the person's provider network, or, if uninsured, through the person's behavioral health administrative services organization;

(c) Create best practices guidelines by July 1, 2023, for deployment of appropriate and available crisis response services by crisis call center hubs to assist 988 hotline callers to minimize nonessential reliance on emergency room services and the use of law enforcement, considering input from relevant stakeholders and recommendations made by the crisis response improvement strategy committee created under RCW 71.24.892;

(d) Develop procedures to allow appropriate information sharing and communication between and across crisis and emergency response systems for the purpose of real-time crisis care coordination including, but not limited to, deployment of crisis and outgoing services, follow-up care, and linked, flexible services specific to crisis response; and

(e) Establish guidelines to appropriately serve high-risk populations who request crisis services. The authority shall design these guidelines to promote behavioral health equity for all populations with attention to circumstances of race, ethnicity, gender, socioeconomic status, sexual orientation, and geographic location, and include components such as training requirements for call response workers, policies for transferring such callers to an appropriate specialized center or subnetwork within or external to the national suicide prevention lifeline network, and procedures for referring persons who access the 988 crisis hotline

to linguistically and culturally competent care.

**Sec. 17.** RCW 10.31.110 and 2021 c 311 s 6 are each amended to read as follows:

(1) When a police officer has reasonable cause to believe that the individual has committed acts constituting a crime, and the individual is known by history or consultation with the behavioral health administrative services organization, managed care organization, crisis hotline, local crisis services providers, or community health providers to have a mental disorder or substance use disorder, in addition to existing authority under state law or local policy, as an alternative to arrest, the arresting officer is authorized and encouraged to:

(a) Take the individual to a crisis stabilization unit as defined in RCW 71.05.020. Individuals delivered to a crisis stabilization unit pursuant to this section may be held by the facility for a period of up to twelve hours. The individual must be examined by a mental health professional or substance use disorder professional within three hours of arrival;

(b) Take the individual to a ((triage facility)) 23-hour crisis relief center as defined in RCW ((71.05.020)) 71.24.025 while participating in the pilot project in section 2 of this act. An individual delivered to a ((triage facility which has elected to operate as an involuntary facility)) 23-hour crisis relief center may be held up to a period of twelve hours. The individual must be examined by a mental health professional or substance use disorder professional within three hours of arrival;

(c) Refer the individual to a designated crisis responder for evaluation for initial detention and proceeding under chapter 71.05 RCW;

(d) Release the individual upon agreement to voluntary participation in outpatient treatment;

(e) Refer the individual to youth, adult, or geriatric mobile crisis response services, as appropriate; or

(f) Refer the individual to the regional entity responsible to receive referrals in lieu of legal system involvement, including the recovery navigator program described in RCW 71.24.115.

(2) If the individual is released to the community from the facilities in subsection (1)(a) through (c) of this section, the mental health provider or substance use disorder professional shall make reasonable efforts to inform the arresting officer of the planned release prior to release if the arresting officer has specifically requested notification and provided contact information to the provider.

(3) In deciding whether to refer the individual to treatment under this section, the police officer must be guided by local law enforcement diversion guidelines for behavioral health developed and mutually agreed upon with the prosecuting authority with an opportunity for consultation and comment by the defense bar and disability community. These guidelines must address, at a minimum, the length, seriousness, and recency of the known criminal history of the individual, the mental health history of the individual, if available, the substance use disorder history of the individual, if available, the opinions of a mental health professional, if available, the opinions of a substance use disorder professional, if available, and the circumstances surrounding the commission of the alleged offense. The guidelines must include a process for clearing outstanding warrants or referring the individual for assistance in clearing outstanding warrants, if any, and issuing a new court date, if appropriate, without booking or incarcerating the individual or disqualifying the individual from referral to treatment under this section, and define the circumstances under which such action is permissible. Referrals to services, care, and treatment for substance use disorder must be made in accordance with protocols developed for the recovery navigator program described in RCW 71.24.115.

(4) Any agreement to participate in treatment or services in lieu of jail booking or referring a case for prosecution shall not require individuals to stipulate to any of the alleged facts regarding the criminal activity as a prerequisite to participation in the alternative response described in this section. Any agreement is inadmissible in any criminal or civil proceeding. Such agreements do not create immunity from prosecution for the alleged criminal activity.

(5) If there are required terms of participation in the services or treatment to which an individual was referred under this section, and if the individual violates such terms and is therefore no longer participating in services:

(a) The behavioral health or service provider shall inform the referring law enforcement agency of the violation, if consistent with the terms of the program and applicable law; and

(b) The original charges may be filed or referred to the prosecutor, as appropriate, and the matter may proceed accordingly, unless filing or referring the charges is inconsistent with the terms of a local diversion program or a recovery navigator program described in RCW 71.24.115.

(6) The police officer is immune from liability for any good faith conduct under this section.

**Sec. 18.** RCW 10.77.086 and 2022 c 288 s 4 are each amended to read as follows:

(1) If the defendant is charged with a felony and determined to be incompetent, until he or she has regained the competency necessary to understand the proceedings against him or her and assist in his or her own defense, but in any event for a period of no longer than 90 days, the court shall commit the defendant to the custody of the secretary for inpatient competency restoration, or may alternatively order the defendant to receive outpatient competency restoration based on a recommendation from a forensic navigator and input from the parties.

(a) To be eligible for an order for outpatient competency restoration, a defendant must be clinically appropriate and be willing to:

(i) Adhere to medications or receive prescribed intramuscular medication;

(ii) Abstain from alcohol and unprescribed drugs; and

(iii) Comply with urinalysis or breathalyzer monitoring if needed.

(b) If the court orders inpatient competency restoration, the department shall place the defendant in an appropriate facility of the department for competency restoration.

(c) If the court orders outpatient competency restoration, the court shall modify conditions of release as needed to authorize the department to place the person in approved housing, which may include access to supported housing, affiliated with a contracted outpatient competency restoration program. The department, in conjunction with the health care authority, must establish rules for conditions of participation in the outpatient competency restoration program, which must include the defendant being subject to medication management. The court may order regular urinalysis testing. The outpatient competency restoration program shall monitor the defendant during the defendant's placement in the program and report any noncompliance or significant changes with respect to the defendant to the department and, if applicable, the forensic navigator.

(d) If a defendant fails to comply with the restrictions of the outpatient restoration program such that restoration is no longer appropriate in that setting or the defendant is no longer clinically appropriate for outpatient competency restoration, the director of the outpatient competency restoration program shall notify the authority and the department of the need to terminate the outpatient competency restoration placement and intent to request

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placement for the defendant in an appropriate facility of the department for inpatient competency restoration. The outpatient competency restoration program shall coordinate with the authority, the department, and any law enforcement personnel under (d)(i) of this subsection to ensure that the time period between termination and admission into the inpatient facility is as minimal as possible. The time period for inpatient competency restoration shall be reduced by the time period spent in active treatment within the outpatient competency restoration program, excluding time periods in which the defendant was absent from the program and all time from notice of termination of the outpatient competency restoration period through the defendant's admission to the facility. The department shall obtain a placement for the defendant within seven days of the notice of intent to terminate the outpatient competency restoration placement.

(i) The department may authorize a peace officer to detain the defendant into emergency custody for transport to the designated inpatient competency restoration facility. If medical clearance is required by the designated competency restoration facility before admission, the peace officer must transport the defendant to a crisis stabilization unit, evaluation and treatment facility, or emergency department of a local hospital(, or triage facility)) for medical clearance once a bed is available at the designated inpatient competency restoration facility. The signed outpatient competency restoration order of the court shall serve as authority for the detention of the defendant under this subsection. This subsection does not preclude voluntary transportation of the defendant to a facility for inpatient competency restoration or for medical clearance, or authorize admission of the defendant into jail.

(ii) The department shall notify the court and parties of the defendant's admission for inpatient competency restoration before the close of the next judicial day. The court shall schedule a hearing within five days to review the conditions of release of the defendant and anticipated release from treatment and issue appropriate orders.

(e) The court may not issue an order for outpatient competency restoration unless the department certifies that there is an available appropriate outpatient competency restoration program that has adequate space for the person at the time the order is issued or the court places the defendant under the guidance and control of a professional person identified in the court order.

(2) For a defendant whose highest charge is a class C felony, or a class B felony that is not classified as violent under RCW 9.94A.030, the maximum time allowed for the initial competency restoration period is 45 days if the defendant is referred for inpatient competency restoration, or 90 days if the defendant is referred for outpatient competency restoration, provided that if the outpatient competency restoration placement is terminated and the defendant is subsequently admitted to an inpatient facility, the period of inpatient treatment during the first competency restoration period under this subsection shall not exceed 45 days.

(3) If the court determines or the parties agree before the initial competency restoration period or at any subsequent stage of the proceedings that the defendant is unlikely to regain competency, the court may dismiss the charges without prejudice without ordering the defendant to undergo an initial or further period of competency restoration treatment, in which case the court shall order that the defendant be referred for evaluation for civil commitment in the manner provided in subsection (5) of this section.

(4) On or before expiration of the initial competency restoration period the court shall conduct a hearing to determine whether the defendant is now competent to stand trial. If the court finds by a preponderance of the evidence that the defendant is

incompetent to stand trial, the court may order an extension of the competency restoration period for an additional period of 90 days, but the court must at the same time set a date for a new hearing to determine the defendant's competency to stand trial before the expiration of this second restoration period. The defendant, the defendant's attorney, and the prosecutor have the right to demand that the hearing be before a jury. No extension shall be ordered for a second or third competency restoration period if the defendant's incompetence has been determined by the secretary to be solely the result of a developmental disability which is such that competence is not reasonably likely to be regained during an extension.

(5) At the hearing upon the expiration of the second competency restoration period, or at the end of the first competency restoration period if the defendant is ineligible for a second or third competency restoration period under subsection (4) of this section, if the jury or court finds that the defendant is incompetent to stand trial, the court shall dismiss the charges without prejudice and order the defendant to be committed to a state hospital for up to 120 hours if the defendant has not undergone competency restoration services or has engaged in outpatient competency restoration services and up to 72 hours if the defendant engaged in inpatient competency restoration services starting from admission to the facility, excluding Saturdays, Sundays, and holidays, for evaluation for the purpose of filing a civil commitment petition under chapter 71.05 RCW. However, the court shall not dismiss the charges if the court or jury finds that: (a) The defendant (i) is a substantial danger to other persons; or (ii) presents a substantial likelihood of committing criminal acts jeopardizing public safety or security; and (b) there is a substantial probability that the defendant will regain competency within a reasonable period of time. If the court or jury makes such a finding, the court may extend the period of commitment for up to an additional six months.

(6) Any period of competency restoration treatment under this section includes only the time the defendant is actually at the facility or is actively participating in an outpatient competency restoration program and is in addition to reasonable time for transport to or from the facility.

**Sec. 19.** RCW 10.77.088 and 2022 c 288 s 5 are each amended to read as follows:

(1) If the defendant is charged with a nonfelony crime which is a serious offense as identified in RCW 10.77.092 and found by the court to be not competent, then the court:

(a) Shall dismiss the proceedings without prejudice and detain the defendant for sufficient time to allow the designated crisis responder to evaluate the defendant and consider initial detention proceedings under chapter 71.05 RCW, unless the prosecutor objects to the dismissal and provides notice of a motion for an order for competency restoration treatment, in which case the court shall schedule a hearing within seven days.

(b) At the hearing, the prosecuting attorney must establish that there is a compelling state interest to order competency restoration treatment for the defendant. The court may consider prior criminal history, prior history in treatment, prior history of violence, the quality and severity of the pending charges, any history that suggests whether competency restoration treatment is likely to be successful, in addition to the factors listed under RCW 10.77.092. If the prosecuting attorney proves by a preponderance of the evidence that there is a compelling state interest in ordering competency restoration treatment, then the court shall issue an order in accordance with subsection (2) of this section.

(2) If a court finds pursuant to subsection (1)(b) of this section that there is a compelling state interest in pursuing competency restoration treatment, the court shall commit the defendant to the

custody of the secretary for inpatient competency restoration, or may alternatively order the defendant to receive outpatient competency restoration based on a recommendation from a forensic navigator and input from the parties.

(a) To be eligible for an order for outpatient competency restoration, a defendant must be clinically appropriate and be willing to:

(i) Adhere to medications or receive prescribed intramuscular medication;

(ii) Abstain from alcohol and unprescribed drugs; and

(iii) Comply with urinalysis or breathalyzer monitoring if needed.

(b) If the court orders inpatient competency restoration, the department shall place the defendant in an appropriate facility of the department for competency restoration under subsection (3) of this section.

(c) If the court orders outpatient competency restoration, the court shall modify conditions of release as needed to authorize the department to place the person in approved housing, which may include access to supported housing, affiliated with a contracted outpatient competency restoration program. The department, in conjunction with the health care authority, must establish rules for conditions of participation in the outpatient competency restoration program, which must include the defendant being subject to medication management. The court may order regular urinalysis testing. The outpatient competency restoration program shall monitor the defendant during the defendant's placement in the program and report any noncompliance or significant changes with respect to the defendant to the department and, if applicable, the forensic navigator.

(d) If a defendant fails to comply with the restrictions of the outpatient competency restoration program such that restoration is no longer appropriate in that setting or the defendant is no longer clinically appropriate for outpatient competency restoration, the director of the outpatient competency restoration program shall notify the authority and the department of the need to terminate the outpatient competency restoration placement and intent to request placement for the defendant in an appropriate facility of the department for inpatient competency restoration. The outpatient competency restoration program shall coordinate with the authority, the department, and any law enforcement personnel under (d)(i) of this subsection to ensure that the time period between termination and admission into the inpatient facility is as minimal as possible. The time period for inpatient competency restoration shall be reduced by the time period spent in active treatment within the outpatient competency restoration program, excluding time periods in which the defendant was absent from the program and all time from notice of termination of the outpatient competency restoration period through the defendant's admission to the facility. The department shall obtain a placement for the defendant within seven days of the notice of intent to terminate the outpatient competency restoration placement.

(i) The department may authorize a peace officer to detain the defendant into emergency custody for transport to the designated inpatient competency restoration facility. If medical clearance is required by the designated competency restoration facility before admission, the peace officer must transport the defendant to a crisis stabilization unit, evaluation and treatment facility, or emergency department of a local hospital(, or triage facility)) for medical clearance once a bed is available at the designated inpatient competency restoration facility. The signed outpatient competency restoration order of the court shall serve as authority for the detention of the defendant under this subsection. This subsection does not preclude voluntary transportation of the

defendant to a facility for inpatient competency restoration or for medical clearance, or authorize admission of the defendant into jail.

(ii) The department shall notify the court and parties of the defendant's admission for inpatient competency restoration before the close of the next judicial day. The court shall schedule a hearing within five days to review the conditions of release of the defendant and anticipated release from treatment and issue appropriate orders.

(e) The court may not issue an order for outpatient competency restoration unless the department certifies that there is an available appropriate outpatient restoration program that has adequate space for the person at the time the order is issued or the court places the defendant under the guidance and control of a professional person identified in the court order.

(3) The placement under subsection (2) of this section shall not exceed 29 days if the defendant is ordered to receive inpatient competency restoration, and shall not exceed 90 days if the defendant is ordered to receive outpatient competency restoration. The court may order any combination of this subsection, but the total period of inpatient competency restoration may not exceed 29 days.

(4) If the court has determined or the parties agree that the defendant is unlikely to regain competency, the court may dismiss the charges without prejudice without ordering the defendant to undergo competency restoration treatment, in which case the court shall order that the defendant be referred for evaluation for civil commitment in the manner provided in subsection (5) of this section.

(5)(a) If the proceedings are dismissed under RCW 10.77.084 and the defendant was on conditional release at the time of dismissal, the court shall order the designated crisis responder within that county to evaluate the defendant pursuant to chapter 71.05 RCW. The evaluation may be conducted in any location chosen by the professional.

(b) If the defendant was in custody and not on conditional release at the time of dismissal, the defendant shall be detained and sent to an evaluation and treatment facility for up to 120 hours if the defendant has not undergone competency restoration services or has engaged in outpatient competency restoration services and up to 72 hours if the defendant engaged in inpatient competency restoration services, excluding Saturdays, Sundays, and holidays, for evaluation for purposes of filing a petition under chapter 71.05 RCW. The 120-hour or 72-hour period shall commence upon the next nonholiday weekday following the court order and shall run to the end of the last nonholiday weekday within the 120-hour or 72-hour period.

(6) If the defendant is charged with a nonfelony crime that is not a serious offense as defined in RCW 10.77.092 and found by the court to be not competent, the court may stay or dismiss proceedings and detain the defendant for sufficient time to allow the designated crisis responder to evaluate the defendant and consider initial detention proceedings under chapter 71.05 RCW. The court must give notice to all parties at least 24 hours before the dismissal of any proceeding under this subsection, and provide an opportunity for a hearing on whether to dismiss the proceedings.

(7) If at any time the court dismisses charges under subsections (1) through (6) of this section, the court shall make a finding as to whether the defendant has a history of one or more violent acts. If the court so finds, the defendant is barred from the possession of firearms until a court restores his or her right to possess a firearm under RCW 9.41.047. The court shall state to the defendant and provide written notice that the defendant is barred from the possession of firearms and that the prohibition remains

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in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

(8) Any period of competency restoration treatment under this section includes only the time the defendant is actually at the facility or is actively participating in an outpatient competency restoration program and is in addition to reasonable time for transport to or from the facility.

**Sec. 20.** RCW 48.43.005 and 2022 c 263 s 2 are each reenacted and amended to read as follows:

Unless otherwise specifically provided, the definitions in this section apply throughout this chapter.

(1) "Adjusted community rate" means the rating method used to establish the premium for health plans adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, age, family size, and use of wellness activities.

(2) "Adverse benefit determination" means a denial, reduction, or termination of, or a failure to provide or make payment, in whole or in part, for a benefit, including a denial, reduction, termination, or failure to provide or make payment that is based on a determination of an enrollee's or applicant's eligibility to participate in a plan, and including, with respect to group health plans, a denial, reduction, or termination of, or a failure to provide or make payment, in whole or in part, for a benefit resulting from the application of any utilization review, as well as a failure to cover an item or service for which benefits are otherwise provided because it is determined to be experimental or investigational or not medically necessary or appropriate.

(3) "Air ambulance service" has the same meaning as defined in section 2799A-2 of the public health service act (42 U.S.C. Sec. 300gg-112) and implementing federal regulations in effect on March 31, 2022.

(4) "Allowed amount" means the maximum portion of a billed charge a health carrier will pay, including any applicable enrollee cost-sharing responsibility, for a covered health care service or item rendered by a participating provider or facility or by a nonparticipating provider or facility.

(5) "Applicant" means a person who applies for enrollment in an individual health plan as the subscriber or an enrollee, or the dependent or spouse of a subscriber or enrollee.

(6) "Balance bill" means a bill sent to an enrollee by a nonparticipating provider or facility for health care services provided to the enrollee after the provider or facility's billed amount is not fully reimbursed by the carrier, exclusive of permitted cost-sharing.

(7) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.

(8) "Basic health plan model plan" means a health plan as required in RCW 70.47.060(2)(e).

(9) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.

(10) "Behavioral health emergency services provider" means emergency services provided in the following settings:

(a) A crisis stabilization unit as defined in RCW 71.05.020;

(b) A 23-hour crisis relief center as defined in RCW 71.24.025;

(c) An evaluation and treatment facility that can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department of health;

((c)) (d) An agency certified by the department of health under chapter 71.24 RCW to provide outpatient crisis services;

((d) A triage facility as defined in RCW 71.05.020;))

(e) An agency certified by the department of health under chapter 71.24 RCW to provide medically managed or medically monitored withdrawal management services; or

(f) A mobile rapid response crisis team as defined in RCW 71.24.025 that is contracted with a behavioral health administrative services organization operating under RCW 71.24.045 to provide crisis response services in the behavioral health administrative services organization's service area.

(11) "Board" means the governing board of the Washington health benefit exchange established in chapter 43.71 RCW.

(12)(a) For grandfathered health benefit plans issued before January 1, 2014, and renewed thereafter, "catastrophic health plan" means:

(i) In the case of a contract, agreement, or policy covering a single enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, one thousand seven hundred fifty dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least three thousand five hundred dollars, both amounts to be adjusted annually by the insurance commissioner; and

(ii) In the case of a contract, agreement, or policy covering more than one enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, three thousand five hundred dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least six thousand dollars, both amounts to be adjusted annually by the insurance commissioner.

(b) In July 2008, and in each July thereafter, the insurance commissioner shall adjust the minimum deductible and out-of-pocket expense required for a plan to qualify as a catastrophic plan to reflect the percentage change in the consumer price index for medical care for a preceding twelve months, as determined by the United States department of labor. For a plan year beginning in 2014, the out-of-pocket limits must be adjusted as specified in section 1302(c)(1) of P.L. 111-148 of 2010, as amended. The adjusted amount shall apply on the following January 1st.

(c) For health benefit plans issued on or after January 1, 2014, "catastrophic health plan" means:

(i) A health benefit plan that meets the definition of catastrophic plan set forth in section 1302(e) of P.L. 111-148 of 2010, as amended; or

(ii) A health benefit plan offered outside the exchange marketplace that requires a calendar year deductible or out-of-pocket expenses under the plan, other than for premiums, for covered benefits, that meets or exceeds the commissioner's annual adjustment under (b) of this subsection.

(13) "Certification" means a determination by a review organization that an admission, extension of stay, or other health care service or procedure has been reviewed and, based on the information provided, meets the clinical requirements for medical necessity, appropriateness, level of care, or effectiveness under the auspices of the applicable health benefit plan.

(14) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment.

(15) "Covered person" or "enrollee" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.

(16) "Dependent" means, at a minimum, the enrollee's legal spouse and dependent children who qualify for coverage under the enrollee's health benefit plan.

(17) "Emergency medical condition" means a medical, mental health, or substance use disorder condition manifesting itself by acute symptoms of sufficient severity including, but not limited



to, severe pain or emotional distress, such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical, mental health, or substance use disorder treatment attention to result in a condition (a) placing the health of the individual, or with respect to a pregnant woman, the health of the woman or her unborn child, in serious jeopardy, (b) serious impairment to bodily functions, or (c) serious dysfunction of any bodily organ or part.

(18) "Emergency services" means:

(a)(i) A medical screening examination, as required under section 1867 of the social security act (42 U.S.C. Sec. 1395dd), that is within the capability of the emergency department of a hospital, including ancillary services routinely available to the emergency department to evaluate that emergency medical condition;

(ii) Medical examination and treatment, to the extent they are within the capabilities of the staff and facilities available at the hospital, as are required under section 1867 of the social security act (42 U.S.C. Sec. 1395dd) to stabilize the patient. Stabilize, with respect to an emergency medical condition, has the meaning given in section 1867(e)(3) of the social security act (42 U.S.C. Sec. 1395dd(e)(3)); and

(iii) Covered services provided by staff or facilities of a hospital after the enrollee is stabilized and as part of outpatient observation or an inpatient or outpatient stay with respect to the visit during which screening and stabilization services have been furnished. Poststabilization services relate to medical, mental health, or substance use disorder treatment necessary in the short term to avoid placing the health of the individual, or with respect to a pregnant woman, the health of the woman or her unborn child, in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part; or

(b)(i) A screening examination that is within the capability of a behavioral health emergency services provider including ancillary services routinely available to the behavioral health emergency services provider to evaluate that emergency medical condition;

(ii) Examination and treatment, to the extent they are within the capabilities of the staff and facilities available at the behavioral health emergency services provider, as are required under section 1867 of the social security act (42 U.S.C. Sec. 1395dd) or as would be required under such section if such section applied to behavioral health emergency services providers, to stabilize the patient. Stabilize, with respect to an emergency medical condition, has the meaning given in section 1867(e)(3) of the social security act (42 U.S.C. Sec. 1395dd(e)(3)); and

(iii) Covered behavioral health services provided by staff or facilities of a behavioral health emergency services provider after the enrollee is stabilized and as part of outpatient observation or an inpatient or outpatient stay with respect to the visit during which screening and stabilization services have been furnished. Poststabilization services relate to mental health or substance use disorder treatment necessary in the short term to avoid placing the health of the individual, or with respect to a pregnant woman, the health of the woman or her unborn child, in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part.

(19) "Employee" has the same meaning given to the term, as of January 1, 2008, under section 3(6) of the federal employee retirement income security act of 1974.

(20) "Enrollee point-of-service cost-sharing" or "cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.

(21) "Essential health benefit categories" means:

- (a) Ambulatory patient services;
- (b) Emergency services;
- (c) Hospitalization;
- (d) Maternity and newborn care;
- (e) Mental health and substance use disorder services, including behavioral health treatment;
- (f) Prescription drugs;
- (g) Rehabilitative and habilitative services and devices;
- (h) Laboratory services;
- (i) Preventive and wellness services and chronic disease management; and
- (j) Pediatric services, including oral and vision care.

(22) "Exchange" means the Washington health benefit exchange established under chapter 43.71 RCW.

(23) "Final external review decision" means a determination by an independent review organization at the conclusion of an external review.

(24) "Final internal adverse benefit determination" means an adverse benefit determination that has been upheld by a health plan or carrier at the completion of the internal appeals process, or an adverse benefit determination with respect to which the internal appeals process has been exhausted under the exhaustion rules described in RCW 48.43.530 and 48.43.535.

(25) "Grandfathered health plan" means a group health plan or an individual health plan that under section 1251 of the patient protection and affordable care act, P.L. 111-148 (2010) and as amended by the health care and education reconciliation act, P.L. 111-152 (2010) is not subject to subtitles A or C of the act as amended.

(26) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding service delivery issues other than denial of payment for medical services or nonprovision of medical services, including dissatisfaction with medical care, waiting time for medical services, provider or staff attitude or demeanor, or dissatisfaction with service provided by the health carrier.

(27) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 or 70.230 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

(28) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(29) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(30) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care

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service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020, and includes "issuers" as that term is used in the patient protection and affordable care act (P.L. 111-148).

(31) "Health plan" or "health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care services except the following:

(a) Long-term care insurance governed by chapter 48.84 or 48.83 RCW;

(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(c) Coverage supplemental to the coverage provided under chapter 55, Title 10, United States Code;

(d) Limited health care services offered by limited health care service contractors in accordance with RCW 48.44.035;

(e) Disability income;

(f) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;

(g) Workers' compensation coverage;

(h) Accident only coverage;

(i) Specified disease or illness-triggered fixed payment insurance, hospital confinement fixed payment insurance, or other fixed payment insurance offered as an independent, noncoordinated benefit;

(j) Employer-sponsored self-funded health plans;

(k) Dental only and vision only coverage;

(l) Plans deemed by the insurance commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner;

(m) Civilian health and medical program for the veterans affairs administration (CHAMPVA); and

(n) Stand-alone prescription drug coverage that exclusively supplements medicare part D coverage provided through an employer group waiver plan under federal social security act regulation 42 C.F.R. Sec. 423.458(c).

(32) "Individual market" means the market for health insurance coverage offered to individuals other than in connection with a group health plan.

(33) "In-network" or "participating" means a provider or facility that has contracted with a carrier or a carrier's contractor or subcontractor to provide health care services to enrollees and be reimbursed by the carrier at a contracted rate as payment in full for the health care services, including applicable cost-sharing obligations.

(34) "Material modification" means a change in the actuarial value of the health plan as modified of more than five percent but less than fifteen percent.

(35) "Nonemergency health care services performed by nonparticipating providers at certain participating facilities" means covered items or services other than emergency services with respect to a visit at a participating health care facility, as provided in section 2799A-1(b) of the public health service act (42 U.S.C. Sec. 300gg-111(b)), 45 C.F.R. Sec. 149.30, and 45 C.F.R. Sec. 149.120 as in effect on March 31, 2022.

(36) "Open enrollment" means a period of time as defined in rule to be held at the same time each year, during which applicants may enroll in a carrier's individual health benefit plan without being subject to health screening or otherwise required to provide evidence of insurability as a condition for enrollment.

(37) "Out-of-network" or "nonparticipating" means a provider or facility that has not contracted with a carrier or a carrier's contractor or subcontractor to provide health care services to enrollees.

(38) "Out-of-pocket maximum" or "maximum out-of-pocket" means the maximum amount an enrollee is required to pay in the form of cost-sharing for covered benefits in a plan year, after which the carrier covers the entirety of the allowed amount of covered benefits under the contract of coverage.

(39) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

(40) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

(41)(a) "Protected individual" means:

(i) An adult covered as a dependent on the enrollee's health benefit plan, including an individual enrolled on the health benefit plan of the individual's registered domestic partner; or

(ii) A minor who may obtain health care without the consent of a parent or legal guardian, pursuant to state or federal law.

(b) "Protected individual" does not include an individual deemed not competent to provide informed consent for care under RCW 11.88.010(1)(e).

(42) "Review organization" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, health care service contractor as defined in RCW 48.44.010, or health maintenance organization as defined in RCW 48.46.020, and entities affiliated with, under contract with, or acting on behalf of a health carrier to perform a utilization review.

(43) "Sensitive health care services" means health services related to reproductive health, sexually transmitted diseases, substance use disorder, gender dysphoria, gender affirming care, domestic violence, and mental health.

(44) "Small employer" or "small group" means any person, firm, corporation, partnership, association, political subdivision, sole proprietor, or self-employed individual that is actively engaged in business that employed an average of at least one but no more than fifty employees, during the previous calendar year and employed at least one employee on the first day of the plan year, is not formed primarily for purposes of buying health insurance, and in which a bona fide employer-employee relationship exists. In determining the number of employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of taxation by this state, shall be considered an employer. Subsequent to the issuance of a health plan to a small employer and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, a small employer shall continue to be considered a small employer until the plan anniversary following the date the small employer no longer meets the requirements of this definition. A self-employed individual or sole proprietor who is covered as a group of one must also: (a) Have been employed by the same small employer or small group for at least twelve months prior to application for small group coverage, and (b) verify that he or she derived at least seventy-five percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, schedule C or F, for the previous taxable year, except a self-employed individual

or sole proprietor in an agricultural trade or business, must have derived at least fifty-one percent of his or her income from the trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, for the previous taxable year.

(45) "Special enrollment" means a defined period of time of not less than thirty-one days, triggered by a specific qualifying event experienced by the applicant, during which applicants may enroll in the carrier's individual health benefit plan without being subject to health screening or otherwise required to provide evidence of insurability as a condition for enrollment.

(46) "Standard health questionnaire" means the standard health questionnaire designated under chapter 48.41 RCW.

(47) "Utilization review" means the prospective, concurrent, or retrospective assessment of the necessity and appropriateness of the allocation of health care resources and services of a provider or facility, given or proposed to be given to an enrollee or group of enrollees.

(48) "Wellness activity" means an explicit program of an activity consistent with department of health guidelines, such as, smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education for the purpose of improving enrollee health status and reducing health service costs.

**NEW SECTION. Sec. 21.** The department of health shall convert the license or certification of any facility licensed or certified by the department to operate as a crisis triage facility to a license or certification for the facility to operate as a crisis stabilization unit by the start of the next licensing or certification period following the effective date of this section.

**NEW SECTION. Sec. 22.** When making guidelines under section 2 of this act, the department of health shall consult with stakeholders including, but not limited to: The Washington council for behavioral health; WAADAC, the voice for Washington state addiction professionals persons with lived experience of behavioral health crisis; family members with lived experience of caring for someone in behavioral health crisis; the Washington state hospital association; the American college of emergency physicians; behavioral health administrative services organizations; the Washington association of designated crisis responders; the Washington association of sheriffs and police chiefs; and an individual or entity representing emergency medical services.

**NEW SECTION. Sec. 23.** RCW 71.24.647 (Standards for certification or licensure of triage facilities) and 2018 c 201 s 4056 are each repealed.

**NEW SECTION. Sec. 24.** Sections 6, 8, and 10 of this act expire July 1, 2026.

**NEW SECTION. Sec. 25.** Sections 7, 9, and 11 of this act take effect July 1, 2026.

**Sec. 26.** 2022 c 210 s 31 (uncodified) is amended to read as follows:

(1) Sections 4 and 28, chapter 302, Laws of 2020, sections 13 and 14, chapter 263, Laws of 2021, section 23, chapter 264, Laws of 2021, ((and)) sections 2 and 10, chapter 210, Laws of 2022, and section 4, chapter . . . , Laws of 2023 (section 4 of this act) take effect when monthly single-bed certifications authorized under RCW 71.05.745 fall below 200 reports for 3 consecutive months.

(2) The health care authority must provide written notice of the effective date of sections 4 and 28, chapter 302, Laws of 2020, sections 13 and 14, chapter 263, Laws of 2021, section 23, chapter 264, Laws of 2021, ((and)) sections 2 and 10, chapter 210, Laws

of 2022, and section 4, chapter . . . , Laws of 2023 (section 4 of this act) to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the authority.

**Sec. 27.** 2021 c 264 s 29 (uncodified) is amended to read as follows:

(1) Sections 64 and 81, chapter 302, Laws of 2020 ((and, until July 1, 2022, section 27, chapter 264, Laws of 2021 and, beginning July 1, 2022)), section 28, chapter 264, Laws of 2021, and section 13, chapter . . . , Laws of 2023 (section 13 of this act) take effect when the average wait time for children's long-term inpatient placement admission is 30 days or less for two consecutive quarters.

(2) The health care authority must provide written notice of the effective date of sections 64 and 81, chapter 302, Laws of 2020 ((and sections 27 and)), section 28, chapter 264, Laws of 2021, and section 13, chapter . . . , Laws of 2023 (section 13 of this act) to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the authority."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Dhingra moved that the Senate refuse to concur and insist on its position on the House amendment(s) to Second Substitute Senate Bill No. 5120 and ask the House to recede therefrom.

Senator Dhingra spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Dhingra that the Senate refuse to concur and insist on its position on the House amendment(s) to Second Substitute Senate Bill No. 5120 and ask the House to recede therefrom.

The motion by Senator Dhingra carried and the Senate refused to concur and insisted on its position in the Senate amendment(s) to Second Substitute Senate Bill No. 5120 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 7, 2023

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5134 with the following amendment(s): 5134-S2 AMH ENGR H1875.E

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that successful rehabilitation and reentry has a positive impact on reduced recidivism rates and increased community safety. The legislature further finds that the success of individuals releasing from confinement in correctional institutions can be increased through access to supportive services, medical assistance, and other necessities. The legislature recognizes that the mortality rate in the first 72 hours following release from confinement is on average 18 times higher than the general population. The legislature further finds that access to basic human needs like food, medication, clothing, transportation, and shelter are necessary supports for most individuals exiting confinement.

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Therefore, the legislature resolves to enhance recovery, reduce recidivism, and improve public safety by providing increased access to supportive services and assistance following release from confinement.

**Sec. 2.** RCW 72.09.270 and 2021 c 200 s 3 are each amended to read as follows:

(1) The department of corrections shall develop an individual reentry plan as defined in RCW 72.09.015 for every incarcerated individual who is committed to the jurisdiction of the department except:

(a) Incarcerated individuals who are sentenced to life without the possibility of release or sentenced to death under chapter 10.95 RCW; and

(b) Incarcerated individuals who are subject to the provisions of 8 U.S.C. Sec. 1227.

(2) The individual reentry plan may be one document, or may be a series of individual plans that combine to meet the requirements of this section.

(3) In developing individual reentry plans, the department shall assess all incarcerated individuals using standardized and comprehensive tools to identify the criminogenic risks, programmatic needs, and educational and vocational skill levels for each incarcerated individual. The assessment tool should take into account demographic biases, such as culture, age, and gender, as well as the needs of the incarcerated individual, including any learning disabilities, substance abuse or mental health issues, and social or behavior challenges.

(4)(a) The initial assessment shall be conducted as early as sentencing, but, whenever possible, no later than forty-five days of being sentenced to the jurisdiction of the department of corrections.

(b) The incarcerated individual's individual reentry plan shall be developed as soon as possible after the initial assessment is conducted, but, whenever possible, no later than sixty days after completion of the assessment, and shall be periodically reviewed and updated as appropriate.

(5) The individual reentry plan shall, at a minimum, include:

(a) A plan to maintain contact with the incarcerated individual's children and family, if appropriate. The plan should determine whether parenting classes, or other services, are appropriate to facilitate successful reunification with the incarcerated individual's children and family;

(b) An individualized portfolio for each incarcerated individual that includes the incarcerated individual's education achievements, certifications, employment, work experience, skills, and any training received prior to and during incarceration; and

(c) A plan for the incarcerated individual during the period of incarceration through reentry into the community that addresses the needs of the incarcerated individual including education, employment, substance abuse treatment, mental health treatment, family reunification, and other areas which are needed to facilitate a successful reintegration into the community.

(6)(a) ~~((Prior to))~~ Within one year prior to the release or discharge of any incarcerated individual, the department shall develop an individual discharge plan and provide reentry linkage case management services as follows:

(i) Evaluate the incarcerated individual's behavioral health and physical health needs and, to the extent possible, connect the incarcerated individual with ~~((existing services and resources that meet those needs))~~ relevant services, treatment programs, medication-assisted treatment, tribal and urban health clinics, and behavioral health services, and other resources based on the individual's evaluated needs;

(ii) Assist the incarcerated individual with obtaining

identification upon release;

(iii) Assist the incarcerated individual with submitting applications for applicable state and federal government assistance and benefits programs on behalf of the incarcerated individual;

(iv) Prepare a 90-day supply of any necessary prescribed medications to be provided upon release, through a combination of a 30-day supply of in-hand medications and 60-day supply of prescriptions, when clinically appropriate, to ensure continuity of care and that medications are readily available for the incarcerated individual upon release; and

~~((iii))~~ (v) Connect the incarcerated individual with a community justice center and/or community transition coordination network in the area in which the incarcerated individual will be residing once released from the correctional system if one exists.

(b) If the department recommends partial confinement in an incarcerated individual's individual reentry plan, the department shall maximize the period of partial confinement for the incarcerated individual as allowed pursuant to RCW 9.94A.728 to facilitate the incarcerated individual's transition to the community.

(7) The department shall establish mechanisms for sharing information from individual reentry plans to those persons involved with the incarcerated individual's treatment, programming, and reentry, when deemed appropriate. When feasible, this information shall be shared electronically.

(8)(a) In determining the county of discharge for an incarcerated individual released to community custody, the department may approve a residence location that is not in the incarcerated individual's county of origin if the department determines that the residence location would be appropriate based on any court-ordered condition of the incarcerated individual's sentence, victim safety concerns, and factors that increase opportunities for successful reentry and long-term support including, but not limited to, location of family or other sponsoring persons or organizations that will support the incarcerated individual, ability to complete an educational program that the incarcerated individual is enrolled in, availability of appropriate programming or treatment, and access to housing, employment, and prosocial influences on the person in the community.

(b) In implementing the provisions of this subsection, the department shall approve residence locations in a manner that will not cause any one county to be disproportionately impacted.

(c) If the incarcerated individual is not returned to his or her county of origin, the department shall provide the law and justice council of the county in which the incarcerated individual is placed with a written explanation.

(d)(i) For purposes of this section, except as provided in (d)(ii) of this subsection, the incarcerated individual's county of origin means the county of the incarcerated individual's residence at the time of the incarcerated individual's first felony conviction in Washington state.

(ii) If the incarcerated individual is a homeless person as defined in RCW 43.185C.010, or the incarcerated individual's residence is unknown, then the incarcerated individual's county of origin means the county of the incarcerated individual's first felony conviction in Washington state.

(9) Nothing in this section creates a vested right in programming, education, or other services.

**NEW SECTION. Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Wilson, C. moved that the Senate refuse to concur and insist on its position on the House amendment(s) to Second Substitute Senate Bill No. 5134 and ask the House to recede therefrom.

Senator Wilson, C. spoke in favor of the motion.

Senator Boehnke spoke against the motion.

The President declared the question before the Senate to be motion by Senator Wilson, C. that the Senate refuse to concur and insist on its position on the House amendment(s) to Second Substitute Senate Bill No. 5134 and ask the House to recede therefrom.

The motion by Senator Wilson, C. carried, and the Senate refused to concur and insisted on its position in the Senate amendment(s) to Second Substitute Senate Bill No. 5134 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 10, 2023

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5174 with the following amendment(s): 5174-S2.E AMH APP H1721.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.160 RCW to read as follows:

(1) The superintendent of public instruction must provide transportation safety net awards to school districts with a convincingly demonstrated need for additional transportation funding for special passengers. Transportation safety net awards shall only be provided when a school district's allowable transportation expenditures exceed the amounts provided under RCW 28A.160.150 through 28A.160.192 and any excess transportation costs reimbursed by federal, state, tribal, or local child welfare agencies. School district safety net awards shall not exceed the school district's expenditures directly attributable to serving special passengers in the pupil transportation program.

(2) For the purposes of this section, "special passengers" include:

(a) Students eligible for and receiving special education that require transportation as a related service of their individualized education program;

(b) Homeless students requiring transportation under the McKinney-Vento act, reauthorized as Title X, Part C, of the no child left behind act, P.L. 107-110, in January 2002; and

(c) Foster students receiving transportation as required under section 1112(c)(5)(B) of the every student succeeds act, P.L. 114-95.

(3) To be eligible for additional transportation safety net award funding, the school district must report, in accordance with statewide accounting guidance, the amount of the excess costs and the specific activities or services provided to special passengers that created the excess costs.

(4) The superintendent of public instruction must establish rules and processes for transportation safety net applications and awards. The omnibus appropriations act must specify the total

amount available for transportation safety net awards. Total awards may not exceed the amount appropriated. The superintendent of public instruction must submit to the office of financial management, and the education and fiscal committees of the legislature, the total demonstrated need and awards by school district.

(5) Charter schools established under chapter 28A.710 RCW and state-tribal compact schools established under chapter 28A.715 RCW are also eligible for awards under this section.

(6) Transportation safety net awards allocated under this section are not part of the state's program of basic education.

**Sec. 2.** RCW 28A.160.193 and 2018 c 266 s 103 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, a transportation alternate funding grant program is created.

(2) As part of the award process for the grants, the superintendent of public instruction must include a review of the school district's efficiency rating, key performance indicators, and local school district characteristics such as unique geographic constraints, low enrollment, geographic density of students, ~~((the percentage of students served under the McKinney-Vento homeless assistance act from outside the district,))~~ or whether the district is a nonhigh district.

**Sec. 3.** RCW 28A.160.140 and 1990 c 33 s 140 are each amended to read as follows:

(1) As a condition of entering into a pupil transportation services contract with a private nongovernmental entity, each school district shall engage in an open competitive process at least once every five years. This requirement shall not be construed to prohibit a district from entering into a pupil transportation services contract of less than five years in duration with a district option to renew, extend, or terminate the contract, if the district engages in an open competitive process at least once every five years after July 26, 1987.

(2)(a) A school district may only enter into a pupil transportation services contract with a nongovernmental entity if that entity provides the following to, or on behalf of, employees who choose to opt in for coverage:

(i) An employer health benefits contribution equal to the employer payment dollar amount in effect for the first year of the contract for health care benefit rates (Cockle rates), published annually by the health care authority, for the school employees' benefits board program for school employees; and

(ii) An amount equivalent to the salaries of the employees of the private nongovernmental entity multiplied by the employer normal cost contribution rate determined under the entry age cost method for the school employees' retirement system, as published in the most recent actuarial valuation report from the office of the state actuary for the first year of the contract.

(b) Subsection (2)(a) of this section applies only to pupil transportation service contracts for which the request for proposals begins after the effective date of this section and no earlier than for a contract affecting the 2024-25 school year.

(c) All pupil transportation service contracts entered into or modified after the effective date of this section must include a detailed explanation of any contract cost increase by year, expenditure type, and amount, including any increases in cost that result from providing the benefits required under this section.

(3) As used in this section:

((4)) (a) "Employee" means a bus, van or shuttle driver, monitor, mechanic, or dispatcher who works sufficient compensated hours for the nongovernmental entity performing services on the contract with the school district to meet the eligibility requirements that apply to school employees for

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benefits in the school employees' retirement system and the school employees' benefits board program;

(b) "Open competitive process" means either one of the following, at the choice of the school district:

((~~(a)~~)) (i) The solicitation of bids or quotations and the award of contracts under RCW 28A.335.190; or

((~~(b)~~)) (ii) The competitive solicitation of proposals and their evaluation consistent with the process and criteria recommended or required, as the case may be, by the office of financial management for state agency acquisition of personal service contractors;

((~~(c)~~)) (c) "Pupil transportation services contract" means a contract for the operation of privately owned or school district owned school buses, and the services of drivers or operators, management and supervisory personnel, and their support personnel such as secretaries, dispatchers, and mechanics, or any combination thereof, to provide students with transportation to and from school on a regular basis; and

((~~(d)~~)) (d) "School bus" means a motor vehicle as defined in RCW 46.04.521 and under the rules of the superintendent of public instruction.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.160 RCW to read as follows:

(1) A school district that experiences an increase in costs to a pupil transportation services contract as compared to prior year contract costs as a result of the provisions in RCW 28A.160.140 is eligible for supplemental transportation allocations as described in this section.

(2) Beginning September 1, 2024, school districts that provide pupil transportation through a contract with a nongovernmental entity under RCW 28A.160.140 must annually provide the office of the superintendent of public instruction with the following information:

(a) A breakdown of the total contract cost increase, including a detailed explanation of the increase by expenditure type demonstrating dollar equivalency as required in RCW 28A.160.140(2)(a)(i) and percentage equivalency as required in RCW 28A.160.140(2)(a)(ii), as defined by the office of the superintendent of public instruction, and amount;

(b) A breakdown of cost from the contractor that shows the cost to provide health care and pension benefits to employees prior to the effective date of this section and the cost to provide health care and pension benefits to employees after the implementation of benefits as described in RCW 28A.160.140;

(c) The amount of funding received through transportation allocations under RCW 28A.160.150 through 28A.160.192 prior to the implementation of school employee benefits under chapter 41.05 RCW and the amount of funding received through the same transportation allocations for the period immediately following the implementation of school employee benefits under chapter 41.05 RCW, to determine the amount of funding for health care that is already being included in allocations.

(3) The office of the superintendent of public instruction may suspend the reporting requirements under subsection (2) of this section on or after September 1, 2027, for districts that do not request supplemental transportation allocations under this section.

(4) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction must reimburse a school district that contracts for transportation bus services as of March 30, 2023, for the increased cost that is directly attributable to increased benefits as required under this act, using the following formula: The total contract cost increase, less any amounts not attributable to benefits required under RCW 28A.160.140, less the amount the allocation was

increased based on the actual cost increase through the transportation funding formula."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Wellman moved that the Senate refuse to concur and insist on its position on the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5174 and ask the House to recede therefrom.

Senators Wellman and Dozier spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Wellman that the Senate refuse to concur and insist on its position on the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5174 and ask the House to recede therefrom.

The motion by Senator Wellman carried and the Senate refused to concur and insisted on its position in the Senate amendment(s) to Engrossed Second Substitute Senate Bill No. 5174 and asked the House to recede therefrom by voice vote.

#### MESSAGE FROM THE HOUSE

April 6, 2023

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5175 with the following amendment(s): 5175.E AMH ED H1803.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.405.210 and 2016 c 85 s 1 are each amended to read as follows:

(1) No teacher, principal, supervisor, superintendent, or other certificated employee, holding a position as such with a school district, hereinafter referred to as "employee", shall be employed except by written order of a majority of the directors of the district at a regular or special meeting thereof, nor unless he or she is the holder of an effective teacher's certificate or other certificate required by law or the Washington professional educator standards board for the position for which the employee is employed.

(2)(a) The board shall make with each employee employed by it a written contract, which shall be in conformity with the laws of this state, and except as otherwise provided by law and under (b) of this subsection, limited to a term of not more than one year. Every such contract shall be made in duplicate, one copy to be retained by the school district superintendent or secretary and one copy to be delivered to the employee. No contract shall be offered by any board for the employment of any employee who has previously signed an employment contract for that same term in another school district of the state of Washington unless such employee shall have been released from his or her obligations under such previous contract by the board of directors of the school district to which he or she was obligated. Any contract signed in violation of this provision shall be void.

(b) A written contract made by a board with a principal under (a) of this subsection may be for a term of up to three years if the principal has: (i) Been employed as a principal for three or more consecutive years; (ii) been recommended by the superintendent as a candidate for a two or three-year contract because the principal has demonstrated the ability to stabilize instructional practices and received a comprehensive performance rating of

level 3 or above in their most recent comprehensive performance evaluation under RCW 28A.405.100; and (iii) met the school district's requirements for satisfying an updated record check under RCW 28A.400.303. A written contract made by a board with a principal under (a) of this subsection for a term of three years may not be renewed before the final year of the contract.

(3) In the event it is determined that there is probable cause or causes that the employment contract of an employee should not be renewed by the district for the next ensuing term such employee shall be notified in writing on or before May 15th preceding the commencement of such term of that determination, or if the omnibus appropriations act has not passed the legislature by the end of the regular legislative session for that year, then notification shall be no later than June 15th, which notification shall specify the cause or causes for nonrenewal of contract. Such determination of probable cause for certificated employees, other than the superintendent, shall be made by the superintendent. Such notice shall be served upon the employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. Every such employee so notified, at his or her request made in writing and filed with the president, chair or secretary of the board of directors of the district within ~~((ten))~~ 10 days after receiving such notice, shall be granted opportunity for hearing pursuant to RCW 28A.405.310 to determine whether there is sufficient cause or causes for nonrenewal of contract: PROVIDED, That any employee receiving notice of nonrenewal of contract due to an enrollment decline or loss of revenue may, in his or her request for a hearing, stipulate that initiation of the arrangements for a hearing officer as provided for by RCW 28A.405.310(4) shall occur within ~~((ten))~~ 10 days following July 15 rather than the day that the employee submits the request for a hearing. If any such notification or opportunity for hearing is not timely given, the employee entitled thereto shall be conclusively presumed to have been reemployed by the district for the next ensuing term upon contractual terms identical with those which would have prevailed if his or her employment had actually been renewed by the board of directors for such ensuing term.

(4) This section shall not be applicable to "provisional employees" as so designated in RCW 28A.405.220; transfer to a subordinate certificated position as that procedure is set forth in RCW 28A.405.230 or 28A.405.245 shall not be construed as a nonrenewal of contract for the purposes of this section.

**Sec. 2.** RCW 28A.400.300 and 2019 c 266 s 19 are each amended to read as follows:

(1) Every board of directors, unless otherwise specially provided by law, shall:

(a) Except as provided in RCW 28A.405.210(2) and subsection

(3) of this section, employ for not more than one year, and for sufficient cause discharge all certificated and classified employees;

(b) Adopt written policies granting leaves to persons under contracts of employment with the school district(s) in positions requiring either certification or classified qualifications, including but not limited to leaves for attendance at official or private institutes and conferences and sabbatical leaves for employees in positions requiring certification qualification, and leaves for illness, injury, bereavement and, emergencies for both certificated and classified employees, and with such compensation as the board of directors prescribe. However, the board of directors shall adopt written policies granting to such persons annual leave with compensation for illness, injury and emergencies as follows:

(i) For such persons under contract with the school district for a full year, at least ~~((ten))~~ 10 days;

(ii) For such persons under contract with the school district as part time employees, at least that portion of ~~((ten))~~ 10 days as the total number of days contracted for bears to ~~((one hundred eighty))~~ 180 days;

(iii) For certificated and classified employees, annual leave with compensation for illness, injury, and emergencies shall be granted and accrue at a rate not to exceed ~~((twelve))~~ 12 days per year; provisions of any contract in force on June 12, 1980, which conflict with requirements of this subsection shall continue in effect until contract expiration; after expiration, any new contract executed between the parties shall be consistent with this subsection;

(iv) Compensation for leave for illness or injury actually taken shall be the same as the compensation such person would have received had such person not taken the leave provided in this proviso;

(v) Leave provided in this proviso not taken shall accumulate from year to year up to a maximum of ~~((one hundred eighty))~~ 180 days for the purposes of RCW 28A.400.210 and 28A.400.220, and for leave purposes up to a maximum of the number of contract days agreed to in a given contract, but not greater than one year. Such accumulated time may be taken at any time during the school year or up to ~~((twelve))~~ 12 days per year may be used for the purpose of payments for unused sick leave;

(vi) Sick leave heretofore accumulated under section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) and sick leave accumulated under administrative practice of school districts prior to the effective date of section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) is hereby declared valid, and shall be added to leave for illness or injury accumulated under this proviso;

(vii) Any leave for injury or illness accumulated up to a maximum of ~~((forty five))~~ 45 days shall be creditable as service rendered for the purpose of determining the time at which an employee is eligible to retire, if such leave is taken it may not be compensated under the provisions of RCW 28A.400.210 and 28A.310.490;

(viii) Accumulated leave under this proviso shall be transferred to and from one district to another, the office of superintendent of public instruction, offices of educational service district superintendents and boards, the state school for the blind, the Washington center for deaf and hard of hearing youth, institutions of higher education, and community and technical colleges, to and from such districts, schools, offices, institutions of higher education, and community and technical colleges;

(ix) Leave accumulated by a person in a district prior to leaving said district may, under rules of the board, be granted to such person when the person returns to the employment of the district.

(2) When any certificated or classified employee leaves one school district within the state and commences employment with another school district within the state, the employee shall retain the same seniority, leave benefits and other benefits that the employee had in his or her previous position. However, classified employees who transfer between districts after July 28, 1985, shall not retain any seniority rights other than longevity when leaving one school district and beginning employment with another. If the school district to which the person transfers has a different system for computing seniority, leave benefits, and other benefits, then the employee shall be granted the same seniority, leave benefits and other benefits as a person in that district who has similar occupational status and total years of service.

(3) Notwithstanding subsection (1)(a) of this section, discharges of certificated and classified employees in school districts that are dissolved due to financial insolvency shall be conducted in accordance with RCW 28A.315.229."

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Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Wellman moved that the Senate refuse to concur and insist on its position on the House amendment(s) to Engrossed Senate Bill No. 5175 and ask the House to recede therefrom.

Senator Wellman spoke in favor of the motion.

Senator Dozier spoke against the motion.

The President declared the question before the Senate to be motion by Senator Wellman that the Senate refuse to concur and insist on its position on the House amendment(s) to Engrossed Senate Bill No. 5175 and ask the House to recede therefrom.

The motion by Senator Wellman carried and the Senate refused to concur and insisted on its position in the Senate amendment(s) to Engrossed Senate Bill No. 5175 and asked the House to recede therefrom by voice vote.

#### MESSAGE FROM THE HOUSE

April 7, 2023

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5284 with the following amendment(s): 5284-S.E AMH ENGR H1789.E

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.17A.205 and 2019 c 428 s 14 are each amended to read as follows:

(1) Every political committee shall file a statement of organization with the commission. The statement must be filed within two weeks after organization or within two weeks after the date the committee first has the expectation of receiving contributions or making expenditures in any election campaign, whichever is earlier. A political committee organized within ~~((the last three weeks))~~ the period beginning the first day of the last full month before an election and having the expectation of receiving contributions or making expenditures during and for that election campaign shall file a statement of organization within three business days after its organization or when it first has the expectation of receiving contributions or making expenditures in the election campaign.

(2) The statement of organization shall include but not be limited to:

(a) The name, address, and electronic contact information of the committee;

(b) The names, addresses, and electronic contact information of all related or affiliated committees or other persons, and the nature of the relationship or affiliation;

(c) The names, addresses, and titles of its officers; or if it has no officers, the names, addresses, and titles of its responsible leaders;

(d) The name, address, and electronic contact information of its treasurer and depository;

(e) A statement whether the committee is a continuing one;

(f) The name, office sought, and party affiliation of each candidate whom the committee is supporting or opposing, and, if the committee is supporting the entire ticket of any party, the name of the party;

(g) The ballot proposition concerned, if any, and whether the committee is in favor of or opposed to such proposition;

(h) What distribution of surplus funds will be made, in accordance with RCW 42.17A.430, in the event of dissolution;

(i) Such other information as the commission may by rule prescribe, in keeping with the policies and purposes of this chapter;

(j) The name, address, and title of any person who authorizes expenditures or makes decisions on behalf of the candidate or committee; and

(k) The name, address, and title of any person who is paid by or is a volunteer for a candidate or political committee to perform ministerial functions and who performs ministerial functions on behalf of two or more candidates or committees.

(3) No two political committees may have the same name.

(4) Any material change in information previously submitted in a statement of organization shall be reported to the commission within the ten days following the change.

(5) As used in this section, the "name" of a sponsored committee must include the name of the person who is the sponsor of the committee. If more than one person meets the definition of sponsor, the name of the committee must include the name of at least one sponsor, but may include the names of other sponsors. A person may sponsor only one political committee for the same elected office or same ballot proposition per election cycle.

**Sec. 2.** RCW 42.17A.207 and 2019 c 428 s 15 are each amended to read as follows:

(1)(a) An incidental committee must file a statement of organization with the commission within two weeks after the date the committee first:

(i) Has the expectation of making any expenditures aggregating at least ~~((twenty five thousand dollars))~~ \$25,000 in a calendar year in any election campaign, or to a political committee; and

(ii) Is required to disclose a payment received under RCW 42.17A.240(2)(d).

(b) If an incidental committee first meets the criteria requiring filing a statement of organization as specified in (a) of this subsection ~~((in the last three weeks))~~ within the period beginning the first day of the last full month before an election, then it must file the statement of organization within three business days.

(2) The statement of organization must include but is not limited to:

(a) The name, address, and electronic contact information of the committee;

(b) The names and addresses of all related or affiliated political or incidental committees or other persons, and the nature of the relationship or affiliation;

(c) The names, addresses, and titles of its officers; or if it has no officers, the names, addresses, and titles of its responsible leaders and the name of the person designated as the treasurer of the incidental committee;

(d) The name, office sought, and party affiliation of each candidate whom the committee is supporting or opposing if the committee contributes directly to a candidate and, if donating to a political committee, the name and address of that political committee;

(e) The ballot proposition concerned, if any, and whether the committee is in favor of or opposed to such proposition; and

(f) Such other information as the commission may by rule prescribe, in keeping with the policies and purposes of this chapter.

(3) Any material change in information previously submitted in a statement of organization must be reported to the commission within the ten days following the change.

**Sec. 3.** RCW 42.17A.235 and 2019 c 428 s 20 are each amended to read as follows:



(1)(a) In addition to the information required under RCW 42.17A.205 and 42.17A.210, each candidate or political committee must file with the commission a report of all contributions received and expenditures made as a political committee on the next reporting date pursuant to the timeline established in this section.

(b) In addition to the information required under RCW 42.17A.207 and 42.17A.210, on the day an incidental committee files a statement of organization with the commission, each incidental committee must file with the commission a report of any election campaign expenditures under RCW 42.17A.240(~~((6))~~) (7), as well as the source of the (~~(ten))~~ 10 largest cumulative payments of (~~(ten thousand dollars))~~ \$10,000 or greater it received in the current calendar year from a single person, including any persons tied as the (~~(tenth))~~ 10th largest source of payments it received, if any.

(2) Each treasurer of a candidate or political committee, or an incidental committee, required to file a statement of organization under this chapter, shall file with the commission a report, for each election in which a candidate, political committee, or incidental committee is participating, containing the information required by RCW 42.17A.240 at the following intervals:

(a) On the (~~(twenty first day and the seventh))~~ 34th day, the 20th day, and the sixth day immediately preceding the date (~~(on which))~~ of the general election (is held); (~~(and)~~)

(b) On the 20th day and the sixth day immediately preceding the date of the primary or special election; and

(c) On the (~~(tenth))~~ 10th day of the first full month after the election.

(3)(a) Each treasurer of a candidate or political committee shall file with the commission a report on the (~~(tenth))~~ 10th day of each month during which the candidate or political committee is not (~~(participating in an election campaign))~~ otherwise required to report under subsection (2) of this section, only if the committee has received a contribution or made an expenditure in the preceding calendar month and either the total contributions received or total expenditures made since the last such report exceed (~~(two hundred dollars))~~ \$200.

(b) Each incidental committee shall file with the commission a report on the (~~(tenth))~~ 10th day of each month during which the incidental committee is not otherwise required to report under this section only if the committee has:

(i) Received a payment that would change the information required under RCW 42.17A.240(2)(d) as included in its last report; or

(ii) Made any election campaign expenditure reportable under RCW 42.17A.240(~~((6))~~) (7) since its last report, and the total election campaign expenditures made since the last report exceed (~~(two hundred dollars))~~ \$200.

(4) The (~~(report))~~ reports filed (~~(twenty one))~~ 34 days, 20 days, and six days before the general election and 20 days and six days before the primary or special election shall report all contributions received and expenditures made (~~(as of))~~ from the closing date of the last report filed through the end of ((one business day) two calendar days before the date of (~~(the report))~~ each filing. ((The report filed seven days before the election shall report all contributions received and expenditures made as of the end of one business day before the date of the report.)) Reports filed on the (~~(tenth))~~ 10th day of the month shall report all contributions received and expenditures made from the closing date of the last report filed through the last day of the month preceding the date of the current report.

(5) For the period beginning the first day of the fourth month preceding the date of the special election, or for the period beginning the first day of the fifth month before the date of the

general election, and ending on the date of that special or general election, each Monday the treasurer for a candidate or a political committee shall file with the commission a report of each bank deposit made during the previous seven calendar days. The report shall contain the name of each person contributing the funds and the amount contributed by each person. However, persons who contribute no more than (~~(twenty five dollars))~~ \$25 in the aggregate are not required to be identified in the report. A copy of the report shall be retained by the treasurer for the treasurer's records. In the event of deposits made by candidates, political committee members, or paid staff other than the treasurer, the copy shall be immediately provided to the treasurer for the treasurer's records. Each report shall be certified as correct by the treasurer.

(6)(a) The treasurer for a candidate or a political committee shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five business days of receipt or expenditure. During the (~~(ten))~~ 10 calendar days immediately preceding the date of the election the books of account shall be kept current within one business day. As specified in the political committee's statement of organization filed under RCW 42.17A.205, the books of account must be open for public inspection by appointment at a place agreed upon by both the treasurer and the requestor, for inspections between 9:00 a.m. and 5:00 p.m. on any day from the (~~(tenth))~~ 10th calendar day immediately before the election through the day immediately before the election, other than Saturday, Sunday, or a legal holiday. It is a violation of this chapter for a candidate or political committee to refuse to allow and keep an appointment for an inspection to be conducted during these authorized times and days. The appointment must be allowed at an authorized time and day for such inspections that is within (~~(forty eight))~~ 48 hours of the time and day that is requested for the inspection. The treasurer may provide digital access or copies of the books of account in lieu of scheduling an appointment at a designated place for inspection. If the treasurer and requestor are unable to agree on a location and the treasurer has not provided digital access to the books of account, the default location for an appointment shall be a place of public accommodation selected by the treasurer within a reasonable distance from the treasurer's office.

(b) At the time of making the appointment, a person wishing to inspect the books of account must provide the treasurer the name and telephone number of the person wishing to inspect the books of account. The person inspecting the books of account must show photo identification before the inspection begins.

(c) A treasurer may refuse to show the books of account to any person who does not make an appointment or provide the required identification. The commission may issue limited rules to modify the requirements set forth in this section in consideration of other technology and best practices.

(7) Copies of all reports filed pursuant to this section shall be readily available for public inspection by appointment, pursuant to subsection (6) of this section.

(8) The treasurer or candidate shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred or for any longer period as otherwise required by law.

(9) All reports filed pursuant to subsection (1) or (2) of this section shall be certified as correct by the candidate and the treasurer.

(10) Where there is not a pending complaint concerning a report, it is not evidence of a violation of this section to submit an amended report within (~~(twenty one))~~ 21 days of filing an initial report if:

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- (a) The report is accurately amended;
- (b) The amended report is filed more than ~~((thirty))~~ 30 days before an election;
- (c) The total aggregate dollar amount of the adjustment for the amended report is within three times the contribution limit per election or ~~((two hundred dollars))~~ \$200, whichever is greater; and
- (d) The committee reported all information that was available to it at the time of filing, or made a good faith effort to do so, or if a refund of a contribution or expenditure is being reported.
- (1)(a) When there is no outstanding debt or obligation, the campaign fund is closed, the campaign is concluded in all respects, and the political committee has ceased to function and intends to dissolve, the treasurer shall file a final report. Upon submitting a final report, the political committee so intending to dissolve must file notice of intent to dissolve with the commission and the commission must post the notice on its website.
- (b) Any political committee may dissolve ~~((sixty))~~ 60 days after it files its notice to dissolve, only if:
- (i) The political committee does not make any expenditures other than those related to the dissolution process or engage in any political activity or any other activities that generate additional reporting requirements under this chapter after filing such notice;
- (ii) No complaint or court action under this chapter is pending against the political committee; and
- (iii) All penalties assessed by the commission or court order have been paid by the political committee.
- (c) The political committee must continue to report regularly as required under this chapter until all the conditions under (b) of this subsection are resolved.
- (d) Upon dissolution, the commission must issue an acknowledgment of dissolution, the duties of the treasurer shall cease, and there shall be no further obligations under this chapter. Dissolution does not absolve the candidate or board of the committee from responsibility for any future obligations resulting from the finding after dissolution of a violation committed prior to dissolution.

(12) The commission must adopt rules for the dissolution of incidental committees.

**Sec. 4.** RCW 42.17A.255 and 2020 c 152 s 5 are each amended to read as follows:

(1) For the purposes of this section the term "independent expenditure" means any expenditure that is made in support of or in opposition to any candidate or ballot proposition and is not otherwise required to be reported pursuant to RCW 42.17A.225, 42.17A.235, and 42.17A.240. "Independent expenditure" does not include: An internal political communication primarily limited to the contributors to a political party organization or political action committee, or the officers, management staff, and stockholders of a corporation or similar enterprise, or the members of a labor organization or other membership organization; or the rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the purposes of this section, means services or labor for which the individual is not compensated by any person.

(2) Within five days after the date of making an independent expenditure that by itself or when added to all other such independent expenditures made during the same election campaign by the same person equals ~~((one hundred dollars))~~ \$100 or more, or within five days after the date of making an independent expenditure for which no reasonable estimate of

monetary value is practicable, whichever occurs first, the person who made the independent expenditure shall file with the commission an initial report of all independent expenditures made during the campaign prior to and including such date.

(3)(a) At the following intervals each person who is required to file an initial report pursuant to subsection (2) of this section shall file with the commission a further report of the independent expenditures made since the date of the last report:

~~((a))~~ (i) On the ~~((twenty first day and the seventh))~~ 34th day, the 20th day, and the sixth day preceding the date ~~((on which))~~ of the general election ~~((is held))~~; ~~((and~~

~~((b))~~ (ii) On the 20th day and the sixth day immediately preceding the date of the primary or special election;

(iii) On the ~~((tenth))~~ 10th day of the first month after the election; and

~~((c))~~ (iv) On the ~~((tenth))~~ 10th day of each month in which no other reports are required to be filed pursuant to this section. ~~((However, the))~~

~~((b))~~ (i) The further reports required by this subsection (3) shall only be filed if the reporting person has made an independent expenditure since the date of the last previous report filed.

~~((The report filed pursuant to (a) of this subsection (3))~~ (ii) If no further reports are required to be filed, the last report required to be filed shall be the final report, and upon submitting such final report the duties of the reporting person shall cease, and there shall be no obligation to make any further reports.

(4) All reports filed pursuant to this section shall be certified as correct by the reporting person.

(5) Each report required by subsections (2) and (3) of this section shall disclose for the period beginning at the end of the period for the last previous report filed or, in the case of an initial report, beginning at the time of the first independent expenditure, and ending not more than ~~((one))~~ two business days before the date the report is due:

(a) The name, address, and electronic contact information of the person filing the report;

(b) The name and address of each person to whom an independent expenditure was made in the aggregate amount of more than ~~((fifty dollars))~~ \$50, and the amount, date, and purpose of each such expenditure. If no reasonable estimate of the monetary value of a particular independent expenditure is practicable, it is sufficient to report instead a precise description of services, property, or rights furnished through the expenditure and where appropriate to attach a copy of the item produced or distributed by the expenditure;

(c) The total sum of all independent expenditures made during the campaign to date;

(d) A statement from the person making an independent expenditure that:

(i) The expenditure is not financed in any part by a foreign national; and

(ii) Foreign nationals are not involved in making decisions regarding the expenditure in any way; and

(e) Such other information as shall be required by the commission by rule in conformance with the policies and purposes of this chapter.

**Sec. 5.** RCW 42.17A.260 and 2020 c 152 s 6 are each amended to read as follows:

(1) The sponsor of political advertising shall file a special report to the commission within ~~((twenty four))~~ 24 hours of, or on the first working day after, the date the political advertising is first published, mailed, or otherwise presented to the public, if the political advertising:

(a) Is published, mailed, or otherwise presented to the public within ~~((twenty one))~~ 21 days of an election; and

(b) Either:

(i) Qualifies as an independent expenditure with a fair market value or actual cost of ~~((one thousand dollars))~~ \$1,000 or more, for political advertising supporting or opposing a candidate; or

(ii) Has a fair market value or actual cost of ~~((one thousand dollars))~~ \$1,000 or more, for political advertising supporting or opposing a ballot proposition, and is not otherwise required to be reported pursuant to RCW 42.17A.225, 42.17A.235, or 42.17A.240, supporting or opposing the same ballot proposition.

(2) If a sponsor is required to file a special report under this section, the sponsor shall also deliver to the commission within the delivery period established in subsection (1) of this section a special report for ~~((each))~~:

(a) Each subsequent independent expenditure of any size supporting or opposing the same candidate who was the subject of the previous independent expenditure, supporting or opposing that candidate's opponent ~~((, or, in the case of a))~~; or

(b) Each subsequent expenditure of any size made in support of or in opposition to ~~((a))~~ the same ballot proposition that was the subject of the previous expenditure, and is not otherwise required to be reported pursuant to RCW 42.17A.225, 42.17A.235, or 42.17A.240 ~~((, supporting or opposing the same ballot proposition that was the subject of the previous expenditure)).~~

(3) The special report must include:

(a) The name and address of the person making the expenditure;

(b) The name and address of the person to whom the expenditure was made;

(c) A detailed description of the expenditure;

(d) The date the expenditure was made and the date the political advertising was first published or otherwise presented to the public;

(e) The amount of the expenditure;

(f) The name of the candidate supported or opposed by the expenditure, the office being sought by the candidate, and whether the expenditure supports or opposes the candidate; or the name of the ballot proposition supported or opposed by the expenditure and whether the expenditure supports or opposes the ballot proposition;

(g) A statement from the sponsor that:

(i) The political advertising is not financed in any part by a foreign national; and

(ii) Foreign nationals are not involved in making decisions regarding the political advertising in any way; and

(h) Any other information the commission may require by rule.

(4) All persons required to report under RCW 42.17A.225, 42.17A.235, 42.17A.240, 42.17A.255, and 42.17A.305 are subject to the requirements of this section, except as otherwise provided in this section. The commission may determine that reports filed pursuant to this section also satisfy the requirements of RCW 42.17A.255.

(5) The sponsor of independent expenditures supporting a candidate or opposing that candidate's opponent required to report under this section shall file with each required report an affidavit or declaration of the person responsible for making the independent expenditure that the expenditure was not made in cooperation, consultation, or concert with, or at the request or suggestion of, the candidate, the candidate's authorized committee, or the candidate's agent, or with the encouragement or approval of the candidate, the candidate's authorized committee, or the candidate's agent.

**Sec. 6.** RCW 42.17A.265 and 2020 c 152 s 7 are each amended to read as follows:

(1) Treasurers shall prepare and deliver to the commission a

special report when a contribution or aggregate of contributions totals ~~((one thousand dollars or more))~~ more than the contribution limit to a candidate for state officer other than legislative office, as provided in RCW 42.17A.405(2), is from a single person or entity, and is received during ~~((a special reporting period))~~ the period from the beginning of the last full month preceding an election in which the treasurer's committee is participating, and concluding the day before that election.

(2) A political committee shall prepare and deliver to the commission a special report when it makes a contribution or an aggregate of contributions to a single entity that totals ~~((one thousand dollars or more during a special reporting period))~~ more than the contribution limit to a candidate for state office other than legislative office, as provided in RCW 42.17A.405(2), during the same special reporting period as set forth in subsection (1) of this section.

(3) An aggregate of contributions includes only those contributions made to or received from a single entity during any one special reporting period. ~~((Any))~~ After a special report is filed as provided under subsection (1) or (2) of this section, an additional special report must be filed for any subsequent contribution of any size made to or received from the same person or entity during the special reporting period ~~((must also be reported)).~~

(4) ~~((Special reporting periods, for purposes of this section, include:~~

(a) ~~The period beginning on the day after the last report required by RCW 42.17A.235 and 42.17A.240 to be filed before a primary and concluding on the end of the day before that primary;~~

(b) ~~The period twenty one days preceding a general election; and~~

(c) ~~An aggregate of contributions includes only those contributions received from a single entity during any one special reporting period or made by the contributing political committee to a single entity during any one special reporting period.~~

(5) ~~If a campaign treasurer files a special report under this section for one or more contributions received from a single entity during a special reporting period, the treasurer shall also file a special report under this section for each subsequent contribution of any size which is received from that entity during the special reporting period. If a political committee files a special report under this section for a contribution or contributions made to a single entity during a special reporting period, the political committee shall also file a special report for each subsequent contribution of any size which is made to that entity during the special reporting period.~~

~~((6))~~ Special reports required by this section shall be delivered electronically, or in written form if an electronic alternative is not available.

(a) The special report required of a contribution recipient under subsection (1) of this section shall be delivered to the commission within ~~((forty eight))~~ 48 hours of the time, or on the first ~~((working))~~ business day after:

(i) The qualifying contribution ~~((of one thousand dollars or more))~~ is received by the candidate or treasurer; ~~((the))~~

(ii) The aggregate received by the candidate or treasurer first equals ~~((one thousand dollars or more))~~ the qualifying amount; or ~~((any))~~

(iii) Any subsequent contribution from the same source is received by the candidate or treasurer.

(b) The special report required of a contributor under subsection (2) of this section or RCW 42.17A.625 shall be delivered to the commission, and the candidate or political committee to whom the contribution or contributions are made,

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within ~~((twenty four))~~ 24 hours of the time, or on the first ~~((working))~~ business day after:

- (i) The qualifying contribution is made; ~~((the))~~
- (ii) The aggregate of contributions made first equals ~~((one thousand dollars or more))~~ the qualifying amount; or ~~((any))~~
- (iii) Any subsequent contribution to the same person or entity is made.

~~((7))~~ (5) The special report shall include:

- (a) The amount of the contribution or contributions;
- (b) The date or dates of receipt;
- (c) The name and address of the donor;
- (d) The name and address of the recipient;
- (e) A statement that the candidate or political committee has received ~~((a certification from any partnership, association, corporation, organization, or other combination of persons making a contribution reportable under this section that:~~

~~((i) The contribution is not financed in any part by a foreign national; and~~

~~((ii) Foreign nationals are not involved in making decisions regarding the contribution in any way))~~ all of the certifications regarding foreign nationals that are required under RCW 42.17A.418, or a statement that no contributions were large enough to require a certification; and

(f) Any other information the commission may by rule require.

~~((8))~~ (6) Contributions reported under this section shall also be reported as required by other provisions of this chapter.

~~((9))~~ (7) The commission shall prepare daily a summary of the special reports made under this section and RCW 42.17A.625.

~~((40))~~ (8) Contributions governed by this section include, but are not limited to, contributions made or received indirectly through a third party or entity whether the contributions are or are not reported to the commission as earmarked contributions under RCW 42.17A.270.

**Sec. 7.** RCW 42.17A.345 and 2019 c 428 s 26 are each amended to read as follows:

(1) Each commercial advertiser who has accepted or provided political advertising or electioneering communications during the election campaign shall maintain current books of account and related materials as provided by rule that shall be open for public inspection during normal business hours during the campaign and for a period of no less than five years after the date of the applicable election. The documents and books of account shall specify:

- (a) The names and addresses of persons from whom it accepted political advertising or electioneering communications;
- (b) The exact nature and extent of the services rendered; and
- (c) The total cost and the manner of payment for the services.

(2) At the request of the commission, each commercial advertiser required to comply with subsection (1) of this section shall provide to the commission copies of the information that must be maintained and be open for public inspection pursuant to subsection (1) of this section.

(3) Any person who purchases political advertising or electioneering communications from a commercial advertiser must disclose upon request from the commercial advertiser:

(a) That the purchase includes political advertising or electioneering communications;

(b) The name of the sponsor, if different than the person making the purchase; and

(c) Any other information the commercial advertiser is required to maintain, as provided by this section or rule.

(4) Any failure to provide the required information in subsection (3) of this section upon request is a violation under this chapter, but such failure shall not relieve a commercial advertiser of any of the requirements under this section.

**Sec. 8.** RCW 42.17A.418 and 2020 c 152 s 10 are each amended to read as follows:

(1) Each candidate or political committee that has accepted ~~((a contribution))~~ one or more contributions in an election cycle that in the aggregate exceed the threshold amount in subsection (4) of this section, and each out-of-state committee that has accepted ~~((a contribution))~~ one or more contributions in an election cycle reportable under RCW 42.17A.250 that in the aggregate exceed that same threshold, from a partnership, association, corporation, organization, or other combination of persons, must receive a certification from ~~((each))~~ the contributor that:

(a) The ~~((contribution is))~~ contributions are not financed in any part by a foreign national; and

(b) Foreign nationals are not involved in making decisions regarding the contributions in any way.

(2) The certifications must be maintained for a period of no less than three years after the date of the applicable election.

(3) At the request of the commission, each candidate or committee required to comply with subsection (1) of this section must provide to the commission copies of the certifications maintained under this section.

(4) The threshold amount to trigger the requirement for foreign national certifications in this section is the sum of the contribution limits to a candidate for legislative office for the primary plus for the general election, as provided in RCW 42.17A.405(2).

**Sec. 9.** RCW 42.17A.240 and 2020 c 152 s 3 are each amended to read as follows:

Each report required under RCW 42.17A.235 (1) through (4) must be certified as correct by the treasurer and the candidate and shall disclose the following, except an incidental committee only must disclose and certify as correct the information required under subsections (2)(d) and (7) of this section:

(1) The funds on hand at the beginning of the period;

(2) The name and address of each person who has made one or more contributions during the period, together with the money value and date of each contribution and the aggregate value of all contributions received from each person during the campaign, or in the case of a continuing political committee, the current calendar year, with the following exceptions:

(a) Pledges in the aggregate of less than one hundred dollars from any one person need not be reported;

(b) Income that results from a fund-raising activity conducted in accordance with RCW 42.17A.230 may be reported as one lump sum, with the exception of that portion received from persons whose names and addresses are required to be included in the report required by RCW 42.17A.230;

(c) Contributions of no more than twenty-five dollars in the aggregate from any one person during the election campaign may be reported as one lump sum if the treasurer maintains a separate and private list of the name, address, and amount of each such contributor;

(d) Payments received by an incidental committee from any one person need not be reported unless the person is one of the committee's ten largest sources of payments received, including any persons tied as the tenth largest source of payments received, during the current calendar year, and the value of the cumulative payments received from that person during the current calendar year is ten thousand dollars or greater. For payments to incidental committees from multiple persons received in aggregated form, any payment of more than ten thousand dollars from any single person must be reported, but the aggregated payment itself may not be reported. The commission may suspend or modify reporting requirements for payments received by an incidental committee in cases of manifestly unreasonable hardship under this chapter;

(e) Payments from private foundations organized under section 501(c)(3) of the internal revenue code to an incidental committee do not have to be reported if:

(i) The private foundation is contracting with the incidental committee for a specific purpose other than election campaign purposes;

(ii) Use of the funds for election campaign purposes is explicitly prohibited by contract; and

(iii) Funding from the private foundation represents less than twenty-five percent of the incidental committee's total budget;

(f) Commentary or analysis on a ballot proposition by an incidental committee is not considered a contribution if it does not advocate specifically to vote for or against the ballot proposition; and

(g) The money value of contributions of postage is the face value of the postage;

(3) Each loan, promissory note, or security instrument to be used by or for the benefit of the candidate or political committee made by any person, including the names and addresses of the lender and each person liable directly, indirectly or contingently and the date and amount of each such loan, promissory note, or security instrument;

(4) All other contributions not otherwise listed or exempted;

(5) A statement that the candidate or political committee has received ~~((a certification from any partnership, association, corporation, organization, or other combination of persons making a contribution to the candidate or political committee that:~~

~~(a) The contribution is not financed in any part by a foreign national; and~~

~~(b) Foreign nationals are not involved in making decisions regarding the contribution in any way))~~ all of the certifications regarding foreign nationals that are required under RCW 42.17A.418, or a statement that no contributions were large enough to require a certification;

(6) The name and address of each candidate or political committee to which any transfer of funds was made, including the amounts and dates of the transfers;

(7) The name and address of each person to whom an expenditure was made in the aggregate amount of more than fifty dollars during the period covered by this report, the amount, date, and purpose of each expenditure, and the total sum of all expenditures. An incidental committee only must report on expenditures, made and reportable as contributions as defined in RCW 42.17A.005, to election campaigns. For purposes of this subsection, commentary or analysis on a ballot proposition by an incidental committee is not considered an expenditure if it does not advocate specifically to vote for or against the ballot proposition;

(8) The name, address, and electronic contact information of each person to whom an expenditure was made for soliciting or procuring signatures on an initiative or referendum petition, the amount of the compensation to each person, and the total expenditures made for this purpose. Such expenditures shall be reported under this subsection in addition to what is required to be reported under subsection (7) of this section;

(9)(a) The name and address of any person and the amount owed for any debt with a value of more than seven hundred fifty dollars that has not been paid for any invoices submitted, goods received, or services performed, within five business days during the period within thirty days before an election, or within ten business days during any other period.

(b) For purposes of this subsection, debt does not include regularly recurring expenditures of the same amount that have already been reported at least once and that are not late or outstanding;

(10) The surplus or deficit of contributions over expenditures;

(11) The disposition made in accordance with RCW 42.17A.430 of any surplus funds; and

(12) Any other information required by the commission by rule in conformance with the policies and purposes of this chapter.

**Sec. 10.** RCW 42.17A.250 and 2020 c 152 s 4 are each amended to read as follows:

(1) An out-of-state political committee organized for the purpose of supporting or opposing candidates or ballot propositions in another state that is not otherwise required to report under RCW 42.17A.205 through 42.17A.240 shall report as required in this section when it makes an expenditure supporting or opposing a Washington state candidate or political committee. The committee shall file with the commission a statement disclosing:

(a) Its name and address;

(b) The purposes of the out-of-state committee;

(c) The names, addresses, and titles of its officers or, if it has no officers, the names, addresses, and the titles of its responsible leaders;

(d) The name, office sought, and party affiliation of each candidate in the state of Washington whom the out-of-state committee is supporting or opposing and, if the committee is supporting or opposing the entire ticket of any party, the name of the party;

(e) The ballot proposition supported or opposed in the state of Washington, if any, and whether the committee is in favor of or opposed to that proposition;

(f) The name and address of each person residing in the state of Washington or corporation that has a place of business in the state of Washington who has made one or more contributions in the aggregate of more than twenty-five dollars to the out-of-state committee during the current calendar year, together with the money value and date of the contributions;

(g) The name, address, and employer of each person or corporation residing outside the state of Washington who has made one or more contributions in the aggregate of more than two thousand five hundred fifty dollars to the out-of-state committee during the current calendar year, together with the money value and date of the contributions. Annually, the commission must modify the two thousand five hundred fifty dollar limit in this subsection based on percentage change in the implicit price deflator for personal consumption expenditures for the United States as published for the most recent twelve-month period by the bureau of economic analysis of the federal department of commerce;

(h) The name and address of each person in the state of Washington to whom an expenditure was made by the out-of-state committee with respect to a candidate or political committee in the aggregate amount of more than fifty dollars, the amount, date, and purpose of the expenditure, and the total sum of the expenditures;

(i) A statement that the out-of-state committee has received ~~((a certification from any partnership, association, corporation, organization, or other combination of persons making a contribution reportable under this section that:~~

~~(i) The contribution is not financed in any part by a foreign national; and~~

~~(ii) Foreign nationals are not involved in making decisions regarding the contribution in any way))~~ all of the certifications regarding foreign nationals that are required under RCW 42.17A.418, or a statement that no contributions were large enough to require a certification; and

(j) Any other information as the commission may prescribe by rule in keeping with the policies and purposes of this chapter.

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(2) Each statement shall be filed no later than the tenth day of the month following any month in which a contribution or other expenditure reportable under subsection (1) of this section is made. An out-of-state committee incurring an obligation to file additional statements in a calendar year may satisfy the obligation by timely filing reports that supplement previously filed information."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Nguyen moved that the Senate refuse to concur and insist on its position on the House amendment(s) to Engrossed Substitute Senate Bill No. 5284 and ask the House to recede therefrom.

Senator Nguyen spoke in favor of the motion.

Senator Wilson, J. spoke against the motion.

The President declared the question before the Senate to be motion by Senator Nguyen that the Senate refuse to concur and insist on its position on the House amendment(s) to Engrossed Substitute Senate Bill No. 5284 and ask the House to recede therefrom.

The motion by Senator Nguyen carried and the Senate refused to concur and insisted on its position in the Senate amendment(s) to Engrossed Substitute Senate Bill No. 5284 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 5, 2023

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5294 with the following amendment(s): 5294-S.E AMH APP H1734.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.45.150 and 2011 c 362 s 8 are each amended to read as follows:

(1) ~~((Beginning July 1, 2009, and ending June 30, 2015, maximum annual contribution rates are established for the portion of the employer contribution rate for the public employees' retirement system and the public safety employees' retirement system that is used for the sole purpose of amortizing that portion of the unfunded actuarial accrued liability in the public employees' retirement system plan 1 that excludes any amounts required to amortize plan 1 benefit improvements effective after June 30, 2009. The maximum rates are:~~

~~Fiscal Year ending:~~

<del>2010</del>	<del>2011</del>	<del>2012</del>	<del>2013</del>	<del>2014</del>	<del>2015</del>
<del>1.25%</del>	<del>1.25%</del>	<del>3.75%</del>	<del>4.50%</del>	<del>5.25%</del>	<del>6.00%</del>

~~(2) Beginning September 1, 2009, and ending August 31, 2015, maximum annual contribution rates are established for the portion of the employer contribution rate for the school employees' retirement system that is used for the sole purpose of amortizing that portion of the unfunded actuarial accrued liability in the public employees' retirement system plan 1 that excludes any amounts required to amortize plan 1 benefit improvements effective after June 30, 2009. The maximum rates are:~~

~~Fiscal Year ending:~~

2010	2011	2012	2013	2014	2015
1.25%	1.25%	3.75%	4.50%	5.25%	6.00%

~~(3) Beginning September 1, 2009, and ending August 31, 2015, maximum annual contribution rates are established for the portion of the employer contribution rate for the teachers' retirement system that is used for the sole purpose of amortizing that portion of the unfunded actuarial accrued liability in the teachers' retirement system plan 1 that excludes any amounts required to amortize plan 1 benefit improvements effective after June 30, 2009. The maximum rates are:~~

~~Fiscal Year ending:~~

2010	2011	2012	2013	2014	2015
2.04%	2.04%	6.50%	7.50%	8.50%	9.50%

~~(4)) Beginning July 1, 2015, and ending June 30, 2023, a minimum 3.50 percent contribution is established as part of the basic employer contribution rate for the public employees' retirement system and the public safety employees' retirement system, to be used for the sole purpose of amortizing that portion of the unfunded actuarial accrued liability in the public employees' retirement system plan 1 that excludes any amounts required to amortize plan 1 benefit improvements effective after June 30, 2009. ((This minimum contribution rate shall remain effective until the actuarial value of assets in plan 1 of the public employees' retirement system equals one hundred percent of the actuarial accrued liability.~~

~~(5)) (2) Beginning September 1, 2015, and ending August 31, 2023 a minimum 3.50 percent contribution is established as part of the basic employer contribution rate for the school employees' retirement system, to be used for the sole purpose of amortizing that portion of the unfunded actuarial accrued liability in the public employees' retirement system plan 1 that excludes any amounts required to amortize plan 1 benefit improvements effective after June 30, 2009. ((This minimum contribution rate shall remain effective until the actuarial value of assets in plan 1 of the public employees' retirement system equals one hundred percent of the actuarial accrued liability.~~

~~(6)) (3) Beginning September 1, 2015, and ending August 31, 2023, a minimum 5.75 percent contribution is established as part of the basic employer contribution rate for the teachers' retirement system, to be used for the sole purpose of amortizing that portion of the unfunded actuarial accrued liability in the teachers' retirement system plan 1 that excludes any amounts required to amortize plan 1 benefit improvements effective after June 30, 2009. ((This minimum contribution rate shall remain effective until the actuarial value of assets in plan 1 of the teachers' retirement system equals one hundred percent of the actuarial accrued liability.~~

~~(7)) (4)(a) Beginning July 1, 2023, and ending June 30, 2027, the following employer contribution rates shall be in effect for the public employees' retirement system and the public safety employees' retirement system that is used for the sole purpose of amortizing that portion of the unfunded actuarial accrued liability in the public employees' retirement system plan 1 that excludes any amounts required to amortize plan 1 benefit improvements effective after June 30, 2009.~~

~~Fiscal Year ending:~~

2024	2025	2026	2027	2028
2.50%	2.00%	1.50%	1.00%	0.50%

~~(b) Beginning July 1, 2028, a minimum 0.25 percent contribution is established as part of the basic employer contribution rate for the public employees' retirement system and the public safety employees' retirement system, to be used for the~~

sole purpose of amortizing any portion of an unfunded actuarial accrued liability in the public employees' retirement system plan 1 that excludes any amounts required to amortize plan 1 benefit improvements effective after June 30, 2009. This minimum contribution rate shall be in effect when the actuarial value of assets in plan 1 of the public employees' retirement system is less than 100 percent of the actuarial accrued liability.

(5)(a) Beginning September 1, 2023, and ending August 31, 2027, the following employer contribution rates shall be in effect for the school employees' retirement system that is used for the sole purpose of amortizing that portion of the unfunded actuarial accrued liability in the public employees' retirement system plan 1 that excludes any amounts required to amortize plan 1 benefit improvements effective after June 30, 2009.

Fiscal Year ending:

2024	2025	2026	2027	2028
2.50%	2.00%	1.50%	1.00%	0.50%

(b) Beginning September 1, 2028, a minimum 0.25 percent contribution is established as part of the basic employer contribution rate for the school employees' retirement system, to be used for the sole purpose of amortizing any portion of an unfunded actuarial accrued liability in the public employees' retirement system plan 1 that excludes any amounts required to amortize plan 1 benefit improvements effective after June 30, 2009. This minimum contribution rate shall be in effect when the actuarial value of assets in plan 1 of the public employees' retirement system is less than 100 percent of the actuarial accrued liability.

(6)(a) Beginning September 1, 2023, and ending August 31, 2027, the following employer contribution rates shall be in effect for the teachers' retirement system that is used for the sole purpose of amortizing that portion of the unfunded actuarial accrued liability in the teachers' retirement system plan 1 that excludes any amounts required to amortize plan 1 benefit improvements effective after June 30, 2009.

Fiscal Year ending:

2024	2025	2026	2027
1.00%	0.50%	0.00%	0.00%

(b) Beginning September 1, 2027, a minimum 0.25 percent contribution is established as part of the basic employer contribution rate for the teachers' retirement system, to be used for the sole purpose of amortizing any portion of an unfunded actuarial accrued liability in the teachers' retirement system plan 1 that excludes any amounts required to amortize plan 1 benefit improvements effective after June 30, 2009. This minimum contribution rate shall be in effect when the actuarial value of assets in plan 1 of the teachers' retirement system is less than 100 percent of the actuarial accrued liability.

(7) Upon completion of each biennial actuarial valuation, the state actuary shall review the appropriateness of the minimum contribution rates and recommend to the council any adjustments as may be needed due to material changes in benefits or actuarial assumptions, methods, or experience. Any changes adopted by the council shall be subject to revision by the legislature.

Sec. 2. 2021 c 334 s 747 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—TEACHERS' RETIREMENT SYSTEM PLAN 1 FUND**

General Fund—State Appropriation (FY 2023)	(\$800,000,000)
	\$250,000,000
TOTAL APPROPRIATION	(\$800,000,000)
	\$250,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—state appropriation is provided solely for expenditure on June 30, 2023, into the teachers' retirement system plan 1 fund, to be applied to the unfunded actuarial accrued liability.

**NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 30, 2023."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Rolfes moved that the Senate refuse to concur and insist on its position on the House amendment(s) to Engrossed Substitute Senate Bill No. 5294 and ask the House to recede therefrom.

Senators Rolfes and Wilson, L. spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Rolfes that the Senate refuse to concur and insist on its position on the House amendment(s) to Engrossed Substitute Senate Bill No. 5294 and ask the House to recede therefrom.

The motion by Senator Rolfes carried and the Senate refused to concur and insisted on its position in the Senate amendment(s) to Engrossed Substitute Senate Bill No. 5294 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 12, 2023

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5315 with the following amendment(s): 5315-S2.E AMH SANT H1934.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1)(a)(i) The legislature finds that the federal individuals with disabilities education act, Title 20 U.S.C. Sec. 1400 et seq., establishes duties for the state education agency, which is the office of the superintendent of public instruction in Washington, with respect to students with disabilities who are placed in a private school or facility by a school district or other public agency as a means of providing special education and related services.

(ii) Since 2006, the federal implementing regulations of the federal individuals with disabilities education act have required that the office of the superintendent of public instruction ensure that a student with a disability who is placed in a private school or facility by a school district or other public agency:

(A) Is provided special education and related services in conformance with an individualized education program that meets the requirements of federal law and at no cost to the student's parents;

(B) Is provided an education that meets the standards that apply to education provided by a school district or other public agency; and

(C) Has all of the rights of a student with a disability who is served by a school district or other public agency.

(iii) Since 2006, the federal implementing regulations of the federal individuals with disabilities education act have required

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that the office of the superintendent of public instruction, in implementing the requirements described in (a)(ii) of this subsection:

(A) Monitor compliance through procedures such as written reports, on-site visits, and parent questionnaires;

(B) Disseminate copies of applicable standards to each private school and facility to which a school district or other public agency has placed a student with a disability; and

(C) Provide an opportunity for those private schools and facilities to participate in the development and revision of state standards that apply to them.

(iv) The federal implementing regulations of the federal individuals with disabilities education act require the state to monitor implementation of the individuals with disabilities education act to improve educational results and functional outcomes for all students with disabilities. The state must use indicators to measure school district performance, identify areas of noncompliance, and use appropriate enforcement mechanisms, such as technical assistance, corrective action, or withholding funds.

(b) The legislature acknowledges that it has not codified the requirements described in (a) of this subsection into state statute. Therefore, the legislature intends to codify the duty and authority of the superintendent of public instruction to establish standards for approving, monitoring, and investigating education centers, which are private schools and facilities, approved by the office of the superintendent of public instruction, that contract with school districts to provide special education and related services to students with disabilities placed in the education centers by school districts. The legislature also intends to codify the requirement that these standards must ensure that any students with disabilities placed in education centers by school districts have the same rights, protections, and access to special education and related services that they would have if served by school districts.

(2)(a)(i) The federal implementing regulations of the federal individuals with disabilities education act specify that, when a school district or other public agency has placed a student with disabilities in a private school or facility, responsibility for compliance with the federal individuals with disabilities education act remains with the school district or other public agency and with the office of the superintendent of public instruction.

(ii) State statute permits school districts to contract with private schools or facilities approved by the office of the superintendent of public instruction to operate special education programs for students with disabilities and specifies that the approval standards must conform substantially to those of special education programs in the school districts.

(iii) Rules of the office of the superintendent of public instruction specify the minimum elements of the written contract that must be made between a school district and the private school or facility. In addition, these rules specify that the school district remains responsible for ensuring that any student placed in the private school or facility is provided a free appropriate public education in conformance with the individualized education program developed by the school district.

(b) The legislature intends to codify the responsibilities of school districts placing students with disabilities in education centers, including specifying minimum contract and parent notification requirements.

(3) In addition, the legislature intends to ensure accountability is properly exercised and shared by directing the state auditor to conduct a performance audit of the system for overseeing education centers that provide special education services to

students with disabilities, as well as requiring school districts contracting with education centers to report concerns about education overbilling to the office of the superintendent of public instruction and the office of the state auditor.

**Sec. 2.** RCW 28A.155.090 and 2007 c 115 s 11 are each amended to read as follows:

The superintendent of public instruction shall have the duty and authority, through the administrative section or unit for the education of children with ~~((disabling conditions))~~ disabilities, to:

(1) Assist school districts in the formation of programs to meet the needs of children with disabilities;

(2) Develop interdistrict cooperation programs for children with disabilities as authorized in RCW 28A.225.250;

(3) Provide, upon request, to parents or guardians of children with disabilities, information as to the special education programs for students with disabilities offered within the state;

(4) Assist, upon request, the parent or guardian of any child with disabilities in the placement of any child with disabilities who is eligible for but not receiving special educational services for children with disabilities;

(5) Approve school district and agency programs as being eligible for special excess cost financial aid to students with disabilities;

(6) Establish standards for approving, monitoring, and investigating education centers, as defined in section 3 of this act, that contract with school districts under RCW 28A.155.060 to provide special education and related services to children with disabilities. The standards must ensure that any children with disabilities placed in education centers by school districts have the same rights, protections, and access to special education and related services that they would have if served by a school district.

(7) Consistent with the provisions of RCW 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.160, and part B of the federal individuals with disabilities education improvement act, administer administrative hearings and other procedures to ensure procedural safeguards of children with disabilities; and

~~((7))~~ (8) Promulgate such rules as are necessary to implement part B of the federal individuals with disabilities education improvement act or other federal law providing for special education services for children with disabilities and the several provisions of RCW 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.160 and to ensure appropriate access to and participation in the general education curriculum and participation in statewide assessments for all students with disabilities.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.205 RCW to read as follows:

(1) "Education center" as used in this chapter means one of the following types of entities approved by the office of the superintendent of public instruction to contract with school districts to provide specific types of educational programs and related services to students whose needs are not being met by their resident school district:

(a) A private school in Washington approved by the state board of education under chapter 28A.195 RCW;

(b) An out-of-state public or private school; or

(c) A licensed facility, such as a hospital or mental health or behavioral health treatment facility.

(2) An education center is not a common school as defined in RCW 28A.150.020.

**NEW SECTION. Sec. 4.** A new section is added to chapter 28A.205 RCW to read as follows:

(1) The office of the superintendent of public instruction may approve schools and facilities to operate as education centers for a period of up to three years. For schools and facilities with



multiple locations, the office of the superintendent of public instruction must approve each location independently.

(2) The office of the superintendent of public instruction shall establish a process for schools and facilities to apply for approval to operate specific types of educational programs and related services as education centers.

(3) To qualify for approval or reapproval, an applicant must, at a minimum, meet the following requirements:

- (a) Offer a program of basic education that will provide:
  - (i) Opportunities for students to meet the goals of RCW 28A.150.210, in accordance with an individual assessment of student strengths and needs as determined by the placing school districts, and any other requirements established by contract; and
  - (ii) Opportunities for students in grades nine through 12 to either meet high school graduation requirements under RCW 28A.230.090 or to earn a high school equivalency certificate under RCW 28B.50.536 or laws of the state in which the applicant is located;
- (b) Maintain applicable facility licenses and applicable agency approvals of the state in which the applicant is located;
- (c) Employ or contract with teachers and related services staff who meet the licensing requirements of the state in which the applicant is located;
- (d) Meet applicable fire codes of the local fire marshal or the fire marshal of the state in which the applicant is located;
- (e) Meet applicable health and safety standards of the local jurisdiction and state in which the applicant is located;
- (f) Demonstrate through audits that the applicant is financially stable and has accounting systems that allow for separation of school district funds, including financial safeguards in place to track revenues and expenditures associated with contracted placements to ensure that funds are used to provide education and related services to students placed in the school or facility by the school district;
- (g) Demonstrate that the applicant has procedures in place that address staff employment and contracting, including checking personal and professional references, conducting state and federal criminal background checks, and conducting regular staff evaluations that address staff competencies;
- (h) Provide assurance that the applicant will meet all requirements of this chapter applicable to education centers during the period of approval;
- (i) Maintain a policy of nondiscrimination and provide procedural safeguards for students and their families; and
- (j) Pass an on-site inspection conducted by the office of the superintendent of public instruction that confirms that the health and safety of the facilities, the staffing qualifications and levels, and the procedural safeguards are sufficient to provide a safe and appropriate learning environment for students.

(4) The office of the superintendent of public instruction must prohibit education centers from charging tuition or fees to students placed in the education center by a school district.

**NEW SECTION. Sec. 5.** A new section is added to chapter 28A.205 RCW to read as follows:

- (1) On its webpage related to education centers, the office of the superintendent of public instruction shall publish guidelines for individuals to report education centers for noncompliance with local, state, or federal laws or for violation of students rights. At a minimum, the guidelines must include instructions for submitting complaints to the resident school district and for using the special education community complaint processes, when applicable.
- (2) The office of the superintendent of public instruction shall monitor and investigate education centers and the school districts contracting with education centers for compliance with the

requirements of this chapter using data and other information submitted by school districts and education centers, information gathered during on-site visits, complaints, and other information and data.

(3) The office of the superintendent of public instruction may suspend, revoke, or refuse to renew approval of an education center if the education center:

- (a) Fails to maintain approval standards under section 4 of this act;
- (b) Violates the rights of students placed in the education center by a school district;
- (c) Fails to adhere to applicable local, state, and federal laws, including health, safety, and civil rights laws;
- (d) Fails to comply with contract requirements under section 6 of this act; or
- (e) Refuses to implement any corrective actions ordered by the office of the superintendent of public instruction.

**NEW SECTION. Sec. 6.** A new section is added to chapter 28A.205 RCW to read as follows:

- (1) Each school district that chooses to contract with an education center must enter into a written contract with the education center to establish the responsibilities of the school district and the education center and set forth the rights of students placed in the education center by the school district.
- (2) The contract must, at a minimum, include the following elements:
  - (a) The names of the parties involved and the name of the student placed in the education center by the school district;
  - (b) The locations and settings of the education and related services to be provided;
  - (c)(i) A description of the opportunities for the student to meet a program of basic education that meets the goals of RCW 28A.150.210, in accordance with an individual assessment of student strengths and needs initially performed by the placing school districts and updated by the education center; and
  - (ii) When applicable, a description of the opportunities for the student to either meet high school graduation requirements under RCW 28A.230.090 or to earn a high school equivalency certificate under RCW 28B.50.536 or laws of the state in which the education center is located;
  - (d) A schedule, of at least once per academic term, for the education center to provide to the school district student progress reports. The progress reports must describe how the student is meeting personalized learning outcomes;
  - (e) The total contract cost and applicable charge and reimbursement systems, including billing and payment procedures;
  - (f) Acknowledgment that the education center is responsible for full reimbursement to the school district of any overpayments determined to have been made by the school district;
  - (g) Acknowledgment that the education center has a list of staff members providing the education and related services and a copy of the license that qualifies each staff member to provide the services;
  - (h) Acknowledgment that staff of the education center are regularly trained on the following topics:
    - (i) The constitutional and civil rights of students in schools;
    - (ii) Child and adolescent development;
    - (iii) Trauma-informed approaches to working with children and youth;
    - (iv) Cultural competency, diversity, equity, and inclusion, including best practices for interacting with students from particular backgrounds, including English learner, LGBTQ, immigrant, female, and nonbinary students. For the purposes of this subsection, "cultural competency," "diversity," "equity," and

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"inclusion" have the same meanings as in RCW 28A.415.443;

(v) Student isolation and restraint requirements under RCW 28A.600.485; and

(vi) The federal family educational rights and privacy act (Title 20 U.S.C. Sec. 1232g) requirements including limits on access to and dissemination of student records for noneducational purposes;

(i) Acknowledgment that the school district and education center have clearly established their respective responsibilities and processes for student data collection and reporting;

(j) Acknowledgment that the education center will promptly submit to the school district any complaints it receives;

(k) Acknowledgment that the education center will submit other information required by the school district or the office of the superintendent of public instruction;

(l) Acknowledgment that the education center must comply with student isolation and restraint requirements under RCW 28A.600.485;

(m) Acknowledgment that the education center must provide notifications to the school district and the office of the superintendent of public instruction as required under section 8 of this act; and

(n) Acknowledgment that the school district must provide the office of the superintendent of public instruction with the opportunity to review the contract and related documentation upon request.

(3) Each school district contracting with an education center to provide special education and related services to students with disabilities placed in education centers by school districts must additionally include the elements described in RCW 28A.155.060 in the written contract.

(4) Each school district contracting with an education center shall report to the office of the superintendent of public instruction and the office of the Washington state auditor any concerns the school district has about overbilling by an education center.

**NEW SECTION. Sec. 7.** A new section is added to chapter 28A.205 RCW to read as follows:

Each school district contracting with an education center shall provide the following documents to the parents or guardians of each student placed in the education center by the school district:

(1) A summary of the school district and education center's responsibilities and processes for reporting incidents of student isolation and restraint under RCW 28A.600.485; and

(2) A copy of the school district's and the education center's complaint processes and, if applicable, instructions for accessing the office of the superintendent of public instruction's special education community complaint processes.

**NEW SECTION. Sec. 8.** A new section is added to chapter 28A.205 RCW to read as follows:

(1)(a) An education center shall notify the office of the superintendent of public instruction and every school district with which it contracts of any major program changes that occur during the approval period, including adding or eliminating services or changing the type of programs available to students.

(b) The office of the superintendent of public instruction shall review these program changes with affected school districts to determine whether the education center remains able to provide the contracted services.

(2) An education center shall promptly notify the office of the superintendent of public instruction, every school district with which it contracts, and every parent or guardian of an affected student of any conditions that would affect the education center's ability to continue to provide the contracted services.

(3) An education center shall promptly notify the office of the

superintendent of public instruction and every school district with which it contracts of any complaints it receives regarding services to students, as well as any law enforcement incident reports involving the education center and its enrolled students.

**NEW SECTION. Sec. 9.** A new section is added to chapter 28A.205 RCW to read as follows:

(1) The office of the superintendent of public instruction shall notify the state board of education if any education center that is also a private school approved by the state board of education under chapter 28A.195 RCW is investigated for noncompliance, is directed to complete corrective action, or fails to maintain approval under section 4 of this act.

(2) The state board of education shall notify the office of the superintendent of public instruction of any unresolved concerns, deficiencies, or deviations related to an education center that is also a private school approved by the state board of education under chapter 28A.195 RCW.

**NEW SECTION. Sec. 10.** A new section is added to chapter 28A.205 RCW to read as follows:

The office of the superintendent of public instruction shall adopt rules under chapter 34.05 RCW for the implementation of this chapter.

**Sec. 11.** RCW 28A.155.060 and 2007 c 115 s 6 are each amended to read as follows:

(1) For the purpose of carrying out the provisions of RCW 28A.155.020 through 28A.155.050, the board of directors of every school district shall be authorized to contract with ~~((agencies approved by the superintendent of public instruction for operating special education programs for students with disabilities. Approval standards for such agencies shall conform substantially with those of special education programs in the common schools))~~ education centers approved under section 4 of this act to provide special education and related services to students with disabilities placed in education centers by school districts.

(2) A school district contracting with an education center under this section must enter into a written contract with the education center as required under section 6 of this act, and additionally include the following elements in the contract:

(a) An agreement by the education center to employ or contract with at least one licensed teacher with a special education endorsement;

(b) Acknowledgment that the staff of the education center are regularly trained on the following topics:

(i) Recognizing and responding to student mental health issues; and

(ii) Educational rights of students with disabilities, the relationship of disability to behavior, and best practices for interacting with students with disabilities; and

(c) Acknowledgment that the education center must comply with all relevant Washington state and federal laws that are applicable to the school district.

(3) A school district contracting with an education center under this section shall remain responsible for ensuring that the students with disabilities placed in the education center by the school district are:

(a) Provided a free appropriate public education in accordance with the federal individuals with disabilities education act, Title 20 U.S.C. Sec. 1400 et seq. and this chapter;

(b) Provided with special education and related services at no cost to the student's parents and in conformance with an individualized education program as required by law, including evaluations and individualized education program team meetings that meet all applicable requirements; and

(c) Provided with an opportunity to participate in Washington

state and school district assessments.

(4) For the purposes of this section, "education center" has the same meaning as in section 3 of this act.

**Sec. 12.** RCW 28A.155.210 and 2013 c 202 s 3 are each amended to read as follows:

A ~~((school that is required to develop an))~~ student's individualized education program ~~((as required by federal law))~~ must include ~~((within the plan))~~ procedures for notification of a parent or guardian regarding the use of restraint or isolation under RCW 28A.600.485. If a student is placed in an education center under RCW 28A.155.060, the student's individualized education program must also specify any additional procedures required to ensure the education center fully complies with RCW 28A.600.485.

**NEW SECTION. Sec. 13.** A new section is added to chapter 28A.155 RCW to read as follows:

(1) Beginning December 1, 2023, and in compliance with RCW 43.01.036, the office of the superintendent of public instruction shall annually submit a report to the education committees of the legislature regarding student placements at education centers under RCW 28A.155.060. A summary of the report, including a link to the full report content, must also be posted on the office of the superintendent of public instruction's website. The report must include:

(a) The academic progress of students receiving special education services from education centers, using the results of the two most recent state assessments;

(b) The graduation rates of students who have received special education services from education centers;

(c) The rate at which students receiving special education services from education centers return to their resident school districts;

(d) Data on student restraint and isolation incidents, discipline, and attendance at education centers; and

(e) Any corrective action or change in an education center's approval status, as ordered by the office of the superintendent of public instruction.

(2) The data published under subsection (1) of this section must be disaggregated by education centers when it is possible to do so without disclosing, directly or indirectly, a student's personally identifiable information as protected under the federal family educational rights and privacy act (Title 20 U.S.C. Sec. 1232g).

**NEW SECTION. Sec. 14.** (1) The state auditor shall conduct a performance audit of the approval, monitoring, and investigation of education centers as defined in section 3 of this act and school districts that contract with education centers under RCW 28A.155.060. As appropriate, the state auditor shall make recommendations for improving the system for overseeing education centers that provide special education and related services to students with disabilities placed in the education center by a school district. The state auditor may conduct the performance audit at a sample of school districts and education centers as needed.

(2) By November 30, 2026, and in compliance with RCW 43.01.036, the state auditor shall report the performance audit's findings and recommendations to the governor and the education committees of the legislature.

(3) This section expires August 1, 2027.

**NEW SECTION. Sec. 15.** The following acts or parts of acts are each repealed:

(1) RCW 28A.205.010 ("Education center," "basic academic skills," defined—Certification as education center and withdrawal of certification) and 2006 c 263 s 408, 2005 c 497 s 214, 1999 c 348 s 2, 1993 c 211 s 1, 1990 c 33 s 180, 1983 c 3 s 38, & 1977 ex.s. c 341 s 1;

(2) RCW 28A.205.020 (Common school dropouts—Reimbursement) and 1999 c 348 s 3, 1997 c 265 s 7, 1993 c 211 s 2, 1990 c 33 s 181, 1979 ex.s. c 174 s 1, & 1977 ex.s. c 341 s 2;

(3) RCW 28A.205.030 (Reentry of prior dropouts into common schools, rules—Eligibility for test to earn a high school equivalency certificate) and 2013 c 39 s 6;

(4) RCW 28A.205.040 (Fees—Rules—Priority for payment—Review of records) and 2013 c 39 s 7, 2006 c 263 s 412, 1999 c 348 s 4, 1990 c 33 s 183, 1979 ex.s. c 174 s 2, & 1977 ex.s. c 341 s 4;

(5) RCW 28A.205.050 (Rules) and 2005 c 497 s 215, 1995 c 335 s 201, 1993 c 211 s 4, 1990 c 33 s 184, & 1977 ex.s. c 341 s 5;

(6) RCW 28A.205.070 (Allocation of funds—Criteria—Duties of superintendent) and 2006 c 263 s 409, 1993 c 211 s 6, 1990 c 33 s 185, & 1985 c 434 s 3;

(7) RCW 28A.205.080 (Legislative findings—Distribution of funds—Cooperation with school districts) and 1997 c 265 s 8, 1993 c 211 s 7, 1990 c 33 s 186, & 1987 c 518 s 220; and

(8) RCW 28A.205.090 (Inclusion of education centers program in biennial budget request—Quarterly plans—Funds—Payment) and 1993 c 211 s 8, 1990 c 33 s 187, & 1985 c 434 s 4."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

#### POINT OF ORDER

Senator Pedersen: "Thank you Mr. President. I believe that the House amendment is outside the scope and object of the underlying bill. The underlying bill created new accountability frameworks for existing nonpublic agencies that school districts contract with to provide services to special education students. The House bill instead introduces an entirely new subject, the expansion and regulation of a different type of educational facility: education centers. The House amendment expands the definition of education centers to include nonpublic agencies. In doing so, the amendment both creates new duties for nonpublic agencies which the underlying bill did not do, and also introduces entirely new subject matter of creating new regulations for education centers, a broader group. Thank you. "

#### RULING BY THE PRESIDENT

President Heck: "In ruling on the point of order raised by Senator Pedersen, the President finds as follows:

As passed by the Senate, the bill codifies existing duties of nonpublic agencies that provide services to students with disabilities as set forth in Chapter 392-172A and adds to the existing accountability measures and responsibilities of OSPI.

Sec 3 of the striking amendment passed by the House amends RCW 28A.205.010, a provision that creates and defines Education Centers, a subject not previously included in the bill as it left the Senate. Under current law, only students who are deemed to be eligible dropouts are enrolled in Education Centers (RCW 28A.205.020). Education Centers provide basic academic skills to students and operate on a clinical, client-centered basis. On the other hand, the bill as it passed the Senate addressed approving, monitoring, and investigating nonpublic agencies that contract with school districts to provide special education programs for students with disabilities.

By including Education Centers in the bill, the House amendment impermissibly expands the scope and object of the bill as it left the Senate. Senator Pedersen's point is well taken."

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MOTION

Senator Pedersen moved that the Senate refuse to concur and insist on its position on the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5315 and ask the House to recede therefrom.

The President declared the question before the Senate to be motion by Senator Pedersen that the Senate refuse to concur and insist on its position on the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5315 and ask the House to recede therefrom.

The motion by Senator Pedersen carried and the Senate refused to concur and insisted on its position in the Senate amendment(s) to Engrossed Second Substitute Senate Bill No. 5315 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 12, 2023

MR. PRESIDENT:

The House passed SENATE BILL NO. 5316 with the following amendment(s): 5316 AMH ENGR H1880.E

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.43.837 and 2022 c 297 s 954 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, in order to determine the character, competence, and suitability of any applicant or service provider to have unsupervised access, the secretary of the department of social and health services and the secretary of the department of children, youth, and families may require a fingerprint-based background check through both the Washington state patrol and the federal bureau of investigation at any time, but shall require a fingerprint-based background check when the applicant or service provider has resided in the state less than three consecutive years before application, and:

(a) Is an applicant or service provider providing services to children or people with developmental disabilities under RCW 74.15.030;

(b) Is an individual sixteen years of age or older who: (i) Is not under the placement and care authority of the department of children, youth, and families; and (ii) resides in an applicant or service provider's home, facility, entity, agency, or business or who is authorized by the department of children, youth, and families to provide services to children under RCW 74.15.030;

(c) Is an individual who is authorized by the department of social and health services to provide services to people with developmental disabilities under RCW 74.15.030; or

(d) Is an applicant or service provider providing in-home services funded by:

(i) Medicaid personal care under RCW 74.09.520;

(ii) Community options program entry system waiver services under RCW 74.39A.030;

(iii) Chore services under RCW 74.39A.110; or

(iv) Other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department of social and health services.

(2) Long-term care workers, as defined in RCW 74.39A.009, who are hired after January 7, 2012, are subject to background checks under RCW 74.39A.056.

(3) To satisfy the shared background check requirements provided for in RCW 43.216.270 and 43.20A.710, the department

of children, youth, and families and the department of social and health services shall share federal fingerprint-based background check results as permitted under the law. The purpose of this provision is to allow both departments to fulfill their joint background check responsibility of checking any individual who may have unsupervised access to vulnerable adults, children, or juveniles. Neither department may share the federal background check results with any other state agency or person.

(4) The secretary of the department of children, youth, and families shall require a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation when the department seeks to approve an applicant or service provider for a foster or adoptive placement of children in accordance with federal and state law. Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall be paid by the department of children, youth, and families for ~~((applicant))~~ foster care and child care applicants and service providers ~~((providing foster care as required in RCW 74.15.030))~~.

(5) Any secure facility operated by the department of social and health services or the department of children, youth, and families under chapter 71.09 RCW shall require applicants and service providers to undergo a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation.

(6) Service providers and service provider applicants, except for those long-term care workers exempted in subsection (2) of this section, who are required to complete a fingerprint-based background check may be hired for a one hundred twenty-day provisional period as allowed under law or program rules when:

(a) A fingerprint-based background check is pending; and

(b) The applicant or service provider is not disqualified based on the immediate result of the background check.

(7) Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall be paid by the applicable department for applicants or service providers providing:

(a) Services to people with a developmental disability under RCW 74.15.030;

(b) In-home services funded by medicaid personal care under RCW 74.09.520;

(c) Community options program entry system waiver services under RCW 74.39A.030;

(d) Chore services under RCW 74.39A.110;

(e) Services under other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department of social and health services or the department of children, youth, and families; and

(f) Services in, or to residents of, a secure facility under RCW 71.09.115(~~and~~

~~(g) For fiscal year 2023, applicants for child care and early learning services to children under RCW 43.216.270)).~~

(8) ~~((Service providers licensed under RCW 74.15.030 must pay fees charged by the Washington state patrol and the federal bureau of investigation for conducting fingerprint-based background checks.~~

~~(9) Department of children, youth, and families service providers licensed under RCW 74.15.030 may not pass on the cost of the background check fees to their applicants unless the individual is determined to be disqualified due to the background information.~~

~~(10))~~ The department of social and health services and the department of children, youth, and families shall develop rules identifying the financial responsibility of service providers,

applicants, and the department for paying the fees charged by law enforcement to roll, print, or scan fingerprints-based for the purpose of a Washington state patrol or federal bureau of investigation fingerprint-based background check.

~~((4+))~~ (9) For purposes of this section, unless the context plainly indicates otherwise:

(a) "Applicant" means a current or prospective department of social and health services, department of children, youth, and families, or service provider employee, volunteer, student, intern, researcher, contractor, or any other individual who will or may have unsupervised access because of the nature of the work or services he or she provides. "Applicant" includes but is not limited to any individual who will or may have unsupervised access and is:

(i) Applying for a license or certification from the department of social and health services or the department of children, youth, and families;

(ii) Seeking a contract with the department of social and health services, the department of children, youth, and families, or a service provider;

(iii) Applying for employment, promotion, reallocation, or transfer;

(iv) An individual that a department of social and health services or department of children, youth, and families client or guardian of a department of social and health services or department of children, youth, and families client chooses to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department of social and health services or the department of children, youth, and families for services rendered; or

(v) A department of social and health services or department of children, youth, and families applicant who will or may work in a department-covered position.

(b) "Authorized" means the department of social and health services or the department of children, youth, and families grants an applicant, home, or facility permission to:

(i) Conduct licensing, certification, or contracting activities;

(ii) Have unsupervised access to vulnerable adults, juveniles, and children;

(iii) Receive payments from a department of social and health services or department of children, youth, and families program; or

(iv) Work or serve in a department of social and health services or department of children, youth, and families-covered position.

(c) "Secretary" means the secretary of the department of social and health services.

(d) "Secure facility" has the meaning provided in RCW 71.09.020.

(e) "Service provider" means entities, facilities, agencies, businesses, or individuals who are licensed, certified, authorized, or regulated by, receive payment from, or have contracts or agreements with the department of social and health services or the department of children, youth, and families to provide services to vulnerable adults, juveniles, or children. "Service provider" includes individuals whom a department of social and health services or department of children, youth, and families client or guardian of a department of social and health services or department of children, youth, and families client may choose to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department of social and health services or the department of children, youth, and families for services rendered.

**Sec. 2.** RCW 43.216.270 and 2022 c 297 s 960 are each

amended to read as follows:

(1)(a) In determining whether an individual is of appropriate character, suitability, and competence to provide child care and early learning services to children, the department may consider the history of past involvement of child protective services or law enforcement agencies with the individual for the purpose of establishing a pattern of conduct, behavior, or inaction with regard to the health, safety, or welfare of a child. No report of child abuse or neglect that has been destroyed or expunged under RCW 26.44.031 may be used for such purposes. No unfounded or inconclusive allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a provider licensed under this chapter.

(b) The department may not deny or delay a license to provide child care and early learning services under this chapter to an individual solely because of a founded finding of physical abuse or negligent treatment or maltreatment involving the individual revealed in the background check process or solely because the individual's child was found by a court to be dependent as a result of a finding that the individual abused or neglected their child pursuant to RCW 13.34.030(6)(b) when that founded finding or court finding is accompanied by a certificate of parental improvement as defined in chapter 74.13 RCW related to the same incident.

(2) In order to determine the suitability of individuals newly applying for an agency license, new licensees, their new employees, and other persons who newly have unsupervised access to children in child care, shall be fingerprinted.

(a) The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history record check.

~~(b)((4+))~~ All individuals applying for first-time agency licenses, all new employees, and other persons who have not been previously qualified by the department to have unsupervised access to children in child care must be fingerprinted and obtain a criminal history record check pursuant to this section.

~~((ii) Except during fiscal year 2023, persons required to be fingerprinted and obtain a criminal history record check pursuant to this section must pay for the cost of this check as follows: The fee established by the Washington state patrol for the criminal background history check, including the cost of obtaining the fingerprints; and a fee paid to the department for the cost of administering the individual based/portable background check clearance registry. The fee paid to the department must be deposited into the individual based/portable background check clearance account established in RCW 43.216.273. The licensee may, but need not, pay these costs on behalf of a prospective employee or reimburse the prospective employee for these costs. The licensee and the prospective employee may share these costs.)~~

(c) The secretary shall use the fingerprint criminal history record check information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children.

(d) Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose.

(e) No later than July 1, 2013, all agency licensees holding licenses prior to July 1, 2012, persons who were employees before July 1, 2012, and persons who have been qualified by the department before July 1, 2012, to have unsupervised access to children in child care, must submit a new background application to the department. ~~((The department must require persons~~

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~~submitting a new background application pursuant to this subsection (2)(c) to pay a fee to the department for the cost of administering the individual-based/portable background check clearance registry. This fee must be paid into the individual-based/portable background check clearance account established in RCW 43.216.273. The licensee may, but need not, pay these costs on behalf of a prospective employee or reimburse the prospective employee for these costs. The licensee and the prospective employee may share these costs.)~~

(f) The department shall issue a background check clearance card or certificate to the applicant if after the completion of a background check the department concludes the applicant is qualified for unsupervised access to children in child care. The background check clearance card or certificate is valid for ~~((three))~~ five years from the date of issuance. A valid card or certificate must be accepted by a potential employer as proof that the applicant has successfully completed a background check as required under this chapter. For purposes of renewal of the background clearance card or certificate, all agency licensees holding a license, persons who are employees, and persons who have been previously qualified by the department, must submit a new background application to the department on a date to be determined by the department. ~~((Except during fiscal year 2023, fee requirements applicable to this section also apply to background clearance renewal applications.))~~

(g) The original applicant for an agency license, licensees, their employees, and other persons who have unsupervised access to children in child care shall submit a new background check application to the department, on a form and by a date as determined by the department.

(h) ~~((The payment requirements applicable to (a) through (g) of this subsection do not apply to persons who:~~

~~(i) Provide regularly scheduled care for a child or children in the home of the provider or in the home of the child or children for periods of less than twenty four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty four hours;~~

~~(ii) Receive child care subsidies; and~~

~~(iii) Are exempt from licensing under this chapter.~~

~~(h))~~ (h) The applicant and agency shall maintain on-site for inspection a copy of the background check clearance card or certificate.

~~((h))~~ (i) Individuals who have been issued a background check clearance card or certificate shall report nonconviction and conviction information to the department within twenty-four hours of the event constituting the nonconviction or conviction information.

~~((h))~~ (j) The department shall investigate and conduct a redetermination of an applicant's or licensee's background clearance if the department receives a complaint or information from individuals, a law enforcement agency, or other federal, state, or local government agency. Subject to the requirements contained in RCW 43.216.325 and 43.216.327 and based on a determination that an individual lacks the appropriate character, suitability, or competence to provide child care or early learning services to children, the department may: (i) Invalidate the background card or certificate; or (ii) suspend, modify, or revoke any license authorized by this chapter.

(3) To satisfy the shared background check requirements of the department of children, youth, and families, the office of the superintendent of public instruction, and the department of social and health services, each department shall share federal fingerprint-based background check results as permitted under the law. The purpose of this provision is to allow these departments to fulfill their joint background check responsibility

of checking any individual who may have unsupervised access to vulnerable adults, children, or juveniles. These departments may not share the federal background check results with any other state agency or person.

(4) Individuals who have completed a fingerprint background check as required by the office of the superintendent of public instruction, consistent with RCW 28A.400.303, and have been continuously employed by the same school district or educational service district, can meet the requirements in subsection (2) of this section by providing a true and accurate copy of their Washington state patrol and federal bureau of investigation background check report results to the department or if the school district or the educational service district provides an affidavit to the department that the individual has been authorized to work by the school district or educational service district after completing a record check consistent with RCW 28A.400.303. The department may require that additional background checks be completed that do not require additional fingerprinting ~~((and, except during fiscal year 2023, may charge a fee for these additional background checks))~~.

**Sec. 3.** RCW 43.216.271 and 2021 c 304 s 12 are each amended to read as follows:

~~((Subject to appropriation, the))~~ The department shall maintain an individual-based or portable background check clearance registry. Any individual seeking a child care license or employment in any child care facility or outdoor nature-based child care program licensed or regulated under current law shall submit a background application on a form prescribed by the department in rule.

**NEW SECTION. Sec. 4.** The following acts or parts of acts are each repealed:

(1) RCW 43.216.272 (Fee for developing and administering individual-based/portable background check clearance registry) and 2017 3rd sp.s. c 6 s 208 & 2011 c 295 s 4; and

(2) RCW 43.216.273 (Individual-based/portable background check clearance account) and 2017 3rd sp.s. c 6 s 209 & 2011 c 295 s 5.

**NEW SECTION. Sec. 5.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Wilson, C. moved that the Senate refuse to concur and insist on its position on the House amendment(s) to Senate Bill No. 5316 and ask the House to recede therefrom.

Senator Wilson, C. spoke in favor of the motion.

Senator Dozier spoke against the motion.

The President declared the question before the Senate to be motion by Senator Wilson, C. that the Senate refuse to concur and insist on its position on the House amendment(s) to Senate Bill No. 5316 and ask the House to recede therefrom.

The motion by Senator Wilson, C. carried and the Senate refused to concur and insisted on its position in the Senate amendment(s) to Senate Bill No. 5316 and asked the House to recede therefrom by voice vote.

#### MESSAGE FROM THE HOUSE

April 12, 2023

MR. PRESIDENT:

The House passed SENATE BILL NO. 5350 with the following amendment(s): 5350 AMH APP H1733.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that beneficiaries receiving a monthly benefit from the public employees' retirement system plan 1 and the teachers' retirement system plan 1 have experienced a loss of purchasing power due to rising inflation. Certain beneficiaries do not receive annual increases; providing a one-time cost-of-living adjustment helps address beneficiaries' loss of purchasing power. An ongoing cost-of-living adjustment would provide additional protection against further loss of purchasing power, however this policy may not be affordable until required employer contribution rates towards the unfunded accrued actuarial liability are reduced or no longer required.

**NEW SECTION. Sec. 2.** During the 2023-2025 fiscal biennium, the select committee on pension policy will study and recommend an ongoing cost-of-living adjustment for beneficiaries of the public employees' retirement system plan 1 and the teachers' retirement system plan 1. Any recommendation must consider employer contribution rate stability and coordinate the effective date of an ongoing cost-of-living adjustment with the reduction or elimination of the unfunded accrued actuarial liability.

**Sec. 3.** RCW 41.32.4992 and 2022 c 52 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))~~ \$62.50.

(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))~~ \$62.50.

(3) Beneficiaries who are receiving a monthly benefit from the teachers' retirement system plan 1 on July 1, 2021, shall receive, effective July 1, 2022, an increase to their monthly benefit of three percent multiplied by the beneficiaries' monthly benefit, not to exceed ~~((one hundred ten dollars and zero cents))~~ \$110.00.

(4) Beneficiaries who are receiving a monthly benefit from the teachers' retirement system plan 1 on July 1, 2022, shall receive, effective July 1, 2023, an increase to their monthly benefit of three percent multiplied by the beneficiaries' monthly benefit, not to exceed \$110.00.

(5) This section does not apply to those receiving benefits pursuant to RCW 41.32.489 or 41.32.540.

**Sec. 4.** RCW 41.40.1987 and 2022 c 52 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))~~ \$62.50.

(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))~~ \$62.50.

(3) Beneficiaries who are receiving a monthly benefit from the

public employees' retirement system plan 1 on July 1, 2021, shall receive, effective July 1, 2022, an increase to their monthly benefit of three percent multiplied by the beneficiaries' monthly benefit, not to exceed ~~((one hundred ten dollars and zero cents))~~ \$110.00.

(4) Beneficiaries who are receiving a monthly benefit from the public employees' retirement system plan 1 on July 1, 2022, shall receive, effective July 1, 2023, an increase to their monthly benefit of three percent multiplied by the beneficiaries' monthly benefit, not to exceed \$110.00.

(5) This section does not apply to those receiving benefits pursuant to RCW 41.40.1984.

**Sec. 5.** RCW 41.45.060 and 2020 c 103 s 4 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

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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. The rate for benefit improvements that became effective after June 30, 2009, shall not include a rate for the improvements in this act until July 1, 2027.

(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. The rate for benefit improvements that became effective after June 30, 2009, shall not include a rate for the improvements in this act until July 1, 2027.

(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. The rate for benefit improvements that became effective after June 30, 2009, shall not include a rate for the improvements in this act until July 1, 2027.

(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.

(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.

(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. 6.** RCW 41.45.070 and 2009 c 561 s 4 are each amended to read as follows:

(1) In addition to the basic employer contribution rate established in RCW 41.45.060 or 41.45.054, the department shall also charge employers of public employees' retirement system, teachers' retirement system, school employees' retirement system, public safety employees' retirement system, or Washington state patrol retirement system members an additional supplemental rate to pay for the cost of additional benefits, if any, granted to members of those systems. Except as provided in subsections (6), (7), and (9) of this section, the supplemental contribution rates required by this section shall be calculated by the state actuary and shall be charged regardless of language to the contrary contained in the statute which authorizes additional benefits.

(2) In addition to the basic member, employer, and state contribution rate established in RCW 41.45.0604 for the law enforcement officers' and firefighters' retirement system plan 2, the department shall also establish supplemental rates to pay for the cost of additional benefits, if any, granted to members of the law enforcement officers' and firefighters' retirement system plan 2. Except as provided in subsection (6) of this section, these supplemental rates shall be calculated by the actuary retained by the law enforcement officers' and firefighters' board and the state actuary through the process provided in RCW 41.26.720(1)(a) and the state treasurer shall transfer the additional required contributions regardless of language to the contrary contained in the statute which authorizes the additional benefits.

(3) Beginning July 1, 2009, the supplemental rate charged under this section to fund benefit increases provided to active members of the public employees' retirement system plan 1 and the teachers' retirement system plan 1 shall be calculated as the level percentage of all system pay needed to fund the cost of the benefit over a fixed ten-year period, using projected future salary growth and growth in system membership. The supplemental rate to fund benefit increases provided to active members of the public employees' retirement system plan 1 shall be charged to all system employers in the public employees' retirement system, the school employees' retirement system, and the public safety employees' retirement system. The supplemental rate to fund benefit increases provided to active members of the teachers' retirement system plan 1 shall be charged to all system employers in the teachers' retirement system.

(4) The supplemental rate charged under this section to fund benefit increases provided to active and retired members of the public employees' retirement system plan 2 and plan 3, the teachers' retirement system plan 2 and plan 3, the public safety employees' retirement system plan 2 and plan 3, the school employees' retirement system plan 2 and plan 3, or the Washington state patrol retirement system shall be calculated as the level percentage of all members' pay needed to fund the cost of the



benefit, as calculated under RCW 41.45.060, 41.45.061, 41.45.0631, or 41.45.067.

(5) The supplemental rate charged under this section to fund postretirement adjustments which are provided on a nonautomatic basis to current retirees shall be calculated as the percentage of pay needed to fund the adjustments as they are paid to the retirees. Beginning July 1, 2009, the supplemental rate charged under this section to fund increases in the automatic postretirement adjustments for active or retired members of the public employees' retirement system plan 1 and the teachers' retirement system plan 1 shall be calculated as the level percentage of pay needed to fund the cost of the automatic adjustments over a fixed ten-year period, using projected future salary growth and growth in system membership. The supplemental rate to fund increases in the automatic postretirement adjustments for active members or retired members of the public employees' retirement system plan 1 shall be charged to all system employers in the public employees' retirement system, the school employees' retirement system, and the public safety employees' retirement system. The supplemental rate to fund increases in automatic postretirement adjustments for active members or retired members of the teachers' retirement system plan 1 shall be charged to all system employers in the teachers' retirement system.

(6) A supplemental rate shall not be charged to pay for the cost of additional benefits granted to members pursuant to chapter 340, Laws of 1998.

(7) A supplemental rate shall not be charged to pay for the cost of additional benefits granted to members pursuant to chapter 41.31A RCW; section 309, chapter 341, Laws of 1998; or section 701, chapter 341, Laws of 1998.

(8) A supplemental rate shall not be charged to pay for the cost of additional benefits granted to members and survivors pursuant to chapter 94, Laws of 2006.

(9) A supplemental rate shall not be charged to pay for the cost of the additional benefits granted to members of the teachers' retirement system and the school employees' retirement system plans 2 and 3 in sections 2, 4, 6, and 8, chapter 491, Laws of 2007 until September 1, 2008. A supplemental rate shall not be charged to pay for the cost of the additional benefits granted to members of the public employees' retirement system plans 2 and 3 under sections 9 and 10, chapter 491, Laws of 2007 until July 1, 2008.

(10) A supplemental rate shall not be charged to pay for the cost of the additional benefits granted to members of the teachers' retirement system and the public employees' retirement system plans 1 in this act.

**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 July 1, 2023."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Conway moved that the Senate refuse to concur and insist on its position on the House amendment(s) to Senate Bill No. 5350 and ask the House to recede therefrom.

Senator Conway spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Conway that the Senate refuse to concur and insist on its position on the House amendment(s) to Senate Bill No. 5350 and ask the House to recede therefrom.

The motion by Senator Conway carried and the Senate refused

to concur and insisted on its position in the Senate amendment(s) to Senate Bill No. 5350 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 7, 2023

MR. PRESIDENT:

The House passed SENATE BILL NO. 5369 with the following amendment(s): 5369 AMH APP H1882.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that polychlorinated biphenyls, or PCBs, are a hazardous chemical class that have been identified as carcinogenic, a developmental toxicant, toxic to aquatic organisms, and persistent and bioaccumulative. According to the United States environmental protection agency, PCBs are probable human carcinogens and may have serious and potential effects on the immune system, reproductive system, nervous system, and endocrine system.

(2) Humans and other organisms can be exposed to PCBs in a number of ways. PCBs can be released into the environment from hazardous waste sites, illegal dumping, or disposal of PCB wastes or PCB-containing products in areas or landfills not designed to handle hazardous waste, leaks, or releases from electrical transformers containing PCBs, and wastewater discharges. Once PCBs are released, the chemicals do not readily break down in the environment and can cycle for long periods between air, water, and soil. PCBs can accumulate in leaves and above-ground parts of plants and food crops, and they are also taken up into the bodies of small organisms and fish, resulting in potential exposure for people and organisms that ingest the fish.

(3) In 1979, the United States banned the production of PCBs under the toxic substances control act. However, the United States environmental protection agency's regulations implementing the toxic substances control act for PCBs allow some inadvertent generation of PCBs to occur in excluded manufacturing processes. These manufacturing by-product PCBs have been identified in wastewater, sediments, and air in numerous locations and have been positively identified in the testing of new products.

(4) The legislature finds that the state has done much to address PCB contamination, including cleanup, permitting, stormwater management, and fish advisories. In addition, the United States environmental protection agency, Washington state, and the Spokane tribe of Indians have established PCB water quality standards to protect human health and the environment. These standards are critical for addressing release and exposure from legacy and nonlegacy PCBs. However, the standards cannot be achieved with currently available water treatment technology if the waste stream continues to include new sources of PCBs allowable under the toxic substances control act at levels measured in products such as paints, inks, and pigments that are billions of times higher than applicable water quality standards. While the United States environmental protection agency has restored a human health criteria standard of seven parts per quadrillion in Washington waters, the toxic substances control act limit for PCBs in products is an annual average of 25 parts per million, with a maximum 50 parts per million adjusted total PCBs. Therefore, the legislature finds that nonlegacy PCB contamination may most effectively be managed upstream at the product and process source as opposed to downstream facilities at the end of the product life cycle. The toxic substances control act standard for inadvertent PCBs does not reflect current science on limits needed to protect human health and the environment and

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is overdue for revision.

(5) While previous industry analysis of toxic substances control act rule making has asserted negative impacts and infeasibility in disallowing by-product PCBs, the legislature finds that safer, feasible, and available alternatives to PCB-containing paints and printing inks now exist, as determined by the department in its June 2022 *Safer Products for Washington* report. Moreover, since safer and available products and processes to produce paints and printing inks do exist, the legislature finds that use of manufacturing processes resulting in products with PCB by-products is not inadvertent, but intentional, and constitutes a use of the chemical within the product.

(6) Therefore, the legislature intends to direct the department to petition the United States environmental protection agency to reassess its PCB regulations under the toxic substances control act and to prohibit the use of chlorine-based pigment manufacturing processes, which result in the generation of PCBs.

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

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

(2) "Manufacturer" means any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces a product or is an importer or domestic distributor of a product sold or offered for sale in or into the state.

(3) "Paint and printing ink" includes, but is not limited to, building paint for indoor and outdoor use, spray paint, children's paint, road paint, and printing inks used in paper and packaging.

(4) "PCBs" or "polychlorinated biphenyls" means chemical forms that consist of two benzene rings joined together and containing one to 10 chlorine atoms attached to the benzene rings.

(5) "Retail establishment" includes any person, corporation, partnership, business, facility, vendor, organization, or individual that sells or provides merchandise, goods, or materials directly to a customer.

**NEW SECTION. Sec. 3.** (1) The department must petition the United States environmental protection agency to reassess its regulations on excluded manufacturing processes from prohibitions on manufacturing, processing, distribution in commerce, and use of PCBs and PCB items under 40 C.F.R. Sec. 761.3 for the purpose of eliminating or reducing the presence of PCBs in consumer products.

(2) In petitioning the United States environmental protection agency, the department must include legislative findings under this chapter and information on:

(a) Health effects of PCBs;

(b) Release and exposure of PCBs including, but not limited to, concentrations of PCBs measured in consumer products and in state waters, soils, and fish tissue;

(c) Safer alternatives for consumer products that contain PCBs, including the availability and feasibility of alternatives; and

(d) Other relevant data or findings as determined by the department.

(3) The department is not required to generate new data and may use previously compiled data and findings developed in the performance of duties under this chapter.

(4) The department may consult with the department of health and other relevant state agencies in developing the petition under this section.

(5) To the extent practicable, the department must seek completion of the petition review by January 1, 2025.

**NEW SECTION. Sec. 4.** (1)(a)(i) Beginning January 1, 2025, a manufacturer or wholesaler may not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this state any paint or printing ink that contains chlorine-based pigments.

(ii) Beginning January 1, 2026, a retail establishment may not knowingly sell or knowingly offer for sale in this state any paint or printing ink that contains chlorine-based pigments.

(b)(i) Beginning no later than 12 months after the adoption of rules under subsection (3) of this section, a manufacturer or wholesaler may not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this state a product identified under subsection (3) of this section.

(ii) Beginning no later than 24 months after the adoption of rules under subsection (3) of this section, a retail establishment may not knowingly sell or knowingly offer for sale any paint or printing ink that contains chlorine-based pigments.

(2) Upon a demand by the department, a person must demonstrate to the department that a product is in compliance with the requirements of subsection (1) of this section through the submission to the department of:

(a) Testing data indicating that a chlorine-based manufacturing process was not used in the manufacture of the pigments contained in the paint, printing ink, or other product; or

(b) Information pertaining to pigment manufacturing processes demonstrating that chlorine was not used in the manufacturing of pigments contained in the paint, printing ink, or other product.

(3) The department may, by rule, identify products that, as a result of the inclusion of pigments in the product, contain PCBs that were inadvertently generated in the making of the pigment. The department may require products identified under this subsection to demonstrate the absence of chlorine-based pigments in a product in a manner consistent with subsection (2) of this section. The department must initiate a rule-making process under this subsection by October 1, 2023.

(4) The prohibitions in subsection (1) of this section do not apply to:

(a) Paint manufactured, reused, or recycled from paint collected under chapter 70A.515 RCW; or

(b) The sale of any previously owned products containing inadvertently generated PCBs made in casual or isolated sales as defined in RCW 82.04.040, or by a nonprofit organization.

(5)(a) The department may exempt a product or category of product from the prohibitions in subsection (1) of this section upon determining that a product or category of product is not capable of being manufactured in a manner that does not rely on the inclusion of chlorine-based pigments, and upon determining that allowing for the continued manufacture of product or category of product containing a chlorine-based pigment would not result in meaningful impacts to human health, the environment, or the ability of entities regulated under chapter 90.48 RCW to comply with water quality standards.

(b) The department may, in its discretion, extend the compliance deadline in subsection (1) of this section for a product or category of product for which a person annually demonstrates to the department by October 1st of a given year that the prohibition is not technically feasible for the person to comply with.

(6) The department may not administer or enforce the requirements of this section if:

(a) A court of competent jurisdiction determines that federal regulations preempt the requirements; or

(b) The requirement does not align with any regulation established by the United States environmental protection agency adopted after the effective date of this section.

(7) If the requirements of this section are determined by a court of competent jurisdiction to be preempted by federal regulations, the department is directed to adopt a rule, within 18 months of the determination of preemption, to establish a reporting requirement for the use of chlorine-based pigment manufacturing processes or

the PCB content of any combination of paints, printing inks, or products identified by the department under subsection (3) of this section.

**NEW SECTION. Sec. 5.** (1) The department may adopt rules to implement, administer, and enforce the requirements of this chapter.

(2) The department may impose a civil penalty for a violation of any requirement of this chapter in an amount not to exceed \$5,000 for each violation in the case of a first offense. Persons who are repeat violators are subject to a civil penalty not to exceed \$10,000 for each repeat offense. The department must issue at least one notice of violation by certified mail prior to assessing a penalty and the department may only impose a penalty on a manufacturer or retail establishment that has not met the requirements of this chapter 60 days following the date the written notification of the violation was sent. The department may not collect a penalty from a retail establishment for a product that the retail establishment demonstrates to the department was in the possession of the retail establishment as of the effective date of the restrictions on manufacture, sale, and distribution under section 4(1) (a)(i) or (b)(i) of this act.

(3) Any penalty provided for in this section, and any order issued by the department under this chapter, may be appealed to the pollution control hearings board.

(4) All penalties collected under this chapter must be deposited in the model toxics control operating account created in RCW 70A.305.180.

**Sec. 6.** RCW 43.21B.110 and 2022 c 180 s 812 are each amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70A.15 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, section 5 of this act, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070, 70A.245.020, 70A.65.200, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70A.205.260.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70A.205 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70A.226.090.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil

amendments under RCW 70A.205.145.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

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

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

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

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(n) Decisions of the department of ecology that are appealable under RCW 70A.245.020 to set recycled minimum postconsumer content for covered products or to temporarily exclude types of covered products in plastic containers from minimum postconsumer recycled content requirements.

(o) Orders by the department of ecology under RCW 70A.455.080.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100, 70A.15.3110, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

**NEW SECTION. Sec. 7.** Sections 1 through 5 of this act constitute a new chapter in Title 70A RCW.

**NEW SECTION. Sec. 8.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Billig moved that the Senate refuse to concur and insist on its position on the House amendment(s) to Senate Bill No. 5369 and ask the House to recede therefrom.

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Senator Billig spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Billig that the Senate refuse to concur and insist on its position on the House amendment(s) to Senate Bill No. 5369 and ask the House to recede therefrom.

The motion by Senator Billig carried and the Senate refused to concur and insisted on its position in the Senate amendment(s) to Senate Bill No. 5369 and asked the House to recede therefrom by voice vote.

#### MESSAGE FROM THE HOUSE

April 6, 2023

MR. PRESIDENT:

The House passed SENATE BILL NO. 5000 with the following amendment(s): 5000 AMH SGOV H1804.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature intends to designate a time of year to formally remember and recognize the contributions of Chinese Americans and finds that January of each year is a relevant and appropriate time for such recognition. The legislature finds that the California gold rush began on January 24, 1848, which brought thousands of people to the area, approximately 30 percent of whom were Chinese immigrants. With the immigration to the west as a result of the gold rush, Washington became home to many Chinese immigrants. Chinese immigrants contributed greatly to Washington's economy as miners and workers in the salmon canning industry. The Chinese population in Washington also grew when construction of the Northern Pacific Railroad transcontinental line began in 1871, which ran from Wisconsin and Minnesota to Washington and Oregon, as many laborers who were recruited to work on the railroad were Chinese.

The legislature also finds that designating January of each year as a time to recognize the contributions of Chinese Americans is relevant in acknowledging the contributions of notable early Chinese settlers. Goon Dip was well known as a visionary, philanthropist, and entrepreneur, and is said to be the most influential Chinese immigrant in the Pacific Coast during the early 20th century. Goon Dip created a garment industry in Portland, Oregon where he taught Chinese men who were disabled and unable to perform manual labor how to sew. Goon Dip later expanded his business ventures to Seattle when in January 1909, the Chinese government appointed him as honorary consul for the Alaska-Yukon-Pacific Exposition, Washington's first world's fair, held in Seattle. Anticipating large crowds for the fair, Goon Dip built the Milwaukee Hotel at 662 King Street, which would house hundreds of tourists. Goon Dip was also influential in persuading Chinese businessmen to move Chinatown away from the Elliott Bay tidelands to the area around the new King Street Station at 2nd Avenue and Jackson Street. After his role as honorary consul during the Alaska-Yukon-Pacific Exposition, Goon Dip was named permanent consul and served under both the Manchu dynasty and the Kuomintang. Goon Dip died on September 12, 1933, at the Milwaukee Hotel and is buried in the family plot in Lake View cemetery in Seattle. January is also the birth month of notable contemporary Chinese Americans in the state, including Gary Locke, who graduated from Seattle's Franklin High School and was the first Chinese American elected as Governor in the continental United States, the first Chinese American Secretary of Commerce, and the first Chinese American ambassador to China.

The legislature finds that these and other contributions to the

state's rich history and economy by Chinese Americans is worthy of recognition and celebration. The legislature further finds that teaching this history in schools will help to commemorate the important achievements of Chinese Americans.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.117 RCW to read as follows:

(1) With the rise of economic opportunity in America and other parts of the world in the 19th century, the Chinese diaspora is now one of the largest in the world. As a result, many of those who are, or whose ancestors were, part of the Chinese diaspora have varied perspectives, experiences, and approaches in how they preserve their identity as Chinese Americans and Americans of Chinese descent.

(2) January of each year will be designated as a time for people of this state to commemorate the contributions of Chinese Americans and Americans of Chinese descent to the history and heritage of Washington state and shall be designated as Chinese American/Americans of Chinese descent history month.

(3) Public schools are encouraged to designate time in January for appropriate activities in commemoration of the lives, history, achievements, and contributions of Chinese Americans and Americans of Chinese descent."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTION

Senator Wagoner moved that the Senate concur in the House amendment(s) to Senate Bill No. 5000.

Senators Wagoner and Kuderer spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Wagoner that the Senate concur in the House amendment(s) to Senate Bill No. 5000.

The motion by Senator Wagoner carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5000 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5000, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5000, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

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

Absent: Senator Keiser

Excused: Senator Muzzall

SENATE BILL NO. 5000, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 12, 2023

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5001 with the following amendment(s): 5001-S2.E AMH ENGR H1706.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 35.57.010 and 2010 c 192 s 1 are each amended to read as follows:

(1)(a) The legislative authority of any town or city located in a county with a population of less than one million may create a public facilities district.

(b) The legislative authorities of any contiguous group of towns or cities located in a county or counties each with a population of less than one million may enter an agreement under chapter 39.34 RCW for the creation and joint operation of a public facilities district.

(c) The legislative authority of any town or city, or any contiguous group of towns or cities, located in a county with a population of less than one million and the legislative authority of a contiguous county, or the legislative authority of the county or counties in which the towns or cities are located, may enter into an agreement under chapter 39.34 RCW for the creation and joint operation of a public facilities district.

(d) The legislative authority of a city located in a county with a population greater than one million may create a public facilities district, when the city has a total population of less than one hundred fifteen thousand but greater than eighty thousand and commences construction of a regional center prior to July 1, 2008.

(e) At least three contiguous towns or cities with a combined population of at least one hundred sixty thousand, each of which previously created a public facilities district under (a) of this subsection, may create an additional public facilities district. The previously created districts may continue their full corporate existence and activities notwithstanding the creation and existence of the additional district within the same geographic area.

(f) The legislative authority of two or more contiguous towns or cities or the legislative authority of two or more contiguous towns or cities and the legislative authority of the county or counties in which the towns or cities are located, each of which participated in the creation of a public facilities district under (c) of this subsection, may create an additional public facilities district. Any previously created district may continue its full corporate existence and activities notwithstanding the creation and existence of an additional district within the same geographic area. A public facilities district formed under this subsection (1)(f) must be created prior to July 1, 2026. The creation of a public facilities district under this subsection does not require all of the original participating towns, cities, or counties that created a public facilities district under (c) of this subsection to participate in the formation of the additional public facilities district under this subsection.

(2)(a) A public facilities district is coextensive with the boundaries of the city or town or contiguous group of cities or towns that created the district.

(b) A public facilities district created by an agreement between a town or city, or a contiguous group of towns or cities, and a contiguous county or the county in which they are located, is coextensive with the boundaries of the towns or cities, and the boundaries of the county or counties as to the unincorporated areas of the county or counties. The boundaries do not include incorporated towns or cities that are not parties to the agreement

for the creation and joint operation of the district.

(3)(a) A public facilities district created by a single city or town shall be governed by a board of directors consisting of five members selected as follows: (i) Two members appointed by the legislative authority of the city or town; and (ii) three members appointed by legislative authority based on recommendations from local organizations. The members appointed under (a)(i) of this subsection, shall not be members of the legislative authority of the city or town. The members appointed under (a)(ii) of this subsection, must be based on recommendations received from local organizations that may include, but are not limited to, the local chamber of commerce, local economic development council, and local labor council. The members shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(b) A public facilities district created by a contiguous group of cities and towns must be governed by a board of directors consisting of seven members selected as follows: (i) Three members appointed by the legislative authorities of the cities and towns; and (ii) four members appointed by the legislative authorities of the cities and towns based on recommendations from local organizations. The members appointed under (b)(i) of this subsection shall not be members of the legislative authorities of the cities and towns. The members appointed under (b)(ii) of this subsection, must be based on recommendations received from local organizations that include, but are not limited to, the local chamber of commerce, local economic development council, local labor council, and a neighborhood organization that is directly affected by the location of the regional center in their area. The members of the board of directors must be appointed in accordance with the terms of the agreement under chapter 39.34 RCW for the joint operation of the district and shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(c) A public facilities district created by a town or city, or a contiguous group of towns or cities, and a contiguous county or the county or counties in which they are located, must be governed by a board of directors consisting of seven members selected as follows: (i) Three members appointed by the legislative authorities of the cities, towns, and county; and (ii) four members appointed by the legislative authorities of the cities, towns, and county based on recommendations from local organizations. The members appointed under (c)(i) of this subsection shall not be members of the legislative authorities of the cities, towns, or county. The members appointed under (c)(ii) of this subsection must be based on recommendations received from local organizations that include, but are not limited to, the local chamber of commerce, the local economic development council, the local labor council, and a neighborhood organization that is directly affected by the location of the regional center in their area. The members of the board of directors must be appointed in accordance with the terms of the agreement under chapter 39.34 RCW for the joint operation of the district and shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(d)(i) A public facilities district created under subsection (1)(e) of this section must provide, in the agreement providing for its creation and operation, that the district must be governed by an odd-numbered board of directors of not more than nine members

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who are also members of the legislative authorities that created the public facilities district or of the governing boards of the public facilities districts previously created by those legislative authorities, or both.

(ii) A board of directors formed under this subsection must have an equal number of members representing each city or town participating in the public facilities district. If there are unfilled board member positions after each city or town has appointed an equal number of board members, the members so appointed must appoint a number of additional board members necessary to fill any remaining positions. For a board formed under this subsection to submit a proposition to the voters under RCW 82.14.048, a majority of the members representing or appointed by each legislative authority participating in the public facilities district must agree to submit the proposition to the voters (~~;- however, the board may not submit a proposition to the voters prior to January 1, 2014~~).

(4) A public facilities district is a municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(5) A public facilities district constitutes a body corporate and possesses all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute(~~(-)~~) including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued.

(6) A public facilities district may acquire and transfer real and personal property by lease, sublease, purchase, or sale. No direct or collateral attack on any public facilities district purported to be authorized or created in conformance with this chapter may be commenced more than thirty days after creation by the city and/or county legislative authority.

**Sec. 2.** RCW 35.57.020 and 2019 c 341 s 1 are each amended to read as follows:

(1)(a) A public facilities district is authorized to acquire, construct, own, remodel, maintain, equip, reequip, repair, finance, and operate one or more regional centers. For purposes of this chapter, "regional center" means a convention, conference, or special events center, or any combination of facilities, and related parking facilities, serving a regional population constructed, improved, or rehabilitated after July 25, 1999, at a cost of at least ten million dollars, including debt service. "Regional center" also includes an existing convention, conference, or special events center, and related parking facilities, serving a regional population, that is improved or rehabilitated after July 25, 1999, where the costs of improvement or rehabilitation are at least ten million dollars, including debt service. A "special events center" is a facility, available to the public, used for community events, sporting events, trade shows, and artistic, musical, theatrical, or other cultural exhibitions, presentations, or performances. A regional center is conclusively presumed to serve a regional population if state and local government investment in the construction, improvement, or rehabilitation of the regional center is equal to or greater than ten million dollars.

(b) A public facilities district created under RCW 35.57.010(1)(e):

(i) Is authorized, in addition to the authority granted under (a) of this subsection, to acquire, construct, own, remodel, maintain, equip, reequip, repair, finance, and operate one or more recreational facilities other than a ski area;

(ii) If exercising its authority under (a) or (b)(i) of this subsection, must obtain voter approval to fund each recreational facility or regional center pursuant to RCW 82.14.048(4)(a); and

(iii) Possesses all of the powers with respect to recreational

facilities other than a ski area that all public facilities districts possess with respect to regional centers under subsections (3), (4), and (7) of this section.

(c) A public facilities district created under RCW 35.57.010(1)(a) by a city or town that participated in the creation of an additional public facilities district under RCW 35.57.010(1)(e):

(i) Is authorized, in addition to the authority granted under (a) of this subsection, to acquire, construct, own, remodel, maintain, equip, reequip, repair, finance, and operate one or more recreational facilities other than a ski area;

(ii) If exercising its authority under (c)(i) of this subsection, must obtain voter approval to fund each recreational facility pursuant to RCW 82.14.048(4)(a); and

(iii) Possesses all of the powers with respect to recreational facilities other than a ski area that all public facilities districts possess with respect to regional centers.

(d) A public facilities district created under RCW 35.57.010(1)(f) is authorized, in lieu of the authority granted under (a) of this subsection, to acquire, construct, own, remodel, maintain, equip, reequip, repair, finance, and operate regional aquatics and sports facilities, including the purchase, acquisition, construction, repairing, remodeling, and operation of community pools within the district. Additionally, a public facilities district created under RCW 35.57.010(1)(f) may provide funding for transportation improvements directly associated with facilitating motor vehicle and pedestrian access to regional aquatics and sports facilities, which includes funding for new construction, reconstruction, expansion, and maintenance of pedestrian trails, city streets, county roads, and state highways. However, the transportation improvements must be aligned with applicable state, regional, or local transportation plans.

(2) A public facilities district may enter into contracts with any city or town for the purpose of exercising any powers of a community renewal agency under chapter 35.81 RCW.

(3) A public facilities district may impose charges and fees for the use of its facilities, and may accept and expend or use gifts, grants, and donations for the purpose of a regional center.

(4) A public facilities district may impose charges, fees, and taxes authorized in RCW 35.57.040, and use revenues derived therefrom for the purpose of paying principal and interest payments on bonds issued by the public facilities district to construct a regional center.

(5) Notwithstanding the establishment of a career, civil, or merit service system, a public facilities district may contract with a public or private entity for the operation or management of its public facilities.

(6) A public facilities district is authorized to use the supplemental alternative public works contracting procedures set forth in chapter 39.10 RCW in connection with the design, construction, reconstruction, remodel, or alteration of any regional center.

(7) A city or town in conjunction with any special agency, authority, or other district established by a county or any other governmental agency is authorized to use the supplemental alternative public works contracting procedures set forth in chapter 39.10 RCW in connection with the design, construction, reconstruction, remodel, or alteration of any regional center funded in whole or in part by a public facilities district.

(8) Any provision required to be submitted for voter approval under this section(~~(-)~~) may not be submitted for voter approval prior to January 1, 2011.

**Sec. 3.** RCW 82.14.048 and 2012 c 4 s 6 are each amended to read as follows:

(1) The following definitions apply throughout this section

unless the context clearly requires otherwise.

(a) "Distressed public facilities district" means a public facilities district that has defaulted on bond anticipation notes or bonds in excess of forty million dollars on or before April 1, 2012; and

(b) "Anchor jurisdiction" means a city that has entered into an agreement to form a public facilities district under RCW 35.57.010(1)(c) that constitutes a distressed public facilities district under this chapter and in which the largest asset of such public facilities district is located.

(2)(a) The governing board of a public facilities district under chapter 36.100 or 35.57 RCW may submit an authorizing proposition to the voters of the district, 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.

(b) In addition to the tax authorized pursuant to (a) of this subsection and in addition to any other authority conferred by law, the legislative authority of an anchor jurisdiction may impose a sales and use tax within the geographical boundaries of the anchor jurisdiction in accordance with the terms of this chapter without submitting an authorizing proposition to the voters of the anchor jurisdiction or the distressed public facilities district.

(3) The tax authorized in this section is in addition to any other taxes authorized by law and must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the public facilities district. The rate of tax may not exceed two-tenths 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. A public facilities district formed under RCW 35.57.010(1)(e) may not impose the tax authorized under this section at a rate that exceeds two-tenths of one percent minus the rate of the highest tax authorized by this section that is imposed by any other public facilities district within its boundaries. A public facilities district formed under RCW 35.57.010(1)(f) may impose the tax authorized under this section at a rate of not more than two-tenths of one percent regardless of the tax imposed under this section by any other public facilities district within its boundaries. An anchor jurisdiction may impose the tax authorized by subsection (2)(b) of this section at a rate not to exceed two-tenths of one percent, regardless of whether any other public facilities district (including a distressed public facilities district) within its boundaries imposes the tax authorized by this section or the rate of such tax imposed by the public facilities district. If a public facilities district formed under RCW 35.57.010(1)(e) has imposed a tax under this section and issued or incurred obligations pledging that tax, so long as those obligations are outstanding no other public facilities district within its boundaries may thereafter impose a tax under this section at a rate that would reduce the rate of the tax that was pledged to the repayment of those obligations. A public facilities district that imposes a tax under this section is responsible for the payment of any costs incurred for the purpose of administering the provisions of this section, RCW 35.57.010(1)(e), and 35.57.020(1)(b), including any administrative costs associated with the imposition of the tax under this section incurred by either the department of revenue or local government, or both.

(4)(a) Moneys received by a public facilities district from any tax imposed by the public facilities district under the authority of this section must be used for the purpose of providing funds for the costs associated with the financing, refinancing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, and reequipping of its public facilities, and for transportation improvements directly associated with facilitating motor vehicle and pedestrian access to its public

facilities to the extent allowed in RCW 35.57.020(1)(d).

(b) Moneys received by an anchor jurisdiction from any tax imposed by the anchor jurisdiction under the authority of this section must be used for the purpose of providing funds for the costs associated with the financing, refinancing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, and reequipping of the public facilities of the distressed public facilities district, and for all litigation, investigation, and related costs and expenses incurred by the anchor jurisdiction toward resolving matters related to the defaults of the distressed public facilities district. To the extent the distressed public facilities district owes money to an anchor jurisdiction, the anchor jurisdiction may apply money from the sales tax imposed under this section to any such obligations. Any sales tax imposed by an anchor jurisdiction under this section must terminate no later than thirty years after it is first imposed.

**Sec. 4.** RCW 35.57.030 and 1999 c 165 s 3 are each amended to read as follows:

(1) To carry out the purpose of this chapter, a public facilities district may issue general obligation bonds, not to exceed an amount, together with any outstanding nonvoter-approved general obligation indebtedness, equal to one-half of one percent of the value of the taxable property within the district, as the term "value of the taxable property" is defined in RCW 39.36.015. A facilities district additionally may issue general obligation bonds for capital purposes only, together with any outstanding general obligation indebtedness, not to exceed an amount equal to one and one-fourth percent of the value of the taxable property within the district, as the term "value of the taxable property" is defined in RCW 39.36.015, when authorized by the voters of the public facilities district pursuant to Article VIII, section 6 of the state Constitution, and to provide for the retirement thereof by taxes authorized in chapter 165, Laws of 1999.

(2) General obligation bonds may be issued with a maturity of up to thirty years, and shall be issued and sold in accordance with the provisions of chapter 39.46 RCW.

(3) The general obligation bonds may be payable from the operating revenues of the public facilities district in addition to the tax receipts of the district.

(4) A public facilities district formed under RCW 35.57.010(1)(f) may not issue bonds under this section after July 1, 2023, if doing so would cause the scheduled annual principal and interest payments on the aggregate debt issued by the district under this section in any fiscal year to equal or exceed 80 percent of the annual tax revenue that the district projects, on or prior to the date of issuance of the bonds, to collect in such fiscal year under the sales and use tax authorized in RCW 82.14.048. Nothing in this section limits the amount of revenue that a public facilities district may use to make principal and interest payments on the aggregate debt issued by the district under this section.

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Lovelett moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5001.

Senators Torres and Hawkins spoke in favor of the motion.

MOTION

On motion of Senator Nobles, Senator Keiser was excused.

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The President declared the question before the Senate to be the motion by Senator Lovelett that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5001.

The motion by Senator Lovelett carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5001 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5001, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5001, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Keiser and Muzzall

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5001, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 20, 2023

MR. PRESIDENT:

The House passed SENATE BILL NO. 5004 with the following amendment(s): 5004 AMH CRJ H1651.1

Strike everything after the enacting clause and insert the following:

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

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

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

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

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

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

(5) "Corporate action" means any resolution, act, policy, contract, transaction, plan, adoption or amendment of articles of incorporation or bylaws, or other matter approved by or submitted

for approval to a corporation's incorporators, board of directors or a committee thereof, or shareholders.

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

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

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

(9) "Document" means:

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

(b) An electronic record.

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

(11) "Electronic mail" means an electronic transmission directed to a unique electronic mail address, which electronic mail will be deemed to include any files attached thereto and any information hyperlinked to a website if the electronic mail includes the contact information of an officer or agent of the corporation who is available to assist with accessing such files and information.

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

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

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

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

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

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

(16) "Entity" includes a corporation and foreign corporation,



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

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

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

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

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

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

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

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

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

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

(23) "Includes" denotes a partial definition.

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

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

(26) "Means" denotes an exhaustive definition.

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

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

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

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

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

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

elimination of the duty of an officer to offer potential business opportunities to the corporation would apply, or (ii) who has a familial, financial, professional, or employment relationship with another officer to whom the limitation or elimination would apply, which relationship would, in the circumstances, reasonably be expected to exert an influence on the director's judgment when voting on the limitation or elimination.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Sec. 4.** RCW 23B.10.020 and 2009 c 189 s 31 are each

amended to read as follows:

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

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

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

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

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

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

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

(5) To change the corporate name; or

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

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

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

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

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

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

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

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

(5) ~~((If))~~ If the plan of merger is required to be approved by the shareholders, in addition to any other voting conditions imposed by the board of directors under subsection (3) of this section, the plan of merger must be approved by two-thirds of the

voting group comprising all the votes entitled to be cast on the plan, and of each other voting group entitled under RCW 23B.11.035 or the articles of incorporation to vote separately on the plan (~~(— unless shareholder approval is not required under subsection (7) of this section)~~). The articles of incorporation may require a greater or lesser vote than that provided in this subsection, or a greater or lesser vote by separate voting groups, so long as the required vote is not less than a majority of all the votes entitled to be cast on the plan of merger and of each other voting group entitled to vote separately on the plan. Separate voting by additional voting groups is required on a plan of merger under the circumstances described in RCW 23B.11.035.

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

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

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

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

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

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

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

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

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

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

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

(b) Another party to the merger or a parent of another party to the merger makes an offer to purchase, on the terms stated in the

plan of merger, any and all of the outstanding shares of the corporation that, absent this subsection, would be entitled to vote on the plan of merger, except that the offer may exclude shares of the corporation that are owned at the commencement of the offer by the corporation, the offeror, or any parent of the offeror, or by any wholly owned subsidiary of any of the foregoing;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) The articles of incorporation and bylaws of the surviving corporation immediately after the merger becomes effective contain provisions by specific reference to this subsection

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

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

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

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

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

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

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

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Pedersen moved that the Senate concur in the House amendment(s) to Senate Bill No. 5004.

Senators Pedersen and Padden spoke in favor of the motion.

The President declared the question before the Senate to be the

motion by Senator Pedersen that the Senate concur in the House amendment(s) to Senate Bill No. 5004.

The motion by Senator Pedersen carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5004 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5004, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5004, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Keiser and Muzzall

SENATE BILL NO. 5004, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 24, 2023

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5006 with the following amendment(s): 5006-S AMH CRJ H1685.2

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9A.1010 and 2022 c 105 s 2 and 2022 c 104 s 2 are each reenacted to read as follows:

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

(1) "Antique firearm" means a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type of ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(2) "Assemble" means to fit together component parts.

(3) "Barrel length" means the distance from the bolt face of a closed action down the length of the axis of the bore to the crown of the muzzle, or in the case of a barrel with attachments to the end of any legal device permanently attached to the end of the muzzle.

(4) "Bump-fire stock" means a butt stock designed to be attached to a semiautomatic firearm with the effect of increasing the rate of fire achievable with the semiautomatic firearm to that of a fully automatic firearm by using the energy from the recoil of the firearm to generate reciprocating action that facilitates repeated activation of the trigger.

(5) "Crime of violence" means:

(a) Any of the following felonies, as now existing or hereafter

amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, burglary in the second degree, residential burglary, and robbery in the second degree;

(b) Any conviction for a felony offense in effect at any time prior to June 6, 1996, which is comparable to a felony classified as a crime of violence in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under (a) or (b) of this subsection.

(6) "Curio or relic" has the same meaning as provided in 27 C.F.R. Sec. 478.11.

(7) "Dealer" means a person engaged in the business of selling firearms at wholesale or retail who has, or is required to have, a federal firearms license under 18 U.S.C. Sec. 923(a). A person who does not have, and is not required to have, a federal firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or sells all or part of his or her personal collection of firearms.

(8) "Distribute" means to give out, provide, make available, or deliver a firearm or large capacity magazine to any person in this state, with or without consideration, whether the distributor is in-state or out-of-state. "Distribute" includes, but is not limited to, filling orders placed in this state, online or otherwise. "Distribute" also includes causing a firearm or large capacity magazine to be delivered in this state.

(9) "Family or household member" has the same meaning as in RCW 7.105.010.

(10) "Federal firearms dealer" means a licensed dealer as defined in 18 U.S.C. Sec. 921(a)(11).

(11) "Federal firearms importer" means a licensed importer as defined in 18 U.S.C. Sec. 921(a)(9).

(12) "Federal firearms manufacturer" means a licensed manufacturer as defined in 18 U.S.C. Sec. 921(a)(10).

(13) "Felony" means any felony offense under the laws of this state or any federal or out-of-state offense comparable to a felony offense under the laws of this state.

(14) "Felony firearm offender" means a person who has previously been convicted or found not guilty by reason of insanity in this state of any felony firearm offense. A person is not a felony firearm offender under this chapter if any and all qualifying offenses have been the subject of an expungement, pardon, annulment, certificate, or rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or a pardon, annulment, or other equivalent procedure based on a finding of innocence.

(15) "Felony firearm offense" means:

(a) Any felony offense that is a violation of this chapter;

(b) A violation of RCW 9A.36.045;

(c) A violation of RCW 9A.56.300;

(d) A violation of RCW 9A.56.310;

(e) Any felony offense if the offender was armed with a firearm in the commission of the offense.

(16) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. "Firearm" does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes.

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(17)(a) "Frame or receiver" means a part of a firearm that, when the complete firearm is assembled, is visible from the exterior and provides housing or a structure designed to hold or integrate one or more fire control components, even if pins or other attachments are required to connect the fire control components. Any such part identified with a serial number shall be presumed, absent an official determination by the bureau of alcohol, tobacco, firearms, and explosives or other reliable evidence to the contrary, to be a frame or receiver.

(b) For purposes of this subsection, "fire control component" means a component necessary for the firearm to initiate, complete, or continue the firing sequence, including any of the following: Hammer, bolt, bolt carrier, breechblock, cylinder, trigger mechanism, firing pin, striker, or slide rails.

(18) "Gun" has the same meaning as firearm.

(19) "Import" means to move, transport, or receive an item from a place outside the territorial limits of the state of Washington to a place inside the territorial limits of the state of Washington. "Import" does not mean situations where an individual possesses a large capacity magazine when departing from, and returning to, Washington state, so long as the individual is returning to Washington in possession of the same large capacity magazine the individual transported out of state.

(20) "Intimate partner" has the same meaning as provided in RCW 7.105.010.

(21) "Large capacity magazine" means an ammunition feeding device with the capacity to accept more than 10 rounds of ammunition, or any conversion kit, part, or combination of parts, from which such a device can be assembled if those parts are in possession of or under the control of the same person, but shall not be construed to include any of the following:

(a) An ammunition feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds of ammunition;

(b) A 22 caliber tube ammunition feeding device; or

(c) A tubular magazine that is contained in a lever-action firearm.

(22) "Law enforcement officer" includes a general authority Washington peace officer as defined in RCW 10.93.020, or a specially commissioned Washington peace officer as defined in RCW 10.93.020. "Law enforcement officer" also includes a limited authority Washington peace officer as defined in RCW 10.93.020 if such officer is duly authorized by his or her employer to carry a concealed pistol.

(23) "Lawful permanent resident" has the same meaning afforded a person "lawfully admitted for permanent residence" in 8 U.S.C. Sec. 1101(a)(20).

(24) "Licensed collector" means a person who is federally licensed under 18 U.S.C. Sec. 923(b).

(25) "Licensed dealer" means a person who is federally licensed under 18 U.S.C. Sec. 923(a).

(26) "Loaded" means:

(a) There is a cartridge in the chamber of the firearm;

(b) Cartridges are in a clip that is locked in place in the firearm;

(c) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver;

(d) There is a cartridge in the tube or magazine that is inserted in the action; or

(e) There is a ball in the barrel and the firearm is capped or primed if the firearm is a muzzle loader.

(27) "Machine gun" means any firearm known as a machine gun, mechanical rifle, submachine gun, or any other mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying

ammunition which can be loaded into the firearm, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

(28) "Manufacture" means, with respect to a firearm or large capacity magazine, the fabrication, making, formation, production, or construction of a firearm or large capacity magazine, by manual labor or by machinery.

(29) "Mental health professional" means a psychiatrist, psychologist, or physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, social worker, mental health counselor, marriage and family therapist, or such other mental health professionals as may be defined in statute or by rules adopted by the department of health pursuant to the provisions of chapter 71.05 RCW.

(30) "Nonimmigrant alien" means a person defined as such in 8 U.S.C. Sec. 1101(a)(15).

~~((30))~~ (31) "Person" means any individual, corporation, company, association, firm, partnership, club, organization, society, joint stock company, or other legal entity.

~~((31))~~ (32) "Pistol" means any firearm with a barrel less than 16 inches in length, or is designed to be held and fired by the use of a single hand.

~~((32))~~ (33) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

~~((33))~~ (34) "Sale" and "sell" mean the actual approval of the delivery of a firearm in consideration of payment or promise of payment.

~~((34))~~ (35) "Secure gun storage" means:

(a) A locked box, gun safe, or other secure locked storage space that is designed to prevent unauthorized use or discharge of a firearm; and

(b) The act of keeping an unloaded firearm stored by such means.

~~((35))~~ (36)(a) "Semiautomatic assault rifle" means any rifle which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

(b) "Semiautomatic assault rifle" does not include antique firearms, any firearm that has been made permanently inoperable, or any firearm that is manually operated by bolt, pump, lever, or slide action.

~~((36))~~ (37) "Serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any crime of violence;

(b) Any felony violation of the uniform controlled substances act, chapter 69.50 RCW, that is classified as a class B felony or that has a maximum term of imprisonment of at least 10 years;

(c) Child molestation in the second degree;

(d) Incest when committed against a child under age 14;

(e) Indecent liberties;

(f) Leading organized crime;

(g) Promoting prostitution in the first degree;

(h) Rape in the third degree;

(i) Drive-by shooting;

(j) Sexual exploitation;

(k) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(l) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(m) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under RCW 9.94A.030;

(n) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(o) Any felony offense in effect at any time prior to June 6, 1996, that is comparable to a serious offense, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious offense; or

(p) Any felony conviction under RCW 9.41.115.

~~((37))~~ (38) "Short-barreled rifle" means a rifle having one or more barrels less than 16 inches in length and any weapon made from a rifle by any means of modification if such modified weapon has an overall length of less than 26 inches.

~~((38))~~ (39) "Short-barreled shotgun" means a shotgun having one or more barrels less than 18 inches in length and any weapon made from a shotgun by any means of modification if such modified weapon has an overall length of less than 26 inches.

~~((39))~~ (40) "Shotgun" means a weapon with one or more barrels, designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

~~((40))~~ (41) "Substance use disorder professional" means a person certified under chapter 18.205 RCW.

(42) "Transfer" means the intended delivery of a firearm to another person without consideration of payment or promise of payment including, but not limited to, gifts and loans. "Transfer" does not include the delivery of a firearm owned or leased by an entity licensed or qualified to do business in the state of Washington to, or return of such a firearm by, any of that entity's employees or agents, defined to include volunteers participating in an honor guard, for lawful purposes in the ordinary course of business.

~~((44))~~ (43) "Undetectable firearm" means any firearm that is not as detectable as 3.7 ounces of 17-4 PH stainless steel by walk-through metal detectors or magnetometers commonly used at airports or any firearm where the barrel, the slide or cylinder, or the frame or receiver of the firearm would not generate an image that accurately depicts the shape of the part when examined by the types of X-ray machines commonly used at airports.

~~((42))~~ (44)(a) "Unfinished frame or receiver" means a frame or receiver that is partially complete, disassembled, or inoperable, that: (i) Has reached a stage in manufacture where it may readily be completed, assembled, converted, or restored to a functional state; or (ii) is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once finished or completed, including without limitation products marketed or sold to the public as an 80 percent frame or receiver or unfinished frame or receiver.

(b) For purposes of this subsection:

(i) "Readily" means a process that is fairly or reasonably efficient, quick, and easy, but not necessarily the most efficient, speedy, or easy process. Factors relevant in making this determination, with no single one controlling, include the following: (A) Time, i.e., how long it takes to finish the process; (B) ease, i.e., how difficult it is to do so; (C) expertise, i.e., what knowledge and skills are required; (D) equipment, i.e., what tools are required; (E) availability, i.e., whether additional parts are required, and how easily they can be obtained; (F) expense, i.e.,

how much it costs; (G) scope, i.e., the extent to which the subject of the process must be changed to finish it; and (H) feasibility, i.e., whether the process would damage or destroy the subject of the process, or cause it to malfunction.

(ii) "Partially complete," as it modifies frame or receiver, means a forging, casting, printing, extrusion, machined body, or similar article that has reached a stage in manufacture where it is clearly identifiable as an unfinished component part of a firearm.

~~((43))~~ (45) "Unlicensed person" means any person who is not a licensed dealer under this chapter.

~~((44))~~ (46) "Untraceable firearm" means any firearm manufactured after July 1, 2019, that is not an antique firearm and that cannot be traced by law enforcement by means of a serial number affixed to the firearm by a federal firearms manufacturer, federal firearms importer, or federal firearms dealer in compliance with all federal laws and regulations.

**Sec. 2.** RCW 9.41.040 and 2022 c 268 s 28 are each amended to read as follows:

(1)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the first degree, if the person owns, has in his or her possession, or has in his or her control any firearm after having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any serious offense as defined in this chapter.

(b) Unlawful possession of a firearm in the first degree is a class B felony punishable according to chapter 9A.20 RCW.

(2)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the second degree, if the person does not qualify under subsection (1) of this section for the crime of unlawful possession of a firearm in the first degree and the person owns, has in his or her possession, or has in his or her control any firearm:

(i) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any felony not specifically listed as prohibiting firearm possession under subsection (1) of this section, or any of the following crimes when committed by one family or household member against another or by one intimate partner against another, as those terms are defined by the statutes in effect at the time of the commission of the crime, committed on or after July 1, 1993: Assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence (RCW 10.99.040 or any of the former RCW 26.50.060, 26.50.070, and 26.50.130);

(ii) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of harassment when committed by one family or household member against another or by one intimate partner against another, committed on or after June 7, 2018;

(iii) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of a violation of the provisions of a protection order under chapter 7.105 RCW restraining the person or excluding the person from a residence, when committed by one family or household member against another or by one intimate partner against another, committed on or after July 1, 2022;

(iv) During any period of time that the person is subject to a court order issued under chapter 7.105, 9A.46, 10.99, 26.09, 26.26A, or 26.26B RCW or any of the former chapters 7.90, 7.92, 10.14, and 26.50 RCW that:

(A) Was issued after a hearing for which the person received actual notice, and at which the person had an opportunity to participate, whether the court then issues a full order or reissues a temporary order. If the court enters an agreed order by the parties

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without a hearing, such an order meets the requirements of this subsection;

(B) Restrains the person from harassing, stalking, or threatening the person protected under the order or child of the person or protected person, or engaging in other conduct that would place the protected person in reasonable fear of bodily injury to the protected person or child; and

(C)(I) Includes a finding that the person represents a credible threat to the physical safety of the protected person or child or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against the protected person or child that would reasonably be expected to cause bodily injury; or

(II) Includes an order under RCW 9.41.800 requiring the person to surrender all firearms and prohibiting the person from accessing, having in his or her custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, firearms;

(v) After having previously been involuntarily committed based on a mental disorder under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.047;

(vi) After dismissal of criminal charges based on incompetency to stand trial under RCW 10.77.088 when the court has made a finding indicating that the defendant has a history of one or more violent acts, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.047;

(vii) If the person is under 18 years of age, except as provided in RCW 9.41.042; and/or

(viii) If the person is free on bond or personal recognizance pending trial, appeal, or sentencing for a serious offense as defined in RCW 9.41.010.

(b) Unlawful possession of a firearm in the second degree is a class C felony punishable according to chapter 9A.20 RCW.

(3) Notwithstanding RCW 9.41.047 or any other provisions of law, as used in this chapter, a person has been "convicted," whether in an adult court or adjudicated in a juvenile court, at such time as a plea of guilty has been accepted or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including, but not limited to, sentencing or disposition, post-trial or post-fact-finding motions, and appeals. Conviction includes a dismissal entered after a period of probation, suspension, or deferral of sentence, and also includes equivalent dispositions by courts in jurisdictions other than Washington state. A person shall not be precluded from possession of a firearm if the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or the conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. Where no record of the court's disposition of the charges can be found, there shall be a rebuttable presumption that the person was not convicted of the charge.

(4)(a) Notwithstanding subsection (1) or (2) of this section, a person convicted or found not guilty by reason of insanity of an offense prohibiting the possession of a firearm under this section other than murder, manslaughter, robbery, rape, indecent liberties, arson, assault, kidnapping, extortion, burglary, or violations with respect to controlled substances under RCW 69.50.401 and 69.50.410, who received a probationary sentence under RCW 9.95.200, and who received a dismissal of the charge under RCW 9.95.240, shall not be precluded from possession of a firearm as a result of the conviction or finding of not guilty by reason of insanity. Notwithstanding any other provisions of this section, if a person is prohibited from possession of a firearm

under subsection (1) or (2) of this section and has not previously been convicted or found not guilty by reason of insanity of a sex offense prohibiting firearm ownership under subsection (1) or (2) of this section and/or any felony defined under any law as a class A felony or with a maximum sentence of at least 20 years, or both, the individual may petition a court of record to have his or her right to possess a firearm restored:

(i) Under RCW 9.41.047; and/or

(ii)(A) If the conviction or finding of not guilty by reason of insanity was for a felony offense, after five or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525; or

(B) If the conviction or finding of not guilty by reason of insanity was for a nonfelony offense, after three or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525 and the individual has completed all conditions of the sentence.

(b) An individual may petition a court of record to have his or her right to possess a firearm restored under (a) of this subsection only at:

(i) The court of record that ordered the petitioner's prohibition on possession of a firearm; or

(ii) The superior court in the county in which the petitioner resides.

(5) In addition to any other penalty provided for by law, if a person under the age of 18 years is found by a court to have possessed a firearm in a vehicle in violation of subsection (1) or (2) of this section or to have committed an offense while armed with a firearm during which offense a motor vehicle served an integral function, the court shall notify the department of licensing within 24 hours and the person's privilege to drive shall be revoked under RCW 46.20.265, unless the offense is the juvenile's first offense in violation of this section and has not committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.52, 69.41, or 69.50 RCW.

(6) Nothing in chapter 129, Laws of 1995 shall ever be construed or interpreted as preventing an offender from being charged and subsequently convicted for the separate felony crimes of theft of a firearm or possession of a stolen firearm, or both, in addition to being charged and subsequently convicted under this section for unlawful possession of a firearm in the first or second degree. Notwithstanding any other law, if the offender is convicted under this section for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, then the offender shall serve consecutive sentences for each of the felony crimes of conviction listed in this subsection.

(7)(a) A person, whether an adult or a juvenile, commits the civil infraction of unlawful possession of a firearm if the person has in the person's possession or has in the person's control a firearm after the person files a voluntary waiver of firearm rights under RCW 9.41.350 and the form has been accepted by the clerk of the court and the voluntary waiver has not been lawfully revoked.

(b) The civil infraction of unlawful possession of a firearm is a class 4 civil infraction punishable according to chapter 7.80



RCW.

(c) Each firearm unlawfully possessed under this subsection (7) shall be a separate infraction.

(d) The court may, in its discretion, order performance of up to two hours of community restitution in lieu of a monetary penalty prescribed for a civil infraction under this subsection (7).

(8) Each firearm unlawfully possessed under this section shall be a separate offense.

**Sec. 3.** RCW 9.41.350 and 2018 c 145 s 1 are each amended to read as follows:

(1) A person may file a voluntary waiver of firearm rights, either in writing or electronically, with the clerk of the court in any county in Washington state. The clerk of the court must request a physical or scanned copy of photo identification to verify the person's identity prior to accepting the form. The person filing the form may provide ((an alternate person to be contacted if a voluntary waiver of firearm rights is)) the name of a family member, mental health professional, substance use disorder professional, or alternate person to be contacted if the filer attempts to purchase a firearm while the voluntary waiver of firearm rights is in effect or if the filer applies to have the voluntary waiver revoked. The clerk of the court must immediately give notice to the person filing the form and any listed family member, mental health professional, substance use disorder professional, or alternate person if the filer's voluntary waiver of firearm rights has been accepted. The notice must state that the filer's possession or control of a firearm is unlawful under RCW 9.41.040(7) and that any firearm in the filer's possession or control should be surrendered immediately. By the end of the business day, the clerk of the court must transmit the accepted form to the Washington state patrol. The Washington state patrol must enter the voluntary waiver of firearm rights into the national instant criminal background check system and any other federal or state computer-based systems used by law enforcement agencies or others to identify prohibited purchasers of firearms within twenty-four hours of receipt of the form. Copies and records of the voluntary waiver of firearm rights shall not be disclosed except to law enforcement agencies.

(2) A filer of a voluntary waiver of firearm rights may update the contact information for any family member, mental health professional, substance use disorder professional, or alternate person provided under subsection (1) of this section by making an electronic or written request to the clerk of the court in the same county where the voluntary waiver of firearm rights was filed. The clerk of the court must request a physical or scanned copy of photo identification to verify the person's identity prior to updating the contact information on the form. By the end of the business day, the clerk of the court must transmit the updated contact information to the Washington state patrol.

(3) No sooner than seven calendar days after filing a voluntary waiver of firearm rights, the person may file a revocation of the voluntary waiver of firearm rights, either in writing or electronically, in the same county where the voluntary waiver of firearm rights was filed. The clerk of the court must request a physical or scanned copy of photo identification to verify the person's identity prior to accepting the form. By the end of the business day, the clerk of the court must transmit the form to the Washington state patrol and to any ~~((contact))~~ family member, mental health professional, substance use disorder professional, or alternate person listed on the voluntary waiver of firearm rights ((and destroy all records of the voluntary waiver)). Within seven days of receiving a revocation of a voluntary waiver of firearm rights, the Washington state patrol must remove the person from the national instant criminal background check system, and any other federal or state computer-based systems used by law

enforcement agencies or others to identify prohibited purchasers of firearms in which the person was entered, unless the person is otherwise ineligible to possess a firearm under RCW 9.41.040, and destroy all records of the voluntary waiver.

~~((3))~~ (4) A person who knowingly makes a false statement regarding their identity on the voluntary waiver of firearm rights form or revocation of waiver of firearm rights form is guilty of false swearing under RCW 9A.72.040.

~~((4))~~ (5) Neither a voluntary waiver of firearm rights nor a revocation of a voluntary waiver of firearm rights shall be considered by a court in any legal proceeding.

~~((5))~~ (6) A voluntary waiver of firearm rights may not be required of an individual as a condition for receiving employment, benefits, or services.

~~((6))~~ (7) All records obtained and all reports produced, as required by this section, are not subject to disclosure through the public records act under chapter 42.56 RCW.

**Sec. 4.** RCW 9.41.352 and 2018 c 145 s 2 are each amended to read as follows:

(1) The administrator for the courts, under the direction of the chief justice, shall develop a voluntary waiver of firearm rights form and a revocation of voluntary waiver of firearm rights form by January 1, 2019.

(2) The forms must include all of the information necessary for identification and entry of the person into the national instant criminal background check system, and any other federal or state computer-based systems used by law enforcement agencies or others to identify prohibited purchasers of firearms. The voluntary waiver of firearm rights form must include the following language:

Because you have filed this voluntary waiver of firearm rights, effective immediately you may not purchase ~~((or))~~ receive, control, or possess any firearm. You may revoke this voluntary waiver of firearm rights any time after at least seven calendar days have elapsed since the time of filing.

(3) The forms must be made available on the administrator for the courts website, at all county clerk offices, and must also be made widely available at firearm and ammunition dealers and health care provider locations.

**NEW SECTION. Sec. 5.** A new section is added to chapter 9.41 RCW to read as follows:

Mental health professionals and substance use disorder professionals are encouraged to discuss the voluntary waiver of firearm rights with their patients if the mental health professional or substance use disorder professional reasonably believes that a discussion will avoid or minimize an imminent danger to the health or safety of the individual or any other individual; however, there is no obligation to do so."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Pedersen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5006.

Senators Pedersen and Padden spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Pedersen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5006.

The motion by Senator Pedersen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5006 by voice vote.

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The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5006, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5006, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 14; Absent, 0; Excused, 2.

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

Voting nay: Senators Boehnke, Braun, Dozier, Fortunato, MacEwen, McCune, Padden, Schoesler, Short, Torres, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senators Keiser and Muzzall

SUBSTITUTE SENATE BILL NO. 5006, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 7, 2023

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5045 with the following amendment(s): 5045-S2.E AMH PETE VASE 039

On page 3, after line 4, insert the following:

"(d) A county legislative authority that has opted to exempt accessory dwelling units under this subsection (2) shall establish policies to assist and support tenants upon expiration of an exemption granted under this subsection."

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Kuderer moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5045.

Senators Kuderer and Fortunato spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kuderer that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5045.

The motion by Senator Kuderer carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5045 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5045, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5045, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 0; Excused, 2.

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

Voting nay: Senators Boehnke, Dozier, Rivers, Schoesler, Short, Warnick and Wilson, L.

Excused: Senators Keiser and Muzzall

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5045, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Vice President Pro Tempore assumed the chair, Senator Lovick presiding.

#### MESSAGE FROM THE HOUSE

April 6, 2023

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5077 with the following amendment(s): 5077-S AMH CRJ H1766.1

Strike everything after the enacting clause and insert the following:

#### "PART I

**Sec. 101.** RCW 62A.1-201 and 2012 c 214 s 109 are each amended to read as follows:

(a) Unless the context otherwise requires, words or phrases defined in this section, or in the additional definitions contained in other articles of this title that apply to particular articles or parts thereof, have the meanings stated.

(b) Subject to definitions contained in other articles of this title that apply to particular articles or parts thereof:

(1) "Action," in the sense of a judicial proceeding, includes recoupment, counterclaim, set-off, suit in equity, and any other proceeding in which rights are determined.

(2) "Aggrieved party" means a party entitled to pursue a remedy.

(3) "Agreement," as distinguished from "contract," means the bargain of the parties in fact, as found in their language or inferred from other circumstances, including course of performance, course of dealing, or usage of trade as provided in RCW 62A.1-303.

(4) "Bank" means a person engaged in the business of banking and includes a savings bank, savings and loan association, credit union, and trust company.

(5) "Bearer" means a person in control of a negotiable electronic document of title or a person in possession of a negotiable instrument, negotiable tangible document of title, or certificated security that is payable to bearer or indorsed in blank.

(6) "Bill of lading" means a document of title evidencing the receipt of goods for shipment issued by a person engaged in the business of directly or indirectly transporting or forwarding goods. The term does not include a warehouse receipt.

(7) "Branch" includes a separately incorporated foreign branch of a bank.

(8) "Burden of establishing" a fact means the burden of persuading the trier of fact that the existence of the fact is more probable than its nonexistence.

(9) "Buyer in ordinary course of business" means a person that buys goods in good faith, without knowledge that the sale violates the rights of another person in the goods, and in the ordinary course from a person, other than a pawnbroker, in the business of selling goods of that kind. A person buys goods in the ordinary course if the sale to the person comports with the usual or customary practices in the kind of business in which the seller is engaged or with the seller's own usual or customary practices. A person that sells oil, gas, or other minerals at the wellhead or minehead is a person in the business of selling goods of that kind. A buyer in ordinary course of business may buy for cash, by exchange of other property, or on secured or unsecured credit, and may acquire goods or documents of title under a preexisting contract for sale. Only a buyer that takes possession of the goods or has a right to recover the goods from the seller under Article 2 of this title may be a buyer in ordinary course of business. "Buyer in ordinary course of business" does not include a person that acquires goods in a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(10) "Conspicuous," with reference to a term, means so written, displayed, or presented that, based on the totality of the circumstances, a reasonable person against which it is to operate ought to have noticed it. Whether a term is "conspicuous" or not is a decision for the court. ~~((Conspicuous terms include the following:~~

~~(A) A heading in capitals equal to or greater in size than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same or lesser size; and~~

~~(B) Language in the body of a record or display in larger type than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same size, or set off from surrounding text of the same size by symbols or other marks that call attention to the language-))~~

(11) "Consumer" means an individual who enters into a transaction primarily for personal, family, or household purposes.

(12) "Contract," as distinguished from "agreement," means the total legal obligation that results from the parties' agreement as determined by this title as supplemented by any other applicable laws.

(13) "Creditor" includes a general creditor, a secured creditor, a lien creditor, and any representative of creditors, including an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver in equity, and an executor or administrator of an insolvent debtor's or assignor's estate.

(14) "Defendant" includes a person in the position of defendant in a counterclaim, cross-claim, or third-party claim.

(15) "Delivery," with respect to an electronic document of title, means voluntary transfer of control and, with respect to an instrument, a tangible document of title, or an authoritative tangible copy of a record evidencing chattel paper, means voluntary transfer of possession.

(16) "Document of title" means a record (i) that in the regular course of business or financing is treated as adequately evidencing that the person in possession or control of the record is entitled to receive, control, hold, and dispose of the record and the goods the record covers and (ii) that purports to be issued by or addressed to a bailee and to cover goods in the bailee's possession which are either identified or are fungible portions of an identified mass. The term includes a bill of lading, transport document, dock warrant, dock receipt, warehouse receipt, and order for delivery of goods. An electronic document of title means a document of title evidenced by a record consisting of

information stored in an electronic medium. A tangible document of title means a document of title evidenced by a record consisting of information that is inscribed on a tangible medium.

(16A) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(17) "Fault" means a default, breach, or wrongful act or omission.

(18) "Fungible goods" means:

(A) Goods of which any unit, by nature or usage of trade, is the equivalent of any other like unit; or

(B) Goods that by agreement are treated as equivalent.

(19) "Genuine" means free of forgery or counterfeiting.

(20) "Good faith," except as otherwise provided in Article 5 of this title, means honesty in fact and the observance of reasonable commercial standards of fair dealing.

(21) "Holder" with respect to a negotiable instrument, means:

(A) The person in possession of a negotiable instrument that is payable either to bearer or to an identified person that is the person in possession;

(B) The person in possession of a negotiable tangible document of title if the goods are deliverable either to bearer or to the order of the person in possession; or

(C) The person in control, other than pursuant to RCW 62A.7-106(g), of a negotiable electronic document of title.

(22) "Insolvency proceeding" includes an assignment for the benefit of creditors or other proceeding intended to liquidate or rehabilitate the estate of the person involved.

(23) "Insolvent" means:

(A) Having generally ceased to pay debts in the ordinary course of business other than as a result of bona fide dispute;

(B) Being unable to pay debts as they become due; or

(C) Being insolvent within the meaning of federal bankruptcy law.

(24) "Money" means a medium of exchange that is currently authorized or adopted by a domestic or foreign government. The term includes a monetary unit of account established by an intergovernmental organization or by agreement between two or more countries. The term does not include an electronic record that is a medium of exchange recorded and transferable in a system that existed and operated for the medium of exchange before the medium of exchange was authorized or adopted by the government.

(25) "Organization" means a person other than an individual.

(26) "Party," as distinguished from "third party," means a person that has engaged in a transaction or made an agreement subject to this title.

(27) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, ~~((public corporation-))~~ or any other legal or commercial entity. The term includes a protected series, however denominated, of an entity if the protected series is established under law other than this title that limits, or limits if conditions specified under the law are satisfied, the ability of a creditor of the entity or of any other protected series of the entity to satisfy a claim from assets of the protected series.

(28) "Present value" means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain by use of either an interest rate specified by the parties if that rate is not manifestly unreasonable at the time the transaction is entered into or, if an interest rate is not so specified, a commercially reasonable rate that takes into account the facts and circumstances at the time the transaction is entered into.

(29) "Purchase" means taking by sale, lease, discount,

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negotiation, mortgage, pledge, lien, security interest, issue or reissue, gift, or any other voluntary transaction creating an interest in property.

(30) "Purchaser" means a person that takes by purchase.

(31) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(32) "Remedy" means any remedial right to which an aggrieved party is entitled with or without resort to a tribunal.

(33) "Representative" means a person empowered to act for another, including an agent, an officer of a corporation or association, and a trustee, executor, or administrator of an estate.

(34) "Right" includes remedy.

(35) "Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation. "Security interest" includes any interest of a consignor and a buyer of accounts, chattel paper, a payment intangible, or a promissory note in a transaction that is subject to Article 9A of this title. "Security interest" does not include the special property interest of a buyer of goods on identification of those goods to a contract for sale under RCW 62A.2-401, but a buyer may also acquire a "security interest" by complying with Article 9A of this title. Except as otherwise provided in RCW 62A.2-505, the right of a seller or lessor of goods under Article 2 or 2A of this title to retain or acquire possession of the goods is not a "security interest," but a seller or lessor may also acquire a "security interest" by complying with Article 9A of this title. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer under RCW 62A.2-401 is limited in effect to a reservation of a "security interest." Whether a transaction in the form of a lease creates a "security interest" is determined pursuant to RCW 62A.1-203.

(36) "Send," in connection with a (~~writing~~) record(~~s~~) or (~~notice~~) notification, means:

(A) To deposit in the mail (~~or~~), deliver for transmission, or transmit by any other usual means of communication, with postage or cost of transmission provided for (~~and properly addressed and, in the case of an instrument, to an address specified thereon or otherwise agreed, or if there be none~~), addressed to any address reasonable under the circumstances; or

(B) (~~In any other way to cause to be received any record or notice within the time it would have arrived if properly sent~~) to cause the record or notification to be received within the time it would have been received if properly sent under (36)(A) of this subsection.

(37) (~~"Signed" includes using any symbol executed or adopted with present intention to adopt or accept a writing.~~) "Sign" means, with present intent to authenticate or adopt a record:

(A) Execute or adopt a tangible symbol; or

(B) Attach to or logically associate with the record an electronic symbol, sound, or process.

"Signed," "signing," and "signature" have corresponding meanings.

(38) "State" means a State of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(39) "Surety" includes a guarantor or other secondary obligor.

(40) "Term" means a portion of an agreement that relates to a particular matter.

(41) "Unauthorized signature" means a signature made without actual, implied, or apparent authority. The term includes a forgery.

(42) "Warehouse receipt" means a document of title issued by a person engaged in the business of storing goods for hire.

(43) "Writing" includes printing, typewriting, or any other intentional reduction to tangible form. "Written" has a corresponding meaning.

**Sec. 102.** RCW 62A.1-204 and 2012 c 214 s 112 are each amended to read as follows:

Except as otherwise provided in Articles 3, 4, (~~and~~) 5, and 12 of this title, a person gives value for rights if the person acquires them:

(1) In return for a binding commitment to extend credit or for the extension of immediately available credit, whether or not drawn upon and whether or not a charge-back is provided for in the event of difficulties in collection;

(2) As security for, or in total or partial satisfaction of, a preexisting claim;

(3) By accepting delivery under a preexisting contract for purchase; or

(4) In return for any consideration sufficient to support a simple contract.

**Sec. 103.** RCW 62A.1-301 and 2012 c 214 s 115 are each amended to read as follows:

(a) Except as otherwise provided in this section, when a transaction bears a reasonable relation to this state and also to another state or nation the parties may agree that the law either of this state or of such other state or nation shall govern their rights and duties.

(b) In the absence of an agreement effective under subsection (a) of this section, and except as provided in subsection (c) of this section, this title applies to transactions bearing an appropriate relation to this state.

(c) If one of the following provisions of this title specifies the applicable law, that provision governs and a contrary agreement is effective only to the extent permitted by the law so specified:

(1) RCW 62A.2-402;

(2) RCW 62A.2A-105 and 62A.2A-106;

(3) RCW 62A.4-102;

(4) RCW 62A.4A-507;

(5) RCW 62A.5-116;

(6) RCW 62A.8-110;

(7) RCW 62A.9A-301 through 62A.9A-307; and

(8) Section 1007 of this act.

**Sec. 104.** RCW 62A.1-306 and 2012 c 214 s 120 are each amended to read as follows:

A claim or right arising out of an alleged breach may be discharged in whole or in part without consideration by agreement of the aggrieved party in (~~an authenticated~~) a signed record.

## PART II

**Sec. 201.** RCW 62A.2-102 and 1965 ex.s. c 157 s 2-102 are each amended to read as follows:

~~(Unless the context otherwise requires, this Article applies to transactions in goods; it does not apply to any transaction which although in the form of an unconditional contract to sell or present sale is intended to operate only as a security transaction nor does this Article impair or repeal any statute regulating sales to consumers, farmers or other specified classes of buyers.)~~ (1) Unless the context otherwise requires, and except as provided in subsection (3) of this section, this Article applies to transactions in goods and, in the case of a hybrid transaction, it applies to the extent provided in subsection (2) of this section.

(2) In a hybrid transaction:

(a) If the sale-of-goods aspects do not predominate, only the provisions of this Article which relate primarily to the sale-of-goods aspects of the transaction apply, and the provisions that relate primarily to the transaction as a whole do not apply.

(b) If the sale-of-goods aspects predominate, this Article

applies to the transaction but does not preclude application in appropriate circumstances of other law to aspects of the transaction which do not relate to the sale of goods.

(3) This Article does not:

(a) Apply to a transaction that, even though in the form of an unconditional contract to sell or present sale, operates only to create a security interest; or

(b) Impair or repeal a statute regulating sales to consumers, farmers, or other specified classes of buyers.

**Sec. 202.** RCW 62A.2-106 and 1965 ex.s. c 157 s 2-106 are each amended to read as follows:

(1) In this Article unless the context otherwise requires "contract" and "agreement" are limited to those relating to the present or future sale of goods. "Contract for sale" includes both a present sale of goods and a contract to sell goods at a future time. A "sale" consists in the passing of title from the seller to the buyer for a price (RCW 62A.2-401). A "present sale" means a sale which is accomplished by the making of the contract.

(2) Goods or conduct including any part of a performance are "conforming" or conform to the contract when they are in accordance with the obligations under the contract.

(3) "Termination" occurs when either party pursuant to a power created by agreement or law puts an end to the contract otherwise than for its breach. On "termination" all obligations which are still executory on both sides are discharged but any right based on prior breach or performance survives.

(4) "Cancellation" occurs when either party puts an end to the contract for breach by the other and its effect is the same as that of "termination" except that the canceling party also retains any remedy for breach of the whole contract or any unperformed balance.

(5) "Hybrid transaction" means a single transaction involving a sale of goods and:

(a) The provision of services;

(b) A lease of other goods; or

(c) A sale, lease, or license of property other than goods.

**Sec. 203.** RCW 62A.2-201 and 2013 c 23 s 126 are each amended to read as follows:

(1) Except as otherwise provided in this section, a contract for the sale of goods for the price of ~~((five hundred dollars))~~ \$500 or more is not enforceable by way of action or defense unless there is ~~((some writing))~~ a record sufficient to indicate that a contract for sale has been made between the parties and signed by the party against whom enforcement is sought or by ~~((his or her))~~ the party's authorized agent or broker. A ~~((writing))~~ record is not insufficient because it omits or incorrectly states a term agreed upon but the contract is not enforceable under this ~~((paragraph))~~ subsection beyond the quantity of goods shown in ~~((such writing))~~ the record.

(2) Between merchants if within a reasonable time a ~~((writing))~~ record in confirmation of the contract and sufficient against the sender is received and the party receiving it has reason to know its contents, it satisfies the requirements of subsection (1) of this section against ~~((such))~~ the party unless ~~((written))~~ notice in a record of objection to its contents is given within ~~((ten))~~ 10 days after it is received.

(3) A contract which does not satisfy the requirements of subsection (1) of this section but which is valid in other respects is enforceable:

(a) If the goods are to be specially manufactured for the buyer and are not suitable for sale to others in the ordinary course of the seller's business and the seller, before notice of repudiation is received and under circumstances which reasonably indicate that the goods are for the buyer, has made either a substantial beginning of their manufacture or commitments for their

procurement; or

(b) If the party against whom enforcement is sought admits in his or her pleading, testimony, or otherwise in court that a contract for sale was made, but the contract is not enforceable under this provision beyond the quantity of goods admitted; or

(c) With respect to goods for which payment has been made and accepted or which have been received and accepted (RCW 62A.2-606).

**Sec. 204.** RCW 62A.2-202 and 2012 c 214 s 803 are each amended to read as follows:

Terms with respect to which the confirmatory memoranda of the parties agree or which are otherwise set forth in a ~~((writing))~~ record intended by the parties as a final expression of their agreement with respect to such terms as are included therein may not be contradicted by evidence of any prior agreement or of a contemporaneous oral agreement but may be explained or supplemented:

(a) By course of performance, course of dealing, or usage of trade (RCW 62A.1-303); and

(b) By evidence of consistent additional terms unless the court finds the ~~((writing))~~ record to have been intended also as a complete and exclusive statement of the terms of the agreement.

**Sec. 205.** RCW 62A.2-203 and 1965 ex.s. c 157 s 2-203 are each amended to read as follows:

The affixing of a seal to a ~~((writing))~~ record evidencing a contract for sale or an offer to buy or sell goods does not constitute the ~~((writing))~~ record a sealed instrument and the law with respect to sealed instruments does not apply to such contract or offer.

**Sec. 206.** RCW 62A.2-205 and 1965 ex.s. c 157 s 2-205 are each amended to read as follows:

An offer by a merchant to buy or sell goods in a signed ~~((writing))~~ record which by its terms gives assurance that it will be held open is not revocable, for lack of consideration, during the time stated or if no time is stated for a reasonable time, but in no event may such period of irrevocability exceed three months; but any such term of assurance on a form supplied by the offeree must be separately signed by the offeror.

**Sec. 207.** RCW 62A.2-209 and 1965 ex.s. c 157 s 2-209 are each amended to read as follows:

(1) An agreement modifying a contract within this Article needs no consideration to be binding.

(2) A signed agreement which excludes modification or rescission except by a signed writing or other signed record cannot be otherwise modified or rescinded, but except as between merchants such a requirement on a form supplied by the merchant must be separately signed by the other party.

(3) The requirements of the statute of frauds section of this Article (RCW 62A.2-201) must be satisfied if the contract as modified is within its provisions.

(4) Although an attempt at modification or rescission does not satisfy the requirements of subsection (2) or (3) it can operate as a waiver.

(5) A party who has made a waiver affecting an executory portion of the contract may retract the waiver by reasonable notification received by the other party that strict performance will be required of any term waived, unless the retraction would be unjust in view of a material change of position in reliance on the waiver.

### PART III

**Sec. 301.** RCW 62A.2A-102 and 1993 c 230 s 2A-102 are each amended to read as follows:

(1) This Article applies to any transaction, regardless of form, that creates a lease and, in the case of a hybrid lease, it applies to the extent provided in subsection (2) of this section.

(2) In a hybrid lease:

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(a) If the lease-of-goods aspects do not predominate:

(i) Only the provisions of this Article which relate primarily to the lease-of-goods aspects of the transaction apply, and the provisions that relate primarily to the transaction as a whole do not apply;

(ii) RCW 62A.2A-209 applies if the lease is a finance lease; and

(iii) RCW 62A.2A-407 applies to the promises of the lessee in a finance lease to the extent the promises are consideration for the right to possession and use of the leased goods; and

(b) If the lease-of-goods aspects predominate, this Article applies to the transaction, but does not preclude application in appropriate circumstances of other law to aspects of the lease which do not relate to the lease of goods.

**Sec. 302.** RCW 62A.2A-103 and 2012 c 214 s 902 are each amended to read as follows:

(1) In this Article unless the context otherwise requires:

(a) "Buyer in ordinary course of business" means a person who in good faith and without knowledge that the sale to him or her is in violation of the ownership rights or security interest or leasehold interest of a third party in the goods buys in ordinary course from a person in the business of selling goods of that kind but does not include a pawnbroker. "Buying" may be for cash, or by exchange of other property, or on secured or unsecured credit, and includes acquiring goods or documents of title under a preexisting contract for sale but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(b) "Cancellation" occurs when either party puts an end to the lease contract for default by the other party.

(c) "Commercial unit" means such a unit of goods as by commercial usage is a single whole for purposes of lease and division of which materially impairs its character or value on the market or in use. A commercial unit may be a single article, as a machine, or a set of articles, as a suite of furniture or a line of machinery, or a quantity, as a gross or carload, or any other unit treated in use or in the relevant market as a single whole.

(d) "Conforming" goods or performance under a lease contract means goods or performance that are in accordance with the obligations under the lease contract.

(e) "Consumer lease" means a lease that a lessor regularly engaged in the business of leasing or selling makes to a lessee who is an individual who takes under the lease primarily for a personal, family, or household purpose, if the total payments to be made under the lease contract, excluding payments for options to renew or buy, do not exceed twenty-five thousand dollars.

(f) "Fault" means wrongful act, omission, breach, or default.

(g) "Finance lease" means a lease with respect to which:

(i) The lessor does not select, manufacture, or supply the goods;

(ii) The lessor acquires the goods or the right to possession and use of the goods in connection with the lease; and

(iii) Only in the case of a consumer lease, either:

(A) The lessee receives a copy of the contract by which the lessor acquired the goods or the right to possession and use of the goods before signing the lease contract;

(B) The lessee's approval of the contract by which the lessor acquired the goods or the right to possession and use of the goods is a condition to effectiveness of the lease contract; or

(C) The lessee, before signing the lease contract, receives an accurate and complete statement designating the promises and warranties, and any disclaimers of warranties, limitations or modifications of remedies, or liquidated damages, including those of a third party, such as the manufacturer of the goods, provided to the lessor by the person supplying the goods in connection with or as part of the contract by which the lessor acquired the goods

or the right to possession and use of the goods.

(h) "Goods" means all things that are movable at the time of identification to the lease contract, or are fixtures (RCW 62A.2A-309), but the term does not include money, documents, instruments, accounts, chattel paper, general intangibles, or minerals or the like, including oil and gas, before extraction. The term also includes the unborn young of animals.

(h.1) "Hybrid lease" means a single transaction involving a lease of goods and:

(i) The provision of services;

(ii) A sale of other goods; or

(iii) A sale, lease, or license of property other than goods.

(i) "Installment lease contract" means a lease contract that authorizes or requires the delivery of goods in separate lots to be separately accepted, even though the lease contract contains a clause "each delivery is a separate lease" or its equivalent.

(j) "Lease" means a transfer of the right to possession and use of goods for a term in return for consideration, but a sale, including a sale on approval or a sale or return, or retention or creation of a security interest is not a lease. Unless the context clearly indicates otherwise, the term includes a sublease.

(k) "Lease agreement" means the bargain, with respect to the lease, of the lessor and the lessee in fact as found in their language or by implication from other circumstances including course of dealing or usage of trade or course of performance as provided in this Article. Unless the context clearly indicates otherwise, the term includes a sublease agreement.

(l) "Lease contract" means the total legal obligation that results from the lease agreement as affected by this Article and any other applicable rules of law. Unless the context clearly indicates otherwise, the term includes a sublease contract.

(m) "Leasehold interest" means the interest of the lessor or the lessee under a lease contract.

(n) "Lessee" means a person who acquires the right to possession and use of goods under a lease. Unless the context clearly indicates otherwise, the term includes a sublessee.

(o) "Lessee in ordinary course of business" means a person who in good faith and without knowledge that the lease to him or her is in violation of the ownership rights or security interest or leasehold interest of a third party in the goods, leases in ordinary course from a person in the business of selling or leasing goods of that kind but does not include a pawnbroker. "Leasing" may be for cash, or by exchange of other property, or on secured or unsecured credit and includes acquiring goods or documents of title under a preexisting lease contract but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(p) "Lessor" means a person who transfers the right to possession and use of goods under a lease. Unless the context clearly indicates otherwise, the term includes a sublessor.

(q) "Lessor's residual interest" means the lessor's interest in the goods after expiration, termination, or cancellation of the lease contract.

(r) "Lien" means a charge against or interest in goods to secure payment of a debt or performance of an obligation, but the term does not include a security interest.

(s) "Lot" means a parcel or a single article that is the subject matter of a separate lease or delivery, whether or not it is sufficient to perform the lease contract.

(t) "Merchant lessee" means a lessee that is a merchant with respect to goods of the kind subject to the lease.

(u) "Present value" means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain. The discount is determined by the interest rate specified by the parties if the rate was not manifestly unreasonable at the

time the transaction was entered into; otherwise, the discount is determined by a commercially reasonable rate that takes into account the facts and circumstances of each case at the time the transaction was entered into.

(v) "Purchase" includes taking by sale, lease, mortgage, security interest, pledge, gift, or any other voluntary transaction creating an interest in goods.

(w) "Sublease" means a lease of goods the right to possession and use of which was acquired by the lessor as a lessee under an existing lease.

(x) "Supplier" means a person from whom a lessor buys or leases goods to be leased under a finance lease.

(y) "Supply contract" means a contract under which a lessor buys or leases goods to be leased.

(z) "Termination" occurs when either party pursuant to a power created by agreement or law puts an end to the lease contract otherwise than for default.

(2) Other definitions applying to this Article or to specified Parts thereof, and the sections in which they appear are:

"Accessions."	RCW 62A.2A-310.
"Construction mortgage."	RCW 62A.2A-309.
"Encumbrance."	RCW 62A.2A-309.
"Fixtures."	RCW 62A.2A-309.
"Fixture filing."	RCW 62A.2A-309.
"Purchase money lease."	RCW 62A.2A-309.

(3) The following definitions in other articles apply to this Article:

"Account."	RCW 62A.9A-102.
"Between merchants."	RCW 62A.2-104.
"Buyer."	RCW 62A.2-103.
"Chattel paper."	RCW 62A.9A-102.
"Consumer goods."	RCW 62A.9A-102.
"Document."	RCW 62A.9A-102.
"Entrusting."	RCW 62A.2-403.
"General intangible."	RCW 62A.9A-102.
"Instrument."	RCW 62A.9A-102.
"Merchant."	RCW 62A.2-104(1).
"Mortgage."	RCW 62A.9A-102.
"Pursuant to commitment."	RCW 62A.9A-102.
"Receipt."	RCW 62A.2-103.
"Sale."	RCW 62A.2-106.
"Sale on approval."	RCW 62A.2-326.
"Sale or return."	RCW 62A.2-326.
"Seller."	RCW 62A.2-103.

(4) In addition, Article 1 of this title contains general definitions and principles of construction and interpretation applicable throughout this Article.

**Sec. 303.** RCW 62A.2A-107 and 1993 c 230 s 2A-107 are each amended to read as follows:

Any claim or right arising out of an alleged default or breach of warranty may be discharged in whole or in part without consideration by a ~~((written))~~ waiver or renunciation in a signed ~~((and))~~ record delivered by the aggrieved party.

**Sec. 304.** RCW 62A.2A-201 and 1993 c 230 s 2A-201 are each amended to read as follows:

(1) A lease contract is not enforceable by way of action or defense unless:

(a) The total payments to be made under the lease contract, excluding payments for options to renew or buy, are less than one thousand dollars; or

(b) There is a ~~((writing))~~ record, signed by the party against whom enforcement is sought or by that party's authorized agent, sufficient to indicate that a lease contract has been made between the parties and to describe the goods leased and the lease term.

(2) Any description of leased goods or of the lease term is

sufficient and satisfies subsection (1)(b) of this section, whether or not it is specific, if it reasonably identifies what is described.

(3) A ~~((writing))~~ record is not insufficient because it omits or incorrectly states a term agreed upon, but the lease contract is not enforceable under subsection (1)(b) of this section beyond the lease term and the quantity of goods shown in the ~~((writing))~~ record.

(4) A lease contract that does not satisfy the requirements of subsection (1) of this section, but which is valid in other respects, is enforceable:

(a) If the goods are to be specially manufactured or obtained for the lessee and are not suitable for lease or sale to others in the ordinary course of the lessor's business, and the lessor, before notice of repudiation is received and under circumstances that reasonably indicate that the goods are for the lessee, has made either a substantial beginning of their manufacture or commitments for their procurement;

(b) If the party against whom enforcement is sought admits in that party's pleading, testimony, or otherwise in court that a lease contract was made, but the lease contract is not enforceable under this provision beyond the quantity of goods admitted; or

(c) With respect to goods that have been received and accepted by the lessee.

(5) The lease term under a lease contract referred to in subsection (4) of this section is:

(a) If there is a ~~((writing))~~ record signed by the party against whom enforcement is sought or by that party's authorized agent specifying the lease term, the term so specified;

(b) If the party against whom enforcement is sought admits in that party's pleading, testimony, or otherwise in court a lease term, the term so admitted; or

(c) A reasonable lease term.

**Sec. 305.** RCW 62A.2A-202 and 1993 c 230 s 2A-202 are each amended to read as follows:

Terms with respect to which the confirmatory memoranda of the parties agree or which are otherwise set forth in a ~~((writing))~~ record intended by the parties as a final expression of their agreement with respect to such terms as are included therein may not be contradicted by evidence of any prior agreement or of a contemporaneous oral agreement but may be explained or supplemented:

(1) By course of dealing or usage of trade or by course of performance; and

(2) By evidence of consistent additional terms unless the court finds the ~~((writing))~~ record to have been intended also as a complete and exclusive statement of the terms of the agreement.

**Sec. 306.** RCW 62A.2A-203 and 1993 c 230 s 2A-203 are each amended to read as follows:

The affixing of a seal to a ~~((writing))~~ record evidencing a lease contract or an offer to enter into a lease contract does not render the ~~((writing))~~ record a sealed instrument and the law with respect to sealed instruments does not apply to the lease contract or offer.

**Sec. 307.** RCW 62A.2A-205 and 1993 c 230 s 2A-205 are each amended to read as follows:

An offer by a merchant to lease goods to or from another person in a signed ~~((writing))~~ record that by its terms gives assurance it will be held open is not revocable, for lack of consideration, during the time stated or, if no time is stated, for a reasonable time, but in no event may the period of irrevocability exceed three months. Any such term of assurance on a form supplied by the offeree must be separately signed by the offeror.

**Sec. 308.** RCW 62A.2A-208 and 1993 c 230 s 2A-208 are each amended to read as follows:

(1) An agreement modifying a lease contract needs no consideration to be binding.

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(2) A signed lease agreement that excludes modification or rescission except by a signed (~~writing~~) record may not be otherwise modified or rescinded, but, except as between merchants, such a requirement on a form supplied by a merchant must be separately signed by the other party.

(3) Although an attempt at modification or rescission does not satisfy the requirements of subsection (2) of this section, it may operate as a waiver.

(4) A party who has made a waiver affecting an executory portion of a lease contract may retract the waiver by reasonable notification received by the other party that strict performance will be required of any term waived, unless the retraction would be unjust in view of a material change of position in reliance on the waiver.

#### PART IV

**Sec. 401.** RCW 62A.3-104 and 1993 c 229 s 6 are each amended to read as follows:

(a) Except as provided in subsections (c) and (d), "negotiable instrument" means an unconditional promise or order to pay a fixed amount of money, with or without interest or other charges described in the promise or order, if it:

(1) Is payable to bearer or to order at the time it is issued or first comes into possession of a holder;

(2) Is payable on demand or at a definite time; and

(3) Does not state any other undertaking or instruction by the person promising or ordering payment to do any act in addition to the payment of money, but the promise or order may contain (i) an undertaking or power to give, maintain, or protect collateral to secure payment, (ii) an authorization or power to the holder to confess judgment or realize on or dispose of collateral, (~~or~~) (iii) a waiver of the benefit of any law intended for the advantage or protection of an obligor, (iv) a term that specifies the law that governs the promise or order, or (v) an undertaking to resolve in a specified forum a dispute concerning the promise or order.

(b) "Instrument" means a negotiable instrument.

(c) An order that meets all of the requirements of subsection (a), except subsection (a)(1), and otherwise falls within the definition of "check" in subsection (f) is a negotiable instrument and a check.

(d) A promise or order other than a check is not an instrument if, at the time it is issued or first comes into possession of a holder, it contains a conspicuous statement, however expressed, to the effect that the promise or order is not negotiable or is not an instrument governed by this Article.

(e) An instrument is a "note" if it is a promise and is a "draft" if it is an order. If an instrument falls within the definition of both "note" and "draft," a person entitled to enforce the instrument may treat it as either.

(f) "Check" means (i) a draft, other than a documentary draft, payable on demand and drawn on a bank, or (ii) a cashier's check or teller's check. An instrument may be a check even though it is described on its face by another term, such as "money order."

(g) "Cashier's check" means a draft with respect to which the drawer and drawee are the same bank or branches of the same bank.

(h) "Teller's check" means a draft drawn by a bank (i) on another bank, or (ii) payable at or through a bank.

(i) "Traveler's check" means an instrument that (i) is payable on demand, (ii) is drawn on or payable at or through a bank, (iii) is designated by the term "traveler's check" or by a substantially similar term, and (iv) requires, as a condition to payment, a countersignature by a person whose specimen signature appears on the instrument.

(j) "Certificate of deposit" means an instrument containing an acknowledgment by a bank that a sum of money has been

received by the bank and a promise by the bank to repay the sum of money. A certificate of deposit is a note of the bank.

**Sec. 402.** RCW 62A.3-105 and 1993 c 229 s 7 are each amended to read as follows:

(a) "Issue" means (~~the~~);

(1) The first delivery of an instrument by the maker or drawer, whether to a holder or nonholder, for the purpose of giving rights on the instrument to any person; or

(2) If agreed by the payee, the first transmission by the drawer to the payee of an image of an item and information derived from the item that enables the depository bank to collect the item by transferring or presenting under federal law an electronic check.

(b) An unissued instrument, or an unissued incomplete instrument that is completed, is binding on the maker or drawer, but nonissuance is a defense. An instrument that is conditionally issued or is issued for a special purpose is binding on the maker or drawer, but failure of the condition or special purpose to be fulfilled is a defense.

(c) "Issuer" applies to issued and unissued instruments and means a maker or drawer of an instrument.

**Sec. 403.** RCW 62A.3-401 and 1993 c 229 s 41 are each amended to read as follows:

~~((a))~~ A person is not liable on an instrument unless ~~((i))~~ (a) the person signed the instrument, or ~~((ii))~~ (b) the person is represented by an agent or representative who signed the instrument and the signature is binding on the represented person under RCW 62A.3-402.

~~((b) A signature may be made (i) manually or by means of a device or machine, and (ii) by the use of any name, including a trade or assumed name, or by a word, mark, or symbol executed or adopted by a person with present intention to authenticate a writing.)~~

**Sec. 404.** RCW 62A.3-604 and 1993 c 229 s 74 are each amended to read as follows:

(a) A person entitled to enforce an instrument, with or without consideration, may discharge the obligation of a party to pay the instrument (i) by an intentional voluntary act, such as surrender of the instrument to the party, destruction, mutilation, or cancellation of the instrument, cancellation or striking out of the party's signature, or the addition of words to the instrument indicating discharge, or (ii) by agreeing not to sue or otherwise renouncing rights against the party by a signed writing. The obligation of a party to pay a check is not discharged solely by destruction of the check in connection with a process in which information is extracted from the check and an image of the check is made and, subsequently, the information and image are transmitted for payment.

(b) Cancellation or striking out of an indorsement pursuant to subsection (a) does not affect the status and rights of a party derived from the indorsement.

#### PART V

**Sec. 501.** RCW 62A.4A-103 and 2013 c 118 s 2 are each amended to read as follows:

(a) In this Article:

(1) "Payment order" means an instruction of a sender to a receiving bank, transmitted orally (~~electronically~~) or in ~~writing~~ a record, to pay, or to cause another bank to pay, a fixed or determinable amount of money to a beneficiary if:

(i) The instruction does not state a condition to payment to the beneficiary other than time of payment;

(ii) The receiving bank is to be reimbursed by debiting an account of, or otherwise receiving payment from, the sender; and

(iii) The instruction is transmitted by the sender directly to the receiving bank or to an agent, funds-transfer system, or communication system for transmittal to the receiving bank.



(2) "Beneficiary" means the person to be paid by the beneficiary's bank.

(3) "Beneficiary's bank" means the bank identified in a payment order in which an account of the beneficiary is to be credited pursuant to the order or which otherwise is to make payment to the beneficiary if the order does not provide for payment to an account.

(4) "Receiving bank" means the bank to which the sender's instruction is addressed.

(5) "Sender" means the person giving the instruction to the receiving bank.

(b) If an instruction complying with subsection (a)(1) of this section is to make more than one payment to a beneficiary, the instruction is a separate payment order with respect to each payment.

(c) A payment order is issued when it is sent to the receiving bank.

**Sec. 502.** RCW 62A.4A-201 and 1991 sp.s. c 21 s 4A-201 are each amended to read as follows:

"Security procedure" means a procedure established by agreement of a customer and a receiving bank for the purpose of (1) verifying that a payment order or communication amending or canceling a payment order is that of the customer, or (2) detecting error in the transmission or the content of the payment order or communication. A security procedure may impose an obligation on the receiving bank or the customer and may require the use of algorithms or other codes, identifying words ((~~or~~)), numbers, symbols, sounds, biometrics, encryption, callback procedures, or similar security devices. Comparison of a signature on a payment order or communication with an authorized specimen signature of the customer or requiring a payment order to be sent from a known email address, IP address, or telephone number is not by itself a security procedure.

**Sec. 503.** RCW 62A.4A-202 and 2013 c 118 s 6 are each amended to read as follows:

(a) A payment order received by the receiving bank is the authorized order of the person identified as sender if that person authorized the order or is otherwise bound by it under the law of agency.

(b) If a bank and its customer have agreed that the authenticity of payment orders issued to the bank in the name of the customer as sender will be verified pursuant to a security procedure, a payment order received by the receiving bank is effective as the order of the customer, whether or not authorized, if (i) the security procedure is a commercially reasonable method of providing security against unauthorized payment orders, and (ii) the bank proves that it accepted the payment order in good faith and in compliance with the bank's obligations under the security procedure and any ((written)) agreement or instruction of the customer, evidenced by a record, restricting acceptance of payment orders issued in the name of the customer. The bank is not required to follow an instruction that violates a ((written)) an agreement with the customer, evidenced by a record, or notice of which is not received at a time and in a manner affording the bank a reasonable opportunity to act on it before the payment order is accepted.

(c) Commercial reasonableness of a security procedure is a question of law to be determined by considering the wishes of the customer expressed to the bank, the circumstances of the customer known to the bank, including the size, type, and frequency of payment orders normally issued by the customer to the bank, alternative security procedures offered to the customer, and security procedures in general use by customers and receiving banks similarly situated. A security procedure is deemed to be commercially reasonable if (i) the security procedure was chosen

by the customer after the bank offered, and the customer refused, a security procedure that was commercially reasonable for that customer, and (ii) the customer expressly agreed in ((writing)) a record to be bound by any payment order, whether or not authorized, issued in its name, and accepted by the bank in compliance with the bank's obligations under the security procedure chosen by the customer.

(d) The term "sender" in this Article includes the customer in whose name a payment order is issued if the order is the authorized order of the customer under subsection (a) of this section, or it is effective as the order of the customer under subsection (b) of this section.

(e) This section applies to amendments and cancellations of payment orders to the same extent it applies to payment orders.

(f) Except as provided in this section and RCW 62A.4A-203(a)(1), rights and obligations arising under this section or RCW 62A.4A-203 may not be varied by agreement.

**Sec. 504.** RCW 62A.4A-203 and 2013 c 118 s 7 are each amended to read as follows:

(a) If an accepted payment order is not, under RCW 62A.4A-202(a), an authorized order of a customer identified as sender, but is effective as an order of the customer pursuant to RCW 62A.4A-202(b), the following rules apply.

(1) By express ((written)) agreement evidenced by a record, the receiving bank may limit the extent to which it is entitled to enforce or retain payment of the payment order.

(2) The receiving bank is not entitled to enforce or retain payment of the payment order if the customer proves that the order was not caused, directly or indirectly, by a person (i) entrusted at any time with duties to act for the customer with respect to payment orders or the security procedure, or (ii) who obtained access to transmitting facilities of the customer or who obtained, from a source controlled by the customer and without authority of the receiving bank, information facilitating breach of the security procedure, regardless of how the information was obtained or whether the customer was at fault. Information includes any access device, computer software, or the like.

(b) This section applies to amendments of payment orders to the same extent it applies to payment orders.

**Sec. 505.** RCW 62A.4A-207 and 2013 c 118 s 11 are each amended to read as follows:

(a) Subject to subsection (b) of this section, if, in a payment order received by the beneficiary's bank, the name, bank account number, or other identification of the beneficiary refers to a nonexistent or unidentifiable person or account, no person has rights as a beneficiary of the order and acceptance of the order cannot occur.

(b) If a payment order received by the beneficiary's bank identifies the beneficiary both by name and by an identifying or bank account number and the name and number identify different persons, the following rules apply:

(1) Except as otherwise provided in subsection (c) of this section, if the beneficiary's bank does not know that the name and number refer to different persons, it may rely on the number as the proper identification of the beneficiary of the order. The beneficiary's bank need not determine whether the name and number refer to the same person.

(2) If the beneficiary's bank pays the person identified by name or knows that the name and number identify different persons, no person has rights as beneficiary except the person paid by the beneficiary's bank if that person was entitled to receive payment from the originator of the funds transfer. If no person has rights as beneficiary, acceptance of the order cannot occur.

(c) If (i) a payment order described in subsection (b) of this section is accepted, (ii) the originator's payment order described

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the beneficiary inconsistently by name and number, and (iii) the beneficiary's bank pays the person identified by number as permitted by subsection (b)(1) of this section, the following rules apply:

(1) If the originator is a bank, the originator is obliged to pay its order.

(2) If the originator is not a bank and proves that the person identified by number was not entitled to receive payment from the originator, the originator is not obliged to pay its order unless the originator's bank proves that the originator, before acceptance of the originator's order, had notice that payment of a payment order issued by the originator might be made by the beneficiary's bank on the basis of an identifying or bank account number even if it identifies a person different from the named beneficiary. Proof of notice may be made by any admissible evidence. The originator's bank satisfies the burden of proof if it proves that the originator, before the payment order was accepted, signed a ~~((writing))~~ record stating the information to which the notice relates.

(d) In a case governed by subsection (b)(1) of this section, if the beneficiary's bank rightfully pays the person identified by number and that person was not entitled to receive payment from the originator, the amount paid may be recovered from that person to the extent allowed by the law governing mistake and restitution as follows:

(1) If the originator is obliged to pay its payment order as stated in subsection (c) of this section, the originator has the right to recover.

(2) If the originator is not a bank and is not obliged to pay its payment order, the originator's bank has the right to recover.

**Sec. 506.** RCW 62A.4A-208 and 2013 c 118 s 12 are each amended to read as follows:

(a) This subsection applies to a payment order identifying an intermediary bank or the beneficiary's bank only by an identifying number.

(1) The receiving bank may rely on the number as the proper identification of the intermediary or beneficiary's bank and need not determine whether the number identifies a bank.

(2) The sender is obliged to compensate the receiving bank for any loss and expenses incurred by the receiving bank as a result of its reliance on the number in executing or attempting to execute the order.

(b) This subsection applies to a payment order identifying an intermediary bank or the beneficiary's bank both by name and an identifying number if the name and number identify different persons.

(1) If the sender is a bank, the receiving bank may rely on the number as the proper identification of the intermediary or beneficiary's bank if the receiving bank, when it executes the sender's order, does not know that the name and number identify different persons. The receiving bank need not determine whether the name and number refer to the same person or whether the number refers to a bank. The sender is obliged to compensate the receiving bank for any loss and expenses incurred by the receiving bank as a result of its reliance on the number in executing or attempting to execute the order.

(2) If the sender is not a bank and the receiving bank proves that the sender, before the payment order was accepted, had notice that the receiving bank might rely on the number as the proper identification of the intermediary or beneficiary's bank even if it identifies a person different from the bank identified by name, the rights and obligations of the sender and the receiving bank are governed by subsection (b)(1) of this section, as though the sender were a bank. Proof of notice may be made by any admissible evidence. The receiving bank satisfies the burden of proof if it proves that the sender, before the payment order was accepted,

signed a ~~((writing))~~ record stating the information to which the notice relates.

(3) Regardless of whether the sender is a bank, the receiving bank may rely on the name as the proper identification of the intermediary or beneficiary's bank if the receiving bank, at the time it executes the sender's order, does not know that the name and number identify different persons. The receiving bank need not determine whether the name and number refer to the same person.

(4) If the receiving bank knows that the name and number identify different persons, reliance on either the name or the number in executing the sender's payment order is a breach of the obligation stated in RCW 62A.4A-302(a)(1).

**Sec. 507.** RCW 62A.4A-210 and 2013 c 118 s 14 are each amended to read as follows:

(a) A payment order is rejected by the receiving bank by a notice of rejection transmitted to the sender orally ~~((, electronically,))~~ or in ~~((writing))~~ a record. A notice of rejection need not use any particular words and is sufficient if it indicates that the receiving bank is rejecting the order or will not execute or pay the order. Rejection is effective when the notice is given if transmission is by a means that is reasonable in the circumstances. If notice of rejection is given by a means that is not reasonable, rejection is effective when the notice is received. If an agreement of the sender and receiving bank establishes the means to be used to reject a payment order, (i) any means complying with the agreement is reasonable and (ii) any means not complying is not reasonable unless no significant delay in receipt of the notice resulted from the use of the noncomplying means.

(b) This subsection applies if a receiving bank other than the beneficiary's bank fails to execute a payment order despite the existence on the execution date of a withdrawable credit balance in an authorized account of the sender sufficient to cover the order. If the sender does not receive notice of rejection of the order on the execution date and the authorized account of the sender does not bear interest, the bank is obliged to pay interest to the sender on the amount of the order for the number of days elapsing after the execution date to the earlier of the day the order is canceled pursuant to RCW 62A.4A-211(d) or the day the sender receives notice or learns that the order was not executed, counting the final day of the period as an elapsed day. If the withdrawable credit balance during that period falls below the amount of the order, the amount of interest is reduced accordingly.

(c) If a receiving bank suspends payments, all unaccepted payment orders issued to it are deemed rejected at the time the bank suspends payments.

(d) Acceptance of a payment order precludes a later rejection of the order. Rejection of a payment order precludes a later acceptance of the order.

**Sec. 508.** RCW 62A.4A-211 and 2013 c 118 s 15 are each amended to read as follows:

(a) A communication of the sender of a payment order canceling or amending the order may be transmitted to the receiving bank orally ~~((, electronically,))~~ or in ~~((writing))~~ a record. If a security procedure is in effect between the sender and the receiving bank, the communication is not effective to cancel or amend the order unless the communication is verified pursuant to the security procedure or the bank agrees to the cancellation or amendment.

(b) Subject to subsection (a) of this section, a communication by the sender canceling or amending a payment order is effective to cancel or amend the order if notice of the communication is received at a time and in a manner affording the receiving bank a reasonable opportunity to act on the communication before the

bank accepts the payment order.

(c) After a payment order has been accepted, cancellation or amendment of the order is not effective unless the receiving bank agrees or a funds-transfer system rule allows cancellation or amendment without agreement of the bank.

(1) With respect to a payment order accepted by a receiving bank other than the beneficiary's bank, cancellation or amendment is not effective unless a conforming cancellation or amendment of the payment order issued by the receiving bank is also made.

(2) With respect to a payment order accepted by the beneficiary's bank, cancellation or amendment is not effective unless the order was issued in execution of an unauthorized payment order, or because of a mistake by a sender in the funds transfer which resulted in the issuance of a payment order (i) that is a duplicate of a payment order previously issued by the sender, (ii) that orders payment to a beneficiary not entitled to receive payment from the originator, or (iii) that orders payment in an amount greater than the amount the beneficiary was entitled to receive from the originator. If the payment order is canceled or amended, the beneficiary's bank is entitled to recover from the beneficiary any amount paid to the beneficiary to the extent allowed by the law governing mistake and restitution.

(d) An unaccepted payment order is canceled by operation of law at the close of the fifth funds-transfer business day of the receiving bank after the execution date or payment date of the order.

(e) A canceled payment order cannot be accepted. If an accepted payment order is canceled, the acceptance is nullified and no person has any right or obligation based on the acceptance. Amendment of a payment order is deemed to be cancellation of the original order at the time of amendment and issue of a new payment order in the amended form at the same time.

(f) Unless otherwise provided in an agreement of the parties or in a funds-transfer system rule, if the receiving bank, after accepting a payment order, agrees to cancellation or amendment of the order by the sender or is bound by a funds-transfer system rule allowing cancellation or amendment without the bank's agreement, the sender, whether or not cancellation or amendment is effective, is liable to the bank for any loss and expenses, including reasonable attorneys' fees, incurred by the bank as a result of the cancellation or amendment or attempted cancellation or amendment.

(g) A payment order is not revoked by the death or legal incapacity of the sender unless the receiving bank knows of the death or of an adjudication of incapacity by a court of competent jurisdiction and has reasonable opportunity to act before acceptance of the order.

(h) A funds-transfer system rule is not effective to the extent it conflicts with subsection (c)(2) of this section.

**Sec. 509.** RCW 62A.4A-305 and 2013 c 118 s 21 are each amended to read as follows:

(a) If a funds transfer is completed but execution of a payment order by the receiving bank in breach of RCW 62A.4A-302 results in delay in payment to the beneficiary, the bank is obliged to pay interest to either the originator or the beneficiary of the funds transfer for the period of delay caused by the improper execution. Except as provided in subsection (c) of this section, additional damages are not recoverable.

(b) If execution of a payment order by a receiving bank in breach of RCW 62A.4A-302 results in (i) noncompletion of the funds transfer, (ii) failure to use an intermediary bank designated by the originator, or (iii) issuance of a payment order that does not comply with the terms of the payment order of the originator, the bank is liable to the originator for its expenses in the funds

transfer and for incidental expenses and interest losses, to the extent not covered by subsection (a) of this section, resulting from the improper execution. Except as provided in subsection (c) of this section, additional damages are not recoverable.

(c) In addition to the amounts payable under subsections (a) and (b) of this section, damages, including consequential damages, are recoverable to the extent provided in an express ~~((written))~~ agreement of the receiving bank, evidenced by a record.

(d) If a receiving bank fails to execute a payment order it was obliged by express agreement to execute, the receiving bank is liable to the sender for its expenses in the transaction and for incidental expenses and interest losses resulting from the failure to execute. Additional damages, including consequential damages, are recoverable to the extent provided in an express ~~((written))~~ agreement of the receiving bank, evidenced by a record, but are not otherwise recoverable.

(e) Reasonable attorneys' fees are recoverable if demand for compensation under subsection (a) or (b) of this section is made and refused before an action is brought on the claim. If a claim is made for breach of an agreement under subsection (d) of this section and the agreement does not provide for damages, reasonable attorneys' fees are recoverable if demand for compensation under subsection (d) of this section is made and refused before an action is brought on the claim.

(f) Except as stated in this section, the liability of a receiving bank under subsections (a) and (b) of this section may not be varied by agreement.

#### PART VI

**Sec. 601.** RCW 62A.5-104 and 2012 c 214 s 1702 are each amended to read as follows:

A letter of credit, confirmation, advice, transfer, amendment, or cancellation may be issued in any form that is a signed record ~~((and is authenticated (i) by a signature or (ii) in accordance with the agreement of the parties or the standard practice referred to in RCW 62A.5-108(e))).~~

**Sec. 602.** RCW 62A.5-116 and 2012 c 214 s 1712 are each amended to read as follows:

(a) The liability of an issuer, nominated person, or adviser for action or omission is governed by the law of the jurisdiction chosen by an agreement in the form of a record signed ~~((or otherwise authenticated))~~ by the affected parties ~~((in the manner provided in RCW 62A.5-104))~~ or by a provision in the person's letter of credit, confirmation, or other undertaking. The jurisdiction whose law is chosen need not bear any relation to the transaction.

(b) Unless subsection (a) of this section applies, the liability of an issuer, nominated person, or adviser for action or omission is governed by the law of the jurisdiction in which the person is located. The person is considered to be located at the address indicated in the person's undertaking. If more than one address is indicated, the person is considered to be located at the address from which the person's undertaking was issued.

(c) For the purpose of jurisdiction, choice of law, and recognition of interbranch letters of credit, but not enforcement of a judgment, all branches of a bank are considered separate juridical entities and a bank is considered to be located at the place where its relevant branch is considered to be located under this subsection.

~~((e))~~ (d) A branch of a bank is considered to be located at the address indicated in the branch's undertaking. If more than one address is indicated, the branch is considered to be located at the address from which the undertaking was issued.

(e) Except as otherwise provided in this subsection, the liability of an issuer, nominated person, or adviser is governed by any

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rules of custom or practice, such as the Uniform Customs and Practice for Documentary Credits, to which the letter of credit, confirmation, or other undertaking is expressly made subject. If (i) this Article would govern the liability of an issuer, nominated person, or adviser under subsection (a) or (b) of this section, (ii) the relevant undertaking incorporates rules of custom or practice, and (iii) there is conflict between this Article and those rules as applied to that undertaking, those rules govern except to the extent of any conflict with the nonvariable provisions specified in RCW 62A.5-103(c).

~~((d))~~ (f) If there is conflict between this Article and Article 3, 4, 4A, or 9A, this Article governs.

~~((e))~~ (g) The forum for settling disputes arising out of an undertaking within this Article may be chosen in the manner and with the binding effect that governing law may be chosen in accordance with subsection (a) of this section.

#### PART VII

**Sec. 701.** RCW 62A.7-102 and 2012 c 214 s 202 are each amended to read as follows:

(a) In this Article, unless the context otherwise requires:

(1) "Bailee" means a person that by a warehouse receipt, bill of lading, or other document of title acknowledges possession of goods and contracts to deliver them.

(2) "Carrier" means a person that issues a bill of lading.

(3) "Consignee" means a person named in a bill of lading to which or to whose order the bill promises delivery.

(4) "Consignor" means a person named in a bill of lading as the person from which the goods have been received for shipment.

(5) "Delivery order" means a record that contains an order to deliver goods directed to a warehouse, carrier, or other person that in the ordinary course of business issues warehouse receipts or bills of lading.

(6) [Reserved.][Reserved.] was not found

(7) "Goods" means all things that are treated as movable for the purposes of a contract for storage or transportation.

(8) "Issuer" means a bailee that issues a document of title or, in the case of an unaccepted delivery order, the person that orders the possessor of goods to deliver. The term includes a person for which an agent or employee purports to act in issuing a document if the agent or employee has real or apparent authority to issue documents, even if the issuer did not receive any goods, the goods were misdescribed, or in any other respect the agent or employee violated the issuer's instructions.

(9) "Person entitled under the document" means the holder, in the case of a negotiable document of title, or the person to which delivery of the goods is to be made by the terms of, or pursuant to instructions in a record under, a nonnegotiable document of title.

(10) [Reserved.][Reserved.] was not found

(11) ~~("Sign" means, with present intent to authenticate or adopt a record:~~

~~(A) To execute or adopt a tangible symbol; or~~

~~(B) To attach to or logically associate with the record an electronic sound, symbol, or process.)~~ [Reserved.][Reserved.] was not found

(12) "Shipper" means a person that enters into a contract of transportation with a carrier.

(13) "Warehouse" means a person engaged in the business of storing goods for hire.

(b) Definitions in other articles applying to this Article and the sections in which they appear are:

(1) "Contract for sale", RCW 62A.2-106;

(2) "Lessee in ordinary course of business," RCW 62A.2A-103; and

(3) "Receipt" of goods, RCW 62A.2-103.

(c) In addition, Article 1 contains general definitions and

principles of construction and interpretation applicable throughout this Article.

**Sec. 702.** RCW 62A.7-106 and 2012 c 214 s 206 are each amended to read as follows:

(a) A person has control of an electronic document of title if a system employed for evidencing the transfer of interests in the electronic document reliably establishes that person as the person to which the electronic document was issued or transferred.

(b) A system satisfies subsection (a) of this section, and a person ~~((is deemed to have))~~ has control of an electronic document of title, if the document is created, stored, and ~~((assigned))~~ transferred in ~~((such))~~ a manner that:

(1) A single authoritative copy of the document exists which is unique, identifiable, and, except as otherwise provided in (4), (5), and (6) of this subsection, unalterable;

(2) The authoritative copy identifies the person asserting control as:

(A) The person to which the document was issued; or

(B) If the authoritative copy indicates that the document has been transferred, the person to which the document was most recently transferred;

(3) The authoritative copy is communicated to and maintained by the person asserting control or its designated custodian;

(4) Copies or amendments that add or change an identified ~~((assignee))~~ transferee of the authoritative copy can be made only with the consent of the person asserting control;

(5) Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

(6) Any amendment of the authoritative copy is readily identifiable as authorized or unauthorized.

(c) A system satisfies subsection (a) of this section, and a person has control of an electronic document of title, if an authoritative electronic copy of the document, a record attached to or logically associated with the electronic copy, or a system in which the electronic copy is recorded:

(1) Enables the person readily to identify each electronic copy as either an authoritative copy or a nonauthoritative copy;

(2) Enables the person readily to identify itself in any way, including by name, identifying number, cryptographic key, office, or account number, as the person to which each authoritative electronic copy was issued or transferred; and

(3) Gives the person exclusive power, subject to subsection (d) of this section, to:

(A) Prevent others from adding or changing the person to which each authoritative electronic copy has been issued or transferred; and

(B) Transfer control of each authoritative electronic copy.

(d) Subject to subsection (e) of this section, a power is exclusive under subsection (c)(3)(A) and (B) of this section even if:

(1) The authoritative electronic copy, a record attached to or logically associated with the authoritative electronic copy, or a system in which the authoritative electronic copy is recorded limits the use of the document of title or has a protocol that is programmed to cause a change, including a transfer or loss of control; or

(2) The power is shared with another person.

(e) A power of a person is not shared with another person under subsection (d)(2) of this section and the person's power is not exclusive if:

(1) The person can exercise the power only if the power also is exercised by the other person; and

(2) The other person:

(A) Can exercise the power without exercise of the power by

the person; or

(B) Is the transferor to the person of an interest in the document of title.

(f) If a person has the powers specified in subsection (c)(3)(A) and (B) of this section, the powers are presumed to be exclusive.

(g) A person has control of an electronic document of title if another person, other than the transferor to the person of an interest in the document:

(1) Has control of the document and acknowledges that it has control on behalf of the person; or

(2) Obtains control of the document after having acknowledged that it will obtain control of the document on behalf of the person.

(h) A person that has control under this section is not required to acknowledge that it has control on behalf of another person.

(i) If a person acknowledges that it has or will obtain control on behalf of another person, unless the person otherwise agrees or law other than this Article or Article 9 of this title otherwise provides, the person does not owe any duty to the other person and is not required to confirm the acknowledgment to any other person.

**PART VIII**

**Sec. 801.** RCW 62A.8-102 and 2012 c 214 s 1401 are each amended to read as follows:

(1) In this Article:

(a) "Adverse claim" means a claim that a claimant has a property interest in a financial asset and that it is a violation of the rights of the claimant for another person to hold, transfer, or deal with the financial asset.

(b) "Bearer form," as applied to a certificated security, means a form in which the security is payable to the bearer of the security certificate according to its terms but not by reason of an indorsement.

(c) "Broker" means a person defined as a broker or dealer under the federal securities laws, but without excluding a bank acting in that capacity.

(d) "Certificated security" means a security that is represented by a certificate.

(e) "Clearing corporation" means:

(i) A person that is registered as a "clearing agency" under the federal securities laws;

(ii) A federal reserve bank; or

(iii) Any other person that provides clearance or settlement services with respect to financial assets that would require it to register as a clearing agency under the federal securities laws but for an exclusion or exemption from the registration requirement, if its activities as a clearing corporation, including adoption of rules, are subject to regulation by a federal or state governmental authority.

(f) "Communicate" means to:

(i) Send a signed (~~writing~~) record; or

(ii) Transmit information by any mechanism agreed upon by the persons transmitting and receiving the information.

(g) "Entitlement holder" means a person identified in the records of a securities intermediary as the person having a security entitlement against the securities intermediary. If a person acquires a security entitlement by virtue of RCW 62A.8-501(2) (b) or (c), that person is the entitlement holder.

(h) "Entitlement order" means a notification communicated to a securities intermediary directing transfer or redemption of a financial asset to which the entitlement holder has a security entitlement.

(i) "Financial asset," except as otherwise provided in RCW 62A.8-103, means:

(i) A security;

(ii) An obligation of a person or a share, participation, or other

interest in a person or in property or an enterprise of a person, which is, or is of a type, dealt in or traded on financial markets, or which is recognized in any area in which it is issued or dealt in as a medium for investment; or

(iii) Any property that is held by a securities intermediary for another person in a securities account if the securities intermediary has expressly agreed with the other person that the property is to be treated as a financial asset under this Article.

As context requires, the term means either the interest itself or the means by which a person's claim to it is evidenced, including a certificated or uncertificated security, a security certificate, or a security entitlement.

(j) [Reserved.][Reserved.] was not found

(k) "Indorsement" means a signature that alone or accompanied by other words is made on a security certificate in registered form or on a separate document for the purpose of assigning, transferring, or redeeming the security or granting a power to assign, transfer, or redeem it.

(l) "Instruction" means a notification communicated to the issuer of an uncertificated security which directs that the transfer of the security be registered or that the security be redeemed.

(m) "Registered form," as applied to a certificated security, means a form in which:

(i) The security certificate specifies a person entitled to the security; and

(ii) A transfer of the security may be registered upon books maintained for that purpose by or on behalf of the issuer, or the security certificate so states.

(n) "Securities intermediary" means:

(i) A clearing corporation; or

(ii) A person, including a bank or broker, that in the ordinary course of its business maintains securities accounts for others and is acting in that capacity.

(o) "Security," except as otherwise provided in RCW 62A.8-103, means an obligation of an issuer or a share, participation, or other interest in an issuer or in property or an enterprise of an issuer:

(i) Which is represented by a security certificate in bearer or registered form, or the transfer of which may be registered upon books maintained for that purpose by or on behalf of the issuer;

(ii) Which is one of a class or series or by its terms is divisible into a class or series of shares, participations, interests, or obligations; and

(iii) Which:

(A) Is, or is of a type, dealt in or traded on securities exchanges or securities markets; or

(B) Is a medium for investment and by its terms expressly provides that it is a security governed by this Article.

(p) "Security certificate" means a certificate representing a security.

(q) "Security entitlement" means the rights and property interest of an entitlement holder with respect to a financial asset specified in Part 5 of this Article.

(r) "Uncertificated security" means a security that is not represented by a certificate.

~~(2) (Other) The following definitions ((applying to)) in this Article and ((the sections in which they appear are)) other articles apply to this Article:~~

Appropriate person RCW 62A.8-107

Control RCW 62A.8-106

Controllable account RCW 62A.9A-102

Controllable electronic record Section 1002 of this act

Controllable payment intangible RCW 62A.9A-102

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Delivery	RCW 62A.8-301
Investment company security	RCW 62A.8-103
Issuer	RCW 62A.8-201
Overissue	RCW 62A.8-210
Protected purchaser	RCW 62A.8-303
Securities account	RCW 62A.8-501

(3) In addition Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

(4) The characterization of a person, business, or transaction for purposes of this Article does not determine the characterization of the person, business, or transaction for purposes of any other law, regulation, or rule.

**Sec. 802.** RCW 62A.8-103 and 2012 c 214 s 1403 are each amended to read as follows:

(1) A share or similar equity interest issued by a corporation, business trust, joint stock company, or similar entity is a security.

(2) An "investment company security" is a security. "Investment company security" means a share or similar equity interest issued by an entity that is registered as an investment company under the federal investment company laws, an interest in a unit investment trust that is so registered, or a face-amount certificate issued by a face-amount certificate company that is so registered. Investment company security does not include an insurance policy or endowment policy or annuity contract issued by an insurance company.

(3) An interest in a partnership or limited liability company is not a security unless it is dealt in or traded on securities exchanges or in securities markets, its terms expressly provide that it is a security governed by this Article, or it is an investment company security. However, an interest in a partnership or limited liability company is a financial asset if it is held in a securities account.

(4) A writing that is a security certificate is governed by this Article and not by Article 3, even though it also meets the requirements of that Article. However, a negotiable instrument governed by Article 3 is a financial asset if it is held in a securities account.

(5) An option or similar obligation issued by a clearing corporation to its participants is not a security, but is a financial asset.

(6) A commodity contract, as defined in RCW 62A.9A-102, is not a security or a financial asset.

(7) A document of title is not a financial asset unless RCW 62A.8-102(1)(i)(iii) applies.

(8) A controllable account, controllable electronic record, or controllable payment intangible is not a financial asset unless RCW 62A.8-102(1)(i)(iii) applies.

**Sec. 803.** RCW 62A.8-106 and 2000 c 250 s 9A-816 are each amended to read as follows:

(1) A purchaser has "control" of a certificated security in bearer form if the certificated security is delivered to the purchaser.

(2) A purchaser has "control" of a certificated security in registered form if the certificated security is delivered to the purchaser, and:

(a) The certificate is indorsed to the purchaser or in blank by an effective indorsement; or

(b) The certificate is registered in the name of the purchaser, upon original issue or registration of transfer by the issuer.

(3) A purchaser has "control" of an uncertificated security if:

(a) The uncertificated security is delivered to the purchaser; or

(b) The issuer has agreed that it will comply with instructions originated by the purchaser without further consent by the registered owner.

(4) A purchaser has "control" of a security entitlement if:

(a) The purchaser becomes the entitlement holder;

(b) The securities intermediary has agreed that it will comply with entitlement orders originated by the purchaser without further consent by the entitlement holder; or

(c) Another person (~~has control of the security entitlement on behalf of the purchaser or, having previously acquired control of the security entitlement, acknowledges that it has control on behalf of the purchaser~~), other than the transferor to the purchaser of an interest in the security entitlement:

(i) Has control of the security entitlement and acknowledges that it has control on behalf of the purchaser; or

(ii) Obtains control of the security entitlement after having acknowledged that it will obtain control of the security entitlement on behalf of the purchaser.

(5) If an interest in a security entitlement is granted by the entitlement holder to the entitlement holder's own securities intermediary, the securities intermediary has control.

(6) A purchaser who has satisfied the requirements of subsection (3) or (4) of this section has control even if the registered owner in the case of subsection (3) of this section or the entitlement holder in the case of subsection (4) of this section retains the right to make substitutions for the uncertificated security or security entitlement, to originate instructions or entitlement orders to the issuer or securities intermediary, or otherwise to deal with the uncertificated security or security entitlement.

(7) An issuer or a securities intermediary may not enter into an agreement of the kind described in subsection (3)(b) or (4)(b) of this section without the consent of the registered owner or entitlement holder, but an issuer or a securities intermediary is not required to enter into such an agreement even though the registered owner or entitlement holder so directs. An issuer or securities intermediary that has entered into such an agreement is not required to confirm the existence of the agreement to another party unless requested to do so by the registered owner or entitlement holder.

(8) A person that has control under this section is not required to acknowledge that it has control on behalf of a purchaser.

(9) If a person acknowledges that it has or will obtain control on behalf of a purchaser, unless the person otherwise agrees or law other than this Article or Article 9A of this title otherwise provides, the person does not owe any duty to the purchaser and is not required to confirm the acknowledgment to any other person.

**Sec. 804.** RCW 62A.8-110 and 2001 c 32 s 14 are each amended to read as follows:

(1) The local law of the issuer's jurisdiction, as specified in subsection (4) of this section, governs:

(a) The validity of a security;

(b) The rights and duties of the issuer with respect to registration of transfer;

(c) The effectiveness of registration of transfer by the issuer;

(d) Whether the issuer owes any duties to an adverse claimant to a security; and

(e) Whether an adverse claim can be asserted against a person to whom transfer of a certificated or uncertificated security is registered or a person who obtains control of an uncertificated security.

(2) The local law of the securities intermediary's jurisdiction, as specified in subsection (5) of this section, governs:

(a) Acquisition of a security entitlement from the securities intermediary;

(b) The rights and duties of the securities intermediary and entitlement holder arising out of a security entitlement;

(c) Whether the securities intermediary owes any duties to an adverse claimant to a security entitlement; and

(d) Whether an adverse claim can be asserted against a person who acquires a security entitlement from the securities intermediary or a person who purchases a security entitlement or interest therein from an entitlement holder.

(3) The local law of the jurisdiction in which a security certificate is located at the time of delivery governs whether an adverse claim can be asserted against a person to whom the security certificate is delivered.

(4) "Issuer's jurisdiction" means the jurisdiction under which the issuer of the security is organized or, if permitted by the law of that jurisdiction, the law of another jurisdiction specified by the issuer. An issuer organized under the law of this state may specify the law of another jurisdiction as the law governing the matters specified in subsection (1)(b) through (e) of this section.

(5) The following rules determine a "securities intermediary's jurisdiction" for purposes of this section:

(a) If an agreement between the securities intermediary and its entitlement holder governing the securities account expressly provides that a particular jurisdiction is the securities intermediary's jurisdiction for purposes of this part, this Article, or Article 62A.9A RCW, that jurisdiction is the securities intermediary's jurisdiction.

(b) If (a) of this subsection does not apply and an agreement between the securities intermediary and its entitlement holder governing the securities account expressly provides that the agreement is governed by the law of a particular jurisdiction, that jurisdiction is the securities intermediary's jurisdiction.

(c) If neither (a) nor (b) of this subsection applies, and an agreement between the securities intermediary and its entitlement holder governing the securities account expressly provides that the securities account is maintained at an office in a particular jurisdiction, that jurisdiction is the securities intermediary's jurisdiction.

(d) If (a), (b), and (c) of this subsection do not apply, the securities intermediary's jurisdiction is the jurisdiction in which the office identified in an account statement as the office serving the entitlement holder's account is located.

(e) If (a), (b), (c), and (d) of this subsection do not apply, the securities intermediary's jurisdiction is the jurisdiction in which the chief executive office of the securities intermediary is located.

(6) A securities intermediary's jurisdiction is not determined by the physical location of certificates representing financial assets, or by the jurisdiction in which is organized the issuer of the financial asset with respect to which an entitlement holder has a security entitlement, or by the location of facilities for data processing or other recordkeeping concerning the account.

(7) The local law of the issuer's jurisdiction or the securities intermediary's jurisdiction governs a matter or transaction specified in subsection (1) or (2) of this section even if the matter or transaction does not bear any relation to the jurisdiction.

**Sec. 805.** RCW 62A.8-303 and 1995 c 48 s 29 are each amended to read as follows:

(1) "Protected purchaser" means a purchaser of a certificated or uncertificated security, or of an interest therein, who:

(a) Gives value;  
(b) Does not have notice of any adverse claim to the security; and

(c) Obtains control of the certificated or uncertificated security.

(2) ~~((In addition to acquiring the rights of a purchaser, a) A~~ protected purchaser also acquires its interest in the security free of any adverse claim.

#### PART IX

**Sec. 901.** RCW 62A.9A-102 and 2012 c 214 s 1502 are each

amended to read as follows:

(a) **Article 9A definitions.** In this Article:

(1) "Accession" means goods that are physically united with other goods in such a manner that the identity of the original goods is not lost.

(2)(A) "Account," except as used in "account for," "account statement," "account to," "commodity account" in (14) of this subsection, "customer's account," "deposit account" in (29) of this subsection, "on account of," and "statement of account," means a right to payment of a monetary obligation, whether or not earned by performance, (i) for property that has been or is to be sold, leased, licensed, assigned, or otherwise disposed of, (ii) for services rendered or to be rendered, (iii) for a policy of insurance issued or to be issued, (iv) for a secondary obligation incurred or to be incurred, (v) for energy provided or to be provided, (vi) for the use or hire of a vessel under a charter or other contract, (vii) arising out of the use of a credit or charge card or information contained on or for use with the card, or (viii) as winnings in a lottery or other game of chance operated or sponsored by a state, governmental unit of a state, or person licensed or authorized to operate the game by a state or governmental unit of a state. The term includes controllable accounts and health-care-insurance receivables.

(B) The term does not include (i) ~~((rights to payment evidenced by chattel paper or an instrument))~~ chattel paper, (ii) commercial tort claims, (iii) deposit accounts, (iv) investment property, (v) letter-of-credit rights or letters of credit, ~~((or))~~ (vi) rights to payment for money or funds advanced or sold, other than rights arising out of the use of a credit or charge card or information contained on or for use with the card, or (vii) rights to payment evidenced by an instrument.

(3) "Account debtor" means a person obligated on an account, chattel paper, or general intangible. The term does not include persons obligated to pay a negotiable instrument, even if the negotiable instrument ~~((constitutes part of))~~ evidences chattel paper.

(4) "Accounting," except as used in "accounting for," means a record:

(A) ~~((Authenticated))~~ Signed by a secured party;

(B) Indicating the aggregate unpaid secured obligations as of a date not more than ~~((thirty-five))~~ 35 days earlier or ~~((thirty-five))~~ 35 days later than the date of the record; and

(C) Identifying the components of the obligations in reasonable detail.

(5) "Agricultural lien" means an interest, other than a security interest, in farm products:

(A) Which secures payment or performance of an obligation for:

(i) Goods or services furnished in connection with a debtor's farming operation; or

(ii) Rent on real property leased by a debtor in connection with its farming operation;

(B) Which is created by statute in favor of a person that:

(i) In the ordinary course of its business, furnished goods or services to a debtor in connection with a debtor's farming operation; or

(ii) Leased real property to a debtor in connection with the debtor's farming operation; and

(C) Whose effectiveness does not depend on the person's possession of the personal property.

(6) "As-extracted collateral" means:

(A) Oil, gas, or other minerals that are subject to a security interest that:

(i) Is created by a debtor having an interest in the minerals before extraction; and

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(ii) Attaches to the minerals as extracted; or  
 (B) Accounts arising out of the sale at the wellhead or minehead of oil, gas, or other minerals in which the debtor had an interest before extraction.

(7) ("Authenticate" means:  
 (A) To sign; or  
 (B) With present intent to adopt or accept a record, to attach to or logically associate with the record an electronic sound, symbol, or process.) [Reserved.]

(7A) "Assignee," except as used in "assignee for benefit of creditors," means a person (i) in whose favor a security interest that secures an obligation is created or provided for under a security agreement, whether or not the obligation is outstanding or (ii) to which an account, chattel paper, payment intangible, or promissory note has been sold. The term includes a person to which a security interest has been transferred by a secured party.

(7B) "Assignor" means a person that (i) under a security agreement creates or provides for a security interest that secures an obligation or (ii) sells an account, chattel paper, payment intangible, or promissory note. The term includes a secured party that has transferred a security interest to another person.

(8) "Bank" means an organization that is engaged in the business of banking. The term includes savings banks, savings and loan associations, credit unions, and trust companies.

(9) "Cash proceeds" means proceeds that are money, checks, deposit accounts, or the like.

(10) "Certificate of title" means a certificate of title with respect to which a statute provides for the security interest in question to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral. The term includes another record maintained as an alternative to a certificate of title by the governmental unit that issues certificates of title if a statute permits the security interest in question to be indicated on the record as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral.

(11) "Chattel paper" means ~~((a record or records that evidence both a monetary obligation and a security interest in specific goods, a security interest in specific goods and software used in the goods, a security interest in specific goods and license of software used in the goods, a lease of specific goods, or a lease of specific goods and license of software used in the goods. In this subsection, "monetary obligation" means a monetary obligation secured by the goods or owed under a lease of the goods and includes a monetary obligation with respect to software used in the goods. The term "chattel paper" does not include (i) charters or other contracts involving the use or hire of a vessel or (ii) records that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card. If a transaction is evidenced by records that include an instrument or series of instruments, the group of records taken together constitutes chattel paper))~~;

(A) A right to payment of a monetary obligation secured by specific goods, if the right to payment and security agreement are evidenced by a record; or

(B) A right to payment of a monetary obligation owed by a lessee under a lease agreement with respect to specific goods and a monetary obligation owed by the lessee in connection with the transaction giving rise to the lease, if:

(i) The right to payment and lease agreement are evidenced by a record; and

(ii) The predominant purpose of the transaction giving rise to the lease was to give the lessee the right to possession and use of the goods.

The term does not include a right to payment arising out of a charter or other contract involving the use or hire of a vessel or a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card.

(12) "Collateral" means the property subject to a security interest or agricultural lien. The term includes:

(A) Proceeds to which a security interest attaches;

(B) Accounts, chattel paper, payment intangibles, and promissory notes that have been sold; and

(C) Goods that are the subject of a consignment.

(13) "Commercial tort claim" means a claim arising in tort with respect to which:

(A) The claimant is an organization; or

(B) The claimant is an individual, and the claim:

(i) Arose in the course of the claimant's business or profession; and

(ii) Does not include damages arising out of personal injury to, or the death of, an individual.

(14) "Commodity account" means an account maintained by a commodity intermediary in which a commodity contract is carried for a commodity customer.

(15) "Commodity contract" means a commodity futures contract, an option on a commodity futures contract, a commodity option, or another contract if the contract or option is:

(A) Traded on or subject to the rules of a board of trade that has been designated as a contract market for such a contract pursuant to federal commodities laws; or

(B) Traded on a foreign commodity board of trade, exchange, or market, and is carried on the books of a commodity intermediary for a commodity customer.

(16) "Commodity customer" means a person for which a commodity intermediary carries a commodity contract on its books.

(17) "Commodity intermediary" means a person that:

(A) Is registered as a futures commission merchant under federal commodities law; or

(B) In the ordinary course of its business, provides clearance or settlement services for a board of trade that has been designated as a contract market pursuant to federal commodities law.

(18) "Communicate" means:

(A) To send a written or other tangible record;

(B) To transmit a record by any means agreed upon by the persons sending and receiving the record; or

(C) In the case of transmission of a record to or by a filing office, to transmit a record by any means prescribed by filing-office rule.

(19) "Consignee" means a merchant to which goods are delivered in a consignment.

(20) "Consignment" means a transaction, regardless of its form, in which a person delivers goods to a merchant for the purpose of sale and:

(A) The merchant:

(i) Deals in goods of that kind under a name other than the name of the person making delivery;

(ii) Is not an auctioneer; and

(iii) Is not generally known by its creditors to be substantially engaged in selling the goods of others;

(B) With respect to each delivery, the aggregate value of the goods is one thousand dollars or more at the time of delivery;

(C) The goods are not consumer goods immediately before delivery; and

(D) The transaction does not create a security interest that secures an obligation.

(21) "Consignor" means a person that delivers goods to a consignee in a consignment.



(22) "Consumer debtor" means a debtor in a consumer transaction.

(23) "Consumer goods" means goods that are used or bought for use primarily for personal, family, or household purposes.

(24) "Consumer-goods transaction" means a consumer transaction in which:

(A) An individual incurs a consumer obligation; and

(B) A security interest in consumer goods secures the obligation.

(25) "Consumer obligation" means an obligation which:

(A) Is incurred as part of a transaction entered into primarily for personal, family, or household purposes; and

(B) Arises from an extension of credit, or commitment to extend credit, in an aggregate amount not exceeding forty thousand dollars, or is secured by personal property used or expected to be used as a principal dwelling.

"Consumer obligor" means an obligor who is an individual and who incurred a consumer obligation.

(26) "Consumer transaction" means a transaction in which (i) an individual incurs a consumer obligation, (ii) a security interest secures the obligation, and (iii) the collateral is held or acquired primarily for personal, family, or household purposes. The term includes consumer-goods transactions.

(27) "Continuation statement" means an amendment of a financing statement which:

(A) Identifies, by its file number, the initial financing statement to which it relates; and

(B) Indicates that it is a continuation statement for, or that it is filed to continue the effectiveness of, the identified financing statement.

(27A) "Controllable account" means an account evidenced by a controllable electronic record that provides that the account debtor undertakes to pay the person that has control under section 1005 of this act of the controllable electronic record.

(27B) "Controllable payment intangible" means a payment intangible evidenced by a controllable electronic record that provides that the account debtor undertakes to pay the person that has control under section 1005 of this act of the controllable electronic record.

(28) "Debtor" means:

(A) A person having an interest, other than a security interest or other lien, in the collateral, whether or not the person is an obligor;

(B) A seller of accounts, chattel paper, payment intangibles, or promissory notes; or

(C) A consignee.

(29) "Deposit account" means a demand, time, savings, passbook, or similar account maintained with a bank. The term does not include investment property or accounts evidenced by an instrument.

(30) "Document" means a document of title or a receipt of the type described in RCW 62A.7-201(b).

~~(31) ("Electronic chattel paper" means chattel paper evidenced by a record or records consisting of information stored in an electronic medium.) [Reserved.]~~

(31A) "Electronic money" means money in an electronic form.

(32) "Encumbrance" means a right, other than an ownership interest, in real property. The term includes mortgages and other liens on real property.

(33) "Equipment" means goods other than inventory, farm products, or consumer goods.

(34) "Farm products" means goods, other than standing timber, with respect to which the debtor is engaged in a farming operation and which are:

(A) Crops grown, growing, or to be grown, including:

(i) Crops produced on trees, vines, and bushes; and

(ii) Aquatic goods produced in aquacultural operations;

(B) Livestock, born or unborn, including aquatic goods produced in aquacultural operations;

(C) Supplies used or produced in a farming operation; or

(D) Products of crops or livestock in their unmanufactured states.

(35) "Farming operation" means raising, cultivating, propagating, fattening, grazing, or any other farming, livestock, or aquacultural operation.

(36) "File number" means the number assigned to an initial financing statement pursuant to RCW 62A.9A-519(a).

(37) "Filing office" means an office designated in RCW 62A.9A-501 as the place to file a financing statement.

(38) "Filing-office rule" means a rule adopted pursuant to RCW 62A.9A-526.

(39) "Financing statement" means a record or records composed of an initial financing statement and any filed record relating to the initial financing statement.

(40) "Fixture filing" means the filing of a financing statement covering goods that are or are to become fixtures and satisfying RCW 62A.9A-502 (a) and (b). The term includes the filing of a financing statement covering goods of a transmitting utility which are or are to become fixtures.

(41) "Fixtures" means goods that have become so related to particular real property that an interest in them arises under real property law.

(42) "General intangible" means any personal property, including things in action, other than accounts, chattel paper, commercial tort claims, deposit accounts, documents, goods, instruments, investment property, letter-of-credit rights, letters of credit, money, and oil, gas, or other minerals before extraction. The term includes controllable electronic records, payment intangibles, and software.

(43) [Reserved.]

(44) "Goods" means all things that are movable when a security interest attaches. The term includes (i) fixtures, (ii) standing timber that is to be cut and removed under a conveyance or contract for sale, (iii) the unborn young of animals, (iv) crops grown, growing, or to be grown, even if the crops are produced on trees, vines, or bushes, and (v) manufactured homes. The term also includes a computer program embedded in goods and any supporting information provided in connection with a transaction relating to the program if (i) the program is associated with the goods in such a manner that it customarily is considered part of the goods, or (ii) by becoming the owner of the goods, a person acquires a right to use the program in connection with the goods. The term does not include a computer program embedded in goods that consist solely of the medium in which the program is embedded. The term also does not include accounts, chattel paper, commercial tort claims, deposit accounts, documents, general intangibles, instruments, investment property, letter-of-credit rights, letters of credit, money, or oil, gas, or other minerals before extraction or a manufactured home converted to real property under chapter 65.20 RCW.

(45) "Governmental unit" means a subdivision, agency, department, county, parish, municipality, or other unit of the government of the United States, a state, or a foreign country. The term includes an organization having a separate corporate existence if the organization is eligible to issue debt on which interest is exempt from income taxation under the laws of the United States.

(46) "Health-care-insurance receivable" means an interest in or claim under a policy of insurance which is a right to payment of a monetary obligation for health-care goods or services provided.

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(47) "Instrument" means a negotiable instrument or any other writing that evidences a right to the payment of a monetary obligation, is not itself a security agreement or lease, and is of a type that in ordinary course of business is transferred by delivery with any necessary indorsement or assignment. The term does not include (i) investment property, (ii) letters of credit, (iii) writings that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card, (iv) writings that do not contain a promise or order to pay, ~~((or))~~ (v) writings that are expressly nontransferable or nonassignable, or (vi) writings that evidence chattel paper.

(48) "Inventory" means goods, other than farm products, which:

- (A) Are leased by a person as lessor;
- (B) Are held by a person for sale or lease or to be furnished under a contract of service;
- (C) Are furnished by a person under a contract of service; or
- (D) Consist of raw materials, work in process, or materials used or consumed in a business.

(49) "Investment property" means a security, whether certificated or uncertificated, security entitlement, securities account, commodity contract, or commodity account.

(50) "Jurisdiction of organization," with respect to a registered organization, means the jurisdiction under whose law the organization is formed or organized.

(51) "Letter-of-credit right" means a right to payment or performance under a letter of credit, whether or not the beneficiary has demanded or is at the time entitled to demand payment or performance. The term does not include the right of a beneficiary to demand payment or performance under a letter of credit.

(52) "Lien creditor" means:

- (A) A creditor that has acquired a lien on the property involved by attachment, levy, or the like;
- (B) An assignee for benefit of creditors from the time of assignment;
- (C) A trustee in bankruptcy from the date of the filing of the petition; or
- (D) A receiver in equity from the time of appointment.

(53) "Manufactured home" means a manufactured home or mobile home as defined in RCW 46.04.302.

(54) [Reserved.]

(54A) "Money" has the meaning in RCW 62A.1-201(b)(24), but does not include (i) a deposit account or (ii) money in an electronic form that cannot be subjected to control under section 904 of this act.

(55) "Mortgage" means a consensual interest in real property, including fixtures, which secures payment or performance of an obligation.

(56) "New debtor" means a person that becomes bound as debtor under RCW 62A.9A-203(d) by a security agreement previously entered into by another person.

(57) "New value" means (i) money, (ii) money's worth in property, services, or new credit, or (iii) release by a transferee of an interest in property previously transferred to the transferee. The term does not include an obligation substituted for another obligation.

(58) "Noncash proceeds" means proceeds other than cash proceeds.

(59) "Obligor" means a person that, with respect to an obligation secured by a security interest in or an agricultural lien on the collateral, (i) owes payment or other performance of the obligation, (ii) has provided property other than the collateral to secure payment or other performance of the obligation, or (iii) is otherwise accountable in whole or in part for payment or other

performance of the obligation. The term does not include issuers or nominated persons under a letter of credit.

(60) "Original debtor", except as used in RCW 62A.9A-310(c), means a person that, as debtor, entered into a security agreement to which a new debtor has become bound under RCW 62A.9A-203(d).

(61) "Payment intangible" means a general intangible under which the account debtor's principal obligation is a monetary obligation. The term includes a controllable payment intangible.

(62) "Person related to," with respect to an individual, means:

- (A) The spouse or state registered domestic partner of the individual;
- (B) A brother, brother-in-law, sister, or sister-in-law of the individual;
- (C) An ancestor or lineal descendant of the individual or the individual's spouse or state registered domestic partner; or
- (D) Any other relative, by blood or by marriage or other law, of the individual or the individual's spouse or state registered domestic partner who shares the same home with the individual.

(63) "Person related to," with respect to an organization, means:

- (A) A person directly or indirectly controlling, controlled by, or under common control with the organization;
- (B) An officer or director of, or a person performing similar functions with respect to, the organization;
- (C) An officer or director of, or a person performing similar functions with respect to, a person described in (63)(A) of this subsection;
- (D) The spouse or state registered domestic partner of an individual described in (63)(A), (B), or (C) of this subsection; or
- (E) An individual who is related by blood or by marriage or other law to an individual described in (63)(A), (B), (C), or (D) of this subsection and shares the same home with the individual.

(64) "Proceeds", except as used in RCW 62A.9A-609(b), means the following property:

- (A) Whatever is acquired upon the sale, lease, license, exchange, or other disposition of collateral;
- (B) Whatever is collected on, or distributed on account of, collateral;
- (C) Rights arising out of collateral;
- (D) To the extent of the value of collateral, claims arising out of the loss, nonconformity, or interference with the use of, defects or infringement of rights in, or damage to, the collateral; or
- (E) To the extent of the value of collateral and to the extent payable to the debtor or the secured party, insurance payable by reason of the loss or nonconformity of, defects or infringement of rights in, or damage to, the collateral.

(65) "Promissory note" means an instrument that evidences a promise to pay a monetary obligation, does not evidence an order to pay, and does not contain an acknowledgment by a bank that the bank has received for deposit a sum of money or funds.

(66) "Proposal" means a record ~~((authenticated))~~ signed by a secured party, which includes the terms on which the secured party is willing to accept collateral in full or partial satisfaction of the obligation it secures pursuant to RCW 62A.9A-620, 62A.9A-621, and 62A.9A-622.

(67) "Public-finance transaction" means a secured transaction in connection with which:

- (A) Debt securities are issued;
- (B) All or a portion of the securities issued have an initial stated maturity of at least twenty years; and
- (C) The debtor, obligor, secured party, account debtor or other person obligated on collateral, assignor or assignee of a secured obligation, or assignor or assignee of a security interest is a state or a governmental unit of a state.

(68) "Public organic record" means a record that is available to the public for inspection and is:

(A) A record consisting of the record initially filed with or issued by a state or the United States to form or organize an organization and any record filed with or issued by the state or the United States which amends or restates the initial record;

(B) An organic record of a business trust consisting of the record initially filed with a state and any record filed with the state which amends or restates the initial record, if a statute of the state governing business trusts requires that the record be filed with the state; or

(C) A record consisting of legislation enacted by the legislature of a state or the congress of the United States which forms or organizes an organization, any record amending the legislation, and any record filed with or issued by the state or the United States which amends or restates the name of the organization.

(69) "Pursuant to commitment," with respect to an advance made or other value given by a secured party, means pursuant to the secured party's obligation, whether or not a subsequent event of default or other event not within the secured party's control has relieved or may relieve the secured party from its obligation.

(70) "Record," except as used in "for record," "of record," "record or legal title," and "record owner," means information that is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.

(71) "Registered organization" means an organization formed or organized solely under the law of a single state or the United States by the filing of a public organic record with, the issuance of a public organic record by, or the enactment of legislation by the state or the United States. The term includes a business trust that is formed or organized under the law of a single state if a statute of the state governing business trusts requires that the business trust's organic record be filed with the state.

(72) "Secondary obligor" means an obligor to the extent that:

(A) The obligor's obligation is secondary; or

(B) The obligor has a right of recourse with respect to an obligation secured by collateral against the debtor, another obligor, or property of either.

(73) "Secured party" means:

(A) A person in whose favor a security interest is created or provided for under a security agreement, whether or not any obligation to be secured is outstanding;

(B) A person that holds an agricultural lien;

(C) A consignee;

(D) A person to which accounts, chattel paper, payment intangibles, or promissory notes have been sold;

(E) A trustee, indenture trustee, agent, collateral agent, or other representative in whose favor a security interest or agricultural lien is created or provided for; or

(F) A person that holds a security interest arising under RCW 62A.2-401, 62A.2-505, 62A.2-711(3), 62A.2A-508(5), 62A.4-210, or 62A.5-118.

(74) "Security agreement" means an agreement that creates or provides for a security interest.

(75) (~~"Send," in connection with a record or notification, means:~~

~~(A) To deposit in the mail, deliver for transmission, or transmit by any other usual means of communication, with postage or cost of transmission provided for, addressed to any address reasonable under the circumstances; or~~

~~(B) To cause the record or notification to be received within the time that it would have been received if properly sent under (75)(A) of this subsection.) [Reserved.]~~

(76) "Software" means a computer program and any supporting information provided in connection with a transaction relating to

the program. The term does not include a computer program that is included in the definition of goods.

(77) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(78) "Supporting obligation" means a letter-of-credit right or secondary obligation that supports the payment or performance of an account, chattel paper, a document, a general intangible, an instrument, or investment property.

~~(79) ("Tangible chattel paper" means chattel paper evidenced by a record or records consisting of information that is inscribed on a tangible medium.) [Reserved.]~~

~~(79A) "Tangible money" means money in a tangible form.~~

(80) "Termination statement" means an amendment of a financing statement which:

(A) Identifies, by its file number, the initial financing statement to which it relates; and

(B) Indicates either that it is a termination statement or that the identified financing statement is no longer effective.

(81) "Transmitting utility" means a person primarily engaged in the business of:

(A) Operating a railroad, subway, street railway, or trolley bus;

(B) Transmitting communications electrically, electromagnetically, or by light;

(C) Transmitting goods by pipeline or sewer; or

(D) Transmitting or producing and transmitting electricity, steam, gas, or water.

(b) **Definitions in other articles.** "Control" as provided in RCW 62A.7-106 and the following definitions in other articles apply to this Article:

"Applicant." RCW 62A.5-102.

"Beneficiary." RCW 62A.5-102.

"Broker." RCW 62A.8-102.

"Certificated security." RCW 62A.8-102.

"Check." RCW 62A.3-104.

"Clearing corporation." RCW 62A.8-102.

"Contract for sale." RCW 62A.2-106.

"Controllable electronic record." Section 1002 of this act.

"Customer." RCW 62A.4-104.

"Entitlement holder." RCW 62A.8-102.

"Financial asset." RCW 62A.8-102.

"Holder in due course." RCW 62A.3-302.

"Issuer" with respect to documents of title. RCW 62A.7-102.

"Issuer" with respect to a letter of credit or letter-of-credit right. RCW 62A.5-102.

"Issuer" with respect to a security. RCW 62A.8-201.

"Lease." RCW 62A.2A-103.

"Lease agreement." RCW 62A.2A-103.

"Lease contract." RCW 62A.2A-103.

"Leasehold interest." RCW 62A.2A-103.

"Lessee." RCW 62A.2A-103.

"Lessee in ordinary course of business." RCW 62A.2A-103.

"Lessor." RCW 62A.2A-103.

"Lessor's residual interest." RCW 62A.2A-103.

"Letter of credit." RCW 62A.5-102.

"Merchant." RCW 62A.2-104.

"Negotiable instrument." RCW 62A.3-104.

"Nominated person." RCW 62A.5-102.

"Note." RCW 62A.3-104.

"Proceeds of a letter of credit." RCW 62A.5-114.

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"Protected purchaser."	RCW 62A.8-303.
"Prove."	RCW 62A.3-103.
"Qualifying purchaser."	Section 1002 of this act.
"Sale."	RCW 62A.2-106.
"Securities account."	RCW 62A.8-501.
"Securities intermediary."	RCW 62A.8-102.
"Security."	RCW 62A.8-102.
"Security certificate."	RCW 62A.8-102.
"Security entitlement."	RCW 62A.8-102.
"Uncertificated security."	RCW 62A.8-102.

(c) **Article 1 definitions and principles.** Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

**Sec. 902.** RCW 62A.9A-104 and 2001 c 32 s 17 are each amended to read as follows:

(a) **Requirements for control.** A secured party has control of a deposit account if:

(1) The secured party is the bank with which the deposit account is maintained;

(2) The debtor, secured party, and bank have agreed in ~~((an authenticated))~~ a signed record that the bank will comply with instructions originated by the secured party directing disposition of the funds in the deposit account without further consent by the debtor; ~~((or))~~

(3) The secured party becomes the bank's customer with respect to the deposit account; or

(4) Another person, other than the debtor:

(A) Has control of the deposit account and acknowledges that it has control on behalf of the secured party; or

(B) Obtains control of the deposit account after having acknowledged that it will obtain control of the deposit account on behalf of the secured party.

(b) **Debtor's right to direct disposition.** A secured party that has satisfied subsection (a) of this section has control, even if the debtor retains the right to direct the disposition of funds from the deposit account.

**Sec. 903.** RCW 62A.9A-105 and 2011 c 74 s 102 are each amended to read as follows:

(a) **General rule: Control of electronic copy of record evidencing chattel paper.** ~~((A secured party has control of electronic chattel paper if a system employed for evidencing the transfer of interests in the chattel paper reliably establishes the secured party as the person to which the chattel paper was assigned.~~

(b) **Specific facts giving control.** ~~A system satisfies subsection (a) of this section if the record or records comprising the chattel paper are created, stored, and assigned in such a manner that:~~

~~(1) A single authoritative copy of the record or records exists which is unique, identifiable and, except as otherwise provided in (4), (5), and (6) of this subsection, unalterable;~~

~~(2) The authoritative copy identifies the secured party as the assignee of the record or records;~~

~~(3) The authoritative copy is communicated to and maintained by the secured party or its designated custodian;~~

~~(4) Copies or amendments that add or change an identified assignee of the authoritative copy can be made only with the consent of the secured party;~~

~~(5) Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and~~

~~(6) Any amendment of the authoritative copy is readily identifiable as authorized or unauthorized.) A purchaser has control of an authoritative electronic copy of a record evidencing chattel paper if a system employed for evidencing the assignment~~

~~of interests in the chattel paper reliably establishes the purchaser as the person to which the authoritative electronic copy was assigned.~~

~~(b) **Single authoritative copy.** A system satisfies subsection (a) of this section if the record or records evidencing the chattel paper are created, stored, and assigned in a manner that:~~

~~(1) A single authoritative copy of the record or records exists which is unique, identifiable, and, except as otherwise provided in (4), (5), and (6) of this subsection, unalterable;~~

~~(2) The authoritative copy identifies the purchaser as the assignee of the record or records;~~

~~(3) The authoritative copy is communicated to and maintained by the purchaser or its designated custodian;~~

~~(4) Copies or amendments that add or change an identified assignee of the authoritative copy can be made only with the consent of the purchaser;~~

~~(5) Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and~~

~~(6) Any amendment of the authoritative copy is readily identifiable as authorized or unauthorized.~~

~~(c) **One or more authoritative copies.** A system satisfies subsection (a) of this section, and a purchaser has control of an authoritative electronic copy of a record evidencing chattel paper, if the electronic copy, a record attached to or logically associated with the electronic copy, or a system in which the electronic copy is recorded:~~

~~(1) Enables the purchaser readily to identify each electronic copy as either an authoritative copy or a nonauthoritative copy;~~

~~(2) Enables the purchaser readily to identify itself in any way, including by name, identifying number, cryptographic key, office, or account number, as the assignee of the authoritative electronic copy; and~~

~~(3) Gives the purchaser exclusive power, subject to subsection (d) of this section, to:~~

~~(A) Prevent others from adding or changing an identified assignee of the authoritative electronic copy; and~~

~~(B) Transfer control of the authoritative electronic copy.~~

~~(d) **Meaning of exclusive.** Subject to subsection (e) of this section, a power is exclusive under subsection (c)(3)(A) and (B) of this section even if:~~

~~(1) The authoritative electronic copy, a record attached to or logically associated with the authoritative electronic copy, or a system in which the authoritative electronic copy is recorded limits the use of the authoritative electronic copy or has a protocol programmed to cause a change, including a transfer or loss of control; or~~

~~(2) The power is shared with another person.~~

~~(e) **When power not shared with another person.** A power of a purchaser is not shared with another person under subsection (d)(2) of this section and the purchaser's power is not exclusive if:~~

~~(1) The purchaser can exercise the power only if the power also is exercised by the other person; and~~

~~(2) The other person:~~

~~(A) Can exercise the power without exercise of the power by the purchaser; or~~

~~(B) Is the transferor to the purchaser of an interest in the chattel paper.~~

~~(f) **Presumption of exclusivity of certain powers.** If a purchaser has the powers specified in subsection (c)(3)(A) and (B) of this section, the powers are presumed to be exclusive.~~

~~(g) **Obtaining control through another person.** A purchaser has control of an authoritative electronic copy of a record evidencing chattel paper if another person, other than the~~

transferor to the purchaser of an interest in the chattel paper:

- (1) Has control of the authoritative electronic copy and acknowledges that it has control on behalf of the purchaser; or
- (2) Obtains control of the authoritative electronic copy after having acknowledged that it will obtain control of the electronic copy on behalf of the purchaser.

NEW SECTION. Sec. 904. A new section is added to chapter 62A.9A RCW to read as follows:

SECTION 9-105A: CONTROL OF ELECTRONIC MONEY.

(a) **General rule: Control of electronic money.** A person has control of electronic money if:

(1) The electronic money, a record attached to or logically associated with the electronic money, or a system in which the electronic money is recorded gives the person:

(A) Power to avail itself of substantially all the benefit from the electronic money; and

(B) Exclusive power, subject to subsection (b) of this section, to:

(i) Prevent others from availing themselves of substantially all the benefit from the electronic money; and

(ii) Transfer control of the electronic money to another person or cause another person to obtain control of other electronic money as a result of the transfer of the electronic money; and

(2) The electronic money, a record attached to or logically associated with the electronic money, or a system in which the electronic money is recorded enables the person readily to identify itself in any way, including by name, identifying number, cryptographic key, office, or account number, as having the powers under (1) of this subsection.

(b) **Meaning of exclusive.** Subject to subsection (c) of this section, a power is exclusive under subsection (a)(1)(B)(i) and (ii) of this section even if:

(1) The electronic money, a record attached to or logically associated with the electronic money, or a system in which the electronic money is recorded limits the use of the electronic money or has a protocol programmed to cause a change, including a transfer or loss of control; or

(2) The power is shared with another person.

(c) **When power not shared with another person.** A power of a person is not shared with another person under subsection (b)(2) of this section and the person's power is not exclusive if:

(1) The person can exercise the power only if the power also is exercised by the other person; and

(2) The other person:

(A) Can exercise the power without exercise of the power by the person; or

(B) Is the transferor to the person of an interest in the electronic money.

(d) **Presumption of exclusivity of certain powers.** If a person has the powers specified in subsection (a)(1)(B)(i) and (ii) of this section, the powers are presumed to be exclusive.

(e) **Control through another person.** A person has control of electronic money if another person, other than the transferor to the person of an interest in the electronic money:

(1) Has control of the electronic money and acknowledges that it has control on behalf of the person; or

(2) Obtains control of the electronic money after having acknowledged that it will obtain control of the electronic money on behalf of the person.

NEW SECTION. Sec. 905. A new section is added to chapter 62A.9A RCW to read as follows:

SECTION 9-107A: CONTROL OF CONTROLLABLE ELECTRONIC RECORD, CONTROLLABLE ACCOUNT, OR CONTROLLABLE PAYMENT INTANGIBLE.

(a) **Control under section 1005 of this act.** A secured party

has control of a controllable electronic record as provided in section 1005 of this act.

(b) **Control of controllable account and controllable payment intangible.** A secured party has control of a controllable account or controllable payment intangible if the secured party has control of the controllable electronic record that evidences the controllable account or controllable payment intangible.

NEW SECTION. Sec. 906. A new section is added to chapter 62A.9A RCW to read as follows:

SECTION 9-107B: NO REQUIREMENT TO ACKNOWLEDGE OR CONFIRM; NO DUTIES.

(a) **No requirement to acknowledge.** A person that has control under RCW 62A.9A-104 or 62A.9A-105 or section 904 of this act is not required to acknowledge that it has control on behalf of another person.

(b) **No duties or confirmation.** If a person acknowledges that it has or will obtain control on behalf of another person, unless the person otherwise agrees or law other than this article otherwise provides, the person does not owe any duty to the other person and is not required to confirm the acknowledgment to any other person.

**Sec. 907.** RCW 62A.9A-203 and 2012 c 214 s 1503 are each amended to read as follows:

(a) **Attachment.** A security interest attaches to collateral when it becomes enforceable against the debtor with respect to the collateral, unless an agreement expressly postpones the time of attachment.

(b) **Enforceability.** Except as otherwise provided in subsections (c) through (i) of this section, a security interest is enforceable against the debtor and third parties with respect to the collateral only if:

(1) Value has been given;

(2) The debtor has rights in the collateral or the power to transfer rights in the collateral to a secured party; and

(3) One of the following conditions is met:

(A) The debtor has ~~((authenticated))~~ signed a security agreement that provides a description of the collateral and, if the security interest covers timber to be cut, a description of the land concerned;

(B) The collateral is not a certificated security and is in the possession of the secured party under RCW 62A.9A-313 pursuant to the debtor's security agreement;

(C) The collateral is a certificated security in registered form and the security certificate has been delivered to the secured party under RCW 62A.8-301 pursuant to the debtor's security agreement; ~~((or))~~

(D) The collateral is controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, ~~((electronic chattel paper,))~~ electronic documents, electronic money, investment property, or letter-of-credit rights, ~~((or electronic documents,))~~ and the secured party has control under RCW 62A.7-106, 62A.9A-104, 62A.9A-105, 62A.9A-106, or 62A.9A-107 or section 904 or 905 of this act pursuant to the debtor's security agreement; or

(E) The collateral is chattel paper and the secured party has possession and control under section 922 of this act pursuant to the debtor's security agreement.

(c) **Other UCC provisions.** Subsection (b) of this section is subject to RCW 62A.4-210 on the security interest of a collecting bank, RCW 62A.5-118 on the security interest of a letter-of-credit issuer or nominated person, RCW 62A.9A-110 on a security interest arising under Article 2 or 2A, and RCW 62A.9A-206 on security interests in investment property.

(d) **When person becomes bound by another person's security agreement.** A person becomes bound as debtor by a

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security agreement entered into by another person if, by operation of law other than this Article or by contract:

(1) The security agreement becomes effective to create a security interest in the person's property; or

(2) The person becomes generally obligated for the obligations of the other person, including the obligation secured under the security agreement, and acquires or succeeds to all or substantially all of the assets of the other person.

(e) **Effect of new debtor becoming bound.** If a new debtor becomes bound as debtor by a security agreement entered into by another person:

(1) The agreement satisfies subsection (b)(3) of this section with respect to existing or after-acquired property of the new debtor to the extent the property is described in the agreement; and

(2) Another agreement is not necessary to make a security interest in the property enforceable.

(f) **Proceeds and supporting obligations.** The attachment of a security interest in collateral gives the secured party the rights to proceeds provided by RCW 62A.9A-315 and is also attachment of a security interest in a supporting obligation for the collateral.

(g) **Lien securing right to payment.** The attachment of a security interest in a right to payment or performance secured by a security interest or other lien on personal or real property is also attachment of a security interest in the security interest, mortgage, or other lien.

(h) **Security entitlement carried in securities account.** The attachment of a security interest in a securities account is also attachment of a security interest in the security entitlements carried in the securities account.

(i) **Commodity contracts carried in commodity account.** The attachment of a security interest in a commodity account is also attachment of a security interest in the commodity contracts carried in the commodity account.

**Sec. 908.** RCW 62A.9A-204 and 2000 c 250 s 9A-204 are each amended to read as follows:

(a) **After-acquired collateral.** Except as otherwise provided in subsection (b) of this section, a security agreement may create or provide for a security interest in after-acquired collateral.

(b) **When after-acquired property clause not effective.** ~~((A))~~ Subject to subsection (b.1) of this section, a security interest does not attach, under a term constituting an after-acquired property clause, to:

(1) Consumer goods, other than an accession when given as additional security, unless the debtor acquires rights in them within ten days after the secured party gives value; or

(2) A commercial tort claim.

(b.1) Limitation on subsection (b). Subsection (b) of this section does not prevent a security interest from attaching:

(1) To consumer goods as proceeds under RCW 62A.9A-315(a) or commingled goods under RCW 62A.9A-336(c);

(2) To a commercial tort claim as proceeds under RCW 62A.9A-315(a); or

(3) Under an after-acquired property clause to property that is proceeds of consumer goods or a commercial tort claim.

(c) **Future advances and other value.** A security agreement may provide that collateral secures, or that accounts, chattel paper, payment intangibles, or promissory notes are sold in connection with, future advances or other value, whether or not the advances or value are given pursuant to commitment.

**Sec. 909.** RCW 62A.9A-207 and 2012 c 214 s 1504 are each amended to read as follows:

(a) **Duty of care when secured party in possession.** Except as otherwise provided in subsection (d) of this section, a secured party shall use reasonable care in the custody and preservation of

collateral in the secured party's possession. In the case of chattel paper or an instrument, reasonable care includes taking necessary steps to preserve rights against prior parties unless otherwise agreed.

(b) **Expenses, risks, duties, and rights when secured party in possession.** Except as otherwise provided in subsection (d) of this section, if a secured party has possession of collateral:

(1) Reasonable expenses, including the cost of insurance and payment of taxes or other charges, incurred in the custody, preservation, use, or operation of the collateral are chargeable to the debtor and are secured by the collateral;

(2) The risk of accidental loss or damage is on the debtor to the extent of a deficiency in any effective insurance coverage;

(3) The secured party shall keep the collateral identifiable, but fungible collateral may be commingled; and

(4) The secured party may use or operate the collateral:

(A) For the purpose of preserving the collateral or its value;

(B) As permitted by an order of a court having competent jurisdiction; or

(C) Except in the case of consumer goods, in the manner and to the extent agreed by the debtor.

(c) **Duties and rights when secured party in possession or control.** Except as otherwise provided in subsection (d) of this section, a secured party having possession of collateral or control of collateral under RCW 62A.7-106, 62A.9A-104, 62A.9A-105, 62A.9A-106, or 62A.9A-107 or section 904 or 905 of this act:

(1) May hold as additional security any proceeds, except money or funds, received from the collateral;

(2) Shall apply money or funds received from the collateral to reduce the secured obligation, unless remitted to the debtor; and

(3) May create a security interest in the collateral.

(d) **Buyer of certain rights to payment.** If the secured party is a buyer of accounts, chattel paper, payment intangibles, or promissory notes or a consignor:

(1) Subsection (a) of this section does not apply unless the secured party is entitled under an agreement:

(A) To charge back uncollected collateral; or

(B) Otherwise to full or limited recourse against the debtor or a secondary obligor based on the nonpayment or other default of an account debtor or other obligor on the collateral; and

(2) Subsections (b) and (c) of this section do not apply.

**Sec. 910.** RCW 62A.9A-208 and 2012 c 214 s 1505 are each amended to read as follows:

(a) **Applicability of section.** This section applies to cases in which there is no outstanding secured obligation and the secured party is not committed to make advances, incur obligations, or otherwise give value.

(b) **Duties of secured party after receiving demand from debtor.** Within ~~((ten))~~ 10 days after receiving ~~((an authenticated))~~ a signed demand by the debtor:

(1) A secured party having control of a deposit account under RCW 62A.9A-104(a)(2) shall send to the bank with which the deposit account is maintained ~~((an authenticated statement))~~ a signed record that releases the bank from any further obligation to comply with instructions originated by the secured party;

(2) A secured party having control of a deposit account under RCW 62A.9A-104(a)(3) shall:

(A) Pay the debtor the balance on deposit in the deposit account; or

(B) Transfer the balance on deposit into a deposit account in the debtor's name;

(3) ~~((A secured party, other than a buyer, having control of electronic chattel paper under RCW 62A.9A-105 shall:~~

~~((A) Communicate the authoritative copy of the electronic chattel paper to the debtor or its designated custodian;~~

~~(B) If the debtor designates a custodian that is the designated custodian with which the authoritative copy of the electronic chattel paper is maintained for the secured party, communicate to the custodian an authenticated record releasing the designated custodian from any further obligation to comply with instructions originated by the secured party and instructing the custodian to comply with instructions originated by the debtor; and~~

~~(C) Take appropriate action to enable the debtor or its designated custodian to make copies of or revisions to the authoritative copy which add or change an identified assignee of the authoritative copy without the consent of the secured party)) A secured party, other than a buyer, having control under RCW 62A.9A-105 of an authoritative electronic copy of a record evidencing chattel paper shall transfer control of the electronic copy to the debtor or a person designated by the debtor;~~

(4) A secured party having control of investment property under RCW 62A.8-106(4)(b) or 62A.9A-106(b) shall send to the securities intermediary or commodity intermediary with which the security entitlement or commodity contract is maintained ~~((an authenticated))~~ a signed record that releases the securities intermediary or commodity intermediary from any further obligation to comply with entitlement orders or directions originated by the secured party;

(5) A secured party having control of a letter-of-credit right under RCW 62A.9A-107 shall send to each person having an unfulfilled obligation to pay or deliver proceeds of the letter of credit to the secured party ~~((an authenticated))~~ a signed release from any further obligation to pay or deliver proceeds of the letter of credit to the secured party; ~~((and))~~

~~(6) ((A secured party having control of an electronic document shall:~~

~~(A) Give control of the electronic document to the debtor or its designated custodian;~~

~~(B) If the debtor designates a custodian that is the designated custodian with which the authoritative copy of the electronic document is maintained for the secured party, communicate to the custodian an authenticated record releasing the designated custodian from any further obligation to comply with instructions originated by the secured party and instructing the custodian to comply with instructions originated by the debtor; and~~

~~(C) Take appropriate action to enable the debtor or its designated custodian to make copies of or revisions to the authoritative copy which add or change an identified assignee of the authoritative copy without the consent of the secured party)) A secured party having control under RCW 62A.7-106 of an authoritative electronic copy of an electronic document of title shall transfer control of the electronic copy to the debtor or a person designated by the debtor;~~

~~(7) A secured party having control under section 904 of this act of electronic money shall transfer control of the electronic money to the debtor or a person designated by the debtor; and~~

~~(8) A secured party having control under section 1005 of this act of a controllable electronic record, other than a buyer of a controllable account or controllable payment intangible evidenced by the controllable electronic record, shall transfer control of the controllable electronic record to the debtor or a person designated by the debtor.~~

**Sec. 911.** RCW 62A.9A-209 and 2011 c 74 s 707 are each amended to read as follows:

(a) **Applicability of section.** Except as otherwise provided in subsection (c) of this section, this section applies if:

- (1) There is no outstanding secured obligation; and
- (2) The secured party is not committed to make advances, incur obligations, or otherwise give value.

(b) **Duties of secured party after receiving demand from**

**debtor.** Within ~~((ten))~~ 10 days after receiving ~~((an authenticated))~~ a signed demand by the debtor, a secured party shall send to an account debtor that has received notification under RCW 62A.9A-406(a) or section 1006(b) of this act of an assignment to the secured party as assignee ~~((under RCW 62A.9A-406(a) an authenticated))~~ a signed record that releases the account debtor from any further obligation to the secured party.

(c) **Inapplicability to sales.** This section does not apply to an assignment constituting the sale of an account, chattel paper, or payment intangible.

**Sec. 912.** RCW 62A.9A-210 and 2000 c 250 s 9A-210 are each amended to read as follows:

(a) **Definitions.** In this section:

(1) "Request" means a record of a type described in (2), (3), or (4) of this subsection.

(2) "Request for an accounting" means a record ~~((authenticated))~~ signed by a debtor requesting that the recipient provide an accounting of the unpaid obligations secured by collateral and reasonably identifying the transaction or relationship that is the subject of the request.

(3) "Request regarding a list of collateral" means a record ~~((authenticated))~~ signed by a debtor requesting that the recipient approve or correct a list of what the debtor believes to be the collateral securing an obligation and reasonably identifying the transaction or relationship that is the subject of the request.

(4) "Request regarding a statement of account" means a record ~~((authenticated))~~ signed by a debtor requesting that the recipient approve or correct a statement indicating what the debtor believes to be the aggregate amount of unpaid obligations secured by collateral as of a specified date and reasonably identifying the transaction or relationship that is the subject of the request.

(b) **Duty to respond to requests.** Subject to subsections (c), (d), (e), and (f) of this section, a secured party, other than a buyer of accounts, chattel paper, payment intangibles, or promissory notes or a consignor, shall comply with a request within fourteen days after receipt:

(1) In the case of a request for an accounting, by ~~((authenticating))~~ signing and sending to the debtor an accounting; and

(2) In the case of a request regarding a list of collateral or a request regarding a statement of account, by ~~((authenticating))~~ signing and sending to the debtor an approval or correction.

(c) **Request regarding list of collateral; statement concerning type of collateral.** A secured party that claims a security interest in all of a particular type of collateral owned by the debtor may comply with a request regarding a list of collateral by sending to the debtor ~~((an authenticated))~~ a signed record including a statement to that effect within ~~((fourteen))~~ 14 days after receipt.

(d) **Request regarding list of collateral; no interest claimed.** A person that receives a request regarding a list of collateral, claims no interest in the collateral when it receives the request, and claimed an interest in the collateral at an earlier time shall comply with the request within ~~((fourteen))~~ 14 days after receipt by sending to the debtor ~~((an authenticated))~~ a signed record:

(1) Disclaiming any interest in the collateral; and

(2) If known to the recipient, providing the name and mailing address of any assignee of, or successor to, the recipient's interest in the collateral.

(e) **Request for accounting or regarding statement of account; no interest in obligation claimed.** A person that receives a request for an accounting or a request regarding a statement of account, claims no interest in the obligations when it receives the request, and claimed an interest in the obligations at an earlier time shall comply with the request within fourteen days

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after receipt by sending to the debtor (~~(an authenticated)~~) a signed record:

(1) Disclaiming any interest in the obligations; and

(2) If known to the recipient, providing the name and mailing address of any assignee of, or successor to, the recipient's interest in the obligations.

(f) **Charges for responses.** A debtor is entitled without charge to one response to a request under this section during any six-month period. The secured party may require payment of a charge not exceeding twenty-five dollars for each additional response.

**Sec. 913.** RCW 62A.9A-301 and 2012 c 214 s 1506 are each amended to read as follows:

Except as otherwise provided in RCW 62A.9A-303 through 62A.9A-306 and section 917 of this act, the following rules determine the law governing perfection, the effect of perfection or nonperfection, and the priority of a security interest in collateral:

(1) Except as otherwise provided in this section, while a debtor is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in collateral.

(2) While collateral is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a possessory security interest in that collateral.

(3) Except as otherwise provided in subsection (4) of this section, while (~~tangible~~) negotiable tangible documents, goods, instruments, or tangible money (~~(-or tangible chattel paper)~~) is located in a jurisdiction, the local law of that jurisdiction governs:

(A) Perfection of a security interest in the goods by filing a fixture filing;

(B) Perfection of a security interest in timber to be cut; and

(C) The effect of perfection or nonperfection and the priority of a nonpossessory security interest in the collateral.

(4) The local law of the jurisdiction in which the wellhead or minehead is located governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in as-extracted collateral.

**Sec. 914.** RCW 62A.9A-304 and 2000 c 250 s 9A-304 are each amended to read as follows:

(a) **Law of bank's jurisdiction governs.** The local law of a bank's jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a deposit account maintained with that bank even if the transaction does not bear any relation to the bank's jurisdiction.

(b) **Bank's jurisdiction.** The following rules determine a bank's jurisdiction for purposes of this part:

(1) If an agreement between the bank and the debtor governing the deposit account expressly provides that a particular jurisdiction is the bank's jurisdiction for purposes of this part, this Article, or the Uniform Commercial Code, that jurisdiction is the bank's jurisdiction.

(2) If (1) of this subsection does not apply and an agreement between the bank and its customer governing the deposit account expressly provides that the agreement is governed by the law of a particular jurisdiction, that jurisdiction is the bank's jurisdiction.

(3) If neither (1) nor (2) of this subsection applies and an agreement between the bank and its customer governing the deposit account expressly provides that the deposit account is maintained at an office in a particular jurisdiction, that jurisdiction is the bank's jurisdiction.

(4) If (1) through (3) of this subsection do not apply, the bank's jurisdiction is the jurisdiction in which the office identified in an account statement as the office serving the customer's account is located.

(5) If (1) through (4) of this subsection do not apply, the bank's jurisdiction is the jurisdiction in which the chief executive office of the bank is located.

**Sec. 915.** RCW 62A.9A-305 and 2001 c 32 s 23 are each amended to read as follows:

(a) **Governing law: General rules.** Except as otherwise provided in subsection (c) of this section, the following rules apply:

(1) While a security certificate is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in the certificated security represented thereby.

(2) The local law of the issuer's jurisdiction as specified in RCW 62A.8-110(4) governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in an uncertificated security.

(3) The local law of the securities intermediary's jurisdiction as specified in RCW 62A.8-110(5) governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a security entitlement or securities account.

(4) The local law of the commodity intermediary's jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a commodity contract or commodity account.

(5) (2), (3), and (4) of this subsection apply even if the transaction does not bear any relation to the jurisdiction.

(b) **Commodity intermediary's jurisdiction.** The following rules determine a commodity intermediary's jurisdiction for purposes of this part:

(1) If an agreement between the commodity intermediary and commodity customer governing the commodity account expressly provides that a particular jurisdiction is the commodity intermediary's jurisdiction for purposes of this part, this Article, or the Uniform Commercial Code, that jurisdiction is the commodity intermediary's jurisdiction.

(2) If (1) of this subsection does not apply and an agreement between the commodity intermediary and commodity customer governing the commodity account expressly provides that the agreement is governed by the law of a particular jurisdiction, that jurisdiction is the commodity intermediary's jurisdiction.

(3) If neither (1) nor (2) of this subsection applies and an agreement between the commodity intermediary and commodity customer governing the commodity account expressly provides that the commodity account is maintained at an office in a particular jurisdiction, that jurisdiction is the commodity intermediary's jurisdiction.

(4) If (1) through (3) of this subsection do not apply, the commodity intermediary's jurisdiction is the jurisdiction in which the office identified in an account statement as the office serving the commodity customer's account is located.

(5) If (1) through (4) of this subsection do not apply, the commodity intermediary's jurisdiction is the jurisdiction in which the chief executive office of the commodity intermediary is located.

(c) **When perfection governed by law of jurisdiction where debtor located.** The local law of the jurisdiction in which the debtor is located governs:

(1) Perfection of a security interest in investment property by filing;

(2) Automatic perfection of a security interest in investment property created by a broker or securities intermediary; and

(3) Automatic perfection of a security interest in a commodity contract or commodity account created by a commodity intermediary.

**NEW SECTION. Sec. 916.** A new section is added to



chapter 62A.9A RCW to read as follows:

**SECTION 9-306A: LAW GOVERNING PERFECTION AND PRIORITY OF SECURITY INTERESTS IN CHATTEL PAPER.**

(a) **Chattel paper evidenced by authoritative electronic copy.** Except as provided in subsection (d) of this section, if chattel paper is evidenced only by an authoritative electronic copy of the chattel paper or is evidenced by an authoritative electronic copy and an authoritative tangible copy, the local law of the chattel paper's jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in the chattel paper, even if the transaction does not bear any relation to the chattel paper's jurisdiction.

(b) **Chattel paper's jurisdiction.** The following rules determine the chattel paper's jurisdiction under this section:

(1) If the authoritative electronic copy of the record evidencing chattel paper, or a record attached to or logically associated with the electronic copy and readily available for review, expressly provides that a particular jurisdiction is the chattel paper's jurisdiction for purposes of this part, this Article, or this title, that jurisdiction is the chattel paper's jurisdiction.

(2) If (1) of this subsection does not apply and the rules of the system in which the authoritative electronic copy is recorded are readily available for review and expressly provide that a particular jurisdiction is the chattel paper's jurisdiction for purposes of this part, this Article, or this title, that jurisdiction is the chattel paper's jurisdiction.

(3) If (1) and (2) of this subsection do not apply and the authoritative electronic copy, or a record attached to or logically associated with the electronic copy and readily available for review, expressly provides that the chattel paper is governed by the law of a particular jurisdiction, that jurisdiction is the chattel paper's jurisdiction.

(4) If (1), (2), and (3) of this subsection do not apply and the rules of the system in which the authoritative electronic copy is recorded are readily available for review and expressly provide that the chattel paper or the system is governed by the law of a particular jurisdiction, that jurisdiction is the chattel paper's jurisdiction.

(5) If (1) through (4) of this subsection do not apply, the chattel paper's jurisdiction is the jurisdiction in which the debtor is located.

(c) **Chattel paper evidenced by authoritative tangible copy.** If an authoritative tangible copy of a record evidences chattel paper and the chattel paper is not evidenced by an authoritative electronic copy, while the authoritative tangible copy of the record evidencing chattel paper is located in a jurisdiction, the local law of that jurisdiction governs:

(1) Perfection of a security interest in the chattel paper by possession under section 922 of this act; and

(2) The effect of perfection or nonperfection and the priority of a security interest in the chattel paper.

(d) **When perfection governed by law of jurisdiction where debtor located.** The local law of the jurisdiction in which the debtor is located governs perfection of a security interest in chattel paper by filing.

**NEW SECTION. Sec. 917.** A new section is added to chapter 62A.9A RCW to read as follows:

**SECTION 9-306B: LAW GOVERNING PERFECTION AND PRIORITY OF SECURITY INTERESTS IN CONTROLLABLE ACCOUNTS, CONTROLLABLE ELECTRONIC RECORDS, AND CONTROLLABLE PAYMENT INTANGIBLES.**

(a) **Governing law: General rules.** Except as provided in subsection (b) of this section, the local law of the controllable electronic record's jurisdiction specified in section 1007 (c) and

(d) of this act governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a controllable electronic record and a security interest in a controllable account or controllable payment intangible evidenced by the controllable electronic record.

(b) **When perfection governed by law of jurisdiction where debtor located.** The local law of the jurisdiction in which the debtor is located governs:

(1) Perfection of a security interest in a controllable account, controllable electronic record, or controllable payment intangible by filing; and

(2) Automatic perfection of a security interest in a controllable payment intangible created by a sale of the controllable payment intangible.

**Sec. 918.** RCW 62A.9A-310 and 2012 c 214 s 1508 are each amended to read as follows:

(a) **General rule: Perfection by filing.** Except as otherwise provided in subsections (b) and (d) of this section and RCW 62A.9A-312(b), a financing statement must be filed to perfect all security interests and agricultural liens.

(b) **Exceptions: Filing not necessary.** The filing of a financing statement is not necessary to perfect a security interest:

(1) That is perfected under RCW 62A.9A-308 (d), (e), (f), or (g);

(2) That is perfected under RCW 62A.9A-309 when it attaches;

(3) In property subject to a statute, regulation, or treaty described in RCW 62A.9A-311(a);

(4) In goods in possession of a bailee which is perfected under RCW 62A.9A-312(d) (1) or (2);

(5) In certificated securities, documents, goods, or instruments which is perfected without filing, control, or possession under RCW 62A.9A-312 (e), (f), or (g);

(6) In collateral in the secured party's possession under RCW 62A.9A-313;

(7) In a certificated security which is perfected by delivery of the security certificate to the secured party under RCW 62A.9A-313;

(8) In controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, ~~((electronic chattel paper))~~ electronic documents, investment property, or letter-of-credit rights which is perfected by control under RCW 62A.9A-314;

(8.1) In chattel paper which is perfected by possession and control under section 922 of this act;

(9) In proceeds which is perfected under RCW 62A.9A-315; or

(10) That is perfected under RCW 62A.9A-316.

(c) **Assignment of perfected security interest.** If a secured party assigns a perfected security interest or agricultural lien, a filing under this Article is not required to continue the perfected status of the security interest against creditors of and transferees from the original debtor.

(d) **Further exception: Filing not necessary for handler's lien.** The filing of a financing statement is not necessary to perfect the agricultural lien of a handler on orchard crops as provided in RCW 60.11.020(3).

**Sec. 919.** RCW 62A.9A-312 and 2012 c 214 s 1509 are each amended to read as follows:

(a) **Perfection by filing permitted.** A security interest in chattel paper, ~~((negotiable documents))~~ controllable accounts, controllable electronic records, controllable payment intangibles, instruments, ~~((or))~~ investment property, or negotiable documents may be perfected by filing.

(b) **Control or possession of certain collateral.** Except as otherwise provided in RCW 62A.9A-315 (c) and (d) for proceeds:

(1) A security interest in a deposit account may be perfected

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only by control under RCW 62A.9A-314;

(2) And except as otherwise provided in RCW 62A.9A-308(d), a security interest in a letter-of-credit right may be perfected only by control under RCW 62A.9A-314; ~~((and))~~

(3) A security interest in tangible money may be perfected only by the secured party's taking possession under RCW 62A.9A-313; and

(4) A security interest in electronic money may be perfected only by control under RCW 62A.9A-314.

(c) **Goods covered by negotiable document.** While goods are in the possession of a bailee that has issued a negotiable document covering the goods:

(1) A security interest in the goods may be perfected by perfecting a security interest in the document; and

(2) A security interest perfected in the document has priority over any security interest that becomes perfected in the goods by another method during that time.

(d) **Goods covered by nonnegotiable document.** While goods are in the possession of a bailee that has issued a nonnegotiable document covering the goods, a security interest in the goods may be perfected by:

(1) Issuance of a document in the name of the secured party;

(2) The bailee's receipt of notification of the secured party's interest; or

(3) Filing as to the goods.

(e) **Temporary perfection: New value.** A security interest in certificated securities, negotiable documents, or instruments is perfected without filing or the taking of possession or control for a period of twenty days from the time it attaches to the extent that it arises for new value given under ~~((an authenticated))~~ a signed security agreement.

(f) **Temporary perfection: Goods or documents made available to debtor.** A perfected security interest in a negotiable document or goods in possession of a bailee, other than one that has issued a negotiable document for the goods, remains perfected for twenty days without filing if the secured party makes available to the debtor the goods or documents representing the goods for the purpose of:

(1) Ultimate sale or exchange; or

(2) Loading, unloading, storing, shipping, transshipping, manufacturing, processing, or otherwise dealing with them in a manner preliminary to their sale or exchange.

(g) **Temporary perfection: Delivery of security certificate or instrument to debtor.** A perfected security interest in a certificated security or instrument remains perfected for twenty days without filing if the secured party delivers the security certificate or instrument to the debtor for the purpose of:

(1) Ultimate sale or exchange; or

(2) Presentation, collection, enforcement, renewal, or registration of transfer.

(h) **Expiration of temporary perfection.** After the twenty-day period specified in subsection (e), (f), or (g) of this section expires, perfection depends upon compliance with this Article.

**Sec. 920.** RCW 62A.9A-313 and 2012 c 214 s 1511 are each amended to read as follows:

(a) **Perfection by possession or delivery.** Except as otherwise provided in subsection (b) of this section, a secured party may perfect a security interest in ~~((tangible negotiable documents,))~~ goods, instruments, negotiable tangible documents, or tangible money ~~((, or tangible chattel paper))~~ by taking possession of the collateral. A secured party may perfect a security interest in certificated securities by taking delivery of the certificated securities under RCW 62A.8-301.

(b) **Goods covered by certificate of title.** With respect to goods covered by a certificate of title issued by this state, a

secured party may perfect a security interest in the goods by taking possession of the goods only in the circumstances described in RCW 62A.9A-316(d).

(c) **Collateral in possession of person other than debtor.** With respect to collateral other than certificated securities and goods covered by a document, a secured party takes possession of collateral in the possession of a person other than the debtor, the secured party, or a lessee of the collateral from the debtor in the ordinary course of the debtor's business, when:

(1) The person in possession ~~((authenticates))~~ signs a record acknowledging that it holds possession of the collateral for the secured party's benefit; or

(2) The person takes possession of the collateral after having ~~((authenticated))~~ signed a record acknowledging that it will hold possession of the collateral for the secured party's benefit.

(d) **Time of perfection by possession; continuation of perfection.** If perfection of a security interest depends upon possession of the collateral by a secured party, perfection occurs ~~((no))~~ not earlier than the time the secured party takes possession and continues only while the secured party retains possession.

(e) **Time of perfection by delivery; continuation of perfection.** A security interest in a certificated security in registered form is perfected by delivery when delivery of the certificated security occurs under RCW 62A.8-301 and remains perfected by delivery until the debtor obtains possession of the security certificate.

(f) **Acknowledgment not required.** A person in possession of collateral is not required to acknowledge that it holds possession for a secured party's benefit.

(g) **Effectiveness of acknowledgment; no duties or confirmation.** If a person acknowledges that it holds possession for the secured party's benefit:

(1) The acknowledgment is effective under subsection (c) of this section or RCW 62A.8-301(1), even if the acknowledgment violates the rights of a debtor; and

(2) Unless the person otherwise agrees or law other than this Article otherwise provides, the person does not owe any duty to the secured party and is not required to confirm the acknowledgment to another person.

(h) **Secured party's delivery to person other than debtor.** A secured party having possession of collateral does not relinquish possession by delivering the collateral to a person other than the debtor or a lessee of the collateral from the debtor in the ordinary course of the debtor's business if the person was instructed before the delivery or is instructed contemporaneously with the delivery:

(1) To hold possession of the collateral for the secured party's benefit; or

(2) To redeliver the collateral to the secured party.

(i) **Effect of delivery under subsection (h) of this section; no duties or confirmation.** A secured party does not relinquish possession, even if a delivery under subsection (h) of this section violates the rights of a debtor. A person to which collateral is delivered under subsection (h) of this section does not owe any duty to the secured party and is not required to confirm the delivery to another person unless the person otherwise agrees or law other than this Article otherwise provides.

**Sec. 921.** RCW 62A.9A-314 and 2012 c 214 s 1512 are each amended to read as follows:

(a) **Perfection by control.** A security interest in ~~((investment property, deposit accounts, letter of credit rights, electronic chattel paper, or electronic documents))~~ controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, electronic documents, electronic money, investment property, or letter-of-credit rights may be perfected by control of the collateral under RCW 62A.7-106, 62A.9A-104,

~~((62A.9A-105,))~~ 62A.9A-106, or 62A.9A-107 or section 904 or 905 of this act.

(b) **Specified collateral: Time of perfection by control; continuation of perfection.** A security interest in ~~((deposit accounts, electronic chattel paper, letter of credit rights, or electronic documents))~~ controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, electronic documents, electronic money, or letter-of-credit rights is perfected by control under RCW 62A.7-106, 62A.9A-104, ~~((62A.9A-105,))~~ or 62A.9A-107 or section 904 or 905 of this act not earlier than the time when the secured party obtains control and remains perfected by control only while the secured party retains control.

(c) **Investment property: Time of perfection by control; continuation of perfection.** A security interest in investment property is perfected by control under RCW 62A.9A-106 ~~((from))~~ not earlier than the time the secured party obtains control and remains perfected by control until:

- (1) The secured party does not have control; and
- (2) One of the following occurs:

(A) If the collateral is a certificated security, the debtor has or acquires possession of the security certificate;

(B) If the collateral is an uncertificated security, the issuer has registered or registers the debtor as the registered owner; or

(C) If the collateral is a security entitlement, the debtor is or becomes the entitlement holder.

**NEW SECTION. Sec. 922.** A new section is added to chapter 62A.9A RCW to read as follows:

**SECTION 9-314A: PERFECTION BY POSSESSION AND CONTROL OF CHATTEL PAPER.**

(a) **Perfection by possession and control.** A secured party may perfect a security interest in chattel paper by taking possession of each authoritative tangible copy of the record evidencing the chattel paper and obtaining control of each authoritative electronic copy of the electronic record evidencing the chattel paper.

(b) **Time of perfection; continuation of perfection.** A security interest is perfected under subsection (a) of this section not earlier than the time the secured party takes possession and obtains control and remains perfected under subsection (a) of this section only while the secured party retains possession and control.

(c) **Application of RCW 62A.9A-313 to perfection by possession of chattel paper.** RCW 62A.9A-313 (c) and (f) through (i) applies to perfection by possession of an authoritative tangible copy of a record evidencing chattel paper.

**Sec. 923.** RCW 62A.9A-316 and 2011 c 74 s 203 are each amended to read as follows:

(a) **General rule: Effect on perfection of change in governing law.** A security interest perfected pursuant to the law of the jurisdiction designated in RCW 62A.9A-301(1) or 62A.9A-305(c) or section 916 or 917 of this act remains perfected until the earliest of:

- (1) The time perfection would have ceased under the law of that jurisdiction;
- (2) The expiration of four months after a change of the debtor's location to another jurisdiction; or
- (3) The expiration of one year after a transfer of collateral to a person that thereby becomes a debtor and is located in another jurisdiction.

(b) **Security interest perfected or unperfected under law of new jurisdiction.** If a security interest described in subsection (a) of this section becomes perfected under the law of the other jurisdiction before the earliest time or event described in subsection (a) of this section, it remains perfected thereafter. If

the security interest does not become perfected under the law of the other jurisdiction before the earliest time or event, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

(c) **Possessory security interest in collateral moved to new jurisdiction.** A possessory security interest in collateral, other than goods covered by a certificate of title and as-extracted collateral consisting of goods, remains continuously perfected if:

- (1) The collateral is located in one jurisdiction and subject to a security interest perfected under the law of that jurisdiction;
- (2) Thereafter the collateral is brought into another jurisdiction; and
- (3) Upon entry into the other jurisdiction, the security interest is perfected under the law of the other jurisdiction.

(d) **Goods covered by certificate of title from this state.** Except as otherwise provided in subsection (e) of this section, a security interest in goods covered by a certificate of title which is perfected by any method under the law of another jurisdiction when the goods become covered by a certificate of title from this state remains perfected until the security interest would have become unperfected under the law of the other jurisdiction had the goods not become so covered.

(e) **When subsection (d) security interest becomes unperfected against purchasers.** A security interest described in subsection (d) of this section becomes unperfected as against a purchaser of the goods for value and is deemed never to have been perfected as against a purchaser of the goods for value if the applicable requirements for perfection under RCW 62A.9A-311(b) or 62A.9A-313 are not satisfied before the earlier of:

- (1) The time the security interest would have become unperfected under the law of the other jurisdiction had the goods not become covered by a certificate of title from this state; or
- (2) The expiration of four months after the goods had become so covered.

(f) **Change in jurisdiction of chattel paper, controllable electronic record, bank, issuer, nominated person, securities intermediary, or commodity intermediary.** A security interest in chattel paper, controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, letter-of-credit rights, or investment property which is perfected under the law of the chattel paper's jurisdiction, the controllable electronic record's jurisdiction, the bank's jurisdiction, the issuer's jurisdiction, a nominated person's jurisdiction, the securities intermediary's jurisdiction, or the commodity intermediary's jurisdiction, as applicable, remains perfected until the earlier of:

- (1) The time the security interest would have become unperfected under the law of that jurisdiction; or
- (2) The expiration of four months after a change of the applicable jurisdiction to another jurisdiction.

(g) **Subsection (f) of this section security interest perfected or unperfected under law of new jurisdiction.** If a security interest described in subsection (f) of this section becomes perfected under the law of the other jurisdiction before the earlier of the time or the end of the period described in subsection (f) of this section, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier of that time or the end of that period, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

(h) **Effect on filed financing statement of change in governing law.** The following rules apply to collateral to which a security interest attaches within four months after the debtor changes its location to another jurisdiction:

- (1) A financing statement filed before the change pursuant to

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the law of the jurisdiction designated in RCW 62A.9A-301(1) or 62A.9A-305(c) is effective to perfect a security interest in the collateral if the financing statement would have been effective to perfect a security interest in the collateral had the debtor not changed its location.

(2) If a security interest perfected by a financing statement that is effective under (1) of this subsection (h) becomes perfected under the law of the other jurisdiction before the earlier of the time the financing statement would have become ineffective under the law of the jurisdiction designated in RCW 62A.9A-301(1) or 62A.9A-305(c) or the expiration of the four-month period, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier time or event, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

(i) **Effect of change in governing law on financing statement filed against original debtor.** If a financing statement naming an original debtor is filed pursuant to the law of the jurisdiction designated in RCW 62A.9A-301(1) or 62A.9A-305(c) and the new debtor is located in another jurisdiction, the following rules apply:

(1) The financing statement is effective to perfect a security interest in collateral acquired by the new debtor before, and within four months after, the new debtor becomes bound under RCW 62A.9A-203(d), if the financing statement would have been effective to perfect a security interest in the collateral had the collateral been acquired by the original debtor.

(2) A security interest perfected by the financing statement and which becomes perfected under the law of the other jurisdiction before the earlier of the time the financing statement would have become ineffective under the law of the jurisdiction designated in RCW 62A.9A-301(1) or 62A.9A-305(c) or the expiration of the four-month period remains perfected thereafter. A security interest that is perfected by the financing statement but which does not become perfected under the law of the other jurisdiction before the earlier time or event becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

**Sec. 924.** RCW 62A.9A-317 and 2012 c 214 s 1514 are each amended to read as follows:

(a) **Conflicting security interests and rights of lien creditors.** A security interest or agricultural lien is subordinate to the rights of:

- (1) A person entitled to priority under RCW 62A.9A-322; and
- (2) Except as otherwise provided in subsection (e) of this section, a person that becomes a lien creditor before the earlier of the time:
  - (A) The security interest or agricultural lien is perfected; or
  - (B) One of the conditions specified in RCW 62A.9A-203(b)(3) is met and a financing statement covering the collateral is filed.

(b) **Buyers that receive delivery.** Except as otherwise provided in subsection (e) of this section, a buyer, other than a secured party, of (~~tangible chattel paper, tangible documents,~~) goods, instruments, tangible documents, or a certificated security takes free of a security interest or agricultural lien if the buyer gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

(c) **Lessees that receive delivery.** Except as otherwise provided in subsection (e) of this section, a lessee of goods takes free of a security interest or agricultural lien if the lessee gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

(d) **Licensees and buyers of certain collateral.** (~~(A) Subject to subsections (f) through (i) of this section,~~ a licensee of a general intangible or a buyer, other than a secured party, of collateral other than (~~tangible chattel paper, tangible documents,~~) electronic money, goods, instruments, tangible documents, or a certificated security takes free of a security interest if the licensee or buyer gives value without knowledge of the security interest and before it is perfected.

(e) **Purchase-money security interest.** Except as otherwise provided in RCW 62A.9A-320 and 62A.9A-321, if a person files a financing statement with respect to a purchase-money security interest before or within twenty days after the debtor receives delivery of the collateral, the security interest takes priority over the rights of a buyer, lessee, or lien creditor which arise between the time the security interest attaches and the time of filing.

(f) **Buyers of chattel paper.** A buyer, other than a secured party, of chattel paper takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and:

(1) Receives delivery of each authoritative tangible copy of the record evidencing the chattel paper; and

(2) If each authoritative electronic copy of the record evidencing the chattel paper can be subjected to control under RCW 62A.9A-105, obtains control of each authoritative electronic copy.

(g) **Buyers of electronic documents.** A buyer of an electronic document takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and, if each authoritative electronic copy of the document can be subjected to control under RCW 62A.7-106, obtains control of each authoritative electronic copy.

(h) **Buyers of controllable electronic records.** A buyer of a controllable electronic record takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and obtains control of the controllable electronic record.

(i) **Buyers of controllable accounts and controllable payment intangibles.** A buyer, other than a secured party, of a controllable account or a controllable payment intangible takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and obtains control of the controllable account or controllable payment intangible.

**Sec. 925.** RCW 62A.9A-323 and 2000 c 250 s 9A-323 are each amended to read as follows:

(a) **When priority based on time of advance.** Except as otherwise provided in subsection (c) of this section, for purposes of determining the priority of a perfected security interest under RCW 62A.9A-322(a)(1), perfection of the security interest dates from the time an advance is made to the extent that the security interest secures an advance that:

- (1) Is made while the security interest is perfected only:
  - (A) Under RCW 62A.9A-309 when it attaches; or
  - (B) Temporarily under RCW 62A.9A-312 (e), (f), or (g); and
- (2) Is not made pursuant to a commitment entered into before or while the security interest is perfected by a method other than under RCW 62A.9A-309 or 62A.9A-312 (e), (f), or (g).

(b) **Lien creditor.** Except as otherwise provided in subsection (c) of this section, a security interest is subordinate to the rights of a person that becomes a lien creditor to the extent that the security interest secures an advance made more than forty-five days after the person becomes a lien creditor unless the advance is made:

- (1) Without knowledge of the lien; or
- (2) Pursuant to a commitment entered into without knowledge

of the lien.

(c) **Buyer of receivables.** Subsections (a) and (b) of this section do not apply to a security interest held by a secured party that is a buyer of accounts, chattel paper, payment intangibles, or promissory notes or a consignor.

(d) **Buyer of goods.** Except as otherwise provided in subsection (e) of this section, a buyer of goods (~~(other than a buyer in ordinary course of business)~~) takes free of a security interest to the extent that it secures advances made after the earlier of:

(1) The time the secured party acquires knowledge of the buyer's purchase; or

(2) Forty-five days after the purchase.

(e) **Advances made pursuant to commitment: Priority of buyer of goods.** Subsection (d) of this section does not apply if the advance is made pursuant to a commitment entered into without knowledge of the buyer's purchase and before the expiration of the forty-five day period.

(f) **Lessee of goods.** Except as otherwise provided in subsection (g) of this section, a lessee of goods (~~(other than a lessee in ordinary course of business)~~) takes the leasehold interest free of a security interest to the extent that it secures advances made after the earlier of:

(1) The time the secured party acquires knowledge of the lease; or

(2) Forty-five days after the lease contract becomes enforceable.

(g) **Advances made pursuant to commitment: Priority of lessee of goods.** Subsection (f) of this section does not apply if the advance is made pursuant to a commitment entered into without knowledge of the lease and before the expiration of the forty-five day period.

**Sec. 926.** RCW 62A.9A-324 and 2000 c 250 s 9A-324 are each amended to read as follows:

(a) **General rule: Purchase-money priority.** Except as otherwise provided in subsection (g) of this section, a perfected purchase-money security interest in goods other than inventory or livestock has priority over a conflicting security interest in the same goods, and, except as otherwise provided in RCW 62A.9A-327, a perfected security interest in its identifiable proceeds also has priority, if the purchase-money security interest is perfected when the debtor receives possession of the collateral or within twenty days thereafter.

(b) **Inventory purchase-money priority.** Subject to subsection (c) of this section and except as otherwise provided in subsection (g) of this section, a perfected purchase-money security interest in inventory has priority over a conflicting security interest in the same inventory, has priority over a conflicting security interest in chattel paper or an instrument constituting proceeds of the inventory and in proceeds of the chattel paper, if so provided in RCW 62A.9A-330, and, except as otherwise provided in RCW 62A.9A-327, also has priority in identifiable cash proceeds of the inventory to the extent the identifiable cash proceeds are received on or before the delivery of the inventory to a buyer, if:

(1) The purchase-money security interest is perfected when the debtor receives possession of the inventory;

(2) The purchase-money secured party sends (~~(an authenticated)~~) a signed notification to the holder of the conflicting security interest;

(3) The holder of the conflicting security interest receives the notification within five years before the debtor receives possession of the inventory; and

(4) The notification states that the person sending the notification has or expects to acquire a purchase-money security

interest in inventory of the debtor and describes the inventory.

(c) **Holders of conflicting inventory security interests to be notified.** Subsections (b)(2) through (4) of this section apply only if the holder of the conflicting security interest had filed a financing statement covering the same types of inventory:

(1) If the purchase-money security interest is perfected by filing, before the date of the filing; or

(2) If the purchase-money security interest is temporarily perfected without filing or possession under RCW 62A.9A-312(f), before the beginning of the twenty-day period thereunder.

(d) **Livestock purchase-money priority.** Subject to subsection (e) of this section and except as otherwise provided in subsection (g) of this section, a perfected purchase-money security interest in livestock that are farm products has priority over a conflicting security interest in the same livestock, and, except as otherwise provided in RCW 62A.9A-327, a perfected security interest in their identifiable proceeds and identifiable products in their unmanufactured states also has priority, if:

(1) The purchase-money security interest is perfected when the debtor receives possession of the livestock;

(2) The purchase-money secured party sends (~~(an authenticated)~~) a signed notification to the holder of the conflicting security interest;

(3) The holder of the conflicting security interest receives the notification within six months before the debtor receives possession of the livestock; and

(4) The notification states that the person sending the notification has or expects to acquire a purchase-money security interest in livestock of the debtor and describes the livestock.

(e) **Holders of conflicting livestock security interests to be notified.** Subsections (d)(2) through (4) of this section apply only if the holder of the conflicting security interest had filed a financing statement covering the same types of livestock:

(1) If the purchase-money security interest is perfected by filing, before the date of the filing; or

(2) If the purchase-money security interest is temporarily perfected without filing or possession under RCW 62A.9A-312(f), before the beginning of the twenty-day period thereunder.

(f) **Software purchase-money priority.** Except as otherwise provided in subsection (g) of this section, a perfected purchase-money security interest in software has priority over a conflicting security interest in the same collateral, and, except as otherwise provided in RCW 62A.9A-327, a perfected security interest in its identifiable proceeds also has priority, to the extent that the purchase-money security interest in the goods in which the software was acquired for use has priority in the goods and proceeds of the goods under this section.

(g) **Conflicting purchase-money security interests.** If more than one security interest qualifies for priority in the same collateral under subsection (a), (b), (d), or (f) of this section:

(1) A security interest securing an obligation incurred as all or part of the price of the collateral has priority over a security interest securing an obligation incurred for value given to enable the debtor to acquire rights in or the use of collateral; and

(2) In all other cases, RCW 62A.9A-322(a) applies to the qualifying security interests.

**NEW SECTION. Sec. 927.** A new section is added to chapter 62A.9A RCW to read as follows:

**SECTION 9-326A: PRIORITY OF SECURITY INTEREST IN CONTROLLABLE ACCOUNT, CONTROLLABLE ELECTRONIC RECORD, AND CONTROLLABLE PAYMENT INTANGIBLE.**

A security interest in a controllable account, controllable

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electronic record, or controllable payment intangible held by a secured party having control of the account, electronic record, or payment intangible has priority over a conflicting security interest held by a secured party that does not have control.

**Sec. 928.** RCW 62A.9A-330 and 2000 c 250 s 9A-330 are each amended to read as follows:

(a) **Purchaser's priority: Security interest claimed merely as proceeds.** A purchaser of chattel paper has priority over a security interest in the chattel paper which is claimed merely as proceeds of inventory subject to a security interest if:

(1) In good faith and in the ordinary course of the purchaser's business, the purchaser gives new value ~~((and))~~, takes possession of each authoritative tangible copy of the record evidencing the chattel paper ~~((and))~~, and obtains control ~~((and))~~ under RCW 62A.9A-105 of each authoritative electronic copy of the record evidencing the chattel paper ~~((under RCW 62A.9A-105))~~; and

(2) The ~~((chattel paper does))~~ authoritative copies of the record evidencing the chattel paper do not indicate that ~~((#))~~ the chattel paper has been assigned to an identified assignee other than the purchaser.

(b) **Purchaser's priority: Other security interests.** A purchaser of chattel paper has priority over a security interest in the chattel paper which is claimed other than merely as proceeds of inventory subject to a security interest if the purchaser gives new value ~~((and))~~, takes possession of each authoritative tangible copy of the record evidencing the chattel paper ~~((and))~~, and obtains control ~~((and))~~ under RCW 62A.9A-105 of each authoritative electronic copy of the record evidencing the chattel paper ~~((under RCW 62A.9A-105))~~ in good faith, in the ordinary course of the purchaser's business, and without knowledge that the purchase violates the rights of the secured party.

(c) **Chattel paper purchaser's priority in proceeds.** Except as otherwise provided in RCW 62A.9A-327, a purchaser having priority in chattel paper under subsection (a) or (b) of this section also has priority in proceeds of the chattel paper to the extent that:

(1) RCW 62A.9A-322 provides for priority in the proceeds; or

(2) The proceeds consist of the specific goods covered by the chattel paper or cash proceeds of the specific goods, even if the purchaser's security interest in the proceeds is unperfected.

(d) **Instrument purchaser's priority.** Except as otherwise provided in RCW 62A.9A-331(a), a purchaser of an instrument has priority over a security interest in the instrument perfected by a method other than possession if the purchaser gives value and takes possession of the instrument in good faith and without knowledge that the purchase violates the rights of the secured party.

(e) **Holder of purchase-money security interest gives new value.** For purposes of subsections (a) and (b) of this section, the holder of a purchase-money security interest in inventory gives new value for chattel paper constituting proceeds of the inventory.

(f) **Indication of assignment gives knowledge.** For purposes of subsections (b) and (d) of this section, if the authoritative copies of the record evidencing chattel paper or an instrument indicate ~~((#))~~ that ~~((#))~~ the chattel paper or instrument has been assigned to an identified secured party other than the purchaser, a purchaser of the chattel paper or instrument has knowledge that the purchase violates the rights of the secured party.

**Sec. 929.** RCW 62A.9A-331 and 2001 c 32 s 30 are each amended to read as follows:

(a) **Rights under Articles 3, 7, ~~((and))~~ 8, and 12 not limited.** This Article does not limit the rights of a holder in due course of a negotiable instrument, a holder to which a negotiable document of title has been duly negotiated, ~~((or))~~ a protected purchaser of a security, or a qualifying purchaser of a controllable account, controllable electronic record, or controllable payment intangible.

These holders or purchasers take priority over an earlier security interest, even if perfected, to the extent provided in Articles 3, 7, ~~((and))~~ 8, and 12.

(b) **Protection under Articles 8 and 12.** This Article does not limit the rights of or impose liability on a person to the extent that the person is protected against the assertion of a claim under Article 8 or 12.

(c) **Filing not notice.** Filing under this Article does not constitute notice of a claim or defense to the holders, or purchasers, or persons described in subsections (a) and (b) of this section.

**Sec. 930.** RCW 62A.9A-332 and 2000 c 250 s 9A-332 are each amended to read as follows:

(a) **Transferee of tangible money.** A transferee of tangible money takes the money free of a security interest ~~((unless the transferee acts))~~ if the transferee receives possession of the money without acting in collusion with the debtor in violating the rights of the secured party.

(b) **Transferee of funds from deposit account.** A transferee of funds from a deposit account takes the funds free of a security interest in the deposit account ~~((unless the transferee acts))~~ if the transferee receives possession of the money without acting in collusion with the debtor in violating the rights of the secured party.

(c) **Transferee of electronic money.** A transferee of electronic money takes the money free of a security interest if the transferee obtains control of the money without acting in collusion with the debtor in violating the rights of the secured party.

**Sec. 931.** RCW 62A.9A-334 and 2001 c 32 s 32 are each amended to read as follows:

(a) **Security interest in fixtures under this Article.** A security interest under this Article may be created in goods that are fixtures or may continue in goods that become fixtures. A security interest does not exist under this Article in ordinary building materials incorporated into an improvement on land.

(b) **Security interest in fixtures under real-property law.** This Article does not prevent creation of an encumbrance upon fixtures under real property law.

(c) **General rule: Subordination of security interest in fixtures.** In cases not governed by subsections (d) through (h) of this section, a security interest in fixtures is subordinate to a conflicting interest of an encumbrancer or owner of the related real property other than the debtor.

(d) **Fixtures purchase-money priority.** Except as otherwise provided in subsection (h) of this section, a perfected security interest in fixtures has priority over a conflicting interest of an encumbrancer or owner of the real property if the debtor has an interest of record in, or is in possession of, the real property and:

(1) The security interest is a purchase-money security interest;

(2) The interest of the encumbrancer or owner arises before the goods become fixtures; and

(3) The security interest is perfected by a fixture filing before the goods become fixtures or within twenty days thereafter.

(e) **Priority of security interest in fixtures over interests in real property.** A perfected security interest in fixtures has priority over a conflicting interest of an encumbrancer or owner of the real property if:

(1) The debtor has an interest of record in the real property or is in possession of the real property and the security interest:

(A) Is perfected by a fixture filing before the interest of the encumbrancer or owner is of record; and

(B) Has priority over any conflicting interest of a predecessor in title of the encumbrancer or owner;

(2) Before the goods become fixtures, the security interest is perfected by any method permitted by this Article and the fixtures

are readily removable:

- (A) Factory or office machines;
- (B) Equipment that is not primarily used or leased for use in the operation of the real property; or
- (C) Replacements of domestic appliances that are consumer goods; or

(3) The conflicting interest is a lien on the real property obtained by legal or equitable proceedings after the security interest was perfected by any method permitted by this Article.

(f) **Priority based on consent, disclaimer, or right to remove.** A security interest in fixtures, whether or not perfected, has priority over a conflicting interest of an encumbrancer or owner of the real property if:

(1) The encumbrancer or owner has, in ~~((an authenticated))~~ a signed record, consented to the security interest or disclaimed an interest in the goods as fixtures; or

(2) The debtor has a right to remove the goods as against the encumbrancer or owner.

(g) **Continuation of subsection (f)(2) priority.** The priority of the security interest under subsection (f)(2) of this section continues for a reasonable time if the debtor's right to remove the goods as against the encumbrancer or owner terminates.

(h) **Priority of construction mortgage.** A mortgage is a construction mortgage to the extent that it secures an obligation incurred for the construction of an improvement on land, including the acquisition cost of the land, if a recorded record of the mortgage so indicates. Except as otherwise provided in subsections (e) and (f) of this section, a security interest in fixtures is subordinate to a construction mortgage if a record of the mortgage is recorded before the goods become fixtures and the goods become fixtures before the completion of the construction. A mortgage has this priority to the same extent as a construction mortgage to the extent that it is given to refinance a construction mortgage.

(i) **Priority of security interest in crops.** A perfected security interest in crops growing on real property has priority over a conflicting interest of an encumbrancer or owner of the real property if the debtor has an interest of record in or is in possession of the real property.

(j) **Subsection (i) prevails.** Subsection (i) of this section prevails over inconsistent provisions of any other statute except RCW 60.11.050.

**Sec. 932.** RCW 62A.9A-341 and 2000 c 250 s 9A-341 are each amended to read as follows:

Except as otherwise provided in RCW 62A.9A-340(c), and unless the bank otherwise agrees in ~~((an authenticated))~~ a signed record, a bank's rights and duties with respect to a deposit account maintained with the bank are not terminated, suspended, or modified by:

- (1) The creation, attachment, or perfection of a security interest in the deposit account;
- (2) The bank's knowledge of the security interest; or
- (3) The bank's receipt of instructions from the secured party.

**Sec. 933.** RCW 62A.9A-404 and 2000 c 250 s 9A-404 are each amended to read as follows:

(a) **Assignee's rights subject to terms, claims, and defenses; exceptions.** Unless an account debtor has made an enforceable agreement not to assert defenses or claims, and subject to subsections (b) through (e) of this section, the rights of an assignee are subject to:

(1) All terms of the agreement between the account debtor and assignor and any defense or claim in recoupment arising from the transaction that gave rise to the contract; and

(2) Any other defense or claim of the account debtor against the assignor which accrues before the account debtor receives a

notification of the assignment ~~((authenticated))~~ signed by the assignor or the assignee.

(b) **Account debtor's claim reduces amount owed to assignee.** Subject to subsection (c) of this section, and except as otherwise provided in subsection (d) of this section, the claim of an account debtor against an assignor may be asserted against an assignee under subsection (a) of this section only to reduce the amount the account debtor owes.

(c) **Rule for individual under other law.** This section is subject to law other than this Article which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.

(d) **Omission of required statement in consumer transaction.** In a consumer transaction, if a record evidences the account debtor's obligation, law other than this Article requires that the record include a statement to the effect that the account debtor's recovery against an assignee with respect to claims and defenses against the assignor may not exceed amounts paid by the account debtor under the record, and the record does not include such a statement, the extent to which a claim of an account debtor against the assignor may be asserted against an assignee is determined as if the record included such a statement.

(e) **Inapplicability to health-care-insurance receivable.** This section does not apply to an assignment of a health-care-insurance receivable.

**Sec. 934.** RCW 62A.9A-406 and 2011 c 74 s 301 are each amended to read as follows:

(a) **Discharge of account debtor; effect of notification.** Subject to subsections (b) through ~~((j))~~ (l) of this section, an account debtor on an account, chattel paper, or a payment intangible may discharge its obligation by paying the assignor until, but not after, the account debtor receives a notification, ~~((authenticated))~~ signed by the assignor or the assignee, that the amount due or to become due has been assigned and that payment is to be made to the assignee. After receipt of the notification, the account debtor may discharge its obligation by paying the assignee and may not discharge the obligation by paying the assignor.

(b) **When notification ineffective.** Subject to subsections (h) and (l) of this section, notification is ineffective under subsection (a) of this section:

- (1) If it does not reasonably identify the rights assigned;
- (2) To the extent that an agreement between an account debtor and a seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than this Article; or
- (3) At the option of an account debtor, if the notification notifies the account debtor to make less than the full amount of any installment or other periodic payment to the assignee, even if:

(A) Only a portion of the account, chattel paper, or payment intangible has been assigned to that assignee;

(B) A portion has been assigned to another assignee; or

(C) The account debtor knows that the assignment to that assignee is limited.

(c) **Proof of assignment.** Subject to subsections (h) and (l) of this section, if requested by the account debtor, an assignee shall seasonably furnish reasonable proof that the assignment has been made. Unless the assignee complies, the account debtor may discharge its obligation by paying the assignor, even if the account debtor has received a notification under subsection (a) of this section.

(d) **Term restricting assignment generally ineffective.** In this subsection, "promissory note" includes a negotiable instrument

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that evidences chattel paper. Except as otherwise provided in subsections (e) and (k) of this section and RCW 62A.2A-303 and 62A.9A-407, and subject to subsections (h) and (j) of this section, a term in an agreement between an account debtor and an assignor or in a promissory note is ineffective to the extent that it:

(1) Prohibits, restricts, or requires the consent of the account debtor or person obligated on the promissory note to the assignment or transfer of, or the creation, attachment, perfection, or enforcement of a security interest in, the account, chattel paper, payment intangible, or promissory note; or

(2) Provides that the assignment or transfer or the creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account, chattel paper, payment intangible, or promissory note.

(e) **Inapplicability of subsection (d) of this section to certain sales.** Subsection (d) of this section does not apply to the sale of a payment intangible or promissory note, other than a sale pursuant to a disposition under RCW 62A.9A-610 or an acceptance of collateral under RCW 62A.9A-620.

(f) [Reserved.]

(g) **Subsection (b)(3) of this section not waivable.** Subject to subsections (h) and (l) of this section, an account debtor may not waive or vary its option under subsection (b)(3) of this section.

(h) **Rule for individual under other law.** This section is subject to law other than this Article which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.

(i) **Inapplicability to health-care-insurance receivable.** This section does not apply to an assignment of a health-care-insurance receivable.

(j)(1) **Inapplicability of subsection (d) of this section to certain transactions.** After July 1, 2003, subsection (d) of this section does not apply to the assignment or transfer of or creation of a security interest in:

(A) A claim or right to receive compensation for injuries or sickness as described in 26 U.S.C. Sec. 104(a)(1) or (2); or

(B) A claim or right to receive benefits under a special needs trust as described in 42 U.S.C. Sec. 1396p(d)(4).

(2) This subsection will not affect a transfer of structured settlement payment rights under chapter 19.205 RCW.

(k) **Inapplicability to interests in certain entities.** Subsection (d) of this section does not apply to a security interest in an ownership interest in a general partnership, limited partnership, or limited liability company.

(l) **Inapplicability of certain subsections.** Subsections (a), (b), (c), and (g) of this section do not apply to a controllable account or controllable payment intangible.

**Sec. 935.** RCW 62A.9A-408 and 2011 c 74 s 302 are each amended to read as follows:

(a) **Term restricting assignment generally ineffective.** Except as otherwise provided in subsections (b) and (f) of this section, a term in a promissory note or in an agreement between an account debtor and a debtor which relates to a health-care-insurance receivable or a general intangible, including a contract, permit, license, or franchise, and which term prohibits, restricts, or requires the consent of the person obligated on the promissory note or the account debtor to, the assignment or transfer of, or creation, attachment, or perfection of a security interest in, the promissory note, health-care-insurance receivable, or general intangible, is ineffective to the extent that the term:

(1) Would impair the creation, attachment, or perfection of a security interest; or

(2) Provides that the assignment or transfer or the creation,

attachment, or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the promissory note, health-care-insurance receivable, or general intangible.

(b) **Applicability of subsection (a) of this section to sales of certain rights to payment.** Subsection (a) of this section applies to a security interest in a payment intangible or promissory note only if the security interest arises out of a sale of the payment intangible or promissory note, other than a sale pursuant to a disposition under RCW 62A.9A-610 or an acceptance of collateral under RCW 62A.9A-620.

(c) **Legal restrictions on assignment generally ineffective.** ~~((A))~~ Except as otherwise provided in subsection (f) of this section, a rule of law, statute, or regulation that prohibits, restricts, or requires the consent of a government, governmental body or official, person obligated on a promissory note, or account debtor to the assignment or transfer of, or creation of a security interest in, a promissory note, health-care-insurance receivable, or general intangible, including a contract, permit, license, or franchise between an account debtor and a debtor, is ineffective to the extent that the rule of law, statute, or regulation:

(1) Would impair the creation, attachment, or perfection of a security interest; or

(2) Provides that the assignment or transfer or the creation, attachment, or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the promissory note, health-care-insurance receivable, or general intangible.

(d) **Limitation on ineffectiveness under subsections (a) and (c) of this section.** To the extent that a term in a promissory note or in an agreement between an account debtor and a debtor which relates to a health-care-insurance receivable or general intangible or a rule of law, statute, or regulation described in subsection (c) of this section would be effective under law other than this Article but is ineffective under subsection (a) or (c) of this section, the creation, attachment, or perfection of a security interest in the promissory note, health-care-insurance receivable, or general intangible:

(1) Is not enforceable against the person obligated on the promissory note or the account debtor;

(2) Does not impose a duty or obligation on the person obligated on the promissory note or the account debtor;

(3) Does not require the person obligated on the promissory note or the account debtor to recognize the security interest, pay or render performance to the secured party, or accept payment or performance from the secured party;

(4) Does not entitle the secured party to use or assign the debtor's rights under the promissory note, health-care-insurance receivable, or general intangible, including any related information or materials furnished to the debtor in the transaction giving rise to the promissory note, health-care-insurance receivable, or general intangible;

(5) Does not entitle the secured party to use, assign, possess, or have access to any trade secrets or confidential information of the person obligated on the promissory note or the account debtor; and

(6) Does not entitle the secured party to enforce the security interest in the promissory note, health-care-insurance receivable, or general intangible.

(e)(1) **Inapplicability of subsections (a) and (c) of this section to certain payment intangibles.** After July 1, 2003, subsections (a) and (c) of this section do not apply to the assignment or transfer of or creation of a security interest in:

(A) A claim or right to receive compensation for injuries or sickness as described in 26 U.S.C. Sec. 104(a)(1) or (2); or



(B) A claim or right to receive benefits under a special needs trust as described in 42 U.S.C. Sec. 1396p(d)(4).

(2) This subsection will not affect a transfer of structured settlement payment rights under chapter 19.205 RCW.

**(f) Inapplicability to interests in certain entities.** This section does not apply to a security interest in an ownership interest in a general partnership, limited partnership, or limited liability company.

**(g) "Promissory note."** In this section, "promissory note" includes a negotiable instrument that evidences chattel paper.

**Sec. 936.** RCW 62A.9A-509 and 2001 c 32 s 36 are each amended to read as follows:

(a) **Person entitled to file record.** A person may file an initial financing statement, amendment that adds collateral covered by a financing statement, or amendment that adds a debtor to a financing statement only if:

(1) The debtor authorizes the filing in ~~((an authenticated))~~ a signed record or pursuant to subsection (b) or (c) of this section; or

(2) The person holds an agricultural lien that has become effective at the time of filing and the financing statement covers only collateral in which the person holds an agricultural lien.

(b) **Security agreement as authorization.** By ~~((authenticating))~~ signing or becoming bound as debtor by a security agreement, a debtor or new debtor authorizes the filing of an initial financing statement, and an amendment, covering:

(1) The collateral described in the security agreement; and

(2) Property that becomes collateral under RCW 62A.9A-315(a)(2), whether or not the security agreement expressly covers proceeds.

(c) **Acquisition of collateral as authorization.** By acquiring collateral in which a security interest or agricultural lien continues under RCW 62A.9A-315(a)(1), a debtor authorizes the filing of an initial financing statement, and an amendment, covering the collateral and property that becomes collateral under RCW 62A.9A-315(a)(2).

(d) **Person entitled to file certain amendments.** A person may file an amendment other than an amendment that adds collateral covered by a financing statement or an amendment that adds a debtor to a financing statement only if:

(1) The secured party of record authorizes the filing; or

(2) The amendment is a termination statement for a financing statement as to which the secured party of record has failed to file or send a termination statement as required by RCW 62A.9A-513 (a) or (c), the debtor authorizes the filing, and the termination statement indicates that the debtor authorized it to be filed.

(e) **Multiple secured parties of record.** If there is more than one secured party of record for a financing statement, each secured party of record may authorize the filing of an amendment under subsection (d) of this section.

**Sec. 937.** RCW 62A.9A-513 and 2001 c 32 s 37 are each amended to read as follows:

(a) **Consumer goods.** A secured party shall cause the secured party of record for a financing statement to file a termination statement for the financing statement if the financing statement covers consumer goods and:

(1) There is no obligation secured by the collateral covered by the financing statement and no commitment to make an advance, incur an obligation, or otherwise give value; or

(2) The debtor did not authorize the filing of the initial financing statement.

(b) **Time for compliance with subsection (a) of this section.** To comply with subsection (a) of this section, a secured party shall cause the secured party of record to file the termination statement:

(1) Within one month after there is no obligation secured by the collateral covered by the financing statement and no commitment to make an advance, incur an obligation, or otherwise give value; or

(2) If earlier, within ~~((twenty))~~ 20 days after the secured party receives ~~((an authenticated))~~ a signed demand from a debtor.

(c) **Other collateral.** In cases not governed by subsection (a) of this section, within ~~((twenty))~~ 20 days after a secured party receives ~~((an authenticated))~~ a signed demand from a debtor, the secured party shall cause the secured party of record for a financing statement to send to the debtor a termination statement for the financing statement or file the termination statement in the filing office if:

(1) Except in the case of a financing statement covering accounts or chattel paper that has been sold or goods that are the subject of a consignment, there is no obligation secured by the collateral covered by the financing statement and no commitment to make an advance, incur an obligation, or otherwise give value;

(2) The financing statement covers accounts or chattel paper that has been sold but as to which the account debtor or other person obligated has discharged its obligation;

(3) The financing statement covers goods that were the subject of a consignment to the debtor but are not in the debtor's possession; or

(4) The debtor did not authorize the filing of the initial financing statement.

(d) **Effect of filing termination statement.** Except as otherwise provided in RCW 62A.9A-510, upon the filing of a termination statement with the filing office, the financing statement to which the termination statement relates ceases to be effective. Except as otherwise provided in RCW 62A.9A-510, for purposes of RCW 62A.9A-519(g), 62A.9A-522(a), and 62A.9A-523(c), the filing with the filing office of a termination statement relating to a financing statement that indicates that the debtor is a transmitting utility also causes the effectiveness of the financing statement to lapse.

**Sec. 938.** RCW 62A.9A-601 and 2012 c 214 s 1518 are each amended to read as follows:

(a) **Rights of secured party after default.** After default, a secured party has the rights provided in this part and, except as otherwise provided in RCW 62A.9A-602, those provided by agreement of the parties. A secured party:

(1) May reduce a claim to judgment, foreclose, or otherwise enforce the claim, security interest, or agricultural lien by any available judicial procedure; and

(2) If the collateral is documents, may proceed either as to the documents or as to the goods they cover.

(b) **Rights and duties of secured party in possession or control.** A secured party in possession of collateral or control of collateral under RCW 62A.7-106, 62A.9A-104, 62A.9A-105, 62A.9A-106, or 62A.9A-107 or section 904 or 905 of this act has the rights and duties provided in RCW 62A.9A-207.

(c) **Rights cumulative; simultaneous exercise.** The rights under subsections (a) and (b) of this section are cumulative and may be exercised simultaneously.

(d) **Rights of debtor and obligor.** Except as otherwise provided in subsection (g) of this section and RCW 62A.9A-605, after default, a debtor and an obligor have the rights provided in this part and by agreement of the parties.

(e) **Lien of levy after judgment.** If a secured party has reduced its claim to judgment, the lien of any levy that may be made upon the collateral by virtue of an execution based upon the judgment relates back to the earliest of:

(1) The date of perfection of the security interest or agricultural lien in the collateral;

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(2) The date of filing a financing statement covering the collateral; or

(3) Any date specified in a statute under which the agricultural lien was created.

(f) **Execution sale.** A sale pursuant to an execution is a foreclosure of the security interest or agricultural lien by judicial procedure within the meaning of this section. A secured party may purchase at the sale and thereafter hold the collateral free of any other requirements of this Article.

(g) **Consignor or buyer of certain rights to payment.** Except as otherwise provided in RCW 62A.9A-607(c), this part imposes no duties upon a secured party that is a consignor or is a buyer of accounts, chattel paper, payment intangibles, or promissory notes.

(h) **Enforcement restrictions.** All rights and remedies provided in this part with respect to promissory notes or an agreement between an account debtor and a debtor which relates to a health-care-insurance receivable or a general intangible, including a contract, permit, license, or franchise, are subject to RCW 62A.9A-408 to the extent applicable.

**Sec. 939.** RCW 62A.9A-605 and 2000 c 250 s 9A-605 are each amended to read as follows:

~~((A))~~ **(a) In general: No duty owed by secured party.** Except as provided in subsection (b) of this section, a secured party does not owe a duty based on its status as secured party:

(1) To a person that is a debtor or obligor, unless the secured party knows:

- (A) That the person is a debtor or obligor;
- (B) The identity of the person; and
- (C) How to communicate with the person; or

(2) To a secured party or lienholder that has filed a financing statement against a person, unless the secured party knows:

- (A) That the person is a debtor; and
- (B) The identity of the person.

**(b) Exception: Secured party owes duty to debtor or obligor.** A secured party owes a duty based on its status as a secured party to a person if, at the time the secured party obtains control of collateral that is a controllable account, controllable electronic record, or controllable payment intangible or at the time the security interest attaches to the collateral, whichever is later:

(1) The person is a debtor or obligor; and

(2) The secured party knows that the information in subsection (a)(1)(A), (B), or (C) of this section relating to the person is not provided by the collateral, a record attached to or logically associated with the collateral, or the system in which the collateral is recorded.

**Sec. 940.** RCW 62A.9A-608 and 2001 c 32 s 41 are each amended to read as follows:

(a) **Application of proceeds, surplus, and deficiency if obligation secured.** If a security interest or agricultural lien secures payment or performance of an obligation, the following rules apply:

(1) A secured party shall apply or pay over for application the cash proceeds of collection or enforcement under RCW 62A.9A-607 in the following order to:

(A) The reasonable expenses of collection and enforcement and, to the extent provided for by agreement and not prohibited by law, reasonable attorneys' fees and legal expenses incurred by the secured party;

(B) The satisfaction of obligations secured by the security interest or agricultural lien under which the collection or enforcement is made; and

(C) The satisfaction of obligations secured by any subordinate security interest in or other lien on the collateral subject to the security interest or agricultural lien under which the collection or

enforcement is made if the secured party receives ~~((an authenticated))~~ a signed demand for proceeds before distribution of the proceeds is completed.

(2) If requested by a secured party, a holder of a subordinate security interest or other lien shall furnish reasonable proof of the interest or lien within a reasonable time. Unless the holder complies, the secured party need not comply with the holder's demand under (1)(C) of this subsection.

(3) A secured party need not apply or pay over for application noncash proceeds of collection and enforcement under RCW 62A.9A-607 unless the failure to do so would be commercially unreasonable. A secured party that applies or pays over for application noncash proceeds shall do so in a commercially reasonable manner.

(4) A secured party shall account to and pay a debtor for any surplus, and the obligor is liable for any deficiency.

(b) **No surplus or deficiency in sales of certain rights to payment.** If the underlying transaction is a sale of accounts, chattel paper, payment intangibles, or promissory notes, the debtor is not entitled to any surplus, and the obligor is not liable for any deficiency.

**Sec. 941.** RCW 62A.9A-611 and 2011 c 74 s 724 are each amended to read as follows:

(a) **"Notification date."** In this section, "notification date" means the earlier of the date on which:

(1) A secured party sends to the debtor and any secondary obligor an ~~((authenticated))~~ a signed notification of disposition; or

(2) The debtor and any secondary obligor waive the right to notification.

(b) **Notification of disposition required.** Except as otherwise provided in subsection (d) of this section, a secured party that disposes of collateral under RCW 62A.9A-610 shall send to the persons specified in subsection (c) of this section a reasonable ~~((authenticated))~~ signed notification of disposition.

(c) **Persons to be notified.** To comply with subsection (b) of this section, the secured party shall send ~~((an authenticated))~~ a signed notification of disposition to:

- (1) The debtor;
- (2) Any secondary obligor; and
- (3) If the collateral is other than consumer goods:

(A) Any other secured party or lienholder that, ~~((ten))~~ 10 days before the notification date, held a security interest in or other lien on the collateral perfected by the filing of a financing statement that:

- (i) Identified the collateral;
- (ii) Was indexed under the debtor's name as of that date; and
- (iii) Was filed in the office in which to file a financing statement against the debtor covering the collateral as of that date; and

(B) Any other secured party that, ~~((ten))~~ 10 days before the notification date, held a security interest in the collateral perfected by compliance with a statute, regulation, or treaty described in RCW 62A.9A-311(a).

(d) **Subsection (b) of this section inapplicable: Perishable collateral; recognized market.** Subsection (b) of this section does not apply if the collateral is perishable or threatens to decline speedily in value or is of a type customarily sold on a recognized market.

(e) **Compliance with subsection (c)(3)(A) of this section.** A secured party complies with the requirement for notification prescribed by subsection (c)(3)(A) of this section if:

(1) Not later than ~~((twenty))~~ 20 days or earlier than ~~((thirty))~~ 30 days before the notification date, the secured party requests, in a commercially reasonable manner, information concerning

financing statements indexed under the debtor's name in the office indicated in subsection (c)(3)(A) of this section; and

- (2) Before the notification date, the secured party:
  - (A) Did not receive a response to the request for information;

or

(B) Received a response to the request for information and sent ~~((an authenticated))~~ a signed notification of disposition to each secured party or other lienholder named in that response whose financing statement covered the collateral.

**Sec. 942.** RCW 62A.9A-613 and 2001 c 32 s 42 are each amended to read as follows:

**(a) Contents and form of notification.** Except in a consumer-goods transaction, the following rules apply:

(1) The contents of a notification of disposition are sufficient if the notification:

- (A) Describes the debtor and the secured party;
- (B) Describes the collateral that is the subject of the intended disposition;
- (C) States the method of intended disposition;
- (D) States that the debtor is entitled to an accounting of the unpaid indebtedness and states the charge, if any, for an accounting; and
- (E) States the time and place of a public disposition or the time after which any other disposition is to be made.

(2) Whether the contents of a notification that lacks any of the information specified in subsection (1) of this section are nevertheless sufficient is a question of fact.

(3) The contents of a notification providing substantially the information specified in subsection (1) of this section are sufficient, even if the notification includes:

- (A) Information not specified by subsection (1) of this section; or
- (B) Minor errors that are not seriously misleading.
- (4) A particular phrasing of the notification is not required.
- (5) The following form of notification and the form appearing in RCW 62A.9A-614(a)(3), when completed in accordance with the instructions in subsection (b) of this section and RCW 62A.9A-614(b), each provides sufficient information:

**NOTIFICATION OF DISPOSITION OF COLLATERAL**

~~((To: [Name of debtor, obligor, or other person to which the notification is sent]~~

~~From: [Name, address, and telephone number of secured party]~~

~~Name of Debtor(s): [Include only if debtor(s) are not an addressee]~~

~~{For a public disposition:}~~

~~We will sell [or lease or license, as applicable] the [describe collateral] [to the highest qualified bidder] in public as follows:~~

~~Day and Date: \_\_\_\_\_~~

~~Time: \_\_\_\_\_~~

~~Place: \_\_\_\_\_~~

~~{For a private disposition:}~~

~~We will sell [or lease or license, as applicable] the [describe collateral] privately sometime after [day and date].~~

~~You are entitled to an accounting of the unpaid indebtedness secured by the property that we intend to sell [or lease or license, as applicable] [for a charge of \$\_\_\_\_\_]. You may request an accounting by calling us at [telephone number].)~~

~~To: (Name of debtor, obligor, or other person to which the notification is sent)~~

~~From: (Name, address, and telephone number of secured party)~~

~~{1} Name of any debtor that is not an addressee: (Name of each~~

~~debtor)~~

~~{2} We will sell (describe collateral) (to the highest qualified bidder) at public sale. A sale could include a lease or license. The sale will be held as follows:~~

~~(Date)~~

~~(Time)~~

~~(Place)~~

~~{3} We will sell (describe collateral) at private sale sometime after (date). A sale could include a lease or license.~~

~~{4} You are entitled to an accounting of the unpaid indebtedness secured by the property that we intend to sell or, as applicable, lease or license.~~

~~{5} If you request an accounting you must pay a charge of \$(amount).~~

~~{6} You may request an accounting by calling us at (telephone number).~~

~~**[End of Form]**~~

~~(b) Instructions for form of notification. The following instructions apply to the form of notification in subsection (a)(5) of this section:~~

~~(1) The instructions in this subsection refer to the numbers in braces before items in the form of notification in subsection (a)(5) of this section. Do not include the numbers or braces in the notification. The numbers and braces are used only for the purpose of these instructions.~~

~~(2) Include and complete item {1} only if there is a debtor that is not an addressee of the notification and list the name or names.~~

~~(3) Include and complete either item {2}, if the notification relates to a public disposition of the collateral, or item {3}, if the notification relates to a private disposition of the collateral. If item {2} is included, include the words "to the highest qualified bidder" only if applicable.~~

~~(4) Include and complete items {4} and {6}.~~

~~(5) Include and complete item {5} only if the sender will charge the recipient for an accounting.~~

**Sec. 943.** RCW 62A.9A-614 and 2000 c 250 s 9A-614 are each amended to read as follows:

**(a) Contents and form of notification.** In a consumer-goods transaction, the following rules apply:

(1) A notification of disposition must provide the following information:

- (A) The information specified in RCW 62A.9A-613(a)(1);
- (B) A description of any liability for a deficiency of the person to which the notification is sent;
- (C) A telephone number from which the amount that must be paid to the secured party to redeem the collateral under RCW 62A.9A-623 is available; and
- (D) A telephone number or mailing address from which additional information concerning the disposition and the obligation secured is available.

(2) A particular phrasing of the notification is not required.

(3) The following form of notification, when completed in accordance with the instructions in subsection (b) of this section, provides sufficient information:

~~(([Name and address of secured party]~~

~~[Date]~~

~~**NOTICE OF OUR PLAN TO SELL PROPERTY**~~

~~[Name and address of any obligor who is also a debtor]~~

~~Subject: [Identification of Transaction]~~

~~We have your [describe collateral], because you broke promises in our agreement.~~

~~{For a public disposition:}~~

~~We will sell [describe collateral] at public sale. A sale could include a lease or license. The sale will be held as follows:~~

~~Date: \_\_\_\_\_~~

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Time: \_\_\_\_\_

Place: \_\_\_\_\_

You may attend the sale and bring bidders if you want.

~~[For a private disposition:]~~

We will sell ~~[describe collateral]~~ at private sale sometime after ~~[date]~~. A sale could include a lease or license.

The money that we get from the sale (after paying our costs) will reduce the amount you owe. If we get less money than you owe, you ~~[will or will not, as applicable]~~ still owe us the difference. If we get more money than you owe, you will get the extra money, unless we must pay it to someone else.

You can get the property back at any time before we sell it by paying us the full amount you owe (not just the past due payments), including our expenses. To learn the exact amount you must pay, call us at ~~[telephone number]~~.

If you want us to explain to you in writing how we have figured the amount that you owe us, you may call us at ~~[telephone number]~~ [or write us at ~~[secured party's address]~~] and request a written explanation. [We will charge you \$ \_\_\_\_\_ for the explanation if we sent you another written explanation of the amount you owe us within the last six months.]

If you need more information about the sale call us at ~~[telephone number]~~ [or write us at ~~[secured party's address]~~].

We are sending this notice to the following other people who have an interest in ~~[describe collateral]~~ or who owe money under your agreement:

~~[-(Names of all other debtors and obligors, if any)-]~~

(Name and address of secured party)

(Date)

#### **NOTICE OF OUR PLAN TO SELL PROPERTY**

(Name and address of any obligor who is also a debtor)

Subject: (Identify transaction)

We have your (describe collateral), because you broke promises in our agreement.

{1} We will sell (describe collateral) at public sale. A sale could include a lease or license. The sale will be held as follows:

(Date)

(Time)

(Place)

You may attend the sale and bring bidders if you want.

{2} We will sell (describe collateral) at private sale sometime after (date). A sale could include a lease or license.

{3} The money that we get from the sale, after paying our costs, will reduce the amount you owe. If we get less money than you owe, you (will or will not, as applicable) still owe us the difference. If we get more money than you owe, you will get the extra money, unless we must pay it to someone else.

{4} You can get the property back at any time before we sell it by paying us the full amount you owe, not just the past due payments, including our expenses. To learn the exact amount you must pay, call us at (telephone number).

{5} If you want us to explain to you in (writing) (writing or in (description of electronic record)) (description of electronic record) how we have figured the amount that you owe us, {6} call us at (telephone number) (or) (write us at (secured party's address)) (or contact us by (description of electronic communication method)) {7} and request (a written explanation) (a written explanation or an explanation in (description of electronic record)) (an explanation in (description of electronic record)).

{8} We will charge you \$ (amount) for the explanation if we sent you another written explanation of the amount you owe us within the last six months.

{9} If you need more information about the sale (call us at

(telephone number)) (or) (write us at (secured party's address)) (or contact us by (description of electronic communication method)).

{10} We are sending this notice to the following other people who have an interest in (describe collateral) or who owe money under your agreement:

(Names of all other debtors and obligors, if any)

#### **End of Form**

(b) **Instructions for form of notification.** The following instructions apply to the form of notification in subsection (a)(3) of this section:

(1) The instructions in this subsection refer to the numbers in braces before items in the form of notification in subsection (a)(3) of this section. Do not include the numbers or braces in the notification. The numbers and braces are used only for the purpose of these instructions.

(2) Include and complete either item {1}, if the notification relates to a public disposition of the collateral, or item {2}, if the notification relates to a private disposition of the collateral.

(3) Include and complete items {3}, {4}, {5}, {6}, and {7}.

(4) In item {5}, include and complete any one of the three alternative methods for the explanation—writing, writing or electronic record, or electronic record.

(5) In item {6}, include the telephone number. In addition, the sender may include and complete either or both of the two additional alternative methods of communication—writing or electronic communication—for the recipient of the notification to communicate with the sender. Neither of the two additional methods of communication is required to be included.

(6) In item {7}, include and complete the method or methods for the explanation—writing, writing or electronic record, or electronic record—included in item {5}.

(7) Include and complete item {8} only if a written explanation is included in item {5} as a method for communicating the explanation and the sender will charge the recipient for another written explanation.

(8) In item {9}, include either the telephone number or the address or both the telephone number and the address. In addition, the sender may include and complete the additional method of communication—electronic communication—for the recipient of the notification to communicate with the sender. The additional method of electronic communication is not required to be included.

(9) If item {10} does not apply, insert "None" after "agreement:".

~~((4))~~ (c)(1) A notification in the form of ~~((subsection))~~ subsection (a)(3) of this section is sufficient, even if additional information appears at the end of the form.

~~((5))~~ (2) A notification in the form of ~~((subsection))~~ subsection (a)(3) of this section is sufficient, even if it includes errors in information not required by ~~((subsection))~~ subsection (a)(1) of this section, unless the error is misleading with respect to rights arising under this Article.

~~((6))~~ (3) If a notification under this section is not in the form of ~~((subsection))~~ subsection (a)(3) of this section, law other than this Article determines the effect of including information not required by ~~((subsection))~~ subsection (a)(1) of this section.

**Sec. 944.** RCW 62A.9A-615 and 2001 c 32 s 43 are each amended to read as follows:

(a) **Application of proceeds.** A secured party shall apply or pay over for application the cash proceeds of disposition under RCW 62A.9A-610 in the following order to:

(1) The reasonable expenses of retaking, holding, preparing for disposition, processing, and disposing, and, to the extent provided for by agreement and not prohibited by law, reasonable attorneys'

fees and legal expenses incurred by the secured party;

(2) The satisfaction of obligations secured by the security interest or agricultural lien under which the disposition is made;

(3) The satisfaction of obligations secured by any subordinate security interest in or other subordinate lien on the collateral if:

(A) The secured party receives from the holder of the subordinate security interest or other lien (~~(an authenticated)~~) a signed demand for proceeds before distribution of the proceeds is completed; and

(B) In a case in which a consignor has an interest in the collateral, the subordinate security interest or other lien is senior to the interest of the consignor; and

(4) A secured party that is a consignor of the collateral if the secured party receives from the consignor (~~(an authenticated)~~) a signed demand for proceeds before distribution of the proceeds is completed.

(b) **Proof of subordinate interest.** If requested by a secured party, a holder of a subordinate security interest or other lien shall furnish reasonable proof of the interest or lien within a reasonable time. Unless the holder does so, the secured party need not comply with the holder's demand under subsection (a)(3) of this section.

(c) **Application of noncash proceeds.** A secured party need not apply or pay over for application noncash proceeds of disposition under RCW 62A.9A-610 unless the failure to do so would be commercially unreasonable. A secured party that applies or pays over for application noncash proceeds shall do so in a commercially reasonable manner.

(d) **Surplus or deficiency if obligation secured.** If the security interest under which a disposition is made secures payment or performance of an obligation, after making the payments and applications required by subsection (a) of this section and permitted by subsection (c) of this section:

(1) Unless subsection (a)(4) of this section requires the secured party to apply or pay over cash proceeds to a consignor, the secured party shall account to and pay a debtor for any surplus; and

(2) The obligor is liable for any deficiency.

(e) **No surplus or deficiency in sales of certain rights to payment.** If the underlying transaction is a sale of accounts, chattel paper, payment intangibles, or promissory notes:

(1) The debtor is not entitled to any surplus; and

(2) The obligor is not liable for any deficiency.

(f) [Reserved.]

(g) **Cash proceeds received by junior secured party.** A secured party that receives cash proceeds of a disposition in good faith and without knowledge that the receipt violates the rights of the holder of a security interest or other lien that is not subordinate to the security interest or agricultural lien under which the disposition is made:

(1) Takes the cash proceeds free of the security interest or other lien;

(2) Is not obligated to apply the proceeds of the disposition to the satisfaction of obligations secured by the security interest or other lien; and

(3) Is not obligated to account to or pay the holder of the security interest or other lien for any surplus.

**Sec. 945.** RCW 62A.9A-616 and 2000 c 250 s 9A-616 are each amended to read as follows:

(a) **Definitions.** In this section:

(1) "Explanation" means a (~~(a writing)~~) record that:

(A) States the amount of the surplus or deficiency;

(B) Provides an explanation in accordance with subsection (c) of this section of how the secured party calculated the surplus or deficiency;

(C) States, if applicable, that future debits, credits, charges, including additional credit service charges or interest, rebates, and expenses may affect the amount of the surplus or deficiency; and

(D) Provides a telephone number or mailing address from which additional information concerning the transaction is available.

(2) "Request" means a record:

(A) (~~(Authenticated)~~) Signed by a debtor or consumer obligor;

(B) Requesting that the recipient provide an explanation; and

(C) Sent after disposition of the collateral under RCW 62A.9A-610.

(b) **Explanation of calculation.** In a consumer-goods transaction in which the debtor is entitled to a surplus or a consumer obligor is liable for a deficiency under RCW 62A.9A-615, the secured party shall:

(1) Send an explanation to the debtor or consumer obligor, as applicable, after the disposition and:

(A) Before or when the secured party accounts to the debtor and pays any surplus or first makes (~~(written)~~) demand in a record on the consumer obligor after the disposition for payment of the deficiency; and

(B) Within (~~(fourteen)~~) 14 days after receipt of a request; or

(2) In the case of a consumer obligor who is liable for a deficiency, within (~~(fourteen)~~) 14 days after receipt of a request, send to the consumer obligor a record waiving the secured party's right to a deficiency.

(c) **Required information.** To comply with subsection (a)(1)(B) of this section, (~~(a writing)~~) an explanation must provide the following information in the following order:

(1) The aggregate amount of obligations secured by the security interest under which the disposition was made, and, if the amount reflects a rebate of unearned interest or credit service charge, an indication of that fact, calculated as of a specified date:

(A) If the secured party takes or receives possession of the collateral after default, not more than thirty-five days before the secured party takes or receives possession; or

(B) If the secured party takes or receives possession of the collateral before default or does not take possession of the collateral, not more than thirty-five days before the disposition;

(2) The amount of proceeds of the disposition;

(3) The aggregate amount of the obligations after deducting the amount of proceeds;

(4) The amount, in the aggregate or by type, and types of expenses, including expenses of retaking, holding, preparing for disposition, processing, and disposing of the collateral, and attorneys' fees secured by the collateral which are known to the secured party and relate to the current disposition;

(5) The amount, in the aggregate or by type, and types of credits, including rebates of interest or credit service charges, to which the obligor is known to be entitled and which are not reflected in the amount in (1) of this subsection; and

(6) The amount of the surplus or deficiency.

(d) **Substantial compliance.** A particular phrasing of the explanation is not required. An explanation complying substantially with the requirements of subsection (a) of this section is sufficient, even if it includes minor errors that are not seriously misleading.

(e) **Charges for responses.** A debtor or consumer obligor is entitled without charge to one response to a request under this section during any six-month period in which the secured party did not send to the debtor or consumer obligor an explanation pursuant to subsection (b)(1) of this section. The secured party may require payment of a charge not exceeding twenty-five dollars for each additional response.

**Sec. 946.** RCW 62A.9A-619 and 2000 c 250 s 9A-619 are

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each amended to read as follows:

(a) **"Transfer statement."** In this section, "transfer statement" means a record (~~(authenticated)~~) signed by a secured party stating:

(1) That the debtor has defaulted in connection with an obligation secured by specified collateral;

(2) That the secured party has exercised its post-default remedies with respect to the collateral;

(3) That, by reason of the exercise, a transferee has acquired the rights of the debtor in the collateral; and

(4) The name and mailing address of the secured party, debtor, and transferee.

(b) **Effect of transfer statement.** A transfer statement entitles the transferee to the transfer of record of all rights of the debtor in the collateral specified in the statement in any official filing, recording, registration, or certificate-of-title system covering the collateral. If a transfer statement is presented with the applicable fee and request form to the official or office responsible for maintaining the system, the official or office shall:

(1) Accept the transfer statement;

(2) Promptly amend its records to reflect the transfer; and

(3) If applicable, issue a new appropriate certificate of title in the name of the transferee.

(c) **Transfer not a disposition; no relief of secured party's duties.** A transfer of the record or legal title to collateral to a secured party under subsection (b) of this section or otherwise is not of itself a disposition of collateral under this Article and does not of itself relieve the secured party of its duties under this Article.

**Sec. 947.** RCW 62A.9A-620 and 2000 c 250 s 9A-620 are each amended to read as follows:

(a) **Conditions to acceptance in satisfaction.** A secured party may accept collateral in full or partial satisfaction of the obligation it secures only if:

(1) The debtor consents to the acceptance under subsection (c) of this section;

(2) The secured party does not receive, within the time set forth in subsection (d) of this section, a notification of objection to the proposal (~~(authenticated)~~) signed by:

(A) A person to which the secured party was required to send a proposal under RCW 62A.9A-621; or

(B) Any other person, other than the debtor, holding an interest in the collateral subordinate to the security interest that is the subject of the proposal; and

(3) Subsection (e) of this section does not require the secured party to dispose of the collateral or the debtor waives the requirement pursuant to RCW 62A.9A-624.

(b) **Purported acceptance ineffective.** A purported or apparent acceptance of collateral under this section is ineffective unless:

(1) The secured party consents to the acceptance in (~~an authenticated~~) a signed record or sends a proposal to the debtor; and

(2) The conditions of subsection (a) of this section are met.

(c) **Debtor's consent.** For purposes of this section:

(1) A debtor consents to an acceptance of collateral in partial satisfaction of the obligation it secures only if the debtor agrees to the terms of the acceptance in a record (~~(authenticated)~~) signed after default; and

(2) A debtor consents to an acceptance of collateral in full satisfaction of the obligation it secures only if the debtor agrees to the terms of the acceptance in a record (~~(authenticated)~~) signed after default or the secured party:

(A) Sends to the debtor after default a proposal that is unconditional or subject only to a condition that collateral not in

the possession of the secured party be preserved or maintained;

(B) In the proposal, proposes to accept collateral in full satisfaction of the obligation it secures; and

(C) Does not receive a notification of objection (~~(authenticated)~~) signed by the debtor within (~~(twenty)~~) 20 days after the proposal is sent.

(d) **Effectiveness of notification.** To be effective under subsection (a)(2) of this section, a notification of objection must be received by the secured party:

(1) In the case of a person to which the proposal was sent pursuant to RCW 62A.9A-621, within (~~(twenty)~~) 20 days after notification was sent to that person; and

(2) In other cases:

(A) Within (~~(twenty)~~) 20 days after the last notification was sent pursuant to RCW 62A.9A-621; or

(B) If a notification was not sent, before the debtor consents to the acceptance under subsection (c) of this section.

(e) **Mandatory disposition of consumer goods.** A secured party that has taken possession of collateral shall dispose of the collateral pursuant to RCW 62A.9A-610 within the time specified in subsection (f) of this section if:

(1) Sixty percent of the cash price has been paid in the case of a purchase-money security interest in consumer goods; or

(2) Sixty percent of the principal amount of the obligation secured has been paid in the case of a nonpurchase-money security interest in consumer goods.

(f) **Compliance with mandatory disposition requirement.** To comply with subsection (e) of this section, the secured party shall dispose of the collateral:

(1) Within ninety days after taking possession; or

(2) Within any longer period to which the debtor and all secondary obligors have agreed in an agreement to that effect entered into and (~~(authenticated)~~) signed after default.

**Sec. 948.** RCW 62A.9A-621 and 2011 c 74 s 725 are each amended to read as follows:

(a) **Persons to which proposal to be sent.** A secured party that desires to accept collateral in full or partial satisfaction of the obligation it secures shall send its proposal to:

(1) Any other secured party or lienholder that, (~~(ten)~~) 10 days before the debtor consented to the acceptance, held a security interest in or other lien on the collateral perfected by the filing of a financing statement that:

(A) Identified the collateral;

(B) Was indexed under the debtor's name as of that date; and

(C) Was filed in the office or offices in which to file a financing statement against the debtor covering the collateral as of that date; and

(2) Any other secured party that, (~~(ten)~~) 10 days before the debtor consented to the acceptance, held a security interest in the collateral perfected by compliance with a statute, regulation, or treaty described in RCW 62A.9A-311(a).

(b) **Proposal to be sent to secondary obligor in partial satisfaction.** A secured party that desires to accept collateral in partial satisfaction of the obligation it secures shall send its proposal to any secondary obligor in addition to the persons described in subsection (a) of this section.

**Sec. 949.** RCW 62A.9A-624 and 2000 c 250 s 9A-624 are each amended to read as follows:

(a) **Waiver of disposition notification.** A debtor may waive the right to notification of disposition of collateral under RCW 62A.9A-611 only by an agreement to that effect entered into and (~~(authenticated)~~) signed after default.

(b) **Waiver of mandatory disposition.** A debtor may waive the right to require disposition of collateral under RCW 62A.9A-620(e) only by an agreement to that effect entered into

and ~~((authenticated))~~ signed after default.

(c) **Waiver of redemption right.** Except in a consumer-goods transaction, a debtor or secondary obligor may waive the right to redeem collateral under RCW 62A.9A-623 only by an agreement to that effect entered into and ~~((authenticated))~~ signed after default.

**Sec. 950.** RCW 62A.9A-628 and 2011 c 74 s 727 are each amended to read as follows:

(a) **Limitation of liability of secured party for noncompliance with article.** ~~((Unless))~~ Subject to subsection (f) of this section, unless a secured party knows that a person is a debtor or obligor, knows the identity of the person, and knows how to communicate with the person:

(1) The secured party is not liable to the person, or to a secured party or lienholder that has filed a financing statement against the person, for failure to comply with this Article; and

(2) The secured party's failure to comply with this Article does not affect the liability of the person for a deficiency.

(b) **Limitation of liability based on status as secured party.** ~~((A))~~ Subject to subsection (f) of this section, a secured party is not liable because of its status as secured party:

(1) To a person that is a debtor or obligor, unless the secured party knows:

(A) That the person is a debtor or obligor;

(B) The identity of the person; and

(C) How to communicate with the person; or

(2) To a secured party or lienholder that has filed a financing statement against a person, unless the secured party knows:

(A) That the person is a debtor; and

(B) The identity of the person.

(c) **Limitation of liability if reasonable belief that transaction not a consumer-goods transaction or consumer transaction.** A secured party is not liable to any person, and a person's liability for a deficiency is not affected, because of any act or omission arising out of the secured party's reasonable belief that a transaction is not a consumer-goods transaction or a consumer transaction or that goods are not consumer goods, if the secured party's belief is based on its reasonable reliance on:

(1) A debtor's representation concerning the purpose for which collateral was to be used, acquired, or held; or

(2) An obligor's representation concerning the purpose for which a secured obligation was incurred.

(d) **Limitation of liability for statutory damages.** A secured party is not liable to any person under RCW 62A.9A-625(c)(2) for its failure to comply with RCW 62A.9A-616.

(e) **Limitation of multiple liability for statutory damages.** A secured party is not liable under RCW 62A.9A-625(c)(2) more than once with respect to any one secured obligation.

(f) **Exception: Limitation of liability under subsections (a) and (b) of this section does not apply.** Subsections (a) and (b) of this section do not apply to limit the liability of a secured party to a person if, at the time the secured party obtains control of collateral that is a controllable account, controllable electronic record, or controllable payment intangible or at the time the security interest attaches to the collateral, whichever is later:

(1) The person is a debtor or obligor; and

(2) The secured party knows that the information in subsection (b)(1)(A), (B), or (C) of this section relating to the person is not provided by the collateral, a record attached to or logically associated with the collateral, or the system in which the collateral is recorded.

**PART X  
ARTICLE 12**

**CONTROLLABLE ELECTRONIC RECORDS**

**NEW SECTION. Sec. 1001.** SECTION 12-101: TITLE.

This Article may be cited as uniform commercial code—controllable electronic records.

**NEW SECTION. Sec. 1002.** SECTION 12-102: DEFINITIONS. (a) **Article 12 definitions.** In this Article:

(1) "Controllable electronic record" means a record stored in an electronic medium that can be subjected to control under section 1005 of this act. The term does not include a controllable account, a controllable payment intangible, a deposit account, an electronic copy of a record evidencing chattel paper, an electronic document of title, electronic money, investment property, or a transferable record.

(2) "Qualifying purchaser" means a purchaser of a controllable electronic record or an interest in a controllable electronic record that obtains control of the controllable electronic record for value, in good faith, and without notice of a claim of a property right in the controllable electronic record.

(3) "Transferable record" has the meaning provided for that term in:

(A) Section 201(a)(1) of the electronic signatures in global and national commerce act, 15 U.S.C. Sec. 7021(a)(1); or

(B) RCW 1.80.150(1).

(4) "Value" has the meaning provided in RCW 62A.3-303(a), as if references in that subsection to an "instrument" were references to a controllable account, controllable electronic record, or controllable payment intangible.

(b) **Definitions in Article 9A.** The definitions in Article 9A of this title of "account debtor," "controllable account," "controllable payment intangible," "chattel paper," "deposit account," "electronic money," and "investment property" apply to this Article.

(c) **Article 1 definitions and principles.** Article 1 of this title contains general definitions and principles of construction and interpretation applicable throughout this Article.

**NEW SECTION. Sec. 1003.** SECTION 12-103: RELATION TO ARTICLE 9 AND CONSUMER LAWS. (a) **Article 9A governs in case of conflict.** If there is conflict between this Article and Article 9A of this title, Article 9A of this title governs.

(b) **Applicable consumer law and other laws.** A transaction subject to this Article is subject to any applicable rule of law that establishes a different rule for consumers and chapter 19.86 RCW.

**NEW SECTION. Sec. 1004.** SECTION 12-104: RIGHTS IN CONTROLLABLE ACCOUNT, CONTROLLABLE ELECTRONIC RECORD, AND CONTROLLABLE PAYMENT INTANGIBLE. (a) **Applicability of section to controllable account and controllable payment intangible.**

This section applies to the acquisition and purchase of rights in a controllable account or controllable payment intangible, including the rights and benefits under subsections (c), (d), (e), (g), and (h) of this section of a purchaser and qualifying purchaser, in the same manner this section applies to a controllable electronic record.

(b) **Control of controllable account and controllable payment intangible.** To determine whether a purchaser of a controllable account or a controllable payment intangible is a qualifying purchaser, the purchaser obtains control of the account or payment intangible if it obtains control of the controllable electronic record that evidences the account or payment intangible.

(c) **Applicability of other law to acquisition of rights.** Except as provided in this section, law other than this Article determines whether a person acquires a right in a controllable electronic record and the right the person acquires.

(d) **Shelter principle and purchase of limited interest.** A

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purchaser of a controllable electronic record acquires all rights in the controllable electronic record that the transferor had or had power to transfer, except that a purchaser of a limited interest in a controllable electronic record acquires rights only to the extent of the interest purchased.

(e) **Rights of qualifying purchaser.** A qualifying purchaser acquires its rights in the controllable electronic record free of a claim of a property right in the controllable electronic record.

(f) **Limitation of rights of qualifying purchaser in other property.** Except as provided in subsections (a) and (e) of this section for a controllable account and a controllable payment intangible or law other than this Article, a qualifying purchaser takes a right to payment, right to performance, or other interest in property evidenced by the controllable electronic record subject to a claim of a property right in the right to payment, right to performance, or other interest in property.

(g) **No-action protection for qualifying purchaser.** An action may not be asserted against a qualifying purchaser based on both a purchase by the qualifying purchaser of a controllable electronic record and a claim of a property right in another controllable electronic record, whether the action is framed in conversion, replevin, constructive trust, equitable lien, or other theory.

(h) **Filing not notice.** Filing of a financing statement under Article 9A of this title is not notice of a claim of a property right in a controllable electronic record.

NEW SECTION. Sec. 1005. SECTION 12-105: CONTROL OF CONTROLLABLE ELECTRONIC RECORD.

(a) **General rule: Control of controllable electronic record.** A person has control of a controllable electronic record if the electronic record, a record attached to or logically associated with the electronic record, or a system in which the electronic record is recorded:

- (1) Gives the person:
  - (A) Power to avail itself of substantially all the benefit from the electronic record; and
  - (B) Exclusive power, subject to subsection (b) of this section, to:
    - (i) Prevent others from availing themselves of substantially all the benefit from the electronic record; and
    - (ii) Transfer control of the electronic record to another person or cause another person to obtain control of another controllable electronic record as a result of the transfer of the electronic record; and

(2) Enables the person readily to identify itself in any way, including by name, identifying number, cryptographic key, office, or account number, as having the powers specified in (1) of this subsection.

(b) **Meaning of exclusive.** Subject to subsection (c) of this section, a power is exclusive under subsection (a)(1)(B)(i) and (ii) of this section even if:

(1) The controllable electronic record, a record attached to or logically associated with the electronic record, or a system in which the electronic record is recorded limits the use of the electronic record or has a protocol programmed to cause a change, including a transfer or loss of control or a modification of benefits afforded by the electronic record; or

(2) The power is shared with another person.

(c) **When power not shared with another person.** A power of a person is not shared with another person under subsection (b)(2) of this section and the person's power is not exclusive if:

- (1) The person can exercise the power only if the power also is exercised by the other person; and
- (2) The other person:
  - (A) Can exercise the power without exercise of the power by the person; or

(B) Is the transferor to the person of an interest in the controllable electronic record or a controllable account or controllable payment intangible evidenced by the controllable electronic record.

(d) **Presumption of exclusivity of certain powers.** If a person has the powers specified in subsection (a)(1)(B)(i) and (ii) of this section, the powers are presumed to be exclusive.

(e) **Control through another person.** A person has control of a controllable electronic record if another person, other than the transferor to the person of an interest in the controllable electronic record or a controllable account or controllable payment intangible evidenced by the controllable electronic record:

(1) Has control of the electronic record and acknowledges that it has control on behalf of the person; or

(2) Obtains control of the electronic record after having acknowledged that it will obtain control of the electronic record on behalf of the person.

(f) **No requirement to acknowledge.** A person that has control under this section is not required to acknowledge that it has control on behalf of another person.

(g) **No duties or confirmation.** If a person acknowledges that it has or will obtain control on behalf of another person, unless the person otherwise agrees or law other than this Article or Article 9A of this title otherwise provides, the person does not owe any duty to the other person and is not required to confirm the acknowledgment to any other person.

NEW SECTION. Sec. 1006. SECTION 12-106: DISCHARGE OF ACCOUNT DEBTOR ON CONTROLLABLE ACCOUNT OR CONTROLLABLE PAYMENT INTANGIBLE.

(a) **Discharge of account debtor.** An account debtor on a controllable account or controllable payment intangible may discharge its obligation by paying:

- (1) The person having control of the controllable electronic record that evidences the controllable account or controllable payment intangible; or
- (2) Except as provided in subsection (b) of this section, a person that formerly had control of the controllable electronic record.

(b) **Content and effect of notification.** Subject to subsection (d) of this section, the account debtor may not discharge its obligation by paying a person that formerly had control of the controllable electronic record if the account debtor receives a notification that:

- (1) Is signed by a person that formerly had control or the person to which control was transferred;
- (2) Reasonably identifies the controllable account or controllable payment intangible;
- (3) Notifies the account debtor that control of the controllable electronic record that evidences the controllable account or controllable payment intangible was transferred;
- (4) Identifies the transferee, in any reasonable way, including by name, identifying number, cryptographic key, office, or account number; and
- (5) Provides a commercially reasonable method by which the account debtor is to pay the transferee.

(c) **Discharge following effective notification.** After receipt of a notification that complies with subsection (b) of this section, the account debtor may discharge its obligation by paying in accordance with the notification and may not discharge the obligation by paying a person that formerly had control.

(d) **When notification ineffective.** Subject to subsection (h) of this section, notification is ineffective under subsection (b) of this section:

- (1) Unless, before the notification is sent, the account debtor and the person that, at that time, had control of the controllable



electronic record that evidences the controllable account or controllable payment intangible agree in a signed record to a commercially reasonable method by which a person may furnish reasonable proof that control has been transferred;

(2) To the extent an agreement between the account debtor and seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than this Article; or

(3) At the option of the account debtor, if the notification notifies the account debtor to:

(A) Divide a payment;

(B) Make less than the full amount of an installment or other periodic payment; or

(C) Pay any part of a payment by more than one method or to more than one person.

(e) **Proof of transfer of control.** Subject to subsection (h) of this section, if requested by the account debtor, the person giving the notification under subsection (b) of this section seasonably shall furnish reasonable proof, using the method in the agreement referred to in subsection (d)(1) of this section, that control of the controllable electronic record has been transferred. Unless the person complies with the request, the account debtor may discharge its obligation by paying a person that formerly had control, even if the account debtor has received a notification under subsection (b) of this section.

(f) **What constitutes reasonable proof.** A person furnishes reasonable proof under subsection (e) of this section that control has been transferred if the person demonstrates, using the method in the agreement referred to in subsection (d)(1) of this section, that the transferee has the power to:

(1) Avail itself of substantially all the benefit from the controllable electronic record;

(2) Prevent others from availing themselves of substantially all the benefit from the controllable electronic record; and

(3) Transfer the powers specified in (1) and (2) of this subsection to another person.

(g) **Rights not waivable.** Subject to subsection (h) of this section, an account debtor may not waive or vary its rights under subsections (d)(1) and (e) of this section or its option under subsection (d)(3) of this section.

(h) **Rule for individual under other law.** This section is subject to law other than this Article which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.

NEW SECTION. **Sec. 1007.** SECTION 12-107: GOVERNING LAW. (a) **Governing law: General rule.** Except as provided in subsection (b) of this section, the local law of a controllable electronic record's jurisdiction governs a matter covered by this Article.

(b) **Governing law: Section 1006 of this act.** For a controllable electronic record that evidences a controllable account or controllable payment intangible, the local law of the controllable electronic record's jurisdiction governs a matter covered by section 1006 of this act unless an effective agreement determines that the local law of another jurisdiction governs.

(c) **Controllable electronic record's jurisdiction.** The following rules determine a controllable electronic record's jurisdiction under this section:

(1) If the controllable electronic record, or a record attached to or logically associated with the controllable electronic record and readily available for review, expressly provides that a particular jurisdiction is the controllable electronic record's jurisdiction for purposes of this Article or this title, that jurisdiction is the controllable electronic record's jurisdiction.

(2) If (1) of this subsection does not apply and the rules of the system in which the controllable electronic record is recorded are readily available for review and expressly provide that a particular jurisdiction is the controllable electronic record's jurisdiction for purposes of this Article or this title, that jurisdiction is the controllable electronic record's jurisdiction.

(3) If (1) and (2) of this subsection do not apply and the controllable electronic record, or a record attached to or logically associated with the controllable electronic record and readily available for review, expressly provides that the controllable electronic record is governed by the law of a particular jurisdiction, that jurisdiction is the controllable electronic record's jurisdiction.

(4) If (1), (2), and (3) of this subsection do not apply and the rules of the system in which the controllable electronic record is recorded are readily available for review and expressly provide that the controllable electronic record or the system is governed by the law of a particular jurisdiction, that jurisdiction is the controllable electronic record's jurisdiction.

(5) If (1) through (4) of this subsection do not apply, the controllable electronic record's jurisdiction is the District of Columbia.

(d) **Applicability of Article 12.** If subsection (c)(5) of this section applies and this Article 12 is not in effect in the District of Columbia without material modification, the governing law for a matter covered by this Article is the law of the District of Columbia as though Article 12 were in effect in the District of Columbia without material modification. In this subsection, "Article 12" means Article 12 of Uniform Commercial Code Amendments (2022).

(e) **Relation of matter or transaction to controllable electronic record's jurisdiction not necessary.** To the extent subsections (a) and (b) of this section provide that the local law of the controllable electronic record's jurisdiction governs a matter covered by this Article, that law governs even if the matter or a transaction to which the matter relates does not bear any relation to the controllable electronic record's jurisdiction.

(f) **Rights of purchasers determined at time of purchase.** The rights acquired under section 1004 of this act by a purchaser or qualifying purchaser are governed by the law applicable under this section at the time of purchase.

**PART XI**

**ARTICLE A**

**TRANSITIONAL PROVISIONS FOR UNIFORM COMMERCIAL CODE AMENDMENTS (2022)**

**GENERAL PROVISIONS AND DEFINITIONS**

NEW SECTION. **Sec. 1101.** SECTION A-101: TITLE. This Article may be cited as transitional provisions for Uniform Commercial Code Amendments (2022).

NEW SECTION. **Sec. 1102.** SECTION A-102: DEFINITIONS. (a) **Article A Definitions.** In this article:

(1) "Adjustment date" means July 1, 2025, or the date that is one year after the effective date of this section, whichever is later.

(2) "Article 12" means Article -- of this title (the new Article created by section 1202 of this act).

(3) "Article 12 property" means a controllable account, controllable electronic record, or controllable payment intangible.

(b) **Definitions in other articles.** The following definitions in other articles of this title apply to this Article.

"Controllable account." RCW 62A.9A-102.

"Controllable electronic record." Section 1002 of this act.

"Controllable payment intangible." RCW 62A.9A-102.

"Electronic money." RCW 62A.9A-102.

"Financing statement." RCW 62A.9A-102.

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(c) **Article 1 definitions and principles.** Article 1 of this title contains general definitions and principles of construction and interpretation applicable throughout this Article.

**GENERAL TRANSITIONAL PROVISION**

**NEW SECTION. Sec. 1103.** SECTION A-201: SAVING CLAUSE. Except as provided in sections 1104 through 1109 of this act, a transaction validly entered into before the effective date of this section and the rights, duties, and interests flowing from the transaction remain valid thereafter and may be terminated, completed, consummated, or enforced as required or permitted by law other than this title or, if applicable, this title, as though this act had not taken effect.

**TRANSITIONAL PROVISIONS FOR ARTICLES 9A AND 12**

**NEW SECTION. Sec. 1104.** SECTION A-301: SAVING CLAUSE. (a) **Preeffective-date transaction, lien, or interest.** Except as provided in this part, Article 9A of this title as amended by this act and Article 12 apply to a transaction, lien, or other interest in property, even if the transaction, lien, or interest was entered into, created, or acquired before the effective date of this section.

(b) **Continuing validity.** Except as provided in subsection (c) of this section and sections 1005 through 1109 of this act:

(1) A transaction, lien, or interest in property that was validly entered into, created, or transferred before the effective date of this section and was not governed by this title, but would be subject to Article 9A of this title as amended by this act or Article 12 if it had been entered into, created, or transferred on or after the effective date of this section, including the rights, duties, and interests flowing from the transaction, lien, or interest, remains valid on and after the effective date of this section; and

(2) The transaction, lien, or interest may be terminated, completed, consummated, and enforced as required or permitted by this act or by the law that would apply if this act had not taken effect.

(c) **Preeffective-date proceeding.** This act does not affect an action, case, or proceeding commenced before the effective date of this section.

**NEW SECTION. Sec. 1105.** SECTION A-302: SECURITY INTEREST PERFECTED BEFORE EFFECTIVE DATE. (a) **Continuing perfection: Perfection requirements satisfied.** A security interest that is enforceable and perfected immediately before the effective date of this section is a perfected security interest under this act if, on the effective date of this section, the requirements for enforceability and perfection under this act are satisfied without further action.

(b) **Continuing perfection: Enforceability or perfection requirements not satisfied.** If a security interest is enforceable and perfected immediately before the effective date of this section, but the requirements for enforceability or perfection under this act are not satisfied on the effective date of this section, the security interest:

(1) Is a perfected security interest until the earlier of the time perfection would have ceased under the law in effect immediately before the effective date of this section or the adjustment date;

(2) Remains enforceable thereafter only if the security interest satisfies the requirements for enforceability under RCW 62A.9A-203, as amended by this act, before the adjustment date; and

(3) Remains perfected thereafter only if the requirements for perfection under this act are satisfied before the time specified in (1) of this subsection.

**NEW SECTION. Sec. 1106.** SECTION A-303: SECURITY INTEREST UNPERFECTED BEFORE EFFECTIVE DATE. A security interest that is enforceable immediately before the effective date of this section but is

unperfected at that time:

(a) Remains an enforceable security interest until the adjustment date;

(b) Remains enforceable thereafter if the security interest becomes enforceable under RCW 62A.9A-203, as amended by this act, on the effective date of this section or before the adjustment date; and

(c) Becomes perfected:

(1) Without further action, on the effective date of this section if the requirements for perfection under this act are satisfied before or at that time; or

(2) When the requirements for perfection are satisfied if the requirements are satisfied after that time.

**NEW SECTION. Sec. 1107.** SECTION A-304: EFFECTIVENESS OF ACTIONS TAKEN BEFORE EFFECTIVE DATE. (a) **Preeffective-date action; attachment and perfection before adjustment date.** If action, other than the filing of a financing statement, is taken before the effective date of this section and the action would have resulted in perfection of the security interest had the security interest become enforceable before the effective date of this section, the action is effective to perfect a security interest that attaches under this act before the adjustment date. An attached security interest becomes unperfected on the adjustment date unless the security interest becomes a perfected security interest under this act before the adjustment date.

(b) **Preeffective-date filing.** The filing of a financing statement before the effective date of this section is effective to perfect a security interest on the effective date of this section to the extent the filing would satisfy the requirements for perfection under this act.

(c) **Preeffective-date enforceability action.** The taking of an action before the effective date of this section is sufficient for the enforceability of a security interest on the effective date of this section if the action would satisfy the requirements for enforceability under this act.

**NEW SECTION. Sec. 1108.** SECTION A-305: PRIORITY. (a) **Determination of priority.** Subject to subsections (b) and (c) of this section, this act determines the priority of conflicting claims to collateral.

(b) **Established priorities.** Subject to subsection (c) of this section, if the priorities of claims to collateral were established before the effective date of this section, Article 9A of this title as in effect before the effective date of this section determines priority.

(c) **Determination of certain priorities on adjustment date.** On the adjustment date, to the extent the priorities determined by Article 9A of this title as amended by this act modify the priorities established before the effective date of this section, the priorities of claims to Article 12 property and electronic money established before the effective date of this section cease to apply.

**NEW SECTION. Sec. 1109.** SECTION A-306: PRIORITY OF CLAIMS WHEN PRIORITY RULES OF ARTICLE 9A DO NOT APPLY. (a) **Determination of priority.** Subject to subsections (b) and (c) of this section, Article 12 determines the priority of conflicting claims to Article 12 property when the priority rules of Article 9A of this title as amended by this act do not apply.

(b) **Established priorities.** Subject to subsection (c) of this section, when the priority rules of Article 9A of this title as amended by this act do not apply and the priorities of claims to Article 12 property were established before the effective date of this section, law other than Article 12 determines priority.

(c) **Determination of certain priorities on adjustment date.** When the priority rules of Article 9A of this title as amended by

this act do not apply, to the extent the priorities determined by this act modify the priorities established before the effective date of this section, the priorities of claims to Article 12 property established before the effective date of this section cease to apply on the adjustment date.

**PART XII**

NEW SECTION. **Sec. 1201.** Nothing in this act may be construed to support, endorse, create, or implement a national digital currency.

NEW SECTION. **Sec. 1202.** Sections 1001 through 1007 of this act constitute a new Article in Title 62A RCW.

NEW SECTION. **Sec. 1203.** Sections 1101 through 1109 of this act constitute a new Article in Title 62A RCW.

NEW SECTION. **Sec. 1204.** This act takes effect January 1, 2024."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

**MOTION**

Senator Pedersen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5077.

Senators Pedersen and Padden spoke in favor of the motion.

The Vice President Pro Tempore declared the question before the Senate to be the motion by Senator Pedersen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5077.

The motion by Senator Pedersen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5077 by voice vote.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5077, as amended by the House.

**ROLL CALL**

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5077, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

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

Voting nay: Senator McCune

Excused: Senators Keiser and Muzzall

SUBSTITUTE SENATE BILL NO. 5077, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

**MESSAGE FROM THE HOUSE**

March 22, 2023

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5072 with

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** (1) The legislature finds that, for highly capable students, access to accelerated learning and enhanced instruction is access to a basic education. The legislature has directed school districts to prioritize equitable identification of low-income students for participation in highly capable programs and services. The research literature strongly supports using universal screening and multiple criteria to equitably identify students for highly capable programs. There are multiple approaches to implementing universal screening and the use of multiple criteria. The legislature intends all school districts to use best practices and does not intend to prescribe a single method.

(2) The legislature further intends to allocate state funding for the highly capable program based on five percent of each school district's student population. The legislature does not intend to limit highly capable services to five percent of the student population. School districts may identify and serve more than five percent of their students for highly capable programs and services.

**Sec. 2.** RCW 28A.185.020 and 2017 3rd sp.s. c 13 s 412 are each amended to read as follows:

~~((1) The legislature finds that, for highly capable students, access to accelerated learning and enhanced instruction is access to a basic education. There are multiple definitions of highly capable, from intellectual to academic to artistic. The research literature strongly supports using multiple criteria to identify highly capable students, and therefore, the legislature does not intend to prescribe a single method. Instead, the legislature intends to allocate funding based on 5.0 percent of each school district's population and authorize school districts to identify through the use of multiple, objective criteria those students most highly capable and eligible to receive accelerated learning and enhanced instruction in the program offered by the district.))~~ District practices for identifying ~~((the most))~~ highly capable students must prioritize equitable identification of low-income students. Access to accelerated learning and enhanced instruction through the program for highly capable students does not constitute an individual entitlement for any particular student.

~~((2) Supplementary funds provided by the state for the program for highly capable students under RCW 28A.150.260 shall be categorical funding to provide services to highly capable students as determined by a school district under RCW 28A.185.030.))~~

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.185 RCW to read as follows:

(1) Other basic education funding can be used alongside categorical funding to identify students and provide programs and services for highly capable students.

(2) Each school district must conduct universal screenings in accordance with RCW 28A.185.030 to find students who may qualify for potential highly capable program placement.

**Sec. 4.** RCW 28A.185.030 and 2009 c 380 s 4 are each amended to read as follows:

~~((Local school))~~ (1) School districts may establish and operate, either separately or jointly, programs for highly capable students. Such authority shall include the right to employ and pay special instructors and to operate such programs jointly with a public institution of higher education. ~~((Local school))~~

(2) School districts ~~((which))~~ that establish and operate programs for highly capable students shall adopt identification procedures and provide educational opportunities as follows:

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~~((4))~~ (a) In accordance with rules adopted by the superintendent of public instruction, school districts shall implement procedures for ~~((nomination))~~ referral, screening, assessment ~~((and selection))~~, identification, and placement of ~~((their most))~~ highly capable students. ~~((Nominations shall be based upon data from))~~

(i) Referrals must be available for all grade levels not being universally screened, and may be submitted by teachers, other staff, parents, students, and members of the community.

(ii) Each school district must select a grade level to implement universal screening procedures for each student. Universal screening must occur once in or before second grade, and again in or before sixth grade. The purpose of universal screening is to include students who traditionally are not referred for highly capable programs and services. Students discovered during universal screening may need further assessment to determine whether the student is eligible for placement in a program for highly capable students. Districts must consider at least two student data points during universal screening, which may include previously administered standardized, classroom-based, performance, cognitive, or achievement assessments, or research-based behavior ratings scales. There is no requirement to administer a new assessment for the purpose of universal screening, however districts may do so if they desire.

(iii) Assessments ~~((shall))~~ for highly capable program services must be based upon a review of each student's capability as shown by multiple criteria intended to reveal, from a wide variety of sources and data, each student's unique needs and capabilities. Any screenings or additional assessments must be conducted within the school day and at the school the student attends, except that school districts, on a case-by-case basis and with the consent of the parent or guardian, may offer a student screenings or additional assessment opportunities during the summer, outside of school hours, or at an alternative site.

~~((Selection))~~ (iv) Identification and placement decisions shall be made by a ~~((broadly based committee of professionals,))~~ multidisciplinary selection committee after consideration of the results of the ~~((multiple criteria assessment))~~ universal screening, any further assessment, and any available district data. Students identified pursuant to procedures outlined in this section must be provided, to the extent feasible, an educational opportunity that takes into account each student's unique needs and capabilities, and the limits of the resources and program options available to the district, including those options that can be developed or provided using funds allocated by the superintendent of public instruction for this specific purpose.

(b) In addition to the criteria listed in (a) of this subsection, district practices for identifying highly capable students must seek to expand access to accelerated learning and enhanced instruction at elementary and secondary schools and advance equitable enrollment practices so that all students, especially students from historically underrepresented and low-income groups, who are ready to engage in more rigorous coursework can benefit from accelerated learning and enhanced instruction.

~~((2))~~ (3) When a student, who is a child of a military family in transition, has been assessed or enrolled as highly capable by a sending school, the receiving school shall initially honor placement of the student into a like program.

(a) The receiving school shall determine whether the district's program is a like program when compared to the sending school's program; and

(b) The receiving school may conduct subsequent assessments to determine appropriate placement and continued enrollment in the program.

~~((3))~~ Students selected pursuant to procedures outlined in this

~~section shall be provided, to the extent feasible, an educational opportunity which takes into account each student's unique needs and capabilities and the limits of the resources and program options available to the district, including those options which can be developed or provided by using funds allocated by the superintendent of public instruction for that purpose.)~~

(4) ~~((The))~~ For a student who is a child of a military family in transition, the definitions in Article II of RCW 28A.705.010 apply to subsection ~~((2))~~ (3) of this section.

**Sec. 5.** RCW 28A.185.050 and 2002 c 234 s 1 are each amended to read as follows:

(1) In order to ensure that school districts are meeting the requirements of an approved program for highly capable students, the superintendent of public instruction shall monitor highly capable programs at least once every five years. Monitoring shall begin during the 2002-03 school year.

(2) Any program review and monitoring under this section may be conducted concurrently with other program reviews and monitoring conducted by the office of the superintendent of public instruction. In its review, the office shall monitor program components that include but need not be limited to the process used by the district to identify and reach out to highly capable students with diverse talents and from diverse backgrounds, assessment data ~~((and))~~, other indicators to determine how well the district is meeting the academic needs of highly capable students, and district expenditures used to enrich or expand opportunities for these students.

(3) Beginning June 30, 2003, and every five years thereafter, the office of the superintendent of public instruction shall submit a report to the education committees of the house of representatives and the senate that provides the following:

(a) A brief description of the various instructional programs offered to highly capable students; and

(b) Relevant data to the programs for highly capable students collected under RCW 28A.300.042.

(4) Beginning November 1, 2023, and annually thereafter, the superintendent of public instruction must make data publicly available that includes a comparison of the race, ethnicity, and low-income status of highly capable students compared to the same demographic groups in the general student population of each school district. Reporting must also include comparisons for students who are English language learners, have an individualized education program, have a 504 plan, are covered by provisions of the McKinney-Vento homeless assistance act, or are highly mobile.

(5) The superintendent of public instruction may adopt rules under chapter 34.05 RCW to implement this section.

**Sec. 6.** RCW 28A.300.042 and 2016 c 72 s 501 are each amended to read as follows:

(1) ~~((Beginning with the 2017-18 school year, and using the phase in provided in subsection (2) of this section, the))~~ The superintendent of public instruction must collect and school districts must submit all student-level data using the United States department of education 2007 race and ethnicity reporting guidelines, including the subracial and subethnic categories within those guidelines, with the following modifications:

(a) Further disaggregation of the Black category to differentiate students of African origin and students native to the United States with African ancestors;

(b) Further disaggregation of countries of origin for Asian students;

(c) Further disaggregation of the White category to include subethnic categories for Eastern European nationalities that have significant populations in Washington; and

(d) For students who report as multiracial, collection of their

racial and ethnic combination of categories.

(2) Beginning with the 2017-18 school year, school districts shall collect student-level data as provided in subsection (1) of this section for all newly enrolled students, including transfer students. When the students enroll in a different school within the district, school districts shall resurvey the newly enrolled students for whom subracial and subethnic categories were not previously collected. School districts may resurvey other students.

(3) All student data-related reports required of the superintendent of public instruction in this title must be disaggregated by at least the following subgroups of students: White, Black, Hispanic, American Indian/Alaskan Native, Asian, Pacific Islander/Hawaiian Native, low income, highly capable, transitional bilingual, migrant, special education, and students covered by section 504 of the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794).

(4) All student data-related reports prepared by the superintendent of public instruction regarding student suspensions and expulsions as required under this title are subject to disaggregation by subgroups including:

- (a) Gender;
- (b) Foster care;
- (c) Homeless, if known;
- (d) School district;
- (e) School;
- (f) Grade level;
- (g) Behavior infraction code, including:
  - (i) Bullying;
  - (ii) Tobacco;
  - (iii) Alcohol;
  - (iv) Illicit drug;
  - (v) Fighting without major injury;
  - (vi) Violence without major injury;
  - (vii) Violence with major injury;
  - (viii) Possession of a weapon; and
  - (ix) Other behavior resulting from a short-term or long-term suspension, expulsion, or interim alternative education setting intervention;
- (h) Intervention applied, including:
  - (i) Short-term suspension;
  - (ii) Long-term suspension;
  - (iii) Emergency expulsion;
  - (iv) Expulsion;
  - (v) Interim alternative education settings;
  - (vi) No intervention applied; and
  - (vii) Other intervention applied that is not described in this subsection (4)(h);
- (i) Number of days a student is suspended or expelled, to be counted in half or full days; and
- (j) Any other categories added at a future date by the data governance group.

(5) All student data-related reports required of the superintendent of public instruction regarding student suspensions and expulsions as required in RCW 28A.300.046 are subject to cross-tabulation at a minimum by the following:

- (a) School and district;
  - (b) Race, low income, highly capable, special education, transitional bilingual, migrant, foster care, homeless, students covered by section 504 of the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794), and categories to be added in the future;
  - (c) Behavior infraction code; and
  - (d) Intervention applied.
- (6) The K-12 data governance group shall develop the data protocols and guidance for school districts in the collection of

data as required under this section, and the office of the superintendent of public instruction shall modify the statewide student data system as needed. The office of the superintendent of public instruction shall also incorporate training for school staff on best practices for collection of data (~~on student race and ethnicity~~) under this section in other training or professional development related to data provided by the office."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Nobles moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5072. Senator Nobles spoke in favor of the motion.

The Vice President Pro Tempore declared the question before the Senate to be the motion by Senator Nobles that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5072.

The motion by Senator Nobles carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5072 by voice vote.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5072, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5072, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Keiser and Muzzall

SUBSTITUTE SENATE BILL NO. 5072, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 10, 2023

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5080 with the following amendment(s): 5080-S2.E AMH RSG H1688.3

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.330.540 and 2022 c 16 s 36 are each amended to read as follows:

(1) The cannabis social equity technical assistance grant program is established and is to be administered by the

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department.

(2)(a) The cannabis social equity technical assistance grant program must award grants to:

(i) Cannabis license applicants who are social equity applicants as defined in RCW 69.50.335 submitting social equity plans ~~((under RCW 69.50.335))~~ as defined in RCW 69.50.101; and

(ii) Cannabis licensees holding a license issued after ~~((June 30, 2020, and before July 25, 2021))~~ April 1, 2023, and before July 1, 2024, who meet the social equity applicant criteria under RCW 69.50.335.

(b) Grant recipients under this subsection (2) must demonstrate completion of their project within 12 months of receiving a grant, unless a grant recipient requests, and the department approves, additional time to complete the project.

(3) The department must award grants primarily based on the strength of the social equity plans submitted by cannabis license applicants and cannabis licensees holding a license issued after ~~((June 30, 2020))~~ April 1, 2023, and before ~~((July 25, 2021))~~ July 1, 2024, but may also consider additional criteria if deemed necessary or appropriate by the department. Technical assistance activities eligible for funding include, but are not limited to:

(a) Assistance navigating the cannabis licensure process;

(b) Cannabis-business specific education and business plan development;

(c) Regulatory compliance training;

(d) Financial management training and assistance in seeking financing;

(e) Strengthening a social equity plan as defined in RCW 69.50.101; and

(f) Connecting social equity applicants with established industry members and tribal cannabis enterprises and programs for mentoring and other forms of support.

(4) The department may contract to establish a roster of mentors who are available to support and advise social equity applicants and current licensees who meet the social equity applicant criteria under RCW 69.50.335. Contractors under this section must:

(a) Have knowledge and experience demonstrating their ability to effectively advise eligible applicants and licensees in navigating the state's licensing and regulatory framework or on producing and processing cannabis;

(b) Be a business that is at least 51 percent minority or woman-owned; and

(c) Meet department reporting and invoicing requirements.

(5) Funding for the cannabis social equity technical assistance grant program must be provided ~~((through the dedicated cannabis account))~~ under RCW 69.50.540. Additionally, the department may solicit, receive, and expend private contributions to support the grant program.

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

(7) For the purposes of this section, "cannabis" has the meaning provided under RCW 69.50.101.

**Sec. 2.** RCW 69.50.331 and 2022 c 16 s 58 are each amended to read as follows:

(1) For the purpose of considering any application for a license to produce, process, research, transport, or deliver cannabis, useable cannabis, cannabis concentrates, or cannabis-infused products subject to the regulations established under RCW 69.50.385, or sell cannabis, or for the renewal of a license to produce, process, research, transport, or deliver cannabis, useable cannabis, cannabis concentrates, or cannabis-infused products subject to the regulations established under RCW 69.50.385, or sell cannabis, the board must conduct a comprehensive, fair, and impartial evaluation of the applications timely received.

(a) The board may cause an inspection of the premises to be

made, and may inquire into all matters in connection with the construction and operation of the premises. For the purpose of reviewing any application for a license and for considering the denial, suspension, revocation, cancellation, or renewal or denial thereof, of any license, the board may consider any prior criminal arrests or convictions of the applicant, any public safety administrative violation history record with the board, and a criminal history record information check. The board may submit the criminal history record information check to the Washington state patrol and to the identification division of the federal bureau of investigation in order that these agencies may search their records for prior arrests and convictions of the individual or individuals who filled out the forms. The board must require fingerprinting of any applicant whose criminal history record information check is submitted to the federal bureau of investigation. The provisions of RCW 9.95.240 and of chapter 9.96A RCW do not apply to these cases. Subject to the provisions of this section, the board may, in its discretion, grant or deny the renewal or license applied for. Denial may be based on, without limitation, the existence of chronic illegal activity documented in objections submitted pursuant to subsections (7)(c) and (10) of this section. Authority to approve an uncontested or unopposed license may be granted by the board to any staff member the board designates in writing. Conditions for granting this authority must be adopted by rule.

(b) No license of any kind may be issued to:

(i) A person under the age of ~~((twenty-one))~~ 21 years;

(ii) A person doing business as a sole proprietor who has not lawfully resided in the state for at least six months prior to applying to receive a license;

(iii) A partnership, employee cooperative, association, nonprofit corporation, or corporation unless formed under the laws of this state, and unless all of the members thereof are qualified to obtain a license as provided in this section; or

(iv) A person whose place of business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications required of the licensee.

(2)(a) The board may, in its discretion, subject to RCW 43.05.160, 69.50.563, 69.50.562, 69.50.334, and 69.50.342(3) suspend or cancel any license; and all protections of the licensee from criminal or civil sanctions under state law for producing, processing, researching, or selling cannabis, cannabis concentrates, useable cannabis, or cannabis-infused products thereunder must be suspended or terminated, as the case may be.

(b) The board must immediately suspend the license of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license is automatic upon the board's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

(c) The board may request the appointment of administrative law judges under chapter 34.12 RCW who shall have power to administer oaths, issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, examine witnesses, receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, and consider mitigating and aggravating circumstances in any case and deviate from any prescribed penalty, under rules the board may adopt.

(d) Witnesses must be allowed fees and mileage each way to and from any inquiry, investigation, hearing, or proceeding at the rate authorized by RCW 34.05.446. Fees need not be paid in advance of appearance of witnesses to testify or to produce books,

records, or other legal evidence.

(e) In case of disobedience of any person to comply with the order of the board or a subpoena issued by the board, or any of its members, or administrative law judges, or on the refusal of a witness to testify to any matter regarding which he or she may be lawfully interrogated, the judge of the superior court of the county in which the person resides, on application of any member of the board or administrative law judge, compels obedience by contempt proceedings, as in the case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein.

(3) Upon receipt of notice of the suspension or cancellation of a license, the licensee must forthwith deliver up the license to the board. Where the license has been suspended only, the board must return the license to the licensee at the expiration or termination of the period of suspension. The board must notify all other licensees in the county where the subject licensee has its premises of the suspension or cancellation of the license; and no other licensee or employee of another licensee may allow or cause any cannabis, cannabis concentrates, useable cannabis, or cannabis-infused products to be delivered to or for any person at the premises of the subject licensee.

(4) Every license issued under this chapter is subject to all conditions and restrictions imposed by this chapter or by rules adopted by the board to implement and enforce this chapter. All conditions and restrictions imposed by the board in the issuance of an individual license must be listed on the face of the individual license along with the trade name, address, and expiration date.

(5) Every licensee must post and keep posted its license, or licenses, in a conspicuous place on the premises.

(6) No licensee may employ any person under the age of ~~(twenty-one)~~ 21 years.

(7)(a) Before the board issues a new or renewed license to an applicant it must give notice of the application to the chief executive officer of the incorporated city or town, if the application is for a license within an incorporated city or town, or to the county legislative authority, if the application is for a license outside the boundaries of incorporated cities or towns, or to the tribal government if the application is for a license within Indian country, or to the port authority if the application for a license is located on property owned by a port authority.

(b) The incorporated city or town through the official or employee selected by it, the county legislative authority or the official or employee selected by it, the tribal government, or port authority has the right to file with the board within twenty days after the date of transmittal of the notice for applications, or at least thirty days prior to the expiration date for renewals, written objections against the applicant or against the premises for which the new or renewed license is asked. The board may extend the time period for submitting written objections upon request from the authority notified by the board.

(c) The written objections must include a statement of all facts upon which the objections are based, and in case written objections are filed, the city or town or county legislative authority may request, and the board may in its discretion hold, a hearing subject to the applicable provisions of Title 34 RCW. If the board makes an initial decision to deny a license or renewal based on the written objections of an incorporated city or town or county legislative authority, the applicant may request a hearing subject to the applicable provisions of Title 34 RCW. If a hearing is held at the request of the applicant, board representatives must present and defend the board's initial decision to deny a license or renewal.

(d) Upon the granting of a license under this title the board must send written notification to the chief executive officer of the

incorporated city or town in which the license is granted, or to the county legislative authority if the license is granted outside the boundaries of incorporated cities or towns.

(8)(a) Except as provided in (b) through (e) of this subsection, the board may not issue a license for any premises within ~~((one thousand))~~ 1,000 feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged ~~((twenty-one))~~ 21 years or older.

(b) A city, county, or town may permit the licensing of premises within ~~((one thousand))~~ 1,000 feet but not less than ~~((one hundred))~~ 100 feet of the facilities described in (a) of this subsection, except elementary schools, secondary schools, and playgrounds, by enacting an ordinance authorizing such distance reduction, provided that such distance reduction will not negatively impact the jurisdiction's civil regulatory enforcement, criminal law enforcement interests, public safety, or public health.

(c) A city, county, or town may permit the licensing of research premises allowed under RCW 69.50.372 within ~~((one thousand))~~ 1,000 feet but not less than ~~((one hundred))~~ 100 feet of the facilities described in (a) of this subsection by enacting an ordinance authorizing such distance reduction, provided that the ordinance will not negatively impact the jurisdiction's civil regulatory enforcement, criminal law enforcement, public safety, or public health.

(d) The board may license premises located in compliance with the distance requirements set in an ordinance adopted under (b) or (c) of this subsection. Before issuing or renewing a research license for premises within ~~((one thousand))~~ 1,000 feet but not less than ~~((one hundred))~~ 100 feet of an elementary school, secondary school, or playground in compliance with an ordinance passed pursuant to (c) of this subsection, the board must ensure that the facility:

(i) Meets a security standard exceeding that which applies to cannabis producer, processor, or retailer licensees;

(ii) Is inaccessible to the public and no part of the operation of the facility is in view of the general public; and

(iii) Bears no advertising or signage indicating that it is a cannabis research facility.

(e) The board must issue a certificate of compliance if the premises met the requirements under (a), (b), (c), or (d) of this subsection on the date of the application. The certificate allows the licensee to operate the business at the proposed location notwithstanding a later occurring, otherwise disqualifying factor.

(f) The board may not issue a license for any premises within Indian country, as defined in 18 U.S.C. Sec. 1151, including any fee patent lands within the exterior boundaries of a reservation, without the consent of the federally recognized tribe associated with the reservation or Indian country.

(9) A city, town, or county may adopt an ordinance prohibiting a cannabis producer or cannabis processor from operating or locating a business within areas zoned primarily for residential use or rural use with a minimum lot size of five acres or smaller.

(10) In determining whether to grant or deny a license or renewal of any license, the board must give substantial weight to objections from an incorporated city or town or county legislative authority based upon chronic illegal activity associated with the applicant's operations of the premises proposed to be licensed or the applicant's operation of any other licensed premises, or the conduct of the applicant's patrons inside or outside the licensed premises. "Chronic illegal activity" means (a) a pervasive pattern of activity that threatens the public health, safety, and welfare of the city, town, or county including, but not limited to, open

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container violations, assaults, disturbances, disorderly conduct, or other criminal law violations, or as documented in crime statistics, police reports, emergency medical response data, calls for service, field data, or similar records of a law enforcement agency for the city, town, county, or any other municipal corporation or any state agency; or (b) an unreasonably high number of citations for violations of RCW 46.61.502 associated with the applicant's or licensee's operation of any licensed premises as indicated by the reported statements given to law enforcement upon arrest.

(11) The board may not issue a cannabis retail license for any premises not currently licensed if:

(a) The board receives a written objection from the legislative authority of an incorporated city or town, or county legislative authority, relating to the physical location of the proposed premises;

(b) The objection to the location from the incorporated city or town, or county legislative authority, is received by the board within 20 days of the board notifying the incorporated city or town, or county legislative authority, of the proposed cannabis retail location; and

(c) The objection to the issuance of a cannabis retail license at the specified location is based on a preexisting local ordinance limiting outlet density in a specific geographic area. For purposes of this subsection (11), a preexisting local ordinance is an ordinance enacted and in effect before the date the applicant submits an application for a cannabis retail license to the board identifying the premises proposed to be licensed. No objection related to the physical location of a proposed premises may be made by a local government under this subsection (11) based on a local ordinance enacted after the date the applicant submits an application for a cannabis retail license to the board identifying the premises proposed to be licensed.

(12) After January 1, 2024, all cannabis licensees are encouraged but are not required to submit a social equity plan to the board. Upon confirmation by the board that a cannabis licensee who is not a social equity applicant, and who does not hold a social equity license issued under RCW 69.50.335, has submitted a social equity plan, the board must within 30 days reimburse such a licensee an amount equal to the cost of the licensee's annual cannabis license renewal fee. The license renewal fee reimbursement authorized under this subsection is subject to the following limitations:

(a) The board may provide reimbursement one time only to any licensed entity; and

(b) Any licensed entity holding more than one cannabis license is eligible for reimbursement of the license renewal fee on only one license.

**Sec. 3.** RCW 69.50.335 and 2022 c 16 s 60 are each amended to read as follows:

(1)(a) Beginning December 1, 2020, and until July 1, ((2029)) 2032, cannabis retailer licenses, cannabis processor licenses, and cannabis producer licenses that have been subject to forfeiture, revocation, or cancellation by the board, or cannabis retailer licenses that were not previously issued by the board but could have been issued without exceeding the limit on the statewide number of cannabis retailer licenses established before January 1, 2020, by the board, may be issued or reissued to an applicant who meets the cannabis retailer license, cannabis processor license, or cannabis producer license requirements of this chapter.

(b) In accordance with (a) of this subsection, the board may issue or reissue:

(i) Up to 100 cannabis processor licenses immediately; and

(ii) Beginning January 1, 2025, up to 10 cannabis producer licenses, which must be issued in conjunction with a cannabis

processor license.

(c) In addition to the cannabis retailer licenses and cannabis producer licenses that may be issued under (a) and (b) of this subsection, beginning January 1, 2023, and continuing every three years until July 1, 2032, the board may, with the approval of the legislature through the passage of a bill, increase the number of cannabis retailer licenses and cannabis producer licenses for the social equity program based on:

(i) The most recent census data available as of January 1, 2023; and

(ii) The annual population estimates published by the office of financial management.

(d) In addition to the cannabis retailer licenses that may be issued under (a) of this subsection, beginning January 1, 2024, and until July 1, 2032, the board may issue up to 52 cannabis retailer licenses for the social equity program.

(e)(i) At the time of licensure, all licenses issued under the social equity program under this section may be located in any city, town, or county in the state that allows cannabis retail, cannabis production, or cannabis processing business activities, as applicable, at the proposed location, regardless of:

(A) Whether a cannabis retailer license, cannabis producer license, or cannabis processor license was originally allocated to or issued in another city, town, or county; and

(B) The maximum number of retail cannabis licenses established by the board for each county under RCW 69.50.345.

(ii) The board must adopt rules establishing a threshold of the number of licenses created by this section that can be located in each county.

(f) After a social equity license has been issued under this section for a specific location, the location of the licensed business may not be moved to a city, town, or county different from the city, town, or county for which it was initially licensed.

(2)(a) In order to be considered for a ((retail)) cannabis retailer license, cannabis processor license, or cannabis producer license under subsection (1) of this section, an applicant must be a social equity applicant and submit ((a social equity plan along with other cannabis retailer license application requirements)) required cannabis license materials to the board. If the application proposes ownership by more than one person, then at least ((fifty-one)) 51 percent of the proposed ownership structure must reflect the qualifications of a social equity applicant.

(b) Persons holding an existing cannabis retailer license or title certificate for a cannabis retailer business in a local jurisdiction subject to a ban or moratorium on cannabis retail businesses may apply for a license under this section.

(3)(a) In determining the priority for 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)) must select a third-party contractor to identify and score social equity applicants, using a scoring rubric developed by the board. The board must rely on the score provided by the third-party contractor in issuing licenses.

(b) The board may deny any application submitted under this subsection if ((the));

(i) 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)), upon the advice of the third-party contractor, the application does not meet the social equity licensing requirements of this chapter; or

(ii) The board determines the application does not otherwise meet licensing requirements.

(4) The board ((may)) must adopt rules to implement this



section. ~~((Rules may include strategies for receiving))~~ Prior to adopting any rule implementing this section, the board must consider advice on the social equity program from individuals the program is intended to benefit. Rules may also require that licenses awarded under this section only be transferred to or (sold only to) assumed by 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)) for a period of at least five years from the date of initial licensure.

(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))~~ waived through July 1, 2032.

(6) ~~((For the purposes of this section:))~~ The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(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, commissions, and community members 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))~~ within Washington state where community members were more likely to be impacted by the war on drugs. These areas must be determined in rule by the board, in consultation with the office of equity, using a standardized statistical equation to identify areas with demographic indicators consistent with populations most impacted by the war on drugs. These areas must be assessed to account for demographic changes in the composition of the population over time. Disproportionately impacted areas must include census tracts or comparable geographic areas in the top 15th percentile in at least two of the following demographic indicators of populations most impacted by the war on drugs:

(i) The area has a high rate of people living under the federal poverty level;

(ii) The area has a high rate of people who did not graduate from high school;

(iii) The area has a high rate of unemployment; ((and)) or

(iv) The area has a high rate of ((arrest, conviction, or incarceration related to the sale, possession, use, cultivation, manufacture, or transport of cannabis)) people receiving public assistance.

(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 in a disproportionately impacted area for a period of time defined in rule by the board after consultation with the commission on African American affairs and other commissions, agencies, and community members as determined by the board;~~

(ii) ~~An applicant who has at least fifty one percent ownership and control by at least one individual who has been convicted of a cannabis offense, a drug offense, or is a family member of such an individual; or~~

(iii) ~~An applicant who meets criteria defined in rule by the board after consultation with the commission on African American affairs and other commissions, agencies, and community members as determined by the board))~~ an applicant who has at least 51 percent ownership and control by one or more individuals who meet at least two of the following qualifications:

(i) Lived in a disproportionately impacted area in Washington state for a minimum of five years between 1980 and 2010;

(ii) Has been arrested or convicted of a cannabis offense or has a family member who has been arrested or convicted of a cannabis

offense;

(iii) Had a household income in the year prior to submitting an application under this section that was less than the median household income within the state of Washington as calculated by the United States census bureau; or

(iv) Is both a socially and economically disadvantaged individual as defined by the office of minority and women's business enterprises under chapter 39.19 RCW.

(c) "Social equity goals" means:

(i) Increasing the number of cannabis retailer, producer, and processor 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 cannabis 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 RCW 69.50.336. 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 cannabis 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 cannabis 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 cannabis;~~

(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 cannabis prohibition.))~~

(7) Except for the process detailed in subsection (1) of this section, the process for creating new cannabis retail licenses under this chapter remains unaltered.

**Sec. 4.** RCW 69.50.345 and 2022 c 16 s 64 are each amended to read as follows:

The board, subject to the provisions of this chapter, must adopt rules that establish the procedures and criteria necessary to implement the following:

(1) Licensing of cannabis producers, cannabis processors, and cannabis retailers, including prescribing forms and establishing application, reinstatement, and renewal fees.

(a) Application forms for cannabis producers must request the applicant to state whether the applicant intends to produce cannabis for sale by cannabis retailers holding medical cannabis endorsements and the amount of or percentage of canopy the applicant intends to commit to growing plants determined by the department under RCW 69.50.375 to be of a THC concentration, CBD concentration, or THC to CBD ratio appropriate for cannabis concentrates, useable cannabis, or cannabis-infused products sold to qualifying patients.

(b) The board must reconsider and increase limits on the amount of square feet permitted to be in production on July 24, 2015, and increase the percentage of production space for those cannabis producers who intend to grow plants for cannabis retailers holding medical cannabis endorsements if the cannabis producer designates the increased production space to plants

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determined by the department under RCW 69.50.375 to be of a THC concentration, CBD concentration, or THC to CBD ratio appropriate for cannabis concentrates, useable cannabis, or cannabis-infused products to be sold to qualifying patients. If current cannabis producers do not use all the increased production space, the board may reopen the license period for new cannabis producer license applicants but only to those cannabis producers who agree to grow plants for cannabis retailers holding medical cannabis endorsements. Priority in licensing must be given to cannabis producer license applicants who have an application pending on July 24, 2015, but who are not yet licensed and then to new cannabis producer license applicants. After January 1, 2017, any reconsideration of the limits on the amount of square feet permitted to be in production to meet the medical needs of qualifying patients must consider information contained in the medical cannabis authorization database established in RCW 69.51A.230;

(2) ~~(Determining)~~ (a) Except as provided in RCW 69.50.335, determining, in consultation with the office of financial management, the maximum number of retail outlets that may be licensed in each county, taking into consideration:

~~((a))~~ (i) Population distribution;  
~~((b))~~ (ii) Security and safety issues;  
~~((c))~~ (iii) The provision of adequate access to licensed sources of cannabis concentrates, useable cannabis, and cannabis-infused products to discourage purchases from the illegal market; and  
~~((d))~~ (iv) The number of retail outlets holding medical cannabis endorsements necessary to meet the medical needs of qualifying patients. The board must reconsider and increase the maximum number of retail outlets it established before July 24, 2015, and allow for a new license application period and a greater number of retail outlets to be permitted in order to accommodate the medical needs of qualifying patients and designated providers. After January 1, 2017, any reconsideration of the maximum number of retail outlets needed to meet the medical needs of qualifying patients must consider information contained in the medical cannabis authorization database established in RCW 69.51A.230.

(b)(i) In making the determination under (a) of this subsection, the board must consider written input from an incorporated city or town, or county legislative authority when evaluating concerns related to outlet density.

(ii) An incorporated city or town, or county legislative authority, may enact an ordinance prescribing outlet density limitations. An ordinance may not affect licenses issued before the effective date of the ordinance prescribing outlet density limitations.

(iii) The board may adopt rules to identify how local jurisdiction input will be evaluated;

(3) Determining the maximum quantity of cannabis a cannabis producer may have on the premises of a licensed location at any time without violating Washington state law;

(4) Determining the maximum quantities of cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products a cannabis processor may have on the premises of a licensed location at any time without violating Washington state law;

(5) Determining the maximum quantities of cannabis concentrates, useable cannabis, and cannabis-infused products a cannabis retailer may have on the premises of a retail outlet at any time without violating Washington state law;

(6) In making the determinations required by this section, the board shall take into consideration:

(a) Security and safety issues;  
 (b) The provision of adequate access to licensed sources of cannabis, cannabis concentrates, useable cannabis, and cannabis-

infused products to discourage purchases from the illegal market; and

(c) Economies of scale, and their impact on licensees' ability to both comply with regulatory requirements and undercut illegal market prices;

(7) Determining the nature, form, and capacity of all containers to be used by licensees to contain cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products, and their labeling requirements;

(8) In consultation with the department of agriculture and the department, establishing classes of cannabis, cannabis concentrates, useable cannabis, and cannabis infused products according to grade, condition, cannabinoid profile, THC concentration, CBD concentration, or other qualitative measurements deemed appropriate by the board;

(9) Establishing reasonable time, place, and manner restrictions and requirements regarding advertising of cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products that are not inconsistent with the provisions of this chapter, taking into consideration:

(a) Federal laws relating to cannabis that are applicable within Washington state;

(b) Minimizing exposure of people under twenty-one years of age to the advertising;

(c) The inclusion of medically and scientifically accurate information about the health and safety risks posed by cannabis use in the advertising; and

(d) Ensuring that retail outlets with medical cannabis endorsements may advertise themselves as medical retail outlets;

(10) Specifying and regulating the time and periods when, and the manner, methods, and means by which, licensees shall transport and deliver cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products within the state;

(11) In consultation with the department and the department of agriculture, establishing accreditation requirements for testing laboratories used by licensees to demonstrate compliance with standards adopted by the board, and prescribing methods of producing, processing, and packaging cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products; conditions of sanitation; and standards of ingredients, quality, and identity of cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products produced, processed, packaged, or sold by licensees;

(12) Specifying procedures for identifying, seizing, confiscating, destroying, and donating to law enforcement for training purposes all cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products produced, processed, packaged, labeled, or offered for sale in this state that do not conform in all respects to the standards prescribed by this chapter or the rules of the board.

**Sec. 5.** RCW 69.50.345 and 2022 c 16 s 65 are each amended to read as follows:

The board, subject to the provisions of this chapter, must adopt rules that establish the procedures and criteria necessary to implement the following:

(1) Licensing of cannabis producers, cannabis processors, and cannabis retailers, including prescribing forms and establishing application, reinstatement, and renewal fees.

(a) Application forms for cannabis producers must request the applicant to state whether the applicant intends to produce cannabis for sale by cannabis retailers holding medical cannabis endorsements and the amount of or percentage of canopy the applicant intends to commit to growing plants determined by the department under RCW 69.50.375 to be of a THC concentration, CBD concentration, or THC to CBD ratio appropriate for

cannabis concentrates, useable cannabis, or cannabis-infused products sold to qualifying patients.

(b) The board must reconsider and increase limits on the amount of square feet permitted to be in production on July 24, 2015, and increase the percentage of production space for those cannabis producers who intend to grow plants for cannabis retailers holding medical cannabis endorsements if the cannabis producer designates the increased production space to plants determined by the department under RCW 69.50.375 to be of a THC concentration, CBD concentration, or THC to CBD ratio appropriate for cannabis concentrates, useable cannabis, or cannabis-infused products to be sold to qualifying patients. If current cannabis producers do not use all the increased production space, the board may reopen the license period for new cannabis producer license applicants but only to those cannabis producers who agree to grow plants for cannabis retailers holding medical cannabis endorsements. Priority in licensing must be given to cannabis producer license applicants who have an application pending on July 24, 2015, but who are not yet licensed and then to new cannabis producer license applicants. After January 1, 2017, any reconsideration of the limits on the amount of square feet permitted to be in production to meet the medical needs of qualifying patients must consider information contained in the medical cannabis authorization database established in RCW 69.51A.230;

(2) ~~(Determining)~~ (a) Except as provided in RCW 69.50.335, determining, in consultation with the office of financial management, the maximum number of retail outlets that may be licensed in each county, taking into consideration:

- ~~((a))~~ (i) Population distribution;
- ~~((b))~~ (ii) Security and safety issues;
- ~~((c))~~ (iii) The provision of adequate access to licensed sources of cannabis concentrates, useable cannabis, and cannabis-infused products to discourage purchases from the illegal market; and
- ~~((d))~~ (iv) The number of retail outlets holding medical cannabis endorsements necessary to meet the medical needs of qualifying patients. The board must reconsider and increase the maximum number of retail outlets it established before July 24, 2015, and allow for a new license application period and a greater number of retail outlets to be permitted in order to accommodate the medical needs of qualifying patients and designated providers. After January 1, 2017, any reconsideration of the maximum number of retail outlets needed to meet the medical needs of qualifying patients must consider information contained in the medical cannabis authorization database established in RCW 69.51A.230.

(b)(i) In making the determination under (a) of this subsection, the board must consider written input from an incorporated city or town, or county legislative authority when evaluating concerns related to outlet density.

(ii) An incorporated city or town, or county legislative authority, may enact an ordinance prescribing outlet density limitations. An ordinance may not affect licenses issued before the effective date of the ordinance prescribing outlet density limitations.

(iii) The board may adopt rules to identify how local jurisdiction input will be evaluated;

(3) Determining the maximum quantity of cannabis a cannabis producer may have on the premises of a licensed location at any time without violating Washington state law;

(4) Determining the maximum quantities of cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products a cannabis processor may have on the premises of a licensed location at any time without violating Washington state law;

(5) Determining the maximum quantities of cannabis

concentrates, useable cannabis, and cannabis-infused products a cannabis retailer may have on the premises of a retail outlet at any time without violating Washington state law;

(6) In making the determinations required by this section, the board shall take into consideration:

- (a) Security and safety issues;
- (b) The provision of adequate access to licensed sources of cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products to discourage purchases from the illegal market; and
- (c) Economies of scale, and their impact on licensees' ability to both comply with regulatory requirements and undercut illegal market prices;
- (7) Determining the nature, form, and capacity of all containers to be used by licensees to contain cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products, and their labeling requirements;

(8) In consultation with the department of agriculture and the department, establishing classes of cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products according to grade, condition, cannabinoid profile, THC concentration, CBD concentration, or other qualitative measurements deemed appropriate by the board;

(9) Establishing reasonable time, place, and manner restrictions and requirements regarding advertising of cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products that are not inconsistent with the provisions of this chapter, taking into consideration:

- (a) Federal laws relating to cannabis that are applicable within Washington state;
- (b) Minimizing exposure of people under ~~((twenty-one))~~ 21 years of age to the advertising;
- (c) The inclusion of medically and scientifically accurate information about the health and safety risks posed by cannabis use in the advertising; and

(d) Ensuring that retail outlets with medical cannabis endorsements may advertise themselves as medical retail outlets;

(10) Specifying and regulating the time and periods when, and the manner, methods, and means by which, licensees shall transport and deliver cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products within the state;

(11) In consultation with the department and the department of agriculture, prescribing methods of producing, processing, and packaging cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products; conditions of sanitation; and standards of ingredients, quality, and identity of cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products produced, processed, packaged, or sold by licensees;

(12) Specifying procedures for identifying, seizing, confiscating, destroying, and donating to law enforcement for training purposes all cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products produced, processed, packaged, labeled, or offered for sale in this state that do not conform in all respects to the standards prescribed by this chapter or the rules of the board.

**Sec. 6.** RCW 69.50.101 and 2022 c 16 s 51 are each reenacted and amended to read as follows:

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

(a) "Administer" means to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:

- (1) a practitioner authorized to prescribe (or, by the practitioner's authorized agent); or
- (2) the patient or research subject at the direction and in the

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presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseperson, or employee of the carrier or warehouseperson.

(c) "Board" means the Washington state liquor and cannabis board.

(d) "Cannabis" means all parts of the plant *Cannabis*, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include:

(1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination; or

(2) Hemp or industrial hemp as defined in RCW 15.140.020, seeds used for licensed hemp production under chapter 15.140 RCW.

(e) "Cannabis concentrates" means products consisting wholly or in part of the resin extracted from any part of the plant *Cannabis* and having a THC concentration greater than ten percent.

(f) "Cannabis processor" means a person licensed by the board to process cannabis into cannabis concentrates, useable cannabis, and cannabis-infused products, package and label cannabis concentrates, useable cannabis, and cannabis-infused products for sale in retail outlets, and sell cannabis concentrates, useable cannabis, and cannabis-infused products at wholesale to cannabis retailers.

(g) "Cannabis producer" means a person licensed by the board to produce and sell cannabis at wholesale to cannabis processors and other cannabis producers.

(h) "Cannabis products" means useable cannabis, cannabis concentrates, and cannabis-infused products as defined in this section.

(i) "Cannabis researcher" means a person licensed by the board to produce, process, and possess cannabis for the purposes of conducting research on cannabis and cannabis-derived drug products.

(j) "Cannabis retailer" means a person licensed by the board to sell cannabis concentrates, useable cannabis, and cannabis-infused products in a retail outlet.

(k) "Cannabis-infused products" means products that contain cannabis or cannabis extracts, are intended for human use, are derived from cannabis as defined in subsection (d) of this section, and have a THC concentration no greater than ten percent. The term "cannabis-infused products" does not include either useable cannabis or cannabis concentrates.

(l) "CBD concentration" has the meaning provided in RCW 69.51A.010.

(m) "CBD product" means any product containing or consisting of cannabidiol.

(n) "Commission" means the pharmacy quality assurance commission.

(o) "Controlled substance" means a drug, substance, or immediate precursor included in Schedules I through V as set forth in federal or state laws, or federal or commission rules, but does not include hemp or industrial hemp as defined in RCW 15.140.020.

(p)(1) "Controlled substance analog" means a substance the chemical structure of which is substantially similar to the

chemical structure of a controlled substance in Schedule I or II and:

(i) that has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II; or

(ii) with respect to a particular individual, that the individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II.

(2) The term does not include:

(i) a controlled substance;

(ii) a substance for which there is an approved new drug application;

(iii) a substance with respect to which an exemption is in effect for investigational use by a particular person under Section 505 of the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 355, or chapter 69.77 RCW to the extent conduct with respect to the substance is pursuant to the exemption; or

(iv) any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance.

(q) "Deliver" or "delivery" means the actual or constructive transfer from one person to another of a substance, whether or not there is an agency relationship.

(r) "Department" means the department of health.

(s) "Designated provider" has the meaning provided in RCW 69.51A.010.

(t) "Dispense" means the interpretation of a prescription or order for a controlled substance and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(u) "Dispenser" means a practitioner who dispenses.

(v) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(w) "Distributor" means a person who distributes.

(x) "Drug" means (1) a controlled substance recognized as a drug in the official United States pharmacopoeia/national formulary or the official homeopathic pharmacopoeia of the United States, or any supplement to them; (2) controlled substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in individuals or animals; (3) controlled substances (other than food) intended to affect the structure or any function of the body of individuals or animals; and (4) controlled substances intended for use as a component of any article specified in (1), (2), or (3) of this subsection. The term does not include devices or their components, parts, or accessories.

(y) "Drug enforcement administration" means the drug enforcement administration in the United States Department of Justice, or its successor agency.

(z) "Electronic communication of prescription information" means the transmission of a prescription or refill authorization for a drug of a practitioner using computer systems. The term does not include a prescription or refill authorization verbally transmitted by telephone nor a facsimile manually signed by the practitioner.

(aa) "Immature plant or clone" means a plant or clone that has no flowers, is less than twelve inches in height, and is less than twelve inches in diameter.

(bb) "Immediate precursor" means a substance:

(1) that the commission has found to be and by rule designates

as being the principal compound commonly used, or produced primarily for use, in the manufacture of a controlled substance;

(2) that is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance; and

(3) the control of which is necessary to prevent, curtail, or limit the manufacture of the controlled substance.

(cc) "Isomer" means an optical isomer, but in subsection (gg)(5) of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4), the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and (42), and 69.50.210(c) the term includes any positional isomer; and in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term includes any positional or geometric isomer.

(dd) "Lot" means a definite quantity of cannabis, cannabis concentrates, useable cannabis, or cannabis-infused product identified by a lot number, every portion or package of which is uniform within recognized tolerances for the factors that appear in the labeling.

(ee) "Lot number" must identify the licensee by business or trade name and Washington state unified business identifier number, and the date of harvest or processing for each lot of cannabis, cannabis concentrates, useable cannabis, or cannabis-infused product.

(ff) "Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. The term does not include the preparation, compounding, packaging, repackaging, labeling, or relabeling of a controlled substance:

(1) by a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(2) by a practitioner, or by the practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(gg) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium, opium derivative, and any derivative of opium or opium derivative, including their salts, isomers, and salts of isomers, whenever the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation. The term does not include the isoquinoline alkaloids of opium.

(2) Synthetic opiate and any derivative of synthetic opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation.

(3) Poppy straw and concentrate of poppy straw.

(4) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives or ecgonine or their salts have been removed.

(5) Cocaine, or any salt, isomer, or salt of isomer thereof.

(6) Cocaine base.

(7) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof.

(8) Any compound, mixture, or preparation containing any quantity of any substance referred to in (1) through (7) of this subsection.

(hh) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. The term includes opium, substances derived from opium (opium derivatives), and synthetic opiates. The term does not include, unless specifically designated as controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). The term includes the racemic and levorotatory forms of dextromethorphan.

(ii) "Opium poppy" means the plant of the species *Papaver somniferum* L., except its seeds.

(jj) "Person" means individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(kk) "Plant" has the meaning provided in RCW 69.51A.010.

(ll) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(mm) "Practitioner" means:

(1) A physician under chapter 18.71 RCW; a physician assistant under chapter 18.71A RCW; an osteopathic physician and surgeon under chapter 18.57 RCW; an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010 subject to any limitations in RCW 18.53.010; a dentist under chapter 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW; a veterinarian under chapter 18.92 RCW; a registered nurse, advanced registered nurse practitioner, or licensed practical nurse under chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW who is licensed under RCW 18.36A.030 subject to any limitations in RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(3) A physician licensed to practice medicine and surgery, a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed physician assistant or a licensed osteopathic physician assistant specifically approved to prescribe controlled substances by his or her state's medical commission or equivalent and his or her supervising physician, an advanced registered nurse practitioner licensed to prescribe controlled substances, or a veterinarian licensed to practice veterinary medicine in any state of the United States.

(nn) "Prescription" means an order for controlled substances issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe controlled substances within the scope of his or her professional practice for a legitimate medical purpose.

(oo) "Production" includes the manufacturing, planting, cultivating, growing, or harvesting of a controlled substance.

(pp) "Qualifying patient" has the meaning provided in RCW 69.51A.010.

(qq) "Recognition card" has the meaning provided in RCW 69.51A.010.

(rr) "Retail outlet" means a location licensed by the board for the retail sale of cannabis concentrates, useable cannabis, and

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cannabis-infused products.

(ss) "Secretary" means the secretary of health or the secretary's designee.

(tt) "Social equity plan" means a plan that addresses at least some of the elements outlined in this subsection (tt), along with any additional plan components or requirements approved by the board following consultation with the task force created in RCW 69.50.336. The plan may include:

(1) A statement that indicates how the cannabis licensee will work to promote social equity goals in their community;

(2) A description of how the cannabis licensee will meet social equity goals as defined in RCW 69.50.335;

(3) The composition of the workforce the licensee has employed or intends to hire; and

(4) Business plans involving partnerships or assistance to organizations or residents with connections to populations with a history of high rates of enforcement of cannabis prohibition.

(uu) "State," unless the context otherwise requires, means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or insular possession subject to the jurisdiction of the United States.

~~((uu))~~ (vv) "THC concentration" means percent of delta-9 tetrahydrocannabinol content per dry weight of any part of the plant *Cannabis*, or per volume or weight of cannabis product, or the combined percent of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant *Cannabis* regardless of moisture content.

~~((vv))~~ (ww) "Ultimate user" means an individual who lawfully possesses a controlled substance for the individual's own use or for the use of a member of the individual's household or for administering to an animal owned by the individual or by a member of the individual's household.

~~((ww))~~ (xx) "Useable cannabis" means dried cannabis flowers. The term "useable cannabis" does not include either cannabis-infused products or cannabis concentrates.

~~((xx))~~ (yy) "Youth access" means the level of interest persons under the age of twenty-one may have in a vapor product, as well as the degree to which the product is available or appealing to such persons, and the likelihood of initiation, use, or addiction by adolescents and young adults.

**NEW SECTION. Sec. 7.** (1) The joint legislative audit and review committee must review prior canopy studies completed by the liquor and cannabis board and examine whether current levels of cannabis production align with market demand and capacity, including the impact of any additional cannabis producer licenses granted under this act.

(2) The joint legislative audit and review committee must report results of their review to the governor and appropriate committees of the legislature by June 30, 2025.

**NEW SECTION. Sec. 8.** Section 4 of this act expires July 1, 2024.

**NEW SECTION. Sec. 9.** Section 5 of this act takes effect July 1, 2024."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTION

Senator Saldaña moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5080.

Senators Saldaña and King spoke in favor of the motion.

The Vice President Pro Tempore declared the question before the Senate to be the motion by Senator Saldaña that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5080.

The motion by Senator Saldaña carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5080 by voice vote.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5080, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5080, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

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

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

Excused: Senators Keiser and Muzzall

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5080, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 20, 2023

MR. PRESIDENT:

The House passed SENATE BILL NO. 5065 with the following amendment(s): 5065 AMH ED H1652.1

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** (1) The legislature recognizes that it has previously found that every three minutes an American child or adult is diagnosed with a potentially fatal blood disease. For many of these individuals, bone marrow transplantation is the only chance for survival. The legislature finds that 70 percent of patients do not have a fully matched donor in their family and rely on a registry to find an unrelated donor. The legislature further finds that 40 to 71 percent of individuals with diverse heritage never find a bone marrow match. The ultimate key to survivability lies in increasing the number of bone marrow donors across all ethnicities, which will increase the potential for a suitable match.

(2) It is the intent of the legislature to continue to increase awareness of bone marrow donation by encouraging school districts, charter schools, and state-tribal compact schools to offer instruction on this topic to high school students in at least one health class necessary for graduation. The legislature also intends for this instruction to be optional for elementary and middle school students.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.210 RCW to read as follows:

(1) Each school district, charter school, and state-tribal education compact school that serves students in any of grades nine through 12 is encouraged to offer instruction in awareness of bone marrow donation to students as provided in this section. Beginning with the 2023-24 school year, instruction in awareness of bone marrow donation may be included in at least one health class necessary for graduation.

(2)(a) Instruction in awareness of bone marrow donation under this section must be an instructional program provided by the national marrow donor program or other relevant nationally recognized organization.

(b) The office of the superintendent of public instruction must post on its website a link to the instructional program described in this subsection (2).

(3) Each school district, charter school, and state-tribal education compact school that serves students in any of grades kindergarten through eight may offer instruction in awareness of bone marrow donation to students. The instruction described in subsection (2) of this section may be adapted to be age appropriate.

(4) School districts, charter schools, and state-tribal education compact schools may offer the instruction in awareness of bone marrow donation directly or arrange for the instruction to be provided by available community-based providers. The instruction does not have to be provided by certificated instructional staff."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Short moved that the Senate concur in the House amendment(s) to Senate Bill No. 5065.

Senator Short spoke in favor of the motion.

The Vice President Pro Tempore declared the question before the Senate to be the motion by Senator Short that the Senate concur in the House amendment(s) to Senate Bill No. 5065.

The motion by Senator Short carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5065 by voice vote.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5065, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5065, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Keiser and Muzzall

SENATE BILL NO. 5065, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the

title of the act.

#### MESSAGE FROM THE HOUSE

April 5, 2023

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5081 with the following amendment(s): 5081-S AMH CSJR H1730.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 72.09.712 and 2022 c 82 s 1 are each amended to read as follows:

(1) At the earliest possible date, and in no event later than thirty days before release except in the event of escape or emergency furloughs as defined in RCW 72.66.010, the department of corrections shall send written notice of parole, release, community custody, work release placement, furlough, or escape about a specific inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, a domestic violence court order violation pursuant to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300, 26.26B.050, or 26.52.070, or any of the former RCW 26.50.110 and 74.34.145, a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110, a domestic violence offense as defined by RCW 10.99.020, an assault in the third degree offense as defined by RCW 9A.36.031, an unlawful imprisonment offense as defined by RCW 9A.40.040, a custodial interference in the first degree offense as defined by RCW 9A.40.060, a luring offense as defined by RCW 9A.40.090, a coercion into involuntary servitude offense as defined by RCW 9A.40.110, a criminal gang intimidation offense as defined by RCW 9A.46.120, an intimidating a public servant offense as defined by RCW 9A.76.180, an intimidation or harassment with an explosive offense as defined by RCW 70.74.275, a vehicular homicide by disregard for the safety of others offense as defined by RCW 46.61.520, or a controlled substances homicide offense as defined by RCW 69.50.415, to the following:

(a) The chief of police of the city, if any, in which the inmate will reside or in which placement will be made in a work release program; and

(b) The sheriff of the county in which the inmate will reside or in which placement will be made in a work release program.

The sheriff of the county where the offender was convicted shall be notified if the department does not know where the offender will reside. The department shall notify the state patrol of the release of all sex offenders, and that information shall be placed in the Washington crime information center for dissemination to all law enforcement.

(2) The same notice as required by subsection (1) of this section shall be sent to the following if such notice has been requested in writing about a specific inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, a domestic violence court order violation pursuant to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300, 26.26B.050, or 26.52.070, or any of the former RCW 26.50.110 and 74.34.145, a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110, a domestic violence offense as defined by RCW 10.99.020, an assault in the third degree offense as defined by RCW 9A.36.031, an unlawful imprisonment offense as defined by RCW 9A.40.040, a custodial interference in the first degree offense as defined by RCW 9A.40.060, a luring offense as defined by RCW 9A.40.090, a coercion into involuntary servitude offense as defined by RCW 9A.40.110, a criminal gang intimidation offense as defined by RCW 9A.46.120, an intimidating a public servant offense as defined by RCW 9A.76.180, an intimidation or harassment with

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an explosive offense as defined by RCW 70.74.275, a vehicular homicide by disregard for the safety of others offense as defined by RCW 46.61.520, or a controlled substances homicide offense as defined by RCW 69.50.415:

(a) The victim of the crime for which the inmate was convicted or the victim's next of kin if the crime was a homicide;

(b) Any witnesses who testified against the inmate in any court proceedings involving the violent offense;

(c) Any person specified in writing by the prosecuting attorney; and

(d) Any person who requests such notice about a specific inmate convicted of a sex offense as defined by RCW 9.94A.030 from the department of corrections at least sixty days prior to the expected release date of the offender.

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 inmate. Whenever the department of corrections mails notice pursuant to this subsection and the notice is returned as undeliverable, the department shall attempt alternative methods of notification, including a telephone call to the person's last known telephone number.

(3) The existence of the notice requirements contained in subsections (1) and (2) of this section shall not require an extension of the release date in the event that the release plan changes after notification.

(4) If an inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, a domestic violence court order violation pursuant to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300, 26.26B.050, or 26.52.070, or any of the former RCW 26.50.110 and 74.34.145, a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110, a domestic violence offense as defined by RCW 10.99.020, an assault in the third degree offense as defined by RCW 9A.36.031, an unlawful imprisonment offense as defined by RCW 9A.40.040, a custodial interference in the first degree offense as defined by RCW 9A.40.060, a luring offense as defined by RCW 9A.40.090, a coercion into involuntary servitude offense as defined by RCW 9A.40.110, a criminal gang intimidation offense as defined by RCW 9A.46.120, an intimidating a public servant offense as defined by RCW 9A.76.180, an intimidation or harassment with an explosive offense as defined by RCW 70.74.275, a vehicular homicide by disregard for the safety of others offense as defined by RCW 46.61.520, or a controlled substances homicide offense as defined by RCW 69.50.415, escapes from a correctional facility, the department of corrections 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 inmate resided immediately before the inmate's arrest and conviction. If previously requested, the department shall also notify the witnesses and the victim of the crime for which the inmate was convicted or the victim's next of kin if the crime was a homicide. If the inmate is recaptured, the department 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.

(5) 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.

(6) The department of corrections 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.

(7) The department of corrections shall keep, for a minimum

of two years following the release of an inmate, the following:

(a) A document signed by an individual as proof that that person is registered in the victim or witness notification program; and

(b) A receipt showing that an individual registered in the victim or witness notification program was mailed a notice, at the individual's last known address, upon the release or movement of an inmate.

(8) 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) "Next of kin" means a person's spouse, state registered domestic partner, parents, siblings and children.

(9) Nothing in this section shall impose any liability upon a chief of police of a city or sheriff of a county for failing to request in writing a notice as provided in subsection (1) of this section.

(10) Information and records prepared, owned, used, or retained by the department of corrections that reveal any notification or request for notification regarding any specific individual, or that reveal the identity, location of, or any information submitted by a person who requests or is invited to enroll for notification under subsection (2) of this section, are exempt from public inspection and copying under chapter 42.56 RCW.

**NEW SECTION. Sec. 2.** A new section is added to chapter 42.56 RCW to read as follows:

Information and records prepared, owned, used, or retained by the department of corrections that reveal any notification or request for notification regarding any specific individual, or that reveal the identity, location of, or any information submitted by a person who requests or is invited to enroll for notification under RCW 72.09.712(2) or 72.09.710(1), are exempt from public inspection and copying under this chapter.

**Sec. 3.** RCW 72.09.710 and 2008 c 231 s 26 are each amended to read as follows:

(1) At the earliest possible date, and in no event later than ten days before release except in the event of escape or emergency furloughs as defined in RCW 72.66.010, the department of corrections shall send written notice of parole, community custody, work release placement, furlough, or escape about a specific inmate convicted of a serious drug offense to the following if such notice has been requested in writing about a specific inmate convicted of a serious drug offense:

(a) Any witnesses who testified against the inmate in any court proceedings involving the serious drug offense; and

(b) Any person specified in writing by the prosecuting attorney. Information regarding 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 inmate.

(2) If an inmate convicted of a serious drug offense escapes from a correctional facility, the department of corrections 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 inmate resided immediately before the inmate's arrest and conviction. If previously requested, the department shall also notify the witnesses who are entitled to notice under this section. If the inmate is recaptured, the department 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.

(3) If 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 department of corrections shall send the notices required by this section to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) For purposes of this section, "serious drug offense" means an offense under RCW 69.50.401(2) (a) or (b) or 69.50.4011(2) (a) or (b).

(6) Information and records prepared, owned, used, or retained by the department of corrections that reveal any notification or request for notification regarding any specific individual, or that reveal the identity, location of, or any information submitted by a person who requests or is invited to enroll for notification under subsection (1) of this section, are exempt from public inspection and copying under chapter 42.56 RCW.

**Sec. 4.** RCW 72.09.714 and 2021 c 215 s 161 are each amended to read as follows:

The department of corrections shall provide the victims, witnesses, and next of kin in the case of a homicide and victims and witnesses involved in violent offense cases, sex offenses as defined by RCW 9.94A.030, a domestic violence court order violation pursuant to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050, or 26.52.070, or any of the former RCW 26.50.110 and 74.34.145, ~~((or))~~ a felony harassment pursuant to RCW 9A.46.060 or 9A.46.110, a domestic violence offense as defined in RCW 10.99.020, an assault in the third degree offense under RCW 9A.36.031, an unlawful imprisonment offense under RCW 9A.40.040, a custodial interference in the first degree offense as defined by RCW 9A.40.060, a luring offense as defined by RCW 9A.40.090, a coercion into involuntary servitude offense as defined by RCW 9A.40.110, a criminal gang intimidation offense as defined by RCW 9A.46.120, an intimidating a public servant offense as defined by RCW 9A.76.180, an intimidation or harassment with an explosive offense as defined by RCW 70.74.275, a vehicular homicide by disregard for the safety of others offense under RCW 46.61.520, or a controlled substances homicide offense under RCW 69.50.415, a statement of the rights of victims and witnesses to request and receive notification under RCW 72.09.712 and 72.09.716."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Nobles moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5081.

Senators Nobles and Boehnke spoke in favor of the motion.

The Vice President Pro Tempore declared the question before the Senate to be the motion by Senator Nobles that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5081.

The motion by Senator Nobles carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5081 by voice vote.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5081, as amended by the House.

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5081, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Keiser and Muzzall

SUBSTITUTE SENATE BILL NO. 5081, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 3:14 p.m., on motion of Senator Pedersen, the Senate adjourned until 10 o'clock a.m. Friday, April 14, 2023.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

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